

MEMORANDUM

To: University Heights City Councilors

From: Pat Bauer

Date: October 9, 2010

Re: The Past as Prologue

Introduction

My points of departure are Stan Laverman's comment at the September meeting about it being only the first of three readings and Mike Haverkamp's comment about it being only the first step in a process in which any necessary adjustments could be made at points down the line. My approach involves looking back at the process to date and seeing things that cause me to have grave doubts about the possibility that three councilors will do anything other than continue to green light whatever Jeff Maxwell says is necessary for the project he is proposing to come to pass.

I say three because unlike Mike Haverkamp, Pat Yeggy, and Jim Lane, Stan Laverman has demonstrated an ability to stand up to Jeff Maxwell on some important points. I'm sorry his steadfastness didn't extend to all of the changes he proposed at the August meeting,¹ but as Stan quite rightly notes I've shaken my head (if not my fist) at his support for development throughout his years on the council but can respect his general orientation in that direction when it is qualified by a willingness to critically examine at least some aspects of the Maxwell project.

Possible Explanations of Support for the Maxwell Proposal

In striking contrast, at various points in the proceedings to date Mike Haverkamp, Pat Yeggy, and Jim Lane have persistently demonstrated remarkably uncritical support for the Maxwell proposal. As I mentioned at the first zoning commission meeting, this could well reflect a psychological dynamic of "cognitive harmonization" in which people who have taken a visible position in a particular controversy are reluctant to move off of it even in the face of new and different information, resulting in "attitude polarization" in which information that logically should have the effect of bringing opposing groups together is cognitively distorted in ways that drive them further apart.

Mike Haverkamp, Pat Yeggy, and Jim Lane all took strikingly strong and unqualified positions in support of Maxwell's original proposal last year,² and those positions seem not to have been tempered in the least by the significantly changed circumstances in which this year's proposal is being considered. If anything, the unyielding quality of Mike Haverkamp and Pat Yeggy's positions seems to have been solidified by them having receiving 52% and 51% of the vote in last fall's election, and their joining in appointing has provided a technical basis for satisfying the 75%

1. < <http://www.university-heights.org/council/1011/minutes/100810minutes.pdf> > at p. 4

2. < [http://www.university-heights.org/misc_pdf/Written-Sub-to-Zoning-\(April-15-May-2\).pdf](http://www.university-heights.org/misc_pdf/Written-Sub-to-Zoning-(April-15-May-2).pdf) > at pp. 3 & 51-52;
< http://www.university-heights.org/misc_pdf/UHCC-Emails-05-21-31.pdf > at p. 1

requirement state law imposes in situations where a rezoning is opposed by 20% of adjacent property owners. Any claim of authority such slim margins might have had in other circumstances, however, is substantially undermined when the election seemed to involve both misleading claims of financial exigency and an absence of the sorts of plausible alternatives that have come forward this year. More fundamentally, such slim margins hardly seem sufficient to satisfy the spirit of a requirement that so clearly embodies a notion of rather substantial consensus.

A Consistent Pattern of Uncritical Engagement

Mike Haverkamp, Pat Yeggy, and Jim Lane rather consistently have failed to engage in the sort of rigorous scrutiny that is necessary to a decision of great consequence likely to endure for a half-century or more. There certainly are other instances, but each of the last three council meetings involved fairly concrete illustrations of an essentially deferential orientation to Jeff Maxwell's proposal. At the regular council meeting in early August, Mike Haverkamp jumped forward with little hesitation to delete a reversionary clause endorsed by all five members of the zoning commission after Mr. Munson had characterized the provision as a "deal breaker."³ Later that month at a council work session, Pat Yeggy's question about the possibility of the property being flipped elicited a transparently evasive answer left untouched by a follow-up inquiry of any sort.⁴ Most recently at the September meeting Jim Lane felt it was necessary to clear with the developer the acceptability of Stan's amendment reducing the number of permitted units from 95 to 80.⁵

Mike Haverkamp, Pat Yeggy, and Jim Lane's consistent failures to press the developer on any front suggest a deep-seated fear that resistance to anything that's been requested may somehow jeopardize our community's "last, best chance" for redevelopment of this parcel. This lack of confidence that someone else will come along to do something suitable is all the more unfathomable in view of the circumstance that Jeff Maxwell did yield to Stan Laverman's insistence on some very substantial adjustments in major elements of his proposed project.

In contrast to Stan Laverman's willingness to pursue, Mike Haverkamp, Pat Yeggy, and Jim Lane have rather unquestionably asserted that this or that isn't possible because the developer isn't able to do things any differently without even the slightest recognition that the developer's position in this regard presumably is taken from a play book that may be a required text in Real Estate Development 101. On various occasions, these same three councilors repeatedly have deferred to the "numbers" Jeff Maxwell has submitted to them without any apparent recognition that what started out last year as a \$78 million dollar project in initial public presentations fell by almost \$10 million dollars in a matter of only a few months to a little more than \$68 million at the time of Mr. Greazel's presentation at the zoning commission's second meeting.⁶ Between last year and this year his numbers again fell by another \$20 million dollars to the \$47 million dollar figure Jeff Maxwell provided at this year's second zoning commission meeting.⁷

3. < <http://www.university-heights.org/council/1011/minutes/100810minutes.pdf> > at p. 3

4. < <http://www.university-heights.org/council/1011/minutes/100824%20minutes.pdf> > at p. 2

5. < <http://www.university-heights.org/council/1011/minutes/100914minutes.pdf> > at p. 2

6. < http://www.university-heights.org/misc_pdf/Zoning-Commission-minutes-5-20-09.pdf > at p. 2

7. < <http://www.university-heights.org/BuildZoneSanit/zoning/07-22-10ZoningMeetingMinutes.pdf> > at p. 1

In the face of all the concerns that numerous citizens have presented to you, last month's meeting was especially disheartening because of the glaring weaknesses it revealed in the reasons advanced in support of votes in favor of Ordinance No. 180. While there were others, one set that seemed particularly disingenuous was invoking principles of smart growth formulated with an eye towards circumstances quite different than the ones at hand and consistency with the principles of our comprehensive plan in circumstances where that plan seems rather clearly to have been "made to order" in ways that would allow for an approval of the present rezoning request.

Worrisome Implications of Such Deference Going Forward

Unfortunately, on the far side of the present rezoning Stan Laverman's fourth vote will no longer be essential and if the past is prologue, there's little basis for thinking that the other three councilors will apply meaningful scrutiny to issues presented at subsequently required points. The serious deficiencies of their "we won't cross that bridge until we come to it" approach to public decision making have been powerfully demonstrated in the month since the last meeting with a range of submitted materials (i) raising significant questions about various financial matters, (ii) identifying deficiencies bordering on distortions in visual depictions of the proposed project, and (iii) discovering multiple inconsistency between the proposed development and the requirements of our existing sensitive slopes ordinance. The fact these concerns had to be advanced by concerned citizens is itself a considerable measure of our elected representatives's failure to raise the sorts of questions that need to be raised in a proceeding of this sort, and a persisting failure to ask such questions down the line obviously will most certainly undermine the extent to which any subsequent decisions will in fact be made in ways that will protect our community from avoidable untoward consequences.

More fundamentally, however, the failure to ask tough questions now may well result in our community being "boxed in" in ways that may effectively be irreversible. As I mentioned at the September meeting, Steve Ballard has done a good job of including in Ordinance No. 180 provisions intended to preserve council's freedom of action at particular points down the line, but as he has acknowledged such freedom of action is inevitably subject to some significant limitations. As importantly, however, may be the rather inevitable consequences of some substantial complicating circumstances Mike Haverkamp, Pat Yeggy, and Jim Lane don't seem very likely to resist.

The proposed project violates constraints imposed by our sensitive slopes ordinance that will in all likelihood require some substantial reduction in the amount of provided green space. The maximum amount of permitted surface parking similarly may significantly constrain the possible range of viable commercial uses. The technical requirements of TIF financing may necessitate rather excessive terms of duration and extent. Nothing Mike Haverkamp, Pat Yeggy, and Jim Lane have done to date, however, provides confidence that they would do anything other than cave in to Jeff Maxwell's claims that this or that requirement is a "deal breaker" that must yield if the project is to go forward. He is a savvy businessman quite unlikely to have locked himself into a \$4.3 million dollar commitment contingent on continued councilor acquiescence over a period of a half dozen years. It accordingly seems entirely possible that Mr. Maxwell presently has in hand an exit strategy involving the sale of the property to someone else who may do something quite different from the proposal he's been presenting to you.

Concerns About a Culture of Coziness

Although your positions may be a function of your resistance to changing positions you first staked out over a year and a half ago, some residents have voiced suspicions about more nefarious explanations for how things have unfolded thus far. Without necessarily giving any credence to those suspicions, circumstances do exist that may cause some citizens to be concerned about what perhaps could most appropriately be termed “a culture of coziness”.

Some citizens understandably are concerned when a member of Saint Andrew Presbyterian Church who strongly supports the move also serves as the editorial page editor of the local paper that published very supportive editorials at points in times rather strategically close to both last fall’s city election and last months’ council meeting. Some citizens understandably are concerned about Mr. Maxwell being represented in this transaction by an attorney previously involved in the University’s purchase of the Athletic Club three years ago. Some citizens understandably are concerned when an appointed member of the council casts the essential fourth vote in line with and for reasons strikingly similar to those provided by his wife after he had failed to mention his wife as someone he had talked to when such disclosures were requested at August’s regular council meeting. And some citizens understandably are concerned that our mayor’s ardent support for this project occurs in a context that includes her and her husband partnering with Saint Andrew’s registered agent/attorney and his wife in a limited liability company that owns three rental properties in a condominium complex off of Mormon Trek.

These matters may fall short of things that might be legally problematic, but such relationships certainly contribute to citizen concerns that the process to date may have involved things other than perfectly fair assessments of the concerns and consideration that have been brought forth in a number of public meetings.

Conclusion

I have expressed myself more directly than I normally do because I think final approval of Ordinance No. 180 will be a mistake from which there will be only limited opportunity to retreat at subsequent points in time. As Stan Laverman has noted, however, last month was only the first reading and I fervently hope that either Tuesday or at next month’s meeting at least one other councilor will come to their senses and avoid the serious difficulties likely to follow from any final approval of this rezoning request.

MEMORANDUM

To: University Heights City Councilors

From: Pat Bauer

Date: October 10, 2010

Re: A Plea for Politically Sensible Leadership

Introduction

I write yet again to reiterate the destructive consequences of the course of action a majority of the Council presently is pursuing and to point to the most appropriate resolution of the charged circumstances that course of action is creating. I do so as something of a more considered afterthought to the memorandum I drafted yesterday in which I tried to incorporate various sentiments I've heard expressed by a number of fellow residents. Viewed objectively, portions of yesterday's memorandum may be intemperate or perhaps even unfair, but they nevertheless accurately reflect the critical tone of what some residents are thinking and feeling about Council's actions to date.

The Rather Predictable Consequences of The Course of Action Presently Being Pursued

From the outset of this year's proceedings the way forward out of our present predicament seemed to me quite clear. At your July meeting, I stressed the wisdom of pursuing a middle ground:

I'm one of eight children, and in a group of that size everyone getting their way isn't an option. As the fourth child, a role that often fell upon me was peacemaker in attempting to defuse conflicts that threatened family harmony.

Last spring, our community was deeply divided over a redevelopment proposal quite similar to the one currently under consideration. A controversy that didn't get beyond the two possibilities of the proposal as submitted or leaving things essentially unchanged left residents deeply divided, and the fairly slim margin of last fall's election hardly seems like an appropriate basis for a major land use decision involving a significant number of long-lasting impacts.

In an effort to bridge those divisions, I've attempted to formulate a "third way" in the hope that something in the middle might provide a basis for bringing us together. As I mentioned to Steve and Louise when I delivered the proposal to them two weeks back, it may turn out to be a fool's mission but the possibility of a more constructive outcome is much more attractive than the repeat of last year's results that seems likely to reoccur if we go through the same routine with essentially the same options as before.

Your decision this evening will have a large influence on whether a third way is at all doable. Going with applicants who will not move off of the opposing positions we confronted last year will simply consign our community to a rerun that has little

chance of turning out any better than before. Go with Larry Wilson and there's at least a chance we might find some agreeable way out of the predicament we're in.

More recently, I reiterated much the same point at your September meeting:

I grew up in a political tradition where "compromise" was not a vice and unwillingness to change one's position in the face of significant new considerations was not a virtue.

From mid-summer onward, I have been advocating a sensible center position that would avoid the head-on collision towards which our community appears to be heading. ...

You have before you one proposal that continues to divide our community and an alternative that seems acceptable to a large part of our community. ...

In the context of such circumstances, approving the 4/2/residential alternative is the best way to go.

A recent exchange of e-mails with John Yapp has persuaded me that approval of the 4/2/residential alternative would not be advisable at this time, but that conclusion certainly provides no reason to proceed at this time with an approval of Mr. Maxwell's 6/3/residential-commercial proposal. The past three months have clearly demonstrated that the Maxwell proposal is unacceptable to a sizable part of our community, and at this point the most politically sensible thing to do is (1) reject the current rezoning request, (2) wait to see if Saint Andrew Presbyterian Church in fact decides to move from its present location, and then (3) in that more settled and concrete context consider proposals that would be more widely acceptable to a larger portion of our community.

A Needless Destruction of Our Sense of Community

Your insistence on pressing ahead with the Maxwell proposal is needlessly fraying the social fabric of our community. While neighbors may be saying hello to neighbors, they're avoiding discussions of this matter because feelings are inflamed and most sustained conversations accordingly have been occurring inside parallel universes of like-minded people. People who support the Maxwell proposal spend their time talking with people who see things pretty much the same way, and the same holds true for those who oppose the Maxwell proposal. Although this dynamic has resulted in valuable connections being established between people from different areas of our community, it is coming at the expense of cordial feelings between neighboring residents.

In my first writing on this matter in May of 2009, I identified the distinctive dynamics of "upzoning":

... [T]he Saint Andrew parcel is surrounded on three sides by about a dozen single family homes and a pair of duplexes. ... [A]ny ... change in permitted uses should be rather attentive to the interests and concerns of the owners of adjacent parcels.

... [T]he dynamics of upzoning ... entail ... substantial advantages being realized ... by the owner of the upzoned parcel at the expense of adjacent property owners who suffer a decline in the desirability of their property (either objectively (in terms of decreased market value) or (as importantly) subjectively (in terms of enjoyment of homes purchased in circumstances where permissible uses of an adjacent parcel were limited by longstanding provisions of an existing zoning ordinance)).

... [T]hose wishing to change such provisions [should] be held to a fairly high burden of clearly establishing that any proposed change in use will be both reasonable and fair.

I'm at a loss to see anyone with a legitimate claim sufficient to compel a change in our zoning ordinance. Saint Andrew Presbyterian Church has been located in the midst of a single-family residential district for more than five decades, and Jeff Maxwell's initial purchase agreement was explicitly conditioned on that zoning being changed. Unless one or more city officials have provided him assurances that such a change would be forthcoming, his subsequent payment of two non-refundable extension fees (\$50,000 last year and \$20,000 this year) certainly doesn't rise to the level of any sort of defensible reliance. In contrast, surrounding property owners have entirely legitimate claims of reliance based on the existing (and longstanding) provisions of our zoning ordinance.

Conclusion

I realize that the ability of one or more of you to "walk back" from the position you have taken in this matter may be constrained by commitments you have made to other city officials. In keeping with the practice sometimes used in political conventions, however, I hope any such commitments will be suspended by "a release of delegates" to allow each of you to decide what is presently the most politically sensible course of action.

Avoiding the wrath of someone who may have bound themselves early on to unwavering support of Mr. Maxwell's proposal is hardly a sufficient justification for throwing our community into years of continued bitter conflict. This Tuesday evening, do what is right in terms of restoring unity to our community and vote no on Ordinance No. 180.

From: pbb338koser@aol.com Subject: Resending Message (Seem to Have Mistakenly Entered Councilor Addresses on Bcc Line) Date: Thu, November 11, 2010 6:57 pm To: mike-haverkamp@university-heights.org,jim-lane@university-heights.org,brennan-mcgrath@university-heights.org Cc: hopsonrc@aol.com

-----Original Message-----

From: pbb338koser@aol.com

Cc: hopsonrc@aol.com

Sent: Thu, Nov 11, 2010 5:52 pm

Subject: Raising the Possibility of a Candidate Forum for the Special Election

Thank you for supporting a postponement of the third reading of Ordinance No. 180 to the December meeting. Saint Andrew's willingness to grant an extension to Mr. Maxwell and Council's agreement to a further postponement of final action until after the January 11, 2011 special election certainly should provide confidence to all citizens about the fairness of the process for determining the requested zoning change.

If those two circumstances were to come to pass, I believe the special election's effectiveness as a means of bringing closure to our community might be enhanced by a candidate forum of the sort held in 2007 and 2009 (see attached flyers and program scripts). Dell Richard and I worked together in the hope that our cooperation would assuage any concerns about fairness, but between him having moved and the character of my involvement in the present matter, the involvement of others this time around presumably is necessary. If there wouldn't be any objection to my doing so, however, I'd certainly be happy to provide any desired assistance to anyone willing to lead the effort.

I'm not sure the best means of recruiting others but when things get to the point where that needs to be done one possibility could be seeking suggestions from and/or approval by the candidates. At this stage, however, I'm thinking preliminary agreement by Jim and Rosanne to take part in and feasible dates for a forum might reduce possible logistical difficulties in securing an appropriate site.

The Athletic Club obviously would be wonderful as a location and looking only at the calendar Tuesday-Thursday, January 4-6 appear most appropriate. I hasten to add that

calendar appearance certainly doesn't reflect anyone's holiday plans or the possibility that those evenings might now or subsequently involve some critical athletic event, and I certainly would welcome suggestions for any other dates that folks think might work better.

Although additional matters can be worked out down the line, for now Jim and Rosanne being willing to take part and available on one or more of those dates would allow me to explore possibilities for a suitable venue. Thanks in advance for letting me know your thoughts about this.

From: "Alice Haugen" <alice.haugen@gmail.com> Subject: Re: How representative are the questionnaire results? Date: Fri, November 12, 2010 2:50 pm To: "Patricia Yeggy" <patbirk@yahoo.com> Cc: "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"Brennan McGrath - Council" <brennan-mcgrath@university-heights.org>,"Jim Lane - Council" <jimlane@yahoo.com>,"Stan Laverman - Council & Mayor Pro Tem" <stan-laverman@university-heights.org>

Chris said that we could give her the originals after the last page was copied. I will get the originals to her shortly. My observation however is based on the canvassers' experiences and not the written document.

Peace+ Alice

On Nov 12, 2010, at 12:33 PM, Patricia Yeggy <patbirk@yahoo.com> wrote:

> Dear Alice,
>
> I don't have a copy of the canvass. Typically such documents are delivered at the meeting in which they are introduced.
>
> Pat
>
>
> From: Alice Haugen <alice.haugen@gmail.com>
> To: Patricia Yeggy - Council <patbirk@yahoo.com>
> Cc: louise-from@university-heights.org; mike-haverkamp@university-heights.org;
Brennan McGrath - Council <brennan-mcgrath@university-heights.org>; Jim Lane
-
Council <jimlane@yahoo.com>; Stan Laverman - Council & Mayor Pro Tem <stan-laverman@university-heights.org>
> Sent: Thu, November 11, 2010 4:30:19 PM
> Subject: How representative are the questionnaire results?
>
> Dear Pat,
>

> You expressed concern on Tuesday that the results of the questionnaire might not be representing the real opinion of University Heights. I realized that I have an independent source of information that can address your concerns. Six of us went around canvassing to save the ravine. All of us had the same experience - there is broad opposition to the Maxwell project. Some of our signers are people who support the Maxwell project but want to see the ravine saved. However most of them are people who hope to reduce the environmental harm of the project. I would estimate that of the 241 people who signed at least 225 also oppose the project overall, want a smaller project, or want a small commercial area without the high rise condos. This is consistent with the data that the survey returned as well.

>

> I hope this will address your concerns and would be happy to answer any questions if I have not been clear.

>

> --

> Warm regards,

>

> Alice

>

> Ring the bells that still can ring
> Forget your perfect offering
> There is a crack in everything
> That's how the light gets in.

From: "Alice Haugen" <alice.haugen@gmail.com> Subject: Originals of the petition and number of signatures Date: Sun, November 14, 2010 2:54 pm To: "Chris Anderson - City Clerk" <uhclerk@yahoo.com> Cc: louise-from@university-heights.org,mike-haverkamp@university-heights.org,pat-yeggy@university-heights.org,"Brennan McGrath - Council" <brennan-mcgrath@university-heights.org>,"Jim Lane - Council" <jimlane@yahoo.com>,"Stan Laverman - Council & Mayor Pro Tem" <stan-laverman@university-heights.org>

Dear Chris,

Thank you for your patience and I apologize for the delay. You kindly assured me at the council meeting that you could accept the originals after the council meeting itself to allow me time to copy the signatures that were collected on the 9th. However our schedule got disrupted (in a good way) by a surprise visit from our daughter who is in school out east. A print out of this email will serve as the coversheet for the original petitions.

There are 241 signatures on the petitions, on 22 sheets. Not all sheets are full. The text of the petition reads,

*We, the undersigned residents of University Heights, Iowa, ask the City

Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations. *

The number 241 was given at the council meeting and was reported by the Press Citizen in the Nov. 10th edition. No signatures have been collected since the council meeting. Signatures were collected between 2 pm on Nov. 3rd and 7 pm on Nov. 9th by six canvassers. We began collecting signatures after Mr. Maxwell declined to give a definitive support for amending the ordinance.

For your convenience and as a small recompense for your patience, I am attaching an electronic copy of these originals.

Warm regards,

Alice Haugen
1483 Grand Avenue

Ring the bells that still can ring
Forget your perfect offering
There is a crack in everything
That's how the light gets in.

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Janet A. Jordan</i>	<i>222 Golfview Ave.</i>	<i>Jowa City</i>	<i>11-4-10</i>
2. <i>Frank J. Kohout</i>	<i>300 Golfview Ave.</i>	<i>U. Hts.</i>	<i>11/8/10</i>
3. <i>Nancy J. Barnes-Kohout</i>	<i>" " "</i>	<i>"</i>	<i>11/8/10</i>
4. <i>Zlatko Anzelov</i>	<i>207 Golfview</i>	<i>UH</i>	<i>11/8/10</i>
5. <i>Roumyana Stabanova</i>	<i>207 Golfview</i>	<i>UH</i>	<i>11/8/10</i>
6. <i>Jim Riggstrup</i>	<i>1409 Grand Ave</i>	<i>UH</i>	<i>11/8/10</i>
7. <i>Lisa Crum Ecker</i>	<i>230 Golfview Ave.</i>	<i>UH</i>	<i>11/8/10</i>
8. <i>Brian Ecker</i>	<i>230 Golfview Ave</i>	<i>U.H.</i>	<i>11/8/10</i>
9. <i>Matt Ecker</i>	<i>230 Golfview Ave.</i>	<i>UH</i>	<i>11/8/10</i>
10. <i>Emma Hopson</i>	<i>205 Golfview Ave.</i>	<i>University Heights</i>	<i>11/8/10</i>
11. <i>Donis Ecker</i>	<i>33 Highland Dr.</i>	<i>Univ. Heights</i>	<i>11/8/10</i>
12.			
13.			
14.			
15.			

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RH

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent ~~to~~" from Ordinance 180 dealing with rezoning. This amendment will ~~keep~~ the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	<i>Lenny V Ruffe</i>	<i>304 Second St</i>	<i>IE</i>	<i>11-8-10</i>
2.				
3.				
4.				
5.				
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10.				
11.				

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BH

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Raymond Wilson</i>	308 KOSER AVE	UNIV. HEIGHTS	11/6/10
2. <i>Monroe Shaffner Olsen</i>	308 Koser Ave.	Univ. Heights	11/6/10
3. <i>Reg Geyer</i>	207 Ridgeway Ave	Univ Hts	11-6-10
4. <i>John McDeerck</i>	209 Ridgeway Ave	Univ Hts	11/6/10
5. <i>[Signature]</i>	425 Ridgeway Ave	Univ Heights	11/6/10
6. <i>U. Robertson</i>	406 Ridgeway	U C	11/6/10
7. <i>Jeff Egeland</i>	208 Ridgeway	U C	11/6/10
8. <i>Karl A. Robertson</i>	406 Ridgeway	U Heights	11/6/10
9. <i>Dale Hansen</i>	317 Monroe St	University Heights	11/6/10
10. <i>Mr W Ham</i>	317 MONROE ST	UNIV HTS	11-6-10
11. <i>Marilyn Mahajan</i>	417 Monroe St.	Univ Hts	11-6-10
12. <i>[Signature]</i>	417 Monroe St	U Heights	11-6-10
13. <i>Inland Shaffner</i>	406 Monroe St	U.H	11-6-10
14. <i>Marina Shaffner</i>	406 Monroe	U.H	11-6-10
15. <i>Sharon H Ray</i>	306 Monroe St	UHTS	11-7-10

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LW

Petition to Save the Ravine

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	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	<i>John Ryz</i>	306 Monroe St.	Iowa City	11/06/10
2.	<i>[Signature]</i>	216 Monroe St.	IC	11/6/10
3.	<i>Tom Donnelly</i>	206 Monroe St	I. C.	11/6/10
4.	<i>Nella Ruffert</i>	314 Koser Ave	IC	11/7/10
5.	<i>Chad Lynn</i>	338 Koser Ave	IC	11/7/10
6.	<i>Pete B. Brown</i>	338 Koser Av	Ic	11/7/10
7.	<i>Maureen Mann</i>	315 Ridgeway Ave	IC	11/7/10
8.	<i>[Signature]</i>	315 Ridgeway Ave	IC	11/7/10
9.	<i>[Signature]</i>	415 Ridgeway Ave	UH	11/7/10
10.	<i>[Signature]</i>	306 Ridgeway	UH	11/7/10
11.	<i>Laura Stewart</i>	210 Ridgeway	Iowa City	11/7/10
12.	<i>Cristi Gleason</i>	416 Monroe St	Iowa City (UH)	11/7/10
13.	<i>Anne Cremer</i>	216 Monroe St.	Iowa City	11/7/10
14.				
15.				

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LW

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. Victoria Lyman	306 Mahaska Dr.	U Heights	11/7/10
2. Tanzi Wilson	306 Mahaska Dr.	U. Heights	11/7/10
3. D. Sheldon	316 Mahaska Dr.	U. Heights	11/7/10
4. Randall Fitzhison	416 Mahaska Drive	U. Heights	11/7/10
5. Sue Archemism	416 Mahaska	U Heights	11/7/10
6. Bice Olin	426 MAHASKA	U. HEIGHTS	11-7-10
7. Bertha Olin	" "	"	11-7-10
8. Richard Schmidt	207 Mahaska Dr.	U Heights	11-7-10
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Mahaska

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18

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	<i>[Signature]</i>	217 Mahaska Dr.	University Heights	11/7
2.	<i>[Signature]</i>	517 Mahaska Ct	Univ. Heights	11/7
3.	<i>[Signature]</i>	517 Mahaska Ct	Univ. Heights	11/7
4.	<i>[Signature]</i>	556 Mahaska Ct	U. Heights	11/7
5.	<i>[Signature]</i>	"	"	"
6.	<i>[Signature]</i>	526 MAHASKA	U. HEIGHTS	11/7
7.	<i>[Signature]</i>	526 Mahaska Ct	U Heights	11/7
8.	<i>[Signature]</i>	516 Mahaska Ct	U Heights	11/7
9.	<i>[Signature]</i>	207 Mahaska Dr	U Heights	11/7
10.	<i>[Signature]</i>	207 Mahaska Dr	U Heights	11/7
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Mahaska

(2)

Petition to Save the Ravine

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	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	McDermott	21 Prospect Pl	UH	10/7
2.	HG Black	333 Koser av	UH	10-7
3.	Vicky Dingman	15 Leamer Ct	UH	11/7
4.	Karen Drake	322 Koser	UH	11/7
5.	Burt [unclear]	327 Koser	UH	11/7
6.	[unclear]	327 Koser	UH	11/7
7.	David Drake	322 Koser	UH	11/7
8.	Judith Moss	330 Koser	UH	11/7
9.	[unclear]	330 "	UH	11/7
10.	[unclear]	334 Highland Dr.	UH	11/7/10
11.	[unclear]	1517 Oakcrest Ave	UH	11/7/10
12.	Dora Specker	1437 Oakcrest Ave	UH	11/7/10
13.	Janice [unclear]	1427 Oakcrest	UH	11/7/10
14.	[unclear]	1407 Oakcrest	UH	11/7/10
15.	Mike Riley	1337 Oakcrest	UH	11/7/10

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GB

Petition to Save the Ravine

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Duncan Stewart</i>	1327 Oakcrest Ave	UH	11/7/10
2. <i>Rachel Stewart</i>	1327 Oakcrest Ave	UH	11-7-10
3. <i>Shawn Eisen</i>	312 Highland Dr	UH	11/7/10
4. <i>Michelle Rhymen</i>	409 Monroe St	U.H.	11/7/10
5. <i>Carol Kojan</i>	343 Koser Ave	UH	11-7-10
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Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>J. M. K</i>	<i>265 Koser Ave</i>	<i>Univ. Heights</i>	<i>11/7/10</i>
2. <i>Jane J. Bowers</i>	<i>10 Koser Ave</i>	<i>UH</i>	<i>11/7/10</i>
3. <i>Mary J. Bowers</i>	<i>10 Koser Ave</i>	<i>U. H</i>	<i>11/07/10</i>
4. <i>Anto Haig</i>	<i>2 Leamer Ct</i>	<i>UH</i>	<i>11/7/10</i>
5. <i>Trig G</i>	<i>2 Leamer Ct</i>	<i>UH</i>	<i>11/2/10</i>
6. <i>Dennis Huth</i>	<i>125 Golfview Ave.</i>	<i>UH</i>	<i>11/7/10</i>
7. <i>Michael Wynn</i>	<i>125 Golfview Ave</i>	<i>UH</i>	<i>11-7-10</i>
8. <i>Leon Leach</i>	<i>55 prospect place</i>	<i>UH</i>	<i>11-7-10</i>
9. <i>Don Griffin</i>	<i>145-5 Grand</i>	<i>UH</i>	<i>11/7/10</i>
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(3)

GB

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Don L. Leff</i>	<i>215 SUNSET</i>	<i>I.C.</i>	<i>11/6/10</i>
2. <i>Janet Leff</i>	<i>215 Sunset</i>	<i>IC</i>	<i>11/6/10</i>
3. <i>John Leff</i>	<i>309 SUNSET ST</i>	<i>IC</i>	<i>11-6-10</i>
4. <i>David Pedersen</i>	<i>309 Sunset</i>	<i>IC</i>	<i>11-6-10</i>
5. <i>Lucina Stelbans</i>	<i>305 Sunset</i>	<i>IC</i>	<i>11.6.10</i>
6. <i>Joe Stelban</i>	<i>305 Sunset</i>	<i>IC</i>	<i>11.6.10</i>
7. <i>Randy Kander</i>	<i>220 Sunset</i>	<i>IC</i>	<i>11-6-10</i>
8. <i>Janet Kamppe</i>	<i>304 Sunset</i>	<i>IC</i>	<i>11/7/10</i>
9. <i>Charles Hedlund</i>	<i>1490 Grand Ave</i>	<i>IC</i>	<i>11/7/10</i>
10. <i>[Signature]</i>	<i>'</i>	<i>'</i>	<i>'</i>

CH

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	Alice Hanger	1483 Grand Ave	University Heights	3 Nov 10
2.	Kathleen Began	104 Sunset	University Heights	3 Nov 10
3.	Bob Ruppert	314 Koser	UH	3 Nov 10
4.	My Miller	324 Koser	UH	3 Nov
5.	Jan Miller	"	"	"
6.	Carol Ann Swails	333 Koser	UH	"
7.	Mary Aearls	340 Koser	UH	"
8.	James Aearls	340 Koser	UH	"
9.	Ann K Kellat	345 Koser	UH	Nov 3, 2010
10.	Ann Kellat	341 Koser	UH	Nov 3, 2010
11.	Phyllis Terrell	365 Koser	UH	11-3-10
12.	Kristie Slaughter	415 Koser	UH	11-3-10
13.	Brian E. Ebert	396 Koser	UH	11-3-10
14.	Sulo Wintata	368 KOSER	UH	11-03-10
15.	Carl Winter	356 Koser	UH	11-3-10

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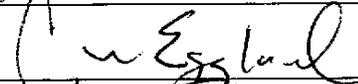
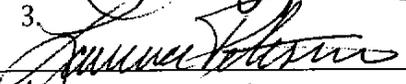
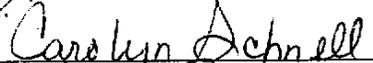
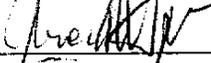
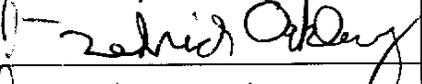
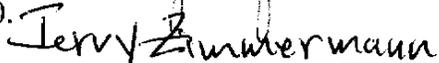
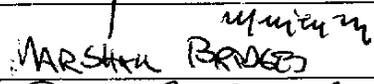
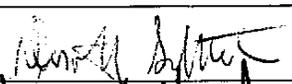
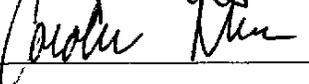
Petition to Save the Ravine

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. Andrew Walker	331 Koser Ave.	University Heights Essex City	11/3/10
2. Charles Hardy	329 Koser Ave.	University Heights	11/3/10
3. Jane Flack	319 Koser Ave.	U. H.	11/3/10
4. Kathleen Klein	265 Koser Ave	U.H	11/3/10
5. Liesa Moore	220 Koser	UH	11/3/2010
6. Elizabeth Rose	236 Koser	U H	11/3/2010
7. Laura Ebinger	240 Koser Ave	UH	11/3/2010
8. Richard Z. Frehel	246 Koser Ave	UH	11/3/10
9. Joe Orr	250 Koser Ave	UH	11/3/10
10. Thomas Baugem	1483 Grand Ave.	UH	11/3/10
11. Scott Christensen	1461 Grand Ave.	UH	11/3/10
12. Andrew Christensen	1461 Grand Ave	UH	11/3/10
13. Michel D Wagoner	1451 Grand	UH	11/3/10
14. Helen Eliau	1451 Grand	UH	11/3/10
15. Patricia Eliau Wagoner	1451 Grand	UH	11.3.10

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. 	1445 Grand Ave	Iowa City / University Heights	11/3/10
2.  England	1435 Grand Ave	Fowa City	11/3/10
3. 	1425 GRAND AVE	I. C.	11/3/10
4.  Carolyn Schnell	1409 Grand Ave	University Heights	11/3/10
5.  Alan Ruppel	1409 Grand Ave	U. H.	11/3/2010
6.  Kusanbergs	205 Golfview Ave	U. H.	11/3/2010
7. 	205 Golfview Ave	U. H.	11/3/2010
8.  Zachary O'Keefe	1424 Grand Ave	U. H.	11/3/2010
9.  Carolyn Brown	1434 Grand Ave	UH	11/3/2010
10.  Jerry Zimmermann	" " "	"	"
11.  MARSHALL BRIDGES	1440 GRAND AVE	UH	11/3/2010
12.  Dan Roberts	1440 Grand Ave	UH	11/3/10
13. 	1450 Grand Ave	UH	11/3/10
14.  Wayne Henderson	24 Koser	UH	11/4/10
15. 	30 Koser	UH	11/4/10

3

Petition to Save the Ravine

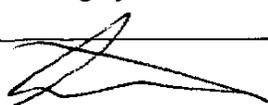
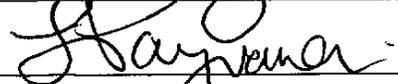
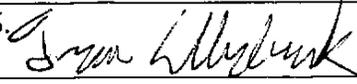
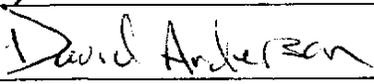
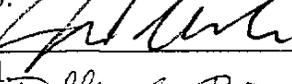
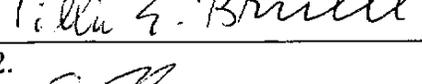
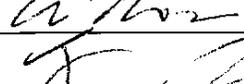
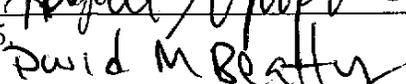
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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Doris Levesen</i>	<i>200 Koser Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
2. <i>Mary Levesen</i>	<i>200 Koser Ave.</i>	<i>U.H.</i>	<i>11-4-10</i>
3. <i>Erin M Rimp</i>	<i>210 Koser Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
4. <i>Ann Bensen</i>	<i>1251 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
5. <i>Janet Brung</i>	<i>1219 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
6. <i>Cheryl Lebeck</i>	<i>1219 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
7. <i>Karen Reuter</i>	<i>1217 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
8. <i>Wes McWhitt</i>	<i>1145 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
9. <i>Nick Ellubk</i>	<i>1135 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
10. <i>Nicole Bensen</i>	<i>1132 Melrose Ave</i>	<i>U.H.</i>	<i>11-4-10</i>
11. <i>Julie Ann Szymanski</i>	<i>1144 Melrose</i>	<i>U.H.</i>	<i>11-4-10</i>
12. <i>Muchnik Schmitz</i>	<i>1202 Melrose</i>	<i>U.H.</i>	<i>11-4-10</i>
13. <i>Jo J. Galli</i>	<i>1212 Melrose</i>	<i>U.H.</i>	<i>11/4/10</i>
14. <i>Bruffel</i>	<i>1212 Melrose</i>	<i>U.H.</i>	<i>11/4/10</i>
15. <i>Chris Cook</i>	<i>1222 Melrose</i>	<i>U.H.</i>	<i>11/4/10</i>

(4)

Petition to Save the Ravine

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	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.		1236 Melrose	Kennett UH	11/4/10
2.		1250 Melrose	Kennett UH	11/4/10
3.		1491 Gromel Ave	Univ. Heights	11/4/10
4.		1504 Grand Ave	UH	11/4/10
5.		1135 Melrose Ave	UH	11/4/10
6.		1135 Melrose Ave	UH	11/4/10
7.		1141 Melrose Ave	UH	11/4/10
8.		1145 Melrose Ave	UH	11/4/10
9.		1149 Melrose Ave	UH	11/4/10
10.		14 George Street	UH	11/4/10
11.		18 George St -	UH	11/4/10
12.		1231 Melrose Avenue	UH	11/4/10
13.		1237 Melrose Avenue	UH UH	11/4/10
14.		1257 Melrose Ave	UH	11/4/10
15.		1263 Melrose Ave	UH	11/4/10

(5)

Petition to Save the Ravine

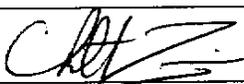
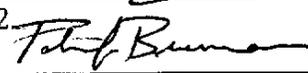
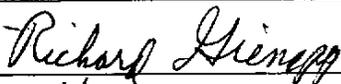
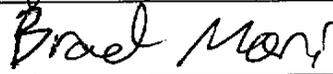
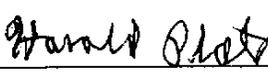
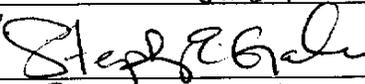
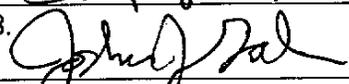
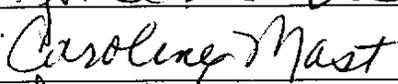
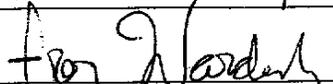
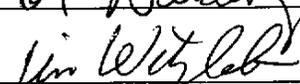
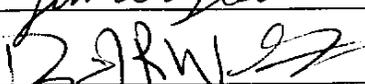
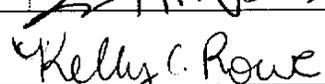
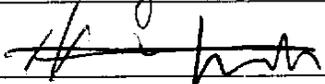
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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Wendy Hertzman (exactly)</i>	<i>260 Highland Dr</i>	<i>UH</i>	<i>11/7/10</i>
2. <i>Jessie Hertzman</i>	<i>242 Highland Dr</i>	<i>UH</i>	<i>11/7/10</i>
3. <i>Jim Trepha</i>	<i>242 Highland Dr</i>	<i>UH</i>	<i>11/7/10</i>
4. <i>Ed Fischer</i>	<i>228 Highland Dr</i>	<i>U.H.</i>	<i>11/7/2010</i>
5. <i>Carol Howard</i>	<i>228 Highland Dr</i>	<i>U.H.</i>	<i>11/7/2010</i>
6. <i>Daniel Murray</i>	<i>208 Highland Dr.</i>	<i>U.H.</i>	<i>11/7/2010</i>
7. <i>Tom Glueckert</i>	<i>138 Highland Dr.</i>	<i>U.H.</i>	<i>11/7/2010</i>
8. <i>Lawrence Fritts</i>	<i>114 Highland</i>	<i>UH</i>	<i>11/7/2010</i>
9. <i>Sue Hertzman</i>	<i>114 Highland</i>	<i>U.H.</i>	<i>11/7/2010</i>
10. <i>[Signature]</i>	<i>108 Highland Dr.</i>	<i>UH</i>	<i>11/7/2010</i>
11. <i>Martha Echeverria</i>	<i>100 Highland Jr.</i>	<i>UH</i>	<i>11/7/10</i>
12. <i>Bill R Reed</i>	<i>43 Highland Dr.</i>	<i>UH</i>	<i>11/7/2010</i>
13. <i>[Signature]</i>	<i>37 Highland Dr.</i>	<i>UH</i>	<i>" "</i>
14. <i>Fausto Aliphan</i>	<i>29 Highland Dr</i>	<i>UH</i>	<i>11-7-10</i>
15. <i>Suzanne Aliphan</i>	<i>29 Highland Dr</i>	<i>UH</i>	<i>11-7-10</i>

(7)

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. 	21 HIGHLAND DR.	UH Iowa City	11-7
2. 	21 Highland Dr.	Univ-Heights	11-7
3. 	38 Highland Dr.	University Heights	11-7
4. 	36 Highland Dr.	UH	11/7
5. 	44 Highland	UH	11/7
6. 	50 Highwood Dr	UH	11
7. 	62 Highland Dr.	UH	11-7
8. 	62 Highland Dr	UH	11-7
9. 	103 Highland Dr	UH	11-7
10. 	111 Highland Dr.	UH	11/7
11. 	117 Highland Dr.	UH	11/7
12. 	135 Highland Dr	UH	11/7/10
13. 	211 Highland Dr.	UH	11/7
14. 	237 Highland Dr.	UH	11/7/10
15. 			

8

Petition to Save the Ravine

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Kyle O'Brien</i>	1263 Melrose Ave	UH	11/4/10
2. <i>Elizabeth Hoelke</i>	16 Olive Ct.	UH	11/5/10
3. <i>Jerry Frangman</i>	25 OLIVE CT	UH	11/5/10
4. <i>Kayla Anderson</i>	58 Olive Ct	UH	11/5/10
5. <i>Ally Sarchet</i>	58 Olive Ct	UH	11/5/10
6. <i>Kenneth Thompson</i>	88 Olive Ct	UH	11/5/10
7. <i>Tim O'Brien</i>	86 Olive Ct	UH	11/5/10
8. <i>Rob Meyer</i>	82 Olive Ct	UH	11/5/10
9. <i>Mike King</i>	78 Olive Ct.	UH	11/5/10
10. <i>[Signature]</i>	79 Olive Ct.	UH	11/5/10
11. <i>[Signature]</i>	35 Olive Ct	UH	11/5/10
12. <i>[Signature]</i>	35 Olive Ct	UH	11/5/10
13. <i>Linda Dunham</i>	1475 Grand Ave	UH	11/5/10
14. <i>Franklin Poir</i>	51 Prospect Pl	UH	11/5/10
15. <i>Indee Dommene</i>	300 Kose AVE	UH	11/6/10

⑥

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Roughne</i>	270 Hyman Dr	UH	11/7/10
2. <i>Jessica D Sol</i>	210 Marietta	UH	11/8/10
3. <i>John Rendon</i>	204 Grandview Ct	UH	11/8/10
4. <i>Mark George</i>	216 Grandview St	UH	11/8/10
5. <i>Donell Butts</i>	304 Grandview Ct.	UH	11-8-10
6. <i>Anthony Gray</i>	126 Grandview Ct.	UH	11-8-10
7. <i>Jean Bissham</i>	415 Grandview Ct	UH	11-8-10
8. <i>Jonathan Gonzalez</i>	600 Grandview Ct UH	UH	11/8/10
9. <i>Ralph</i>	321 Kessler Ave	UH	11-8-10
10. <i>Dan Peter</i>	213 Grandview Ct	UH	11-8-10
11. <i>Aman Kell</i>	222 Marietta Ave	UH	11-8/10
12. <i>Ann</i>	107 Birkdale Ct.	UH	11/8/10
13. <i>Sione E Bowers</i>	328 Kessler Ave	UH	11/8/10
14.			
15.			

(9)

Petition to Save the Ravine

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Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Doug Mann</i>	220 Koser Ave	UH	11/8/10
2.			
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Petition to Save the Ravine

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	Sign your name	Address where you live in Iowa		Today's Date
		House number and street	City	
1.	Jane Brauerman	349 Rose	IC	11-9-10
2.	[Signature]	337 Highland	IC	11-9-10
3.	[Signature]	1456 Grand	IC	11-9-10
4.	[Signature]	1456 Grand	IC	11/9/10
5.	Gene Tracy	105 Burkdale Ct	IC	11/09/10
6.	Gene Tracy	105 Burkdale Ct	IC	11/09/10
7.	Carol Sheker	239 Highland Dr.	IC	11/09/10
8.	Kerry Sheker	239 Highland Dr	Four City	11/9/10
9.	Jim Bradley	9767 Grand	IC	11/9/10
10.	Robin Braseman	327 Highland	IC	11/9/10
11.	[Signature]	327 Highland	IC	11/9/2010
12.	Robt Phibbs	15 Prospect Pl	UH	11/9/10
13.				
14.				
15.				

@ HS

Petition to Save the Ravine

We, the undersigned residents of University Heights, Iowa, ask the City Council to strike the words "and adjacent to" from Ordinance 180 dealing with rezoning. This amendment will keep the ravine east of Saint Andrew Presbyterian Church zoned as it presently is and prevent its commercial development. We ask this so that this green space can be preserved for future generations.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1. <i>Adrian Von Schoenmaker</i>	<i>27 Leamer St.</i>	<i>U. Hqts.</i>	<i>11/9/10</i>
2. <i>Sara Schoenmaker</i>	<i>27 Leamer St.</i>	<i>U. Heights</i>	<i>11/9/10</i>
3.			
4.			
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@ HS

From: "Alice Haugen" <alice.haugen@gmail.com> Subject: Re: Comments from Mr. Maxwell
Date: Mon, November 15, 2010 11:10 pm To: "jim lane" <jimlane@yahoo.com> Cc: "louise-
from@university-heights.org" <louise-from@university-heights.org>,"mike-
haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"pat-
yeggy@university-heights.org" <pat-yeggy@university-heights.org>,"Brennan McGrath -
Council" <brennan-mcgrath@university-heights.org>,"Stan Laverman - Council & Mayor Pro
Tem" <stan-laverman@university-heights.org>

Thanks very much for your thoughtful comments. Do I understand correctly that any business requires a license to operate and that is the basis on which particular kinds could be permitted or denied if the commercial space were sold rather than rented? Though this would offer a measure of control to the council, there would still remain the problem that businesses that might require a subsidy, like a grocery, are possible in rental space but not space owned by the business.

Only one person specifically mentions a law office as a poor fit. However the people who support the project mention things like "businesses (restaurant, grocery, coffee shop...)" and make it clear that they want commercial businesses they can use. A law office is not likely to be the particular firm that residents use, and in any case people rarely consult their lawyers in any given year. A law office doesn't provide a place where people gather.

Thank you for the careful reading.

Warm regards,
Alice Haugen

On Nov 15, 2010, at 9:08 PM, jim lane <jimlane@yahoo.com> wrote:

>
> Alice, I did receive this email and have a few comments.
>
> 1.The owners of the commercial space which will be sold by Mr.Maxwell will belong to an owner's association because they will be responsible for some of the common areas and they must follow the regulations imposed by the Association agreement and the City. I do not know if the commercial space owners will be part of the residents' association or have a separate association. If the project goes forward this will be settled with the PUD agreement. Regardless the owner of any commercial space will only be able to put in businesses approved by the council in

their space.

> Professional offices are permitted under Ordinance 180. I found one negative comments about law offices specifically out of 121 comments in the survey. I do not find that as reason to say that law offices are of no use to the residents.

> 2. I am an individual who desires seeing a coffee shop in the commercial space area at this time, so I may be disappointed if there is not one. However, it will probably be four to five years before any commercial space would be open if the project is approved. My belief is that trends will change over the next five years (example - Look what Red Box and Netflix have done to Movie/DVD rental stores) and I think it is hard to predict what will be desirable retail businesses. All of us including Mr. Maxwell should keep an open mind about the commercial space.

> 3. I think any project that has been discussed (single family residence, Birkdale type condos, upscale condos) will have an extended construction time, since they will all depend on sales of units. I also suspect by that time (4-5 years) the University will make a decision on some type of development on the University Athletic Club property and the golf course. How all of this fits together and is perceived by the public will probably have a major impact on home sales.

> Jim Lane

> --- On Wed, 11/10/10, Alice Haugen <alice.haugen@gmail.com> wrote:

> From: Alice Haugen <alice.haugen@gmail.com>

> Subject: Comments from Mr. Maxwell

> To: louise-from@university-heights.org, mike-haverkamp@university-heights.org, pat-yeggy@university-heights.org, "Brennan McGrath - Council" <brennan-mcgrath@university-heights.org>, "Jim Lane - Council" <jimlane@yahoo.com>, "Stan Laverman - Council & Mayor Pro Tem" <stan-laverman@university-heights.org>

> Date: Wednesday, November 10, 2010, 8:29 AM

> Dear councilors and mayor,

> As Mayor From knows, I sought to meet with Mr. Maxwell last week. He did meet with me and we talked together for nearly two hours. I did not know how public his comments were so I did not refer to them last night in the public meeting but I believe several of them were extremely pertinent to the decision before you and that you as the city council have the right to know.

> 1. He believes that selling the commercial space will lead to higher quality use

of the space, because the owners would have a stake in it. His specific example was an upscale law firm, that would be more willing to invest money into space that they owned than they would into rental space.

>

> A law firm, though, would be no use to local residents and was listed specifically in comments as the kind of business use that is not helpful to the community.

>

> An additional problem with selling the space is that it would make it more difficult to control what businesses fill the spaces. Downtown the plaza tower subsidizes the Bread Garden grocery because it is rented, not owned. If the spaces are sold the new owner can resell it to any one they choose.

>

> 2. He shared his concept of a food store with me, saying he imagined something small, old world, select, with special coffee and ice cream. However, he added, with the cost of this space, it would not involve a coffee house. As nearly as I can remember his exact words, "Some of those folks think there will be a coffee house, with little tables and open spaces. They're not going to get something like Caribou Coffee." As you know, the hope of a coffee shop is one of strongly desirable aspects for many supporters.

>

> 3. I asked him how long construction would take. He said that his current plan is to build the front building first and use its quality to sell spaces in the back building before it is constructed. He thinks the front building can be built in about 18 months.

>

> You all remember the impact of a small project like the sidewalk widening. If he follows this plan, Melrose will be tied up with construction for four to five years. It is almost certain that during construction the value of homes near the project will be hurt, even if they recover after it is all completed. During construction home owners around the project will be limited in their ability to sell if they want to move.

>

> I appreciate that Mr. Maxwell took time to meet with me, and I believe he has a warmly held vision for this space. However I am not sure that vision is aligned with the community, and I think that all of these aspects listed above should enter into your consideration of his project.

>

> I would appreciate a reply that this has been received - thank you.

>

> --
> Peace +
>
> Alice Haugen
>
> Ring the bells that still can ring
> Forget your perfect offering
> There is a crack in everything
> That's how the light gets in.

From: "John McLure" <johnmclure@yahoo.com> Subject: Re: UHeights Special Election
Date: Mon, November 29, 2010 4:36 pm To: "jim lane" <jimlane@yahoo.com> Cc: louise-
from@university-heights.org,mike-haverkamp@university-heights.org,stan-
laverman@university-heights.org,brennan-mcgrath@university-heights.org,pat-
yeggy@university-heights.org,uhrplace@rocketmail.com

November 29, 2010

Dear Mr. Lane,

Thank you for your email and for your encouragement to vote early. I
couldn't read
your attachments because they were zipped up.

I would like to take a moment to share with you how I feel about the Maxwell
proposal. Originally, I was against the proposal because of aesthetic
reasons; it
was a monstrosity that didn't fit in with our quiet little town. Originally,
I even
signed a petition against it. Then, I was wooed over to be supportive of the
Maxwell proposal when I learned that it would be an economic engine to the
UH's cash
flow. But when I attended the City Council meeting on November 9th and
listened to
many of the disgruntled UH residents voice their objections to the Maxwell
proposal,
I realized that we're dealing with a very divisive, hot potato issue.

I happen to like pro-Maxwell folks like Pat Yeggy, Mike Haverkamp and Louise
From a
great deal. I especially admire their support of the Chautauquas that have
become
an annual UH tradition. But I also like and have respect for people that I
perceive
as being anti-Maxwell like Brennan McGrath, Rachel Stewart, June Braverman,
Mary
Mathew Wilson, Wally Heitman, Pat Bauer and Christine Luzzie.

It really tears me up inside to see, hear and feel the rancor that the
Maxwell
proposal has generated. It was either McGrath or Haverkamp (or both) who
suggested

that the City Council's third and final vote on the Maxwell proposal be postponed until after the January 11th election. This is a peace-making suggestion which I whole-heartedly support. Postponing the Council's vote on the Maxwell proposal until after the January 11th election would help to bring harmony and closure to what has become a very disturbing situation. Let me clarify that I am not as disturbed by the Maxwell proposal itself as I am by the discord and piping-hot resentment shared by many good UH residents that I have come to know and respect in the 11 years that I've been living in this otherwise-happy hamlet.

As your constituent, I ask that you please take my feelings into consideration as we approach the critical December 14th UH City Council meeting. Thank you.

Sincerely,

John McLure
415 Koser Avenue

--- On Mon, 11/29/10, jim lane <jimlane@yahoo.com> wrote:

From: jim lane <jimlane@yahoo.com>
Subject: UHeights Special Election
To: "John McLure" <johnmclure@yahoo.com>
Cc: "Kristine McLure" <Krisimclure@yahoo.com>
Date: Monday, November 29, 2010, 1:46 PM

Dear John and Kris,
As you probably know, I am running for the Council seat in the University Heights special election on Tuesday, January 11, 2011, and I would appreciate your vote.

It is my intent to try to talk with as many residents as possible, but I am emailing you my information in case we can't connect during this busy holiday season.

As you know, I support the Maxwell project. Attached is a leaflet stating my position on City issues, as well as the experiences and skills that I bring to the City Council.

I am also attaching a document with information on procedural steps concerning the St. Andrew property and the potential development. The dates may not be exact, but it gives you a good idea of the steps that would occur with this whole process.
Election Information

The official election day is Tuesday, 11th of January 2011. Voting is at St. Andrew

Church from 7 a.m. - 8 p.m.

If you will not be in town on election day, or your work/school schedule makes it difficult to vote on election day, you can either vote Early or Absentee Ballot.

If you vote by Absentee Ballot, you will need to fill out an Absentee Ballot Request Form, which I have. Let me know and I will drop one off at your home. Once you submit the Request Form, you will then be sent an absentee ballot in the mail.

Early Voting begins at the County Administration Building on Thursday, December 2.

The offices are open Monday - Friday, 8 a.m. to 6 p.m. They will be closed on December 23, 24 and 31.

I AM ENCOURAGING VOTERS TO VOTE EARLY --Because of the Holiday Break, busy schedules

and chances of inclement weather on Election day, I would like to suggest you vote

early. Your vote is important!

As always, I appreciate your time. And I would appreciate your vote. --Jim Lane

From: pbb338koser@aol.com **Subject:** Request for Postponement of Final Action Until After Special Election **Date:** Wed, December 8, 2010 6:40 pm **To:** mike-haverkamp@university-heights.org,jim-lane@university-heights.org,stan-laverman@university-heights.org,brennan-mcgrath@university-heights.org,pat-yeggy@university-heights.org **Cc:** louise-from@university-heights.org,ballard@lefflaw.com,uclerk@yahoo.com

Attached is a memorandum requesting postponement of final action on Ordinance No. 180 until after the January 11, 2011 special election.

Please don't hesitate to get back to me if you have questions about anything.

MEMORANDUM

To: University Heights City Councilors

Date: December 8, 2010

From: Pat Bauer

Re: Request for Postponement of Final Action on Ordinance No. 180 Until After the Special Election on January 11, 2011

I urge each of you to take action to postpone a final vote on Ordinance No. 180 until after the January 11, 2011 special election. For ease of reference, I'm attaching a series of written messages providing the context in which I am making this request.

Saint Andrew Presbyterian Church's response (Attachment C) to the request for an extension made by the City of University Heights (Attachment B) reflects understandable concerns about an extension being sought by an entity that is not a party to the Church's existing contract with Mr. Maxwell. No such comparable legitimacy is evident, however, in Mr. Maxwell's rejection (Attachment E) of Steve Ballard's request (Attachment D) that he join in the City's request for an extension.

The Church previously had informed the City that it wanted to "continue our policy of respectful no-intervention in this political process" and that it instead "wish[ed] that whatever decision Council makes on this issue will be the result of the thoughtful consideration of your members, and not because of our influence" (Attachment A). It thus seems likely the Church would have granted an extension if Mr. Maxwell had joined in the City's request, and his refusal to do so thus presumably reflects nothing more than his self-serving desire that action on his rezoning request be taken by the persons currently on the Council and not by the Council as it may be constituted after the January special election.

Mr. Maxwell's interest in evading the possible effects of next month's special election is quite consistent with both previously taken actions and previously expressed inclinations. As all of you know, Jim Lane's appointment on July 13 was followed eleven days later on July 24 by the unprecedented filing of a petition for a special election signed by ninety residents of University Heights. Just three days later, on July 27 that petition was followed by a letter signed by thirty residents of University Heights requesting a special meeting of the Council that would have permitted the special election to be held on Tuesday, October 5. Because the requested special meeting was not held, "blackout dates" state-law specifies before and after the November general election resulted in the special election being postponed to January 11, 2011 (almost six months after Jim Lane's appointment).

Against the backdrop of these events, in mid-August Mr. Maxwell requested and received an extension of the deadline in his purchase agreement from August 15, 2010 to December 22, 2010. The seemingly intentional nature of selecting a date that would come to pass before the January 11 special election is suggested by a statement his attorney made at a meeting at City Hall with Steve Ballard and me on September 2, 2010 to discuss the phrasing of a "reversionary clause" allowing the rezoning to be reconsidered at some point down the line in the event that development did not proceed in accordance with Mr. Maxwell's proposal.

In response to my suggestion that all involved might well wish to achieve the stability offered by postponing final action on the rezoning request until after the special election, Mr. Gelman indicated he was pretty sure that Mr. Maxwell wished to have the rezoning request decided by the Council's then-existing members.

Mr. Maxwell's desire to avoid the possible effects of the special election may be the understandable position of a businessman who prefers the certainty of circumstances at hand to those that may be forthcoming in the shortness of a month. His private pecuniary interests, however, cannot properly be viewed as being on the same level as the public interests of the City of University Heights. We are in the midst of an unusually energetic and focused campaign, and given the outcome of the community census presented at last month's Council meeting, surely no one can safely say that the results of the special election are anything other than uncertain.

If final action on Ordinance No. 180 is postponed until after the special election and Jim Lane prevails, the electoral legitimacy of Council's approval of the rezoning request will be placed beyond fair question. If instead such postponement were to be followed by the election of Rosanne Hopson, Ordinance No. 180 presumably would not be approved in keeping with both the letter and the spirit of the legal requirement that requests for rezoning opposed by the Zoning Commission or by one-fifth of adjacent property owners can only be approved by the affirmative vote of four councilors.

If final action on Ordinance No. 180 is not postponed and Jim Lane prevails in the special election, the electoral legitimacy of Council's approval of the rezoning request would be confirmed after-the-fact. If final action on Ordinance No. 180 is not postponed and Rosanne Hopson wins the special election, however, there will be deep and lasting resentment that significant and long-lasting action will have occurred solely because of a vote cast by an appointee in rather clear anticipation of his impending electoral defeat.

The fairness of the circumstances under which decisions are made in University Heights is a consideration considerably larger than the pros or cons of Mr. Maxwell's development. To vote now rather than postpone final action has a substantial chance of throwing our community into a period of bitter anger that is unlikely to pass any time soon.

In keeping with an earlier plea for politically sensible leadership, I urge you to postpone final action on Ordinance No. 180 until after the special election. In view of his refusal to join in the City's request for an extension, any detriment caused to Mr. Maxwell will be entirely of his own doing. Moreover, based on the communications the City has received from Saint Andrew Presbyterian Church (Attachments A & C), it certainly is possible that Mr. Maxwell will in fact be able to secure an extension if action by the Council were to render one necessary.

A recent re-viewing of "Mr. Smith Goes To Washington" has me thinking how wonderful it would be if all five members of the Council joined in voting to postpone final action on Mr. Maxwell's rezoning request until after the special election has been decided. An only slightly less hopeful possibility is that Jim Lane would himself again provide the needed third vote for a postponement based on his own confidence in his ability to win the special election.

A more practical possibility is suggested by Steve Ballard's indication that final passage

of Ordinance No. 180 requires four affirmative votes and that a negative vote (or an abstention) will prevent passage and require the entire process to be repeated if and when a request for rezoning might subsequently be renewed. Through his insistence on eighty units and limiting surface parking to fifty-five spots, Stan Laverman has demonstrated the power one person can wield in the circumstances of the present rezoning application. In view of the proximity of the special election and the terribly corrosive effects of final action at the December meeting, one or more Councilors could announce their intention to vote no or abstain if a majority of Councilors insist that a vote on the rezoning proposal be taken before the special election. Councilors announcing such an intention, however, obviously would be able to state their intention to vote yes on the rezoning proposal if a postponement will result in final action occurring after the special election.

I fully appreciate the quality of the action I am asking you to take, but do so in the firm belief that postponing final action on Ordinance No. 180 until after the January 11, 2011 special election is the only means of avoiding serious and lasting harm to the already strained political and social fabric of our community. Please exercise politically sensible leadership and allow this matter to be resolved in a manner that the citizens of University Heights will be able to recognize as electorally legitimate.

As always, please do not hesitate to get back to me by e-mail < pbb338koser@aol.com > or phone < 337-7446 > if you have questions about or otherwise wish to discuss further any of the circumstances considered above.



SAINT ANDREW PRESBYTERIAN CHURCH

1300 Melrose Avenue (319) 338-7523
Iowa City, Iowa 52246-1726 (319) 338-8599 - Fax

www.saintandrew-ic.org

March 31, 2010

Mayor Louise From
City of University Heights
1004 Melrose Ave
University Heights, IA 52246

Dear Mayor From,

On behalf of the Session at St. Andrew Presbyterian Church, I would like to thank you and the University Heights City Council for the invitation, via Councilman McGrath, to participate in upcoming City Council meetings regarding the potential rezoning of our property at 1300 Melrose Ave.

After giving this matter great consideration, it was the consensus of Session, that we continue our policy of respectful non-intervention in this political process. While we appreciate that normally a property owner would have both the right and desire to be deeply involved in the process of rezoning, we instead wish that whatever decisions Council makes on this issue will be the result of the thoughtful consideration of your members, and not because of our influence.

That being said, our Session certainly wants to ensure you have whatever information you need from us to make your decisions. Madame Mayor, if your Council has any questions, please feel free to forward them to me via email and I will bring them to Session and then respond directly to you.

Peace,

Allan Mebus
On behalf of St. Andrew Presbyterian Church Session 2010
ramcrash@mchsi.com

Jackie Stokes, Clerk of Session
St Andrew Presbyterian Church
1300 Melrose Ave
Iowa City, IA 52246

November 11, 2010

Dear Ms. Stokes,

As you are probably aware, at our meeting on Nov. 9th, the University Heights City Council passed a motion that tabled the third consideration of Ordinance 180 amending our zoning code. As part of this motion we also agreed to contact the Session of St. Andrew Church to request that the church and Mr. Jeff Maxwell extend their preliminary purchase agreement until February 15, 2011 or thereabouts in order to allow the UH special election scheduled on January 11, 2011 to proceed prior to final consideration of the ordinance.

There has been heated debate in University Heights regarding this issue and we hope that by taking this course of action, we can come to a better sense of closure and to begin to repair the division within the community. Perhaps extending the purchase agreement deadline to accommodate postponing the final council vote until after the special election will be beneficial to St. Andrew Church as well.

St. Andrew Church has been a good neighbor to University Heights, and we hope that the city has been a good neighbor to your congregation as well. It is in this spirit that we make this request. We would be happy to meet with the entire Session, or any delegation of the group, to discuss this matter further at your convenience. Please do not hesitate to contact us regarding this matter and we look forward to hearing from you.

Sincerely,

Brennan McGrath

Mike Haverkamp

University Heights City Council

cc:

Dell Richard

Steve Ballard

Attachment B

Dell A. Richard

Attorney at Law

**Richard & Shaw,
PLLC**

An Association of Sole
Practitioners

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Real Estate, Corporations,
Business, Estate Planning,
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November 23, 2010

Steven Ballard, City Attorney
City of University Heights
P.O. Box 2447
Iowa City, IA 52244-2447

Re: Committee request for meeting with St. Andrew
Presbyterian Church

Dear Steve:

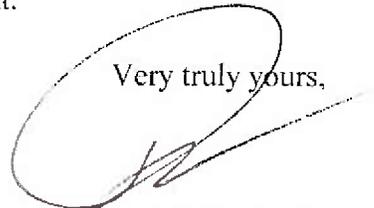
The St. Andrew session has asked me to respond to the letter from the city council committee of November 11, 2010 regarding the possible extension of the Maxwell deadline for satisfaction or waiver of his rezoning contingency. At present, Mr. Maxwell must either satisfy or waive his contingencies by December 22, 2010. After that date, either the church or Mr. Maxwell could terminate the contract, after notice.

The committee's letter was reviewed by Session and discussed at its regular meeting held on November 18, 2010.

Previous requests for extension of due dates have been received from Mr. Maxwell, and Session has granted extensions upon terms satisfactory to both parties. However, because this request is not coming from Mr. Maxwell, the Session believes any conversations with the city regarding such matters would be ineffective and a potential breach of its covenants of good faith with Mr. Maxwell.

Session will review and consider any extension request from Mr. Maxwell in the same manner it has considered previous extension requests. However, until such a request comes from him, Session is not in a position to entertain conversations about the terms of the Maxwell contract with persons who are not parties to that agreement.

Very truly yours,



Dell A. Richard

DAR/kg
cc: St. Andrew Presbyterian Church

From: Steve Ballard [mailto:ballard@lefflaw.com]

Sent: Wednesday, November 24, 2010 2:34 PM

To: Tom Gelman

Cc: Dell A. Richard; Brennan McGrath - Council; Chrs Anderson - City Clerk; Jim Lane - Council; Josiah Bilskemper - Engineer; Lori Kimura - Treasurer; Louise From - Mayor; Mike Haverkamp - Council; Patricia Yeggy - Council & Mayor Pro Tem; Ron Fort - Chief of Police; Stan Laverman - Council

Subject: University Heights - Maxwell - St. Andrew

Tom,

I trust you have received Dell Richard's email.

In the interest of time, I am emailing to ask whether Jeff Maxwell will join in the city's request that St. Andrew Presbyterian Church extend its December 20, 2010, deadline to February 15, 2011.

As I believe you are aware, the city asked the church for the extension of time so that a special election set for January 11, 2011, could occur before the council's final consideration of the proposed ordinance. Dell's letter makes clear that the church will not consider the request from the city but would consider the request if it came from Mr. Maxwell.

I am copying Dell in on this email. Please inform me as soon as you can about Mr. Maxwell's position. I will be out the balance of the week but will be in over the weekend. You may always reach me on by mobile, 319/430-3350.

Steven E. Ballard
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P.O. Box 2447
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Iowa City, Iowa 52244-2447
office: 319/338-7551
cell: 319/430-3350
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From: Tom Gelman [<mailto:gelman@ptmlaw.com>]
Sent: Sunday, December 05, 2010 2:18 PM
To: Steve Ballard
Cc: Jeff Maxwell; Dell A. Richard
Subject: RE: University Heights - Maxwell - St. Andrew

Steve, Sorry for not getting back to you a bit sooner.

Thank you for your communication and for forwarding me a copy of Dell Richard's letter on behalf of St. Andrew Presbyterian Church. I have forwarded these materials to Jeff Maxwell and he has asked me to forward this response.

After the close of the public hearing at its last meeting, the Council chose to defer voting on the third reading of the proposed zoning amendment to afford an opportunity for the Council to ask the St. Andrew Church leadership if it would be willing to extend the contractual contingency deadline in the contract with Mr. Maxwell. According to Dell Richard's letter, the Church received a letter from a Council Committee regarding this possible extension of the Maxwell deadline beyond December 22, 2010. The Church respectfully declined the Council's request.

Mr. Maxwell believes the Church's response to the Council Committee's inquiry was thoughtful, reasoned and appropriate under all applicable circumstances, and he has no issue with the substance of the Church's response.

Mr. Maxwell respectfully asks that, at its next meeting, the Council vote to approve the proposed amendment to the zoning ordinance. He recognizes and appreciates the significant opportunities that have already been afforded to encourage and permit public input to the Council on this matter. There have been extensive opportunities for written and oral public comment during this entire process and particularly at the three formal public hearings held and now all closed. No one present and wishing to speak at those public hearings was denied an opportunity to fully articulate his or her opinion. With the required public hearings now closed there would appear to be no part of this re-zoning process left except for the Council to conclude its already extensive deliberations and vote. Mr. Maxwell believes it is reasonable and appropriate for the Council, at its next meeting, to complete those deliberations in a thoughtful and mutually respectful manner and then proceed with voting. Mr. Maxwell would further seek each Councilor who chooses to vote for the amendment to consider again concisely articulating the reasons he or she has concluded the proposed zoning change is consistent with the City's Comprehensive Plan and otherwise appropriate for the City's future.

Please let me know if you need any further clarification of Mr. Maxwell's position on these matters. We are assuming that you may wish to forward this email to the Mayor, City Council and City staff. Please feel free to do so. Thanks.

Tom

Thomas H. Gelman

Phelan Tucker Mullen Walker Tucker & Gelman, L.L.P.
321 E. Market Street
P.O. Box 2150
Iowa City, Iowa 52244
Phone: (319)-354-1104
Fax: (319)-354-6962
E-mail: gelman@ptmlaw.com

From: "Gretchen Blair" <gretchenblair@mchsi.com> Subject: Dec 14 meeting Date: Sun, December 12, 2010 9:13 pm To: louise-from@university-heights.org,mike-haverkamp@university-heights.org,jim-lane@university-heights.org,stan-laverman@university-heights.org,brennan-mcgrath@university-heights.org,pat-yeggy@university-heights.org

Dear Louise and council members,

I am requesting that you vote "no" on the Maxwell project or delay the final vote until after the January election. I am asking this based on the statistically significant results of the survey that revealed most U Heights residents are opposed to the project. At the last meeting there was no apparent reason for anyone to believe these results were not reliable or credible. At the very least I believe postponing the vote would be the most conciliatory gesture for our community.

Thank you for your service,

Gretchen Blair

From: "wally" <wallu@aol.com> Subject: From Wally Date: Mon, December 13, 2010 6:15 pm To: mike-haverkamp@university-heights.org

Mike - I was going to send you another email but I think Pat Bauer's letter to the Council sums it up rather well. As I emailed to you after the last meeting, you were right on with idea that we needed closure, and only by waiting till after the special election can we attain that.

I have been struggling about whether it is appropriate for me to show you information from Iowa Courts Online. It is not about Maxwell but rather about Bill Wittig and Al Wells. Wells was more involved earlier and Wittig still is. I am speaking to whether these are people we want to entrust with the development of our community. I was burned by bad contractor who has caused 14 years of problems so I am maybe more sensitive to making sure we are dealing with ethical and competent people. If you think it appropriate I will be happy to show what I have to you tonight or before the meeting tomorrow.

Thanks Wally

From: "Ed Fischer" <edf2010@xwires.net> Subject: Rezoning issue Date: Mon, December 13, 2010 9:48 pm To: mike-haverkamp@university-heights.org

Mike,

Carol and I are against the rezoning proposal for the St Andrew's Church property that is presently before the City Council. At the very least we think the City Council should postpone the final vote on the proposed zoning change until after the special election in January, when the voters will choose a councilor who likely represents the majority view of the community.

Thanks.

Carol Howard and Ed Fischer
228 Highland Dr
University Heights

From: "Linda Fincham" <linddick@aol.com> Subject: meeting tonight Date: Tue, December 14, 2010 11:30 am To: mike-haverkamp@university-heights.org

Good morning, Mike

Though this is last minute, I felt the need to communicate my concerns to you before the meeting tonight -- sorry to have waited so long.

I would urge you to vote against the proposed change for many reasons. First, this project has been run by the developer and the real estate agent rather than the people of University Heights (as well as the same with the church). Let's wait until the church decides to move or not before making such a drastic change for our community. I have heard from many residents, both pro and con, that their first choice would be for the church to stay, and that is still a very real possibility. Second, at least half of the residents have spoken against the project, one way or another, yet the majority of council members continue to ignore their voices. Who is going to step up to the plate and represent them? Shouldn't there be at least two folks willing to show their support? Perhaps you would consider looking around as you drive down Grand Ave. and Golfview and realize that someone needs to act on behalf of your neighbors. Finally, with a vote coming up, it seems reasonable to postpone the third reading until after the vote so that we would truly be represented by an elected council member. There are other points I could bring up, but at this time I just wanted you to think about what a lasting impact this would bring and do what is right -- reject this plan.

Thanks for all you do -- your time and energy devoted to the council as well as the participation in the survey, which, by the way, was well done. The results should be considered at this time!

Linda Fincham

From: "wally" <wallu@aol.com> Subject: From wally Date: Tue, December 14, 2010 11:20 pm To: mike-haverkamp@university-heights.org

As you were disappointed in the deadline decision of the church, so I am

disappointed that all the hopeful and sensible things you said at the last meeting turned out to be without substance. You had the power to let this play out in the election and legitimize this position but you chose not to do so. I am baffled.
Good Luck Wally

From: pbb338koser@aol.com **Subject:** Open and Fair Procedures for PUD and TIF Determinations **Date:** Mon, February 7, 2011 12:10 pm **To:** mike-haverkamp@university-heights.org, rosanne-hopson@university-heights.org, stan-laverman@university-heights.org, brennan-mcgrath@university-heights.org, pat-yeggy@university-heights.org **Cc:** louise-from@university-heights.org, ballard@lefflaw.com, uhclerk@yahoo.com

In view of the following paragraphs copied from the City Attorney's legal report Steve Ballard circulated this morning, I'm attaching a memorandum following up on discussion at last month's meeting about the appropriate nature of procedures for subsequent council consideration of a PUD agreement and any related request for TIF financing.

As always, please get back to me if you have questions about the course of action the memorandum is proposing.

5. St. Andrew Redevelopment - Jeff Maxwell.

I have spoken with Jeff Maxwell's lawyer, Tom Gelman. Mr. Maxwell has been working on his PUD application, which will be submitted to the Council for consideration. At the time I am preparing this report, I do not have an estimate of when Mr. Maxwell expects to have his application completed and submitted. I have asked Mr. Gelman for an estimate, and I will provide it to Council upon receipt.

I also have met with John Yapp and Kent Ralston at JCCOG to begin discussing a plan or framework for the Council to consider a PUD application. We will be circulating a memo to the Mayor and Council in the next week or so that sets forth our ideas and suggestions. With these recommendations, the Council may determine the process by which it desires to proceed in considering a PUD application. That process may then be implemented once an application is received.

I have also spoken with John Danos, a lawyer in Des Moines whom the City

has retained previously regarding municipal bonding and finance issues. Mr. Danos contacted me after receiving a call from a financial representative of Mr. Maxwell to discuss possible tax increment financing (TIF) possibilities. Mr. Danos called me to say he would be happy to represent the City, if the Council desires, concerning a TIF proposal, and that Mr. Maxwell would be retaining his own TIF lawyer, if he desires. Mr. Danos and I discussed the possibility of a TIF proposal for the St. Andrew redevelopment. If the Council desires to retain Mr. Danos, his suggestion is to start by having a meeting of various stakeholders (City representatives, if not the entire Council and Mayor, Mr. Maxwell, and interested citizens). At this meeting, Mr. Danos would answer questions about TIF possibilities and process. After the meeting, it would be up to Mr. Maxwell to make a specific TIF proposal, if he desires to do so. Then, the Council, with Mr. Danos' guidance, would consider the TIF proposal.

From: "Alice Haugen" <alice.haugen@gmail.com> Subject: Effects of TIF in Iowa Date: Sat, February 12, 2011 3:37 pm To: louise-from@university-heights.org,mike-haverkamp@university-heights.org,pat-yeggy@university-heights.org,rosanne-hopson@university-heights.org,"Brennan McGrath - Council" <brennan-mcgrath@university-heights.org>,"Stan Laverman - Council & Mayor Pro Tem" <stan-laverman@university-heights.org>

Dear councilors and mayor,

I thought you might find the attached article from UNI economists about TIF in Iowa useful in your deliberations. A key finding from it:

*We found virtually no statistically meaningful economic, fiscal, and social correlates with this practice in our assessment; consequently, the evidence that we analyzed suggests that net positions are not being enhanced - that the overall expected benefits do not exceed the public's costs.

*

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Peace +

Alice

Ring the bells that still can ring
Forget your perfect offering
There is a crack in everything
That's how the light gets in.

Do Tax Increment Finance Districts in Iowa Spur Regional Economic and Demographic Growth?

David Swenson
&
Liesl Eathington

Department of Economics
Iowa State University
June, 2002

Overview

This is a short report about tax increment financing in Iowa. It is based on a more detailed review of the topic, and readers interested in that research are encouraged to contact the authors.* The analysis summarizes the growth in tax increment financing as a mechanism for funding or setting the stage for economic development over the years. In so doing, it looks at the growth in tax increment finance districts over the years and measures whether that growth has indeed been instrumental in community and regional economic, demographic, and fiscal change. This report is a more focused description of the findings.

Our original research yielded these observations and conclusions:

- The ease with which TIF district designation can be done in Iowa, along with the multiplicity of uses that TIF districts can be put, has resulted in a law that has become a *de facto* entitlement for new industry and housing development in much of the state given the phenomenal rise in TIF districts over the past decade and the apparent ease with which the designations can occur.
- Iowa's counties are specifically burdened by this practice, as they primarily depend on property taxes for the preponderance of county-level services.
- Iowa schools are held partially harmless, as state aid kicks in to offset the erosion in tax base that would occur because of TIF accumulation among the cities. The state offset for the schools is not complete, but it is substantial. A state that now finds its accounts severely stretched may not continue to tolerate this shift.
- Evidence suggests that there is a high rate of subsidization of retained and new jobs and retained and new population in much of the state when compared to current TIF district spending. Stated differently, existing taxpayers, its householders, wage earners, and retirees are aggressively subsidizing business growth and population via this practice.
- We found virtually no statistically meaningful economic, fiscal, and social correlates with this practice in our assessment; consequently, the evidence that we analyzed suggests that net positions are not being enhanced – that the overall expected benefits do not exceed the public's costs.

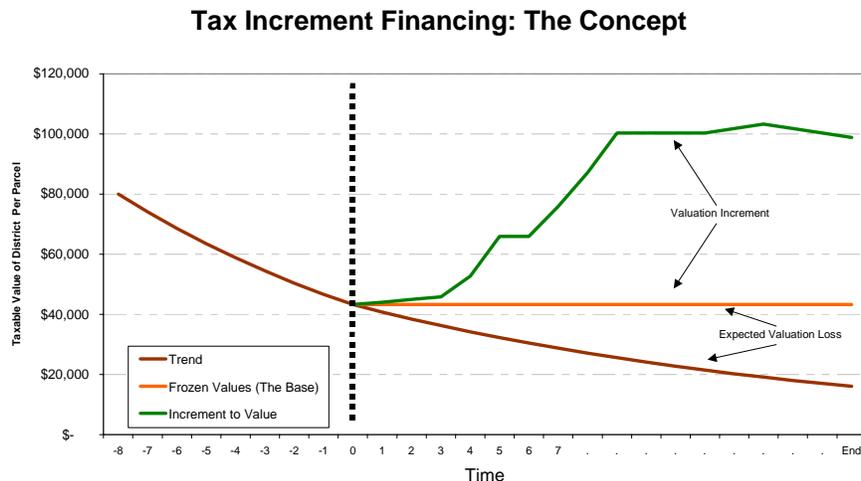
* Swenson, David and Liesl Eathington, "Do Tax Increment Finance Districts in Iowa Spur Growth or Squander Public Resources." Department of Economics, Iowa State University, April 2002.

Tax Increment Financing

Tax increment financing (TIF) has been around for decades as an economic development tool, though its potential and popularity didn't truly emerge for local officials until the late 1970s. The practice is conceptually simple: an area that has been blighted or is otherwise in need of an economic boost is designated, usually by a city, to be a tax increment finance district. The taxable value of that district is then frozen to the value it was on the day of the declaration. The frozen value is usually called the *base*. All jurisdictions that had taxing authority over the newly-formed TIF district still have taxing authority over the base. The city then prepares the district for development. As the district develops commercially, the incremental value of taxes *that would have been collected* by all of the taxing authorities is retained by the city to pay off the costs of readying the district for development. This new value is generally called *the increment*. Over time, when all of the public investment costs are paid off, the incremental taxable values are released back to all of the taxing jurisdictions who are then able to capture the new taxable value increment for their general funds.

We illustrate the concept in Figure 1. Here we see that the value of the average parcel of land in a hypothetical area of scrutiny is declining, and it is expected to continue to decline. The city decides to act. It declares a TIF district (at year zero). The base values are frozen, thereafter, as represented by the horizontal line. That is the tax base available to the city and all of the other taxing jurisdictions (county, school, community college, special districts, etc) for use in their general funds. The valuation increment (the rising line) ostensibly grows over time—perhaps slowly at first, but then more rapidly as the site is more fully developed and more industry, commerce, and residential investments are attracted. This generates the increment to tax revenues to pay off public indebtedness associated with the project, as represented by the distance from the base, horizontal line and the increment line over time. At the end point, all of the increment is released to all taxing jurisdictions, and all taxing jurisdictions get to capture the new taxable wealth. The supposition is that after taking the initial risk, all of the districts will now be better off than they would have been had no action been taken.

Figure 1



The process looks good on paper. The city declares an unproductive area a TIF district. It assumes the risk. Everyone else is held harmless, and if the trend is to be believed, the city is actually acting in all of their collective interests by taking action. Through their (the city's)

concerted and focused efforts new growth is spurred and the public realm as well as the private are enhanced.

Tax Increment Financing in Iowa

Like many states, Iowa's enabling legislation for a TIF district is rooted in urban renewal law. Procedurally, cities were first required to go through an urban renewal process. The statute originally, clearly, and solely applied to blighted areas, which were, according to Iowa statute, areas that

... constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas ... constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, [and] substantially impairs or arrests the sound growth of municipalities¹

Changes to state law, however, in 1985 made economic development a general purpose activity and effectively eliminated the aforementioned grave language requiring a finding of blight, although the language has not been amended in the TIF statute; consequently, the preponderance of TIFs as evolved during the 1990s were for non-blighted, non-urban renewal types of developments. It is fair to assume that nearly all of the TIF districts in existence up to the end of the 1980s were of the original, urban renewal, blight-elimination variety, as they were aligned with the aforementioned statutory language. It is equally reasonable to assume that nearly all of the TIF districts that have been added in the state during the 1990s have been established for economic development purposes.

The state of Iowa has also expanded the allowable uses for TIF districts. A law was passed in 1996 that was designed to apply TIF incentives to the development of moderate and low income housing. That law was amended, however, the next year so that all value of housing be allowed in a TIF district, and the sponsoring city was required only to dedicate a portion of the TIF increment to promoting, enhancing, or otherwise stimulating low to moderate income housing anywhere in the community. These districts can only last 10 years, after which all of the increment reverts to all governments.

Iowa law allows for cities to borrow against the increment to fund improvements. Iowa law also allows the collecting city to simply rebate the taxes paid to the developer, homeowners, or the new industry *with or without* specific performance guarantees. In principle, once the TIF bonds are retired there is no reason for the district to remain in effect. Over the years there have been many TIF districts started, bonds let, improvements conducted, and districts released back to the tax base. There are also TIF districts that are more than 20 years old which have not been released back to the general tax base.

TIF Cities

Figure 2 displays much of the basic statistical information on TIF adoption by Iowa cities over the previous decade.² TIF nominal valuation in our cities increased from just under \$650 million in 1989 to \$4.2 billion in 1999 (Figure 2A), an increase of nearly 550 percent. All taxable valuation in our cities over this period increased by 53 percent, so the accumulation of TIF valuation by our cities was at a rate of more than 10 times greater than the overall growth in

¹ Chapter 403.2(1) Code of Iowa, 1999.

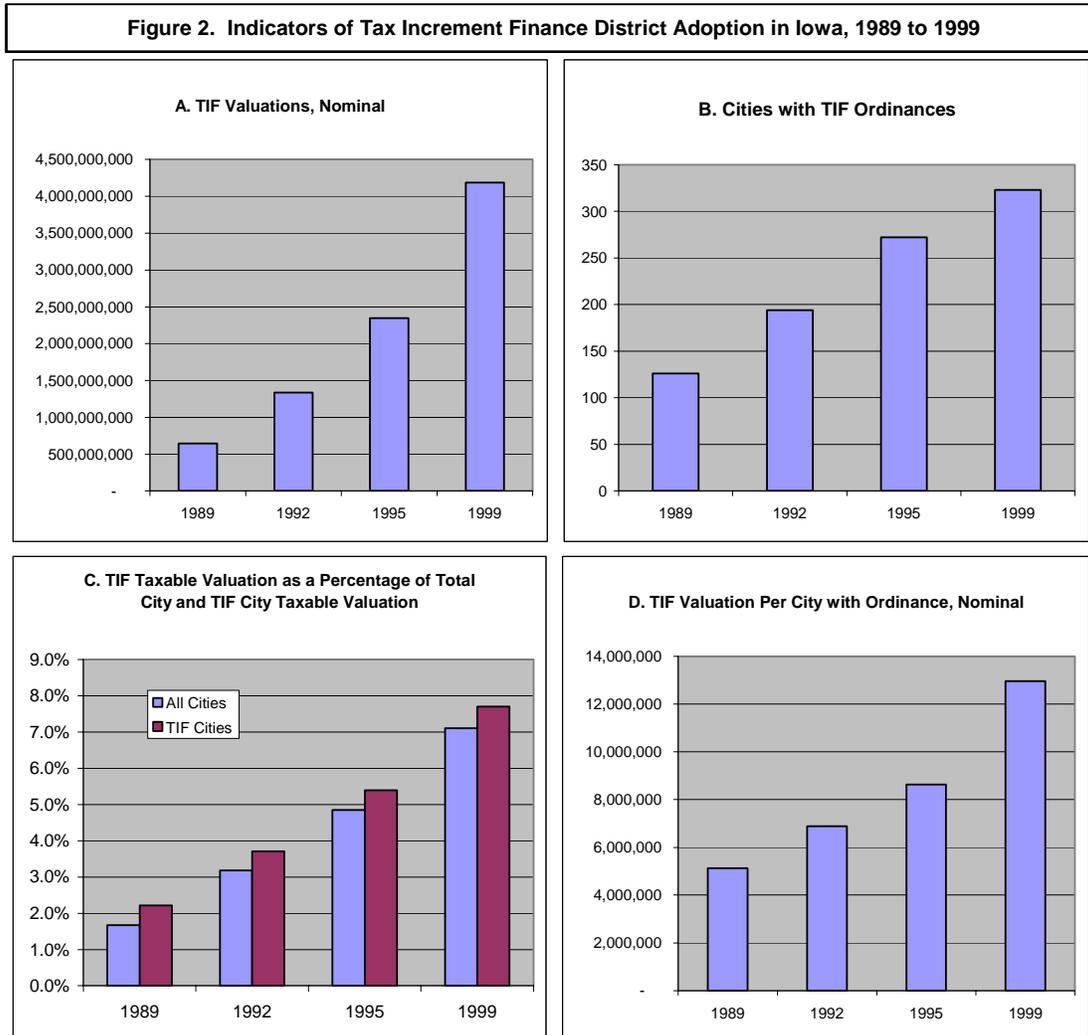
² In discerning characteristics of cities and TIF ordinances, we rely on the budget page of the "Adoption of Budget and Certification of Taxes" form required of cities by Iowa law, the collection of which is managed by the Iowa Department of Management.

municipal taxable valuation. The number of cities with TIF ordinances also increased markedly over this period. In 1989 there were 126 cities (13 percent of the total number of cities) with TIF ordinances, by 1999, there were 323 (Figure 2B), an increase of 156 percent.

Figure 2C shows us the value of TIF valuation as a percentage of total taxable valuation in cities in the state and the total taxable valuation of cities that had TIF ordinances. In 1989, just 1.7 percent of the state's total city tax base and 2.2 percent of TIF city tax bases were in TIF districts. Those values steadily rose over the decade. In 1999, 7.1 percent of the state's city tax base and 7.7 percent of TIF city tax bases were in TIF districts.

This figure also underscores another factor: the 15 percent of cities that had TIF ordinances in 1989 accounted for 75 percent of the total taxable valuation available for cities. In other words, most of the 1989 TIF cities were quite large. By 1999, 34 percent of the state's cities have ordinances and the TIF cities accounted for 92 percent of the state's urban valuation. Stated differently, the 626 cities in Iowa that still did not have a TIF ordinance in 1999 accounted for only 8 percent of the state's urban tax base.

Figure 2D shows us the taxable value growth in our TIF districts over time. In 1989 the average taxable valuation (the increment) in TIF cities was \$5.12 million. By 1999, that value had climbed to just under \$13 million per city.



TIF Cities by Adoption Period and Metropolitan County

We reclassified the data in Figure 2 to help us to learn more about our communities that are using TIF ordinances. Nearly all of the communities that had TIF ordinances in effect in 1989 did so under the more strict, urban renewal and blight considerations.³ Nearly all of TIF adoptions *after* 1989 did so without utilizing the urban blight criterion, as it was no longer a necessity in the law. We wanted, then, to distinguish what we could about these latter adopting cities in comparison to the earlier adopting cities. Finally, we wanted to take a look at some of the change characteristics of the 626 cities that have not enacted a statute. As the majority of economic growth in the state has accrued to its metropolitan counties, we also controlled for whether the city was in a metro county or not.

Figure 3 helps us to gain some perspective on our cities. In Figure 3A we see that the vast majority of both TIF and all other valuation growth between 1989 and 1999 has accrued to the original TIF cities, whether they were metro or nonmetro. The metro 1989 or before TIF cities added \$1.4 billion in TIF value and \$9.5 billion in all other value. The nonmetro 1989 or before TIF cities added a much higher ratio of TIF value (\$964.1 million) compared to all other value (\$3.56 billion). Although those cities adding TIF ordinances after 1989 yielded much less growth than our original group, we can see that the amount of TIF valuation as a percentage of all valuation is higher than the pre-1989 group. Valuation growth among our 624 non-TIF cities was very small, amounting to about \$.864 billion in all.

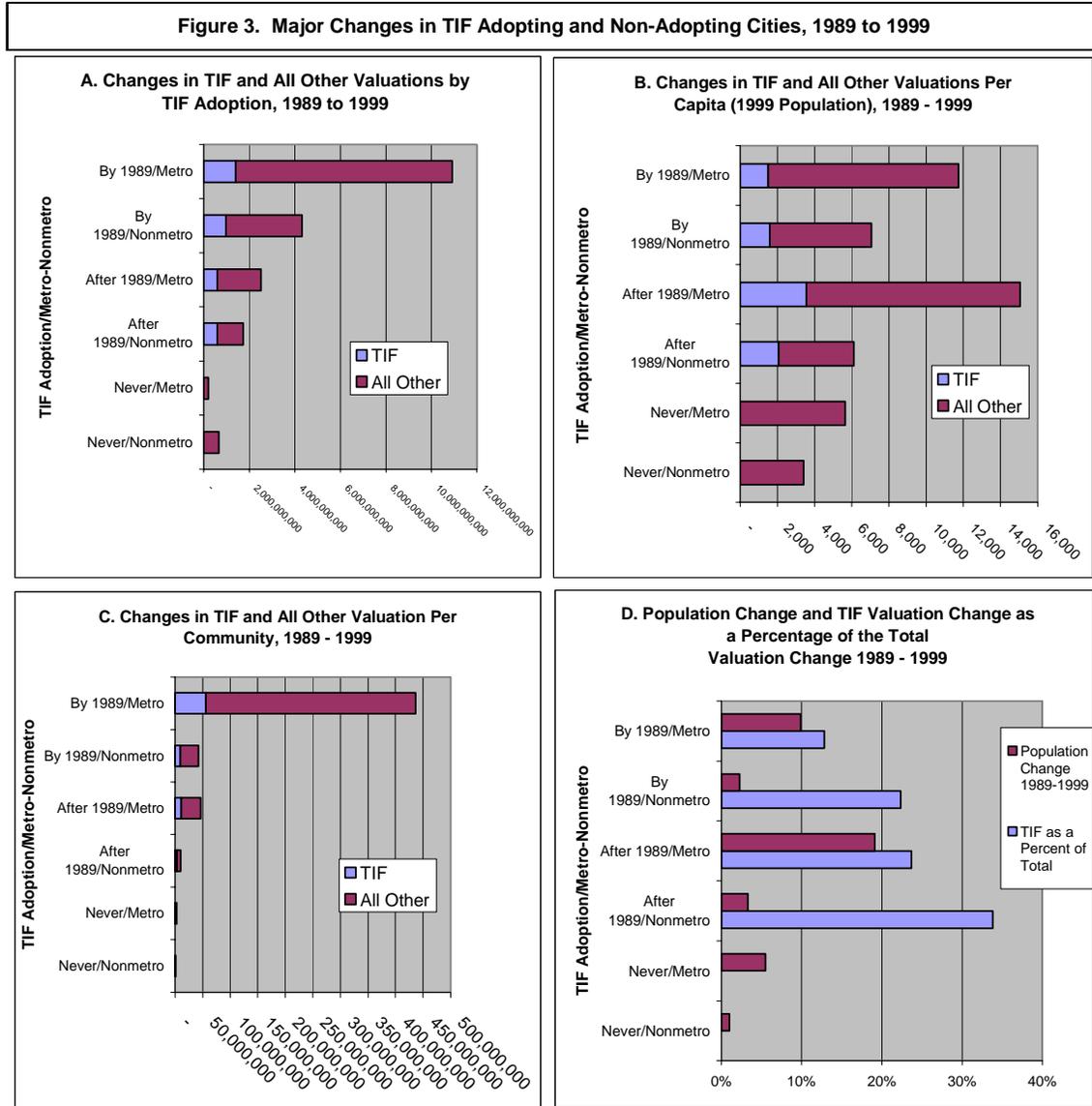
Figure 3B gives us the changes per capita between 1989 and 1999 (using 1999 populations as the divisor). The metro pre 1989 cities added \$1,506 per capita in TIF incremental values and \$10,241 in all other values. The non-metro, pre-1989 cities added \$1,576 in TIF increment and \$5,585 in all other values. The metros here yielded nearly twice as much all other valuation growth as the nonmetros. Among the post 1989 cities, we see that those in the metros, primarily the booming suburban cities, averaged new TIF increment per capita of \$3,563 and all other valuation of \$11,500. For the post 1989 adopters that were not in a metro, they added \$2,070 in TIF increment per capita and \$4,048 in all other valuation. For this chart we can see that cities in the metropolitan counties fared much better in non-TIF valuation growth per capita than the other counties.

Figure 3C gives us the TIF increment and all other taxable valuation growth per community in each group. The accumulations in the metropolitan pre-1989 TIF communities were tremendously greater than the accumulations in all of the other sections. They added \$55.98 million in TIF increment and \$380.7 million in all other valuation per community over the period assessed. The nonmetros in this group added \$9.5 million in increment and \$33.3 million in all other taxable values. Per community, the metropolitan cities that enacted TIF statutes after 1989 did better than the nonmetro pre-1989 cities. They added \$11.0 million in TIF increment per community and \$35.5 million in all other valuation. The non-metro, post-1989 cities added \$3.5 million in increment and \$6.8 million in base per community.

Last, in Figure 3D we simply compare a couple of indicators. The first is TIF incremental valuation change as a percentage of total valuation change. The second is the percentage change in population over the same period. We can see that all of non-metro aggregations posted much lower population gains over the years measured than did their metropolitan aggregations. The metro, pre-1989 group grew by 9.9 percent, and the metro, post-1989 group grew by a whopping 19.1 percent. Among the nonmetro, after 1989 cities we find

³ We have already established that the early adopters of TIF ordinances were the state's larger cities, including nearly all of its metropolitan cities and most of its larger trade centers. These were the cities that had undergone significant central city deterioration over the years and were the original candidates for renewal.

population growth 3.3 percent, and in the nonmetro pre-1989 cities we find population growth of just 2.3 percent. In both of these cases, these cities realized a lower rate of population growth than the cities located in the metropolitan counties that did not have a TIF ordinance in effect by 1999.



In contrast, when we look at TIF incremental values as a percentage of all taxable valuation growth for our cities, we see that for the post 1989 nonmetro cities, the TIF increment that they captured represented a full 34 percent of all valuation growth; among the metro post 1989 cities 24 percent of all new growth was captured in a TIF increment. The pre-1989 nonmetros captured 22 percent, and the metros in that group captured 13 percent. If we look at TIF capture as a measure of economic development effort intended to lead to job and population growth, at least by this measure the evidence indicates that the TIF “effort” only works, as measured by significant population gain, in metropolitan counties. Among our two nonmetropolitan city groups, we see each has a relatively high level of effort coupled with comparatively poor population performance.

Aggregating Outcomes at the County Level

The remaining data aggregate TIF characteristics at the county level so that we can compare the TIF data that we have to specific sets of economic, demographic, and broad fiscal measures that are, too, at the county level. The overall quality of data collection and the availability of data at the community level in Iowa is poor and does not allow for rigorous community level analysis. Remembering that 92 percent of the urban valuation is now contained within cities that have TIF ordinances in effect, our county level analysis captures that vast majority of valuation potentially influenced by TIF laws. It does not however, capture particular community-to-community differences.

Figure 4 gives an eye-opening display of the growth in TIF districts in the state of Iowa over the last decade. Our cities in metropolitan counties had 73 TIF districts in 1989, but by 1999 they grew to 673. Our cities in the state's nonmetropolitan cities had 112 districts in 1989, but they grew to almost 1,800 by 1999. If we compare this chart with the Figure 2A, we would see that in 1989 the average city with a TIF ordinance had 1.5 districts per city. In 1999 the average was 7.6 districts per city.

Figure 4. TIF District Growth, 1989 to 1999

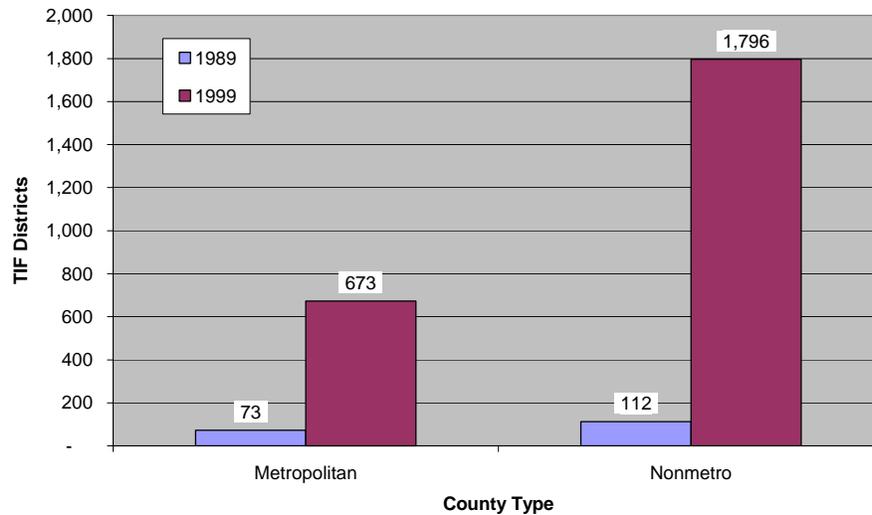


Table 1 displays the major fiscal changes in the TIF districts. Here we are comparing aggregate TIF valuations and incremental property taxes collected in our urban areas versus the remainder of urban valuation and property taxes.⁴ By fiscal 1999, our TIF net valuation grew from \$.721 billion to just over \$4.0 billion, or by 456 percent. All other net valuation grew by 43 percent.⁵ Concomitantly, TIF increment property taxes grew from \$22 million to \$118.8 million,

⁴ An important clarification is in order. In Iowa, for tax purposes, all valuation located within boundaries of a municipal corporation is classified as “urban” – all other is classified as “rural.” All cities are considered municipal corporations in the state whether their population is 15 or 205,000.

⁵ “Net” valuation allows for the deduction of the exempted valuations and tax collections on residences attributable to military service.

or 442 percent.⁶ For the urban remainder we see that taxes grew faster than the tax base: taxes grew by nearly 59 percent, while the base grew by just 43 percent.

Though we do not present the data here, our analysis also indicated that a growing fraction of the TIF incremental value came in the form of residential property. In 1989 it represented just 1.6 percent of the net TIF increment. By 1999, this property classification accounted for 24 percent of the incremental value, due mostly to the latter revisions in the law allowing TIFs for new residences.

Table 1. Changes in TIF and All Other Urban Valuation, 1989 to 1999

		Net Taxable Valuation	Net Property Taxes
1989	TIF	721,186,298	21,940,107
	Urban Remainder	36,826,629,510	1,132,568,786
1999	TIF	4,007,702,629	118,827,467
	Urban Remainder	52,524,013,715	1,795,924,983
Actual Change	TIF	3,286,516,331	96,887,360
	Urban Remainder	15,697,384,205	663,356,197
Percentage Change	TIF	455.7%	441.6%
	Urban Remainder	42.6%	58.6%

TIF Correlations

Given the collective, wide-spread use of TIF financing among Iowa cities, one would expect sets of outcomes at the county level that would give us some indication of their success or not. The TIF ultimately is supposed to increase and enrich the tax base through job growth, population retention or growth, earnings gains, and trade enhancement. We have sets of variables in our analysis that allow us to isolate evidence of fiscal, economic, or social benefits attributable to the proliferation of TIF districts in our state.

TIF ordinance cities commanded about 92 percent of all urban taxable valuation across the state. In short, nearly all of the state's urban base is influenced to some degree by the presence of TIF districts. We have therefore aggregated our TIF fiscal statistics for urban territories to the county level.⁷ To that data set we have added economic and population variables. Our simple method for analysis in this investigatory stage was to find the difference in shares in our TIF-based spending and other fiscal, economic, and social variables between 1989 and 1999 and calculate the Pearson's Correlation for them against the TIF spending variable.⁸ If

⁶ Our estimate of TIF property taxes is based on the weighted mean tax rate in each county less the offsets applied to each particular district (for example, general obligation bonding tax rates). Consequently, our calculations slightly underestimate tax collections at the county level.

⁷ The data set that we rely on for this analysis is maintained by the state of Iowa and itemizes tax base and tax rate characteristics for each specific taxing jurisdiction in the state of Iowa. This data set allows for aggregation at the county level and by rural and urban area. It also allows for us to control for tax increment finance districts. This data set, however, is extremely difficult to aggregate to the community level as there are no specific community level identifiers.

⁸ For the reader who is not statistically inclined, this is a measure of the correlation between two variables. A perfect correlation would yield a value of ± 1.0 , whereas a complete absence of correlation would yield a score of 0.0. A plus or minus sign tells the direction of the relationship: if it is positive, as one measure increases, so does the other; and if it is negative, as one moves up, the other moves down. Finally, as to the overall value of a measure, scores that are less than $\pm .30$ are generally considered to be weak or minor relationships, those from $\pm .30$ to $\pm .60$ are considered small to moderate, and those $\pm .60$ or greater are considered stronger or much more robust.

TIFs are, indeed, instrumental in maintaining regional fiscal, economic, and social vitality, then we would expect a positive correlation among our chosen variables against the TIF-increment spending. As the vast preponderance of new TIFs since 1989 were of the “bird in the hand” variety – directly associated with an industrial gain, we assume that there will be distinct measurable economic and fiscal outcomes. Our findings are presented in Table 2.

When we review the literature, the statutes, the logic, and practices of TIF adoption, we find that the TIFs are supposed to bolster the value of homes, the commercial and industrial base, ultimately the aggregate value of the remainder of the urban areas, and tax collections. These enhancements are expected to have a moderating or dampening effect on urban property tax rates. As TIFs were intended to attract better paying, usually manufacturing, jobs we would expect positive manufacturing job outcomes. As manufacturing jobs are highly sought and considered base jobs for any regional economy, we would expect concomitant multipliers to show up in nonmanufacturing jobs, as well. Ultimately, all regional jobs and earnings would rise, as would regional trade. Finally, with all of benefits of TIF-based incentives, we would expect positive population outcomes.

Table 2. TIF Increment Indicators versus Fiscal, Economic, and Social Variables	
Correlates	TIF Tax Collections
Residential Market Values	0.019
Taxable Value of Commercial/Industrial	0.198
Net NonTIF Taxable Values	0.156
Net NonTIF Property Taxes	0.223
Property Tax Rate	0.084
Nonmanufacturing Jobs	-0.023
Manufacturing Jobs	0.254
All Nonfarm Jobs	-0.057
Nonfarm Earnings	0.139
Retail Trade	-0.095
Population	0.022

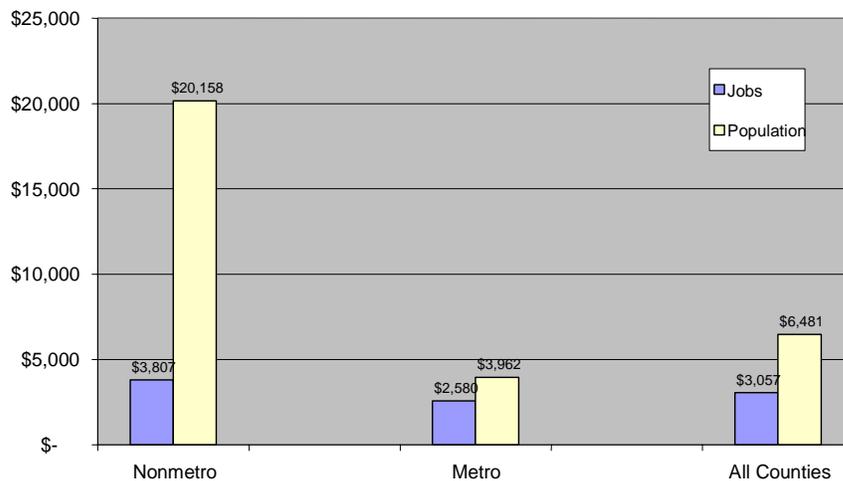
In the case of Iowa over the years that we have measured, 1989 to 1999, our change in shares of TIF-increment spending at the county level has not yielded important fiscal, economic, and social outcomes. Even though a growing fraction of TIF-increment spending is associated with new housing along with the still popular traditional manufacturing and other higher value economic enhancements, we found no correlation with the market value of homes. We do expect the increment to be funding more business and industry, which ultimately would show up as enhanced commercial and industrial taxable valuations. On a county-wide basis the correlation was quite small at less than $r=.20$. There was a positive, but relatively minor relationship between TIF-spending and nonTIF taxable property values ($r=.16$) and property tax collections ($r=.22$). These two correlations could represent a shifting of tax effort to nonTIF properties, or they could simply be associated with the larger places getting the growth, nonetheless; a situation that seems to be the case in the state. The positive rates of nonTIF valuation growth and tax collections, however, yielded no meaningful relationship between the change in TIF-spending and tax rates in our counties.

The strongest economic relationship found, though it is still very small, is in the share of manufacturing jobs at $r=.25$, which was expected as these are the kinds of jobs a TIF is typically used for. What was not expected, however, was how minor the correlation was. There is no statistically evident multiplier effect, either, as there was no correlation to speak of against nonmanufacturing jobs or all nonfarm jobs.⁹ A very minor correlation was identified with nonfarm earnings ($r=.14$), and no relationship was found with retail trade or with population shares. As regards the current level of TIF-based spending in the state, their relationships to these sets of fiscal, economic, and population outcomes are truly under-whelming.

Conclusion

Where does this leave us? Figure 5, below, puts TIF spending into current perspective. First of all, the state of Iowa, over the period that we have scrutinized, enjoyed nonfarm job growth of about 320,000 but only yielded 150,000 more in population. Every county posted nonfarm employment gains, though the relationship between nonfarm job gains and population gains was uneven. Nonmetro counties enjoyed about 45 percent of the new job gains but only accumulated 12 percent of the new people. The values in Figure 5 represent the aggregate TIF spending in 2001 divided by the annual average increase in jobs and population, respectively, over the period that we assessed in this study. When plotted we find that in our nonmetropolitan counties, TIF spending per year amounts to \$3,807 per new nonfarm job. In metro counties TIF spending is \$2,580 per new nonfarm job.¹⁰ Per new person, however, the spending outcomes are very high. In the nonmetros, the current level of TIF spending annually divided by the expected increase in population for this year is \$20,158 per person. For the metros it is \$3,962. Overall, statewide, current TIF spending per new job is \$3,057 and TIF spending per new resident is \$6,481. Relative to job and population yield, the costs of TIF activities in the state appear to be very high.

Figure 5. Current TIF Tax Collections by Annual Average Job and Population Increase, 1989-1999



⁹ Though generally touted as a good thing, the expansion of manufacturing jobs in the state has on net yielded lower paying manufacturing jobs. In 1980, the average manufacturing worker in the state earned 105 percent of the U.S. average; in 1999 that same average worker made 83 percent of the U.S. average.

¹⁰ This calculation is for all nonfarm jobs in the area. It is not possible to identify annual TIF spending per nonfarm job that is actually in the TIF districts from the data available to us.

The proliferation of TIF districts in Iowa and TIF-increment spending is intended to bolster the state's economic and population fortunes. Given the widespread adoption of TIF statutes (a third of all cities, within which 92 percent of the state's urban valuation is located) it is not possible to study our TIF cities with enough comparable control cities to determine both spatial and temporal efficacy. Consequently, we have been forced to simply try to isolate reasonable sets of correlates to see whether TIF increment spending in Iowa has led to discernible fiscal, economic, and social outcomes. We have determined that these measures do not yield significant positive outcomes for the state of Iowa and its tax payers. Indeed, as the last figure indicates, the state's primarily urban tax payers are heavily subsidizing job growth and population growth (assuming that is what the TIF districts are for primarily).

There are several issues to consider about TIF ordinances and TIF outcomes in Iowa. From our research here and from our larger study of the topic, it seems apparent that the ease with which TIF district designation can be done in Iowa, along with the multiplicity of uses that TIF districts can be put, that the law now has become a *de facto* entitlement for new industry and housing development in much of the state with little to no evidence of overall public benefit or meaningful discussion of the mean costs of the practice. It also seems apparent that given the ease with which these districts can be developed that many cities may be preemptively capturing new valuation and tax revenues in the name of economic development, but that in the main, this preemption is likely yielding much more collective fiscal harm across taxing districts in the long run than good. Iowa's counties are specifically burdened by this practice, as they primarily depend on property taxes for a large fraction of county-level services.¹¹ Iowa schools are held partially harmless, as state aid kicks in to offset the erosion in tax base that would occur because of TIF accumulation among the cities. The state offset for the schools is not complete, but it is substantial. One indirect outcome, then, is that a large portion of current TIF-based losses to local governments, schools in particular, is borne by state government, and that fraction has increased drastically over the last 10 years. One wonders if a state that now finds its accounts severely stretched will continue to tolerate this shift.

Finally we get to the "bird in the hand" problem when dealing with local officials. In a large fraction of TIF transactions across the state in recent years there is an actual company with actual jobs. There is a negotiation, perhaps for performance, i.e., roads, curb and gutter, a set number of new jobs, etc., or perhaps their taxes are simply rebated for just building in our town – sort of a selection reward. City officials believe that the TIF action was instrumental in job growth in their town and in their region. How could it not be? We have an investment, and we have a firm with jobs. On net, however, except for the increment to manufacturing jobs, there is no evidence of economy wide benefits (trade, all nonfarm jobs), fiscal benefits, or population gains. There is indirect statistical evidence that this profligate practice is resulting in a direct transfer of resources from existing tax payers to new firms without yielding region-wide economic and social gains to justify the public's investment.

This analysis suggests that the enabling legislation for tax based incentives deserves revisiting. Though the TIF programs is highly popular among city government officials, and why wouldn't it be given the growth in property tax yield over the years, there is virtually no evidence of broad economic or social benefits in light of the costs.

¹¹ We must note, however, that counties in the state have adopted an aggressive stance towards cities' practice of pre-emptive TIF adoption and TIF district extension. Some, especially the larger counties, are confronting the TIFing communities and demanding a share of the either accumulated increment or anticipated new increment on an extension. The communities are not obliged to do this, but given local politics and pressure have begun to negotiate payments in "lieu of taxes" to county governments.

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From: "Mary Mathew Wilson" <uhplace@rocketmail.com> Subject: Re: March 1 Special Meeting Date: Tue, February 15, 2011 2:46 pm To: mike-haverkamp@university-heights.org Cc: ballard@lefflaw.com

Thanks for explaining the intricacies of this relationship, Mike. I'll make corrections to UH Place to reflect the information that you've provided.

Just to be clear, is it the case the Maxwell may reimburse the city (your wording in 2nd paragraph below) or that he will reimburse the city (your wording in 1st paragraph below)?

Best,

Mary

Mary Mathew Wilson
UH Place Website Manager
uhplace@rocketmail.com
308 Koser Avenue
University Heights, Iowa 52246-3002
(319) 936-2445
UH Place...the meeting place in University Heights
<http://uhplace.org>

From: "mike-haverkamp@university-heights.org"
<mike-haverkamp@university-heights.org>
To: Mary Mathew Wilson <uhplace@rocketmail.com>
Cc: ballard@lefflaw.com
Sent: Tue, February 15, 2011 1:02:39 PM
Subject: Re: March 1 Special Meeting

Mary,

John Danos will bill the city. The city is his client. Jeff Maxwell will reimburse the city for those fees. John is acting as the city's lawyer - not just in name but in fact; all lawyer duties of loyalty, confidentiality, diligence, etc. run to the city - John has no duties to Mr. Maxwell because he is not John's client. This is a big deal.

The fact that Mr. Maxwell may reimburse the city for fees does not change even a little bit the fact that John is the city's lawyer, not Mr. Maxwell's.

-Mike

> But Maxwell is paying for it, right?
> Mary Mathew Wilson
> UH Place Website Manager
> uhplace@rocketmail.com
> 308 Koser Avenue

> University Heights, Iowa 52246-3002
> (319) 936-2445
> UH Place...the meeting place in University Heights
> <http://uhplace.org>
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> _____
> From: "mike-haverkamp@university-heights.org"
> <mike-haverkamp@university-heights.org>
> To: uhplace@rocketmail.com
> Sent: Mon, February 14, 2011 9:11:46 PM
> Subject: March 1 Special Meeting
>
> Mary,
>
> Thanks for helping to spread the word at UH Place regarding the March 1
> special meeting. There is one error in your write up however, John Danos
> is being retained by the City of University Heights, not by Jeff Maxwell.
> If you could correct that it would be much appreciated.
>
> -Mike

From: mike-haverkamp@university-heights.org
[<mailto:mike-haverkamp@university-heights.org>]
Sent: Tuesday, February 15, 2011 4:19 PM
To: Mary Mathew Wilson
Cc: ballard@lefflaw.com
Subject: Re: March 1 Special Meeting

Thanks to both of you, I just got out of a meeting and got caught up on the replies.

-Mike

> Thanks for the clarification, Steve. Will make the changes to the post
> on UH
> Place later today.
> Mary Mathew Wilson
> UH Place Website Manager
> uhplace@rocketmail.com
> 308 Koser Avenue
> University Heights, Iowa 52246-3002
> (319) 936-2445
> UH Place...the meeting place in University Heights
> <http://uhplace.org>

From: pbb338koser@aol.com Subject: PUD Application as an Opportunity for Achieving
Common Ground Date: Thu, March 3, 2011 10:37 pm To: mike-haverkamp@university-heights.org,
rosanne-hopson@university-heights.org,
stan-laverman@university-heights.org

heights.org,brennan-mcgrath@university-heights.org,pat-yeggy@university-heights.org Cc:
louise-from@university-heights.org,ballard@lefflaw.com,uclerk@yahoo.com

The attached memo considers how council consideration of a PUD application
presents
an opportunity for achieving common ground.

As always, please let me know if you have questions about the memo.

MEMORANDUM

TO: University Heights City Councilors

DATE: March 3, 2011

FROM: Pat Bauer

RE: Achieving Common Ground

The Need to Reach Common Ground

In advance of the results being known, both candidates agreed that the January 11 special election boiled down to support for or opposition to action taken just four weeks earlier when four councilors voted to advance the Maxwell project by passing Ordinance No. 180. Contending the special election could have gone the other way if some things had happened differently may not be implausible, but it would be rather unfortunate if discussion at this point were to extend no further than opposing speculation about why the January special election turned out as it did or what it may portend for subsequent outcomes in this November's regular city election.

Some supporters of the Maxwell project had insisted that the issue was conclusively resolved by the November 2009 regular city election, and dismissed contrary indications reflected in the results of Julie Andsager's November 2010 community census. Having asserted that the November 2009 regular city election was not an accurate reading of community sentiment, some opponents of the Maxwell project can point to the combination of the community census and the special election as providing an equally conclusive resolution in the opposite direction. A considerably more constructive approach might involve viewing the November 2009 regular city election, the November 2010 community census, and the January special election as both individually and in combination providing clear evidence that our community is divided rather evenly (and in many instances quite deeply) by the Maxwell project:

	Indication of Support for Maxwell Project	Indication of Opposition to Maxwell Project
November 2009 Regular City Election*	53.6%	46.4%
November 2010 Community Census	39.8%	56.2%
January 2010 Special City Election	47.2%	52.8%

In view of margins of such small magnitude, outcomes in this November's regular city election conceivably could go either way and even the possibility of "across the board" results in one direction or the other probably would not provide a suitable basis for bridging the divisions the

* Based on total votes cast for all members of each group of candidates (i.e., Support (From, Giese, Haverkamp, Laverman, Moore, and Yeggy) = 1240 votes; Opposition (Anguelov, Dudler, Leff, McGrath, Pedersen, and Wilson) = 1075 votes).

Maxwell project has brought to our community. A recurring cycle of contentious meetings and contested elections certainly is not a very attractive prospect for a community of our size, and wishful thinking that opponents of the Maxwell project would “get over” their concerns once the rezoning was passed may be no more realistic than a contrary belief that supporters of the Maxwell project will readily accept the implications of the results of either the special election or potentially next November’s regular city election. Pursuing a course of action that has the potential to becoming a political equivalent of the enduring feud between the Hatfields and the McCoys is not a hallmark of sensible political leadership.

The outcome of January’s special election provides a renewed chance for an effort to find acceptable common ground. Leaders who are responsive to their constituents and who strive to bring their community together rather than drive it apart would embrace the opportunity to turn things around and get matters back on the right track. Action in that direction can be taken right now by clear statements of intention to respond to the forthcoming PUD application in ways that would reflect a middle ground that could be seen as an acceptable compromise by a substantial majority of our residents.

The PUD Application as an Appropriate Opportunity for Achieving Common Ground

The only uses Ordinance No. 180 presently allows as a matter of unqualified right are existing R-1 Single Family Residential Zone uses (Ord. No. 180, Pt. II, § 6.F.1.), and any other use will be permitted only “[a]s provided in or limited by [a PUD] Development Agreement” (Ord. No. 180, Pt. II, § 6.F.2.) obtained only through a PUD Plan Application that “the University Heights City Council in its sole discretion may approve, deny, or approve on condition” (Ord. No. 189, Part II, § 13.C.3.). The possible components of common ground repeatedly have been identified in proceedings to date. Concerns about excessive mass and scale can be addressed by reducing the height of the two buildings from six and three stories to four and two stories. Concerns about the ravine can be addressed by protecting it from the effects of any redevelopment. Concerns about excessive rental uses can be addressed by condominium restrictions along the lines of those applicable to Birkdale Court. Concerns about commercial uses can be alleviated by adopting Jim Lane’s proposal that 17% of commercial space be allocated to use as a community center, and that all remaining commercial uses be carefully restricted.

The seemingly clear agreement that the results of the special election properly could be treated as an accurate expression of community sentiment about the desirability of proceeding with the Maxwell proposal would be squarely contradicted by proceeding to final action upon a PUD application being submitted well in advance of the point that many had assumed would not occur until Saint Andrew Church had made a decision to proceed with the sale that it contractually is not obligated to make until December of 2012. As with the rezoning decision in December, approval of a PUD agreement conforming to the outer limits of such rezoning would be seen quite clearly as nothing more than an insistence on pushing something through before the wishes of the residents of University Heights can be fully expressed through the results of this fall’s election. And similar to the rezoning decision, while such artificially hurried action might pass some minimum standard of legality, it certainly fails the test of democratic legitimacy.

At this point in time, some semblance of balance exists between the three elected councilors who have supported the Maxwell project and the two elected councilors who oppose it with the results

of the community census and special election confirming that the views of those two councilors are shared by group of voters who were a majority in January and may be a majority next November. Now is the time to used these circumstances of essential standoff to forge a middle ground. Politically sensible leadership can bring our community together by clearly expressing an intention to use the PUD application as a means for adjusting the critical parameters of the development in ways that would be acceptable to a substantial majority of concerned residents.

The Regrettable Effects a Failure to Seek Common Ground Have Had Upon Our Community

Repetition may not be the most effective method of making particular points, but last July, last October, and last December I expressed concerns about the unfortunate effects of pressing forward instead of pursuing some commonly acceptable middle position:

July 2010

[In the spring of 2009], our community was deeply divided over a redevelopment proposal quite similar to the one currently under consideration. A controversy that didn't get beyond the two possibilities of the proposal as submitted or leaving things essentially unchanged left residents deeply divided, and the fairly slim margin of last fall's election hardly seems like an appropriate basis for a major land use decision involving a significant number of long-lasting impacts.

In an effort to bridge those divisions, I've attempted to formulate a "third way" in the hope that something in the middle might provide a basis for bringing us together. As I mentioned to Steve and Louise when I delivered the proposal to them two weeks back, it may turn out to be a fool's mission but the possibility of a more constructive outcome is much more attractive than the repeat of last year's results that seems likely to reoccur if we go through the same routine with essentially the same options as before.

Your decision this evening [to appoint someone to a council vacancy] will have a large influence on whether a third way is at all doable. Going with applicants who will not move off of the opposing positions we confronted last year will simply consign our community to a rerun that has little chance of turning out any better than before. Go with [an applicant willing to pursue middle ground] and there's at least a chance we might find some agreeable way out of the predicament we're in.

October 2010

Your insistence on pressing ahead with the Maxwell proposal is needlessly fraying the social fabric of our community. While neighbors may be saying hello to neighbors, they're avoiding discussions of this matter because feelings are inflamed and most sustained conversations accordingly have been occurring inside parallel universes of like-minded people. People who support the Maxwell proposal spend their time talking with people who see things pretty much the same way, and the same holds true for those who oppose the Maxwell proposal. Although this dynamic has resulted in valuable connections being established between people from different areas of our community, it is coming at the expense of cordial feelings between neighboring residents.

December 2010

Mr. Maxwell's desire to avoid the possible effects of the special election may be the understandable position of a businessman who prefers the certainty of circumstances at hand to those that may be forthcoming in the shortness of a month. His private pecuniary interests, however, cannot properly be viewed as being on the same level as the public interests of the City of University Heights. We are in the midst of an unusually energetic and focused campaign, and given the outcome of the community census presented at last month's Council meeting, surely no one can safely say that the results of the special election are anything other than uncertain.

If final action on Ordinance No. 180 is postponed until after the special election and Jim Lane prevails, the electoral legitimacy of Council's approval of the rezoning request will be placed beyond fair question. If instead such postponement were to be followed by the election of Rosanne Hopson, Ordinance No. 180 presumably would not be approved in keeping with both the letter and the spirit of the legal requirement that requests for rezoning opposed by the Zoning Commission or by one-fifth of adjacent property owners can only be approved by the affirmative vote of four councilors.

If final action on Ordinance No. 180 is not postponed and Jim Lane prevails in the special election, the electoral legitimacy of Council's approval of the rezoning request would be confirmed after-the-fact. If final action on Ordinance No. 180 is not postponed and Rosanne Hopson wins the special election, however, there will be deep and lasting resentment that significant and long-lasting action will have occurred solely because of a vote cast by an appointee in rather clear anticipation of his impending electoral defeat.

The fairness of the circumstances under which decisions are made in University Heights is a consideration considerably larger than the pros or cons of Mr. Maxwell's development. To vote now rather than postpone final action has a substantial chance of throwing our community into a period of bitter anger that is unlikely to pass any time soon.

The sentiment that past is prologue may be an appropriate guide to the consequences of action councilors may take upon a subsequently submitted PUD application. Continuing to press forward in line with past actions flies in the face of the results of the November 2010 community census and the January 2011 special election, and the results of doing so are unlikely to change the direction in which those actions are taking our community. Act now in ways that will achieve common ground and help move our community back to the sort of place all of us would like to be.

From: mike-haverkamp@university-heights.org Subject: Re: Request to be made at the Tuesday council meeting Date: Tue, March 8, 2011 1:12 pm To: "Alice Haugen" <alice.haugen@gmail.com>

Hey Alice,

The agenda with attachments is posted. You can now see the attorney's report and the outline of suggestions for considering a PUD application.

In response to your comment about not considering PUD or TIF, I also posted the minutes for the March 1 special council meeting which does contain a reference to exactly that situation:

"Hopson also inquired if it is unusual to talk about TIF financing before the land has been purchased by the developer. Danos stated it is not untypical as purchasing the land could be a huge decision in the whole process. Danos said the rebate system would be safer for the city given the church still owns the property."

-Mike

> Mike,
>
> Thanks for reading my comments and reflecting on them, and for sharing the
> legal opinion. It seems to me that Steve Ballard's point about not
> spending
> time discussing items that may not appear in the PUD is also a good reason
> not to consider any PUD or TIF until and unless the land is actually sold.
>
> On Tue, Mar 8, 2011 at 6:42 AM,
> <mike-haverkamp@university-heights.org>wrote:
>
>> Alice,
>>
>> Thanks for your comments. I wholeheartedly agree with your first three
>> points regarding potential commercial space uses. However I will not
>> comment on them this evening or any other specifics of a PUD or TIF.
>> Below
>> is a portion of the March legal report we received last evening, that I
>> will include in the agenda with attachments to be posted on city's
>> website
>> later this morning. I will email again as soon as I have them posted.
>>
>> -Mike
>>
>> "Identification and Discussion of PUD Application Contents. Council
>> Member
>> McGrath asked last week whether he and other Council Members could
>> indicate particular features that they would like to see in a PUD
>> application. I believe there will be an opportunity for Council Members
>> to
>> do so, but I would encourage the Council not to deliberate or even work
>> to
>> consensus on particular application features until an application is
>> submitted. In other words, if, for example, a Council Member wants to

>> say
>> "I'd like to see a coffee shop specified in the commercial space", that
>> is
>> fine. I would encourage the Council Member to avoid adding, "What does
>> everyone else think of that?" My concern about the second question is
>> two-fold: 1) the Council should avoid pre-judging an application that
>> has
>> not even been submitted (so deliberating March 8 is premature); 2) the
>> Council may devote significant time to debating particular features that
>> a
>> developer may never propose or that may be viewed differently once an
>> application is received."
>>
>>
>>
>> > Dear Council members and mayor,
>> >
>> > Tomorrow I will be making some requests of you about the PUD and TIF
>> > applications. I know that you find it helpful to have some time in
>> > advance,
>> > so I am attaching a copy of my text to this message. I look forward to
>> > presenting it to you tomorrow, and hope for a favorable consideration
>> > then.
>> >
>> > --
>> > Peace +
>> >
>> > Alice
>> >
>> > Ring the bells that still can ring
>> > Forget your perfect offering
>> > There is a crack in everything
>> > That's how the light gets in.

From: pbb338koser@aol.com **Subject:** Re: PUD Application as an Opportunity for Achieving
Common Ground **Date:** Tue, March 8, 2011 4:22 pm **To:** mike-haverkamp@university-
heights.org

Dear Mike,

Thanks for getting back to me about this.

I think the Ballard/Ralston/Yapp outline lays out nice procedures for
consideration
of PUD & TIF. In contrast, I'm deeply troubled by the "no 'anticipatory"
discussion" passages of Steve's legal report:

I would encourage the Council not to deliberate or even work to
consensus on particular application features until an application is
submitted.

In other words, if, for example, a Council Member wants to say "I'd like to
see a coffee shop specified in the commercial space", that is fine. I would

encourage the Council Member to avoid adding, "What does everyone else think of that?" My concern about the second question is two-fold: 1) the Council should avoid pre-judging an application that has not even been submitted (so deliberating March 8 is premature); 2) the Council may devote significant time to debating particular features that a developer may never propose or that may be viewed differently once an application is received.

consensus on particular application features until an application is submitted.

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see a coffee shop specified in the commercial space", that is fine. I would encourage the Council Member to avoid adding, "What does everyone else think of that?" My concern about the second question is two-fold: 1) the Council should avoid pre-judging an application that has not even been submitted (so deliberating March 8 is premature); 2) the Council may devote significant time to debating particular features that a developer may never propose or that may be viewed differently once an application is received.

Council should avoid pre-judging an application that has not even been submitted (so deliberating March 8 is premature); 2) the Council may devote significant time to debating particular features that a developer may never propose or that may be viewed differently once an application is received.

The first of Steve's two concerns seems to involve "fairness" but I would submit it's a short-sighted in two interrelated respects.

The first is fairness to Maxwell -- if in fact councilors harbor significant concerns they're actually willing to pursue to the point of "no deal" (think Stan and 80 units/55 parking spaces), think how unfair it'd be to Maxwell to send him back to the drawing board only after he's come in with something that's gone to the outer limits of what the zoning provision would allow (i.e., thanks for the pretty pictures/scale model of 6/3, now redo it as 4/2).

The second is fairness to residents who've been told their reservations/concerns will be addressed at the point of PUD & TIF. If Maxwell comes in with something that's gone to the outer limits of what the zoning provision will allow, any efforts

to talk about something less will almost certainly be met with assertions about all the time and effort that's gone into drawing up the plans and that it's now too late to be talking about anything different. In the face of such assertions, will councilors really be willing to press for something different than what Maxwell has come in with or will they simply yield to what he's come up with because of the difficulties of doing anything different.

There's tremendous power in being able to propose something because the something that's proposed then has a way of crowding out other possible alternatives. Something like that seems to have occurred with the rezoning, and unless the sequence in which things are considered and discussed is changed, I see that happening all over again with the PUD & TIF. If common ground could be found along the lines my memo suggests, I think the most promising way of achieving it involves council discussion now and not down line after the application is received. (As but an example, think about the ravine -- if three councilors want them protected, some statement of that position now will allow Maxwell to plan accordingly and play out much smoother than sending him back to the drawing board if he comes in with an initial plan that doesn't do that.)

The second of Steve's two concerns seems to involve "efficiency" - why waste time talking about things that may never come to pass or that may be viewed differently in the context of altered circumstances. It may be undercut by the foregoing "fairness points" but otherwise would seem considerably more appropos council proceeding to any consideration of PUD & TIF prior to the church making a decision to sell. Maxwell could cite a December contingency on the rezoning, but hasn't pointed to anything comparable on PUD & TIF, leaving citizens to draw the conclusion that only thing causing him to move forward now is getting this thing approved before next November's election presents the possibility of him not having the votes he needs to get this thing through. Such motivation by Maxwell is understandable on the part of a businessman, but such motivation on the part of councilors seems reprehensible.

Again, thanks for getting back to me about this.

Best regards,

Pat

-----Original Message-----

From: mike-haverkamp@university-heights.org

To: pbb338koser@aol.com

Sent: Tue, Mar 8, 2011 12:05 pm

Subject: Re: PUD Application as an Opportunity for Achieving Common Ground

Pat,

I've thought about your memo quite a bit since originally reading it riday morning. I re-read it today after reading Steve Ballard, Kent alston and John Yapp's outline regarding suggestions for considering a UD application. Like you, I've been eagerly awaiting it.

Some of my thoughts:

It is important for all documents/applications to be shared widely and or citizen feedback to be given through a variety of methods.

The public hearing schedule will need to allow for enough time for itizens to study the initial proposal and for staff to develop reports.

I will strongly advocate for an initial presentation of a PUD very imilar to how our meeting with John Danos' was structured. Having direct uestioning by citizens and council is critical.

I have others, but I need to get back to work from lunch.

I'd be very interested in hearing your thoughts on the outline.

-Mike

From: "Wilson, Larry T" <larry-wilson@uiowa.edu> **Subject:** Comments at UH Council Meeting March 8, 2011 **Date:** Wed, March 9, 2011 11:27 am **To:** "uhclerk@yahoo.com" <uhclerk@yahoo.com> **Cc:** "louise-from@university-heights.org" <louise-from@university-heights.org>,"mike-haverkamp@university-heights.org" <mike-haverkamp@university-heights.org>,"rosanne-hopson@university-heights.org" <rosanne-hopson@university-heights.org>,"stan-laverman@university-heights.org" <stan-laverman@university-heights.org>,"brennan-mcgrath@university-heights.org" <brennan-mcgrath@university-heights.org>,"pat-yeggy@university-heights.org" <pat-yeggy@university-heights.org>,"ballard@lefflaw.com" <ballard@lefflaw.com>

Good morning Chris--

Attached are my comments that I presented at last night's council meeting for your records. Please let me know if you have any questions.

Cheers.

Larry

L. WILSON COMMENTS AT THE UH COUNCIL MEETING MARCH 8, 2011

I will say again that I am not opposed to the development of the St. Andrew Property even though it is directly across Melrose from the house Mary and I have lived in for 18 years.

I have consistently argued for reaching a common ground acceptable to those who support the Maxwell development proposal and also those who opposed it. I believe that common ground can be achieved by three changes in the currently proposed plan during the PUD approval process:

1. That the east ravine along north Sunset not be infringed upon by development and that it be protected in its current natural state as required by the UH Sensitive Area Ordinance 128.
2. That the 6-floor high-rise be reduced to 4 floors in height and the 3-story front building be reduced from 3 floors to 2 floors.
3. That the commercial uses be restricted to only those that primarily serve the UH neighborhood as

Mr. Maxwell originally promised, uses such as a neighborhood restaurant, grocery and coffee house, plus, if necessary, other commercial uses that have low parking requirements, such as professional offices. I should add that the multi-use community space in the commercial area mentioned by Jim Lane would be the most appropriate use to serve the UH neighborhood.

It is within your power to establish a common ground. Please do it.

I further believe that all consideration of the PUD submittal should be postponed until Mr. Maxwell actually owns the property, which could be as far into the future as December 2012. During this time, there could be many changes in the economic market conditions, development requirements and plans for a new church that should be addressed.

It has been repeatedly shown by Pat Bauer that the Maxwell development is not critical to protect the financial viability of UH. He has further shown that taxable income from the scaled down development would be sufficient for a UH financially sound future. An urban renewal designation for the site would therefore be a Council determination based upon desired taxable income not supported by financial facts and therefore not justified.

A private development of this type would typically be expected to pay for infrastructure improvement needs that are created by the development, as they are in this case. It is not reasonable that a developer should claim the need for TIF, which is a development subsidy, to make the project viable when \$4.3M is being paid for a property zoned R-1. The property zoned as R-1 has a much lower value. If it were to be developed as 9 single-family lots, it only would have a taxable value of approximately \$765K.

It was the developer's choice to offer \$4.3M to encourage the church to make the land available, so any financial difficulty that might have been created was created by the developer. It is therefore the developer's responsibility to work out the finances without TIF assistance, instead of deferring tax income that should rightly go to UH from the beginning.

A reasonable exception would be to negotiate a TIF agreement in return for a specific community improvement, such as a community space in the commercial area, or a park open space to be available to UH government and residents.

Finally, I want to read an excerpt from County Supervisor Janelle Rettig's *Janelle's Journal* 2/27/11 about growth in the County:

"Much of the growth is occurring in areas that are under Tax Increment Finance Districts and the Cities collect the taxes that would otherwise come to the County and other taxing bodies. The large use of

TIFs in our area is putting a strain on budgets and increasing the costs to other property owners. I recently saw the statistic that about 10% of all TIFs in Iowa are in Johnson County. TIFs are a great tool, but everyone in Johnson County should be interested in what may be an overuse of TIFs in our area.”

I urge you to make the changes in the development I have outlined, not provide TIF assistance except for direct community improvements, such as park open space or community space in the commercial area, and above all, defer action on the PUD submittal until the developer owns the land.

Thank you.

From: mike-haverkamp@university-heights.org Subject: Re: PUD? Date: Fri, April 22, 2011 6:38 pm To: "Andy Dudler" <adudler@gmail.com>

Hey Ann,

Maxwell turned it in today, however it is not yet posted completely. I got another email from Steve Ballard's assistant right before your email. The plan is too large for her to email to me, so it will be posted on Monday. However this is what I just put on the city website:

One University Place PUD Application:

Jeff Maxwell has submitted his PUD application. Unfortunately, it is too large to email and therefore can't be posted on the website immediately. It should be here on the UH website on Monday April 25th.

There are 5 hard copies of the full site plan in the city office for interested citizens to view. These copies are NOT allowed to be removed from the office. Anyone wishing to view the plan, please contact Mayor Louise From, or a city councilor to arrange a time to meet at the office.

Copies may also be viewed any time a UH police officer is in the city office.

I'm around all weekend, if you'd like to see the plan either give me a call at 337-7180 or email back to this address and I'd be happy to meet you at the office.

-Mike Haverkamp

> I thought the PUD from Jeff Maxwell was to be posted on the web site by
> today. Has it been delayed?
>
> Thanks,
> Ann Dudler

From: pbb338koser@aol.com Subject: Re: Request for Your Support of Motion to Require Submission of a 3-D Model Before Council Action on PUD Application Date: Mon, April 25, 2011 8:47 pm To: mike-haverkamp@university-heights.org

Dear Mike,

Thank you for checking on this with Kevin Monson.

It's unclear to me whether they'll be including structures on adjacent properties, but as mentioned, I think not doing so would raise needless difficulties.

Also, as you've mentioned on various occasions, digesting information "on the fly"

can be quite challenging, so unless they're okay with postponing final action until the July meeting, I'd hope they'd be making the 3-D model available for public inspection at least a week before the June meeting.

Thanks again for following up on this.

Best regards,

Pat

-----Original Message-----

From: mike-haverkamp@university-heights.org

To: pbb338koser@aol.com

Sent: Mon, Apr 25, 2011 3:55 pm

Subject: Re: Request for Your Support of Motion to Require Submission of a 3-D Model

Before Council Action on PUD Application

Pat,

After reading this over the weekend I sent an email to Kevin Monson asking here they were with developing a 3-D model. I received a reply today saying it is their intent to have a model available at the June 14th council meeting. Here are his exact words as to the size and scale:

June 14th Council Meeting

Present scale model of project at 1"= 20' , model size approximately 5"X 35", will show site contours, trees and buildings in color.

I'm certain you will welcome this presentation as much as I will.

-Mike

Dear Mike,

I write requesting that at the May meeting you support a motion to require presentation of a 3-D model of One University Place prior to any council action to approve Jeff Maxwell's PUD application.

Mass and scale have been at the forefront of citizen concerns about this project from the outset, and the unique value of a 3-D model in evaluating those concerns has been addressed in considerable detail (Attachment 1 - Sue Hettmansperger Submission). At the October meeting, you seconded for purposes of discussion and then voted against requiring such a model prior to council taking final action approving the rezoning change (Attachment 2 - October Meeting Minutes). My wife's transcription of the discussion of the motion from a videotape of the cablecast of the meeting (Attachment 3 - October Meeting Transcription) reflects statements that you would require such a model at the point of a PUD application. The appropriateness of a 3-D model at that point in the process subsequently was also affirmed by Kevin Monson (Attachment 4 - Monson E-Mail).

In the context of these circumstances, a 3-D model clearly should be available for consideration by both council and residents prior to the taking of any vote upon Jeff Maxwell's PUD application. In view of past propensities to evade circumstances that might reflect unfavorably on the

proposed development (see computer-generated images submitted to the Zoning Commission < [http://www.university-heights.org/BuildZoneSanit/zoning/07-22One University PlacePPT.pdf](http://www.university-heights.org/BuildZoneSanit/zoning/07-22One%20University%20PlacePPT.pdf) at PDF pp. 20-40 > (using conditions of mid-summer foliage) and present site plan < <http://www.university-heights.org/BuildZoneSanit/OUP/index.html> > (depiction ending at boundaries of the development), the requirement of a 3-D model should explicitly specify that it include structures on all adjacent properties within the 200-foot zone that our zoning ordinance and state law recognize as being uniquely impacted by changes in permissible uses of the sort now under consideration.

As always, Iâ€™d be happy to meet with you to discuss the concerns prompting this request.

Best regards,

Pat Bauer

From: pbb338koser@aol.com **Subject:** Clarity in Flyer's Statement of Procedures Concerning Submission of Written Comments on PUD Application **Date:** Tue, April 26, 2011 8:09 am **To:** John-Yapp@icgov.org,kent-ralston@icgov.org **Cc:** mike-haverkamp@university-heights.org,rosanne-hopson@university-heights.org,stan-laverman@university-heights.org,brennan-mcgrath@university-heights.org,pat-yeggy@university-heights.org,louise-from@university-heights.org,ballard@lefflaw.com,uclerk@yahoo.com

Dear John and Kent,

The draft minutes of the City Council's April meeting include the following summary of what's to come;

John Yapp, Executive Director of MPO-JC, stated that once the PUD is received by the city, the information will be posted on the website and copies will be available at city hall and MPO-JC. Written comments can be mailed or e-mailed to the city clerk or the MPO-JC office; Yapp asks that any verbal comments to officials also be written or e-mailed so there is no mis-representation of the verbal comments. Yapp stated that representatives for the police and fire departments will review the plans, as well as Engineer Bilskemper and Attorney Ballard. Steve Smith, of Johnson County Refuse, will also review the plan for snow removal issues.

Yapp also stated that he would send a flyer to each household in University Heights outlining how citizens can comment, and will include an explanation about the development and the PUD.

<http://www.university-heights.org/council/1011/minutes/110412minutes.pdf> at p. 2

As an initial matter, I hope the flyer will be clear concerning the need for resubmission of written comments previously submitted in connection with prior considerations of the change in zoning. The circumstance that some elements of proposed project have been changed and other elements remain largely unchanged may warrant some combination of the differing approaches used in the city-wide notices that were mailed out at the outset of the prior rezoning proceedings:

2009 City-Wide Zoning Commission Notice

Prior community meetings (March 5 and 12 at St. Andrew and March 26 and April 7 at the University Athletic Club) were organized by the proposed developers to solicit feedback from residents. Comments from those meetings will not be available to or considered by the Zoning Commission. Any oral communication the applicant or residents desire to have considered must be presented at the Zoning Commission meeting(s). Any written or email communication should be dated April 15 or after and submitted no later than the beginning of the public meeting(s).

http://www.university-heights.org/misc_pdf/Zoning-Meeting-Notice042009.pdf at p. 2

2010 City-Wide Zoning Commission Notice

Both proposals involve some development features and zoning implications that were involved in an earlier rezoning application considered by the Zoning Commission at meetings on April 29, 2009 and May 20, 2009 and by the University Heights City Council at a meeting on June 9, 2009. Without in any way limiting the submission of any and all further communications about either proposal, please note that the Chairperson will ask the Zoning Commission to incorporate into the formal record of its consideration of the present proposals all materials in connection with those earlier meetings currently posted on the City's web site. If persons who previously submitted written or electronic comments are comfortable relying on their prior submissions, they do not need to ... resubmit comments now. They are, however, certainly welcome to do so.

<http://www.university-heights.org/BuildZoneSanit/zoning/NoticeZoning-7-2-10.pdf> at p. 3

A second important matter the flyer should address is the existence and timing of a TIF proposal, and how consideration of any such proposal will be integrated with the PUD application under the suggested procedures set forth at the end of your memorandum of March 10, 2011:

IX. TIF

- a. Assuming TIF proposal is submitted, consideration of TIF will be integrated into this review process
- b. Review and discussion of PUD Application and TIF may occur simultaneously, but at times more focus of particular meetings and Staff Review may be on one or the other, depending upon Council direction
- c. The timeline for considering TIF is subject to Iowa Code restrictions and could include consideration and adoption of Urban Renewal Area, an ordinance establishing a TIF district, and a TIF agreement

One final suggestion is that the flyer indicate when and where the results of reviews of the PUD application by city staff might be available for public inspection.

Please get back to me if you'd like to discuss any aspect of the above points.

Best regards,

Pat

From: pbb338koser@aol.com **Subject:** Initial Comments on PUD Application Materials **Date:** Sun, May 8, 2011 5:09 pm **To:** mike-haverkamp@university-heights.org,rosanne-hopson@university-heights.org,stan-laverman@university-heights.org,brennan-mcgrath@university-heights.org,pat-yeggy@university-heights.org **Cc:** louise-from@university-heights.org,ballard@lefflaw.com,uclerk@yahoo.com

Attached PDF contains my initial comments on Jeff Maxwell's submitted PUD application materials.

As always, please don't hesitate to get back to me if you' have questions or would like further elaboration of any points.

MEMORANDUM

TO: University Heights City Councilors

DATE: May 8, 2011

FROM: Pat Bauer

RE: Initial Comments on Submitted PUD Application Materials

A. NO MENTION OF NEED FOR/TERMS OF TIF FINANCING

The submitted application materials include no mention of any request for TIF financing. It is unclear whether this omission is an indication such financing is not needed for the proposed project to proceed or instead effectively is a request for approval of the PUD application in advance of consideration and action upon a subsequently submitted request for TIF financing. To avoid the possibility of inappropriate sequential determinations, either the PUD application should not be approved until action upon any request for TIF financing is completed or any prior approval of the PUD application should bar any subsequent request for such financing.

B. LACK OF MEANINGFUL SPECIFICITY ON THREE CRITICAL CONCERNS

The submitted application materials are strikingly unspecific on three concerns central to meaningful control of the adverse effects the development will impose on surrounding residents and University Heights as a whole. Moreover, in two instances this lack of specificity explicitly is attributed to conditions caused by the application coming forward well in advance of Saint Andrew Church's decision to sell and/or any subsequent decision by the developer to actually begin construction either on one or both buildings.

1. Types and Hours of Operation of Businesses in the Commercial Portion of the Project

“Ordinance 180 provides that matters relating to the types of business and hours of operation of occupants in the commercial portion of the project will be addressed in covenants, easements, and restrictions (or, in this instance, more appropriately the Condominium Declaration). **It is anticipated that all of the uses specified in the Ordinance 180, Section 6.F(2)(b) will be permitted, along with any such further uses as may be identified during the course of the PUD Application review process. In terms of hours of operation, it is anticipated that there should be a balancing of the interests of commercial activities choosing to locate in the facility with the interests of the adjacent neighborhood, much in the same way as those interests have been reasonably balanced in connection with other commercial areas within the City of University Heights.** The PUD Application review process should include such discussions with the outcome being incorporated into the Development Agreement as future requirements for inclusion in the Condominium Declaration.” [Supplement, p. 3 (bolding added)]

2. Limitations on Leasing of Residential Units

“The other item under Section 13.E(2) of Ordinance 180 to be included in the development covenants (or again, in this case, the Condominium Declaration) are to be "whether and in what conditions some or all dwelling units may be leased". At the present time it is intended by the Developer, in the commercial/residential building, that the residential units will be a mixture of owner occupied and rental units thereby being able to respond to market demand for each within the City of University Heights. It is correspondingly anticipated that the circumstances (size, finish and price) associated with the residential building will likely favor owner-occupied units as opposed to rental units, but **the Developer at this time would not choose to preclude any possibility of leasing.** As such, it is anticipated that the Condominium Declaration will include provisions that will i) protect all unit owners and occupants in both buildings from undesirable circumstances constituting nuisances, and ii) protect the integrity of the residential units for pleasant residential use regardless of whether the occupants are owners or tenants. Certainly the Developer is willing to receive the Council's input on such matters and to consider mechanisms for assuring peaceful enjoyment and use of residential units by all occupants provided such mechanisms are not inappropriately discriminatory.” [Supplement, pp. 3-4 (bolding added)]

3. Timing of Commencement and Completion of Construction

“As is well understood, the current owner of the project has certain control over contingencies which will ultimately determine when the project might be commenced and completed. It is difficult for the Developer to pinpoint dates at this time. However, it would appear more critical that the Development Agreement include understandings as to the length of the construction process from commencement to completion. In this regard **it would be the Developer's intention, once construction commences, to complete the process as efficiently and in as timely a manner as the parameters of the project permit. This would apply to each phase of the project.**” [Supplement, p. 4 (bolding added)]

C. NEED FOR USE OF A PUD APPLICATION “PUNCH LIST”

The calculation of political advantage prompting last month's 3-2 vote to press forward with consideration of Jeff Maxwell's PUD application in advance of any decision to sell being made by Saint Andrew Church echoes last December's 4-1 refusal to postpone a final rezoning action until after the January special election. On that earlier occasion, councilors supporting Jeff Maxwell's rezoning request deflected various citizen concerns with statements that such matters would more appropriately be resolved at the point of a PUD application and TIF financing request. Although we now are approaching that point, the evident commitment to get the PUD application approved while the votes to do so remain available presents a considerable risk that important issues that need to be addressed will instead be conveniently ignored.

Most homeowners approaching the end of a major project recognize the importance of a “punch list” – things contractors need to do to fully perform the many commitments they’ve made along the way in the course of a complicated process extending over a substantial period of time. The attached sheet similarly attempts to ensure that various previously raised concerns will be explicitly considered and decided by formal votes in a process that clearly identifies instances where approval of Jeff Maxwell’s PUD application in advance of this November’s election results in the relaxation of requirements that could more effectively be imposed if the application instead was being considered at a point where the proposed redevelopment had matured to the point of a decision by the church to sell.

PUD APPLICATION “PUNCH LIST”

	MATTERS THAT SHOULD BE CONSIDERED	Required	Excused
1	Consideration of mass & scale supported by 3-D model including all structures on properties falling within 200 feet of boundaries of rezoned parcels		
2	Compliance with Sensitive Slopes Ordinance (both east and west ravines)		
3	Minimization of impact on north Sunset/Grand		
4	LEED certification		
5	Presence of businesses that UH citizens want and will frequent (e.g., coffee shop, grocery store)		
6	Configuration of plaza and terms and conditions of public use thereof		
7	Multi-use community center		
8	Other mentioned amenities (e.g., library book drop off, existence and public access to pedestrian walkway to UAC and dog park, snow removal from sidewalks on south side of Melrose Avenue)		
9	Other promised details (e.g., lighting requirements, specification of exterior materials)		
10	Development covenants, easements, and restrictions concerning types of businesses and hours of operation of businesses located in commercial space		
11	Adequacy of available surface parking to meet projected needs of permitted commercial uses		
12	Development covenants, easements, and restrictions concerning whether and on what conditions some or all dwelling units may be leased.		
13	Financial terms of TIF (including necessary provisions for low/moderate income housing assistance)		
14	Timing of commencement and completion of construction of buildings and improvements (PUD application supplement references “each phase of the project”)		
15	Indemnification ordinance protecting adjacent property owners from loss in values existing prior to rezoning		