

7:00pm PUBLIC HEARING

AGENDA

**City of University Heights, Iowa
City Council Meeting
Tuesday, July 12, 2011
University Club, 1360 Melrose Ave.
7:00 – 10:00 P.M.
Meeting called by Mayor Louise From**

| Time | | Topic | Owner |
|-------------|-------------------------------------|---|------------------------------|
| 7:00 | Call to Order Meeting | Roll Call Approval of Minutes June 14, 2011 Approval of Work Session Minutes June 28. | Louise From |
| | Call to Order Public Hearing | Public Hearing to consider the PUD plan application of Jeff Maxwell concerning "One University Place", a proposed redevelopment of real property presently owned by St. Andrew Presbyterian Church, as well as property immediately to the east of the church. | |
| | Close Public Hearing | | |
| | Return to Regular Meeting | | |
| | | Updates of Proposed One University Place Development | Kevin Monson Jeff Maxwell |
| | | City planner report of development and provide summary of public comments | John Yapp/Kent Ralston |
| | MPO-JC Staff | Consideration of Community Survey about TIF (Tax Increment Financing) of One University Place | City council |
| | <u>Administration</u> | | |
| | --Mayor | Mayor's Report | Louise From |
| | -City Attorney | Legal Report - Resolution No. 11-08 Adopting and Approving the East Central Iowa Council of Governments Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017. | Steve Ballard |

| Time | Topic | Owner |
|------------------------------|---|-----------------------|
| | <p>-Resolution No. 11-09 Authorizing the Mayor to Sign and Submit to the Johnson County Board of Supervisors a Letter Requesting that Johnson County Participate in Tax Increment Financing Concerning the Proposed Development Known as One University Place.</p> <p>-Discussion of coordination of PUD application, Development Agreement and TIF Request by City Council.</p> <p>-Discussion and consideration of proposal to have an Independent Financial consultant to review the submitted TIF information.</p> <p>-Initial consideration and discussion of Development Agreement between the City of University Heights and Jeff Maxwell concerning One University Place.</p> | |
| -City Clerk | <p>City Clerk Report</p> <p>-City Audit update</p> | Chris Anderson |
| Public Input | Public Comments | |
| <u>Committee Reports:</u> | | |
| <u>Finance</u> | Committee Report | Brennan McGrath |
| | Treasurer's Report/ Payment of Bills | Lori Kimura |
| <u>Community Protection</u> | <p>Committee Report</p> <p>-Consider Increasing fee of Marietta annual parking stickers</p> <p>-New Reserve Officers</p> <p>-Discussion of providing resident information for First Responders in case of city disaster</p> <p>-Discussion of Community wide Garage Sale</p> | R. Hopson/M.Haverkamp |
| | Police Chief report | Ron Fort |
| <u>Streets and Sidewalks</u> | Streets & Sidewalks Report | Pat Yeggy |
| | <p>Engineer Report</p> <p>-Consideration of Traffic Sign Management Plan Proposal from Shive-Hattery.</p> <p>-Sunset Street Wide Sidewalk Consultant Selection.</p> <p>-Resolution 11-10 Certification of Completion of Work and Final Acceptance of the Melrose Wide Sidewalk Project.</p> | Josiah Bilskemper |

| Time | | Topic | Owner |
|--------------|---|---|----------------|
| | <u>Building, Zoning & Sanitation</u> | Committee Report -Discussion of keeping live chickens within the city Zoning Report | Stan Laverman |
| | <u>e-Government</u> | Committee Report | Pat Bauer |
| | <u>e-Government</u> | Committee Report | Mike Haverkamp |
| | <u>MPO-JC (Metropolitan Planning Organization of Johnson Co.) - formerly known as JCCOG</u> | Committee Report | Louise From |
| | Announcements | | Anyone |
| 10:00 | Adjournment | | Louise From |

**Next Regular Council Meeting: Tuesday, August 9, 2011.
Location: University Club, 1360 Melrose Ave.**



Date: June 24, 2011
To: University Heights Mayor & City Council
From: Kent Ralston; Assistant Transportation Planner
Re: One University Place Planned Unit Development Parking Generation

At your request, this memorandum provides background information and parking generation scenarios for the One University Place Planned Unit Development (PUD) proposal. The following parking generation estimates provided are produced using information from the Institute of Traffic Engineers (ITE) *Parking Generation Manual* (4th edition) and the City of Iowa City Zoning Code.

Background

University Heights's adopted zoning ordinance #180 provides detail on specific requirements of which the proposed One University Place PUD must comply. These details include specific parking requirements including a minimum requirement of 185 total off-street parking spaces, of which no more than 55 parking spaces may be provided above ground. The PUD submitted complies with adopted zoning ordinance No.180 providing a total of 219 parking spaces (52 spaces provided above ground, 55 spaces below grade in the mixed-use building, and 112 below-grade parking spaces in the north building).

Parking Generation

Using the information that has been provided in the One University Place PUD, staff has estimated the number of parking spaces that may be appropriate for the development based on the following assumptions:

- A total of 17,008 sqft of commercial space. As provided by zoning ordinance #180, permitted uses of the retail space include: professional offices, bakeries, drug stores, grocery stores, barber/beauty shops, catering, restaurants (not including taverns/bars), general retail, art galleries, personal fitness centers, or similar uses specified in a developer's agreement.
- 79 residential condos – the majority of which will be two-bedroom units as indicated by the developer.
- 52 surface parking spaces shown in the PUD and 26 below-grade parking spaces in the mixed-use commercial building are expected to be available for commercial parking (there are 55 total below-grade parking spaces shown in the PUD for the mixed-use commercial building – of which 29 spaces would be utilized by condo tenants during peak demand). This figure is derived by multiplying the ITE parking generation of 1.38 vehicles per dwelling unit by 21 units in the mixed-use building.
- No parking spaces in the rear (residential) building will be used by commercial patrons
- 100% of ITE parking generation data used during the 'peak hour', 50% of ITE parking generation used for off-peak hours.

Parking Generation Scenarios

Scenario #1 – Parking Generation Demand – 8:00AM Weekday

| Land-Use | Sqft. | Parking Generation in Peak Hour | Peak Hour | Parking Space Demand (% of total) |
|---------------------------|-------|---------------------------------|-----------|-----------------------------------|
| Quality Restaurant | 4,238 | 10.60 vehicles/1,000 sqft | 7-9PM | 23 (50%) |
| Medical/Dental Office | 2,407 | 3.20 vehicles/1,000 sqft | 10AM-3PM | 4 (50%) |
| Hardware/Paint Store | 2,624 | 2.00 vehicles/1,000 sqft | 4-5PM | 2.5 (50%) |
| Apparel Store | 2,363 | 1.20 vehicles/1,000 sqft | 3-4PM | 1.5 (50%) |
| Bread/Donut/Bagel Shop | 3,021 | 8.00 vehicles/1,000 sqft | 7-9AM | 24 (100%) |
| Copy/Print/Shipping Store | 2,355 | 3.00 vehicles/1,000 sqft | 6-7PM | 3.5 (50%) |

*Total Commercial Parking Generation = 59 (52 above grade, 7 below)

Using the assumptions previously stated there would be a 19 commercial parking space *surplus* on a weekday at 8:00AM. This example attempts to reflect differences in peak hours of operation by allowing 100% of peak hour parking to be calculated during specific business 'peak hours' and a 50% reduction during 'off-peak' hours for specific retail uses.

For this scenario, this means that Bread/Donut/Bagel Shop parking generation was calculated at 100% whereas the remaining land-uses were calculated at 50% of the total because they would be considered off-peak at 8:00AM. To that end, it is unlikely that the Quality Restaurant parking demands would compete with the parking demands of the Bread/Donut/Bagel Shop due to preferred hours of operation – thereby reducing the number of shared parking spaces necessary.

Scenario #2 – Parking Generation Demand – 5:00PM Weekday

| Land-Use | Sqft. | Parking Generation in Peak Hour | Peak Hour | Parking Space Demand (% of total) |
|---------------------------|-------|---------------------------------|-----------|-----------------------------------|
| Quality Restaurant | 4,238 | 10.60 vehicles/1,000 sqft | 7-9PM | 23 (50%) |
| Medical/Dental Office | 2,407 | 3.20 vehicles/1,000 sqft | 10AM-3PM | 4 (50%) |
| Hardware/Paint Store | 2,624 | 2.00 vehicles/1,000 sqft | 4-5PM | 5.0 (100%) |
| Apparel Store | 2,363 | 1.20 vehicles/1,000 sqft | 3-4PM | 1.5 (50%) |
| Bread/Donut/Bagel Shop | 3,021 | 8.00 vehicles/1,000 sqft | 7-9AM | 12 (50%) |
| Copy/Print/Shipping Store | 2,355 | 3.00 vehicles/1,000 sqft | 6-7PM | 3.5 (50%) |

*Total Parking Commercial Generation = 49 (49 above grade)

Using the commercial parking assumptions previously stated there would be a 29 commercial parking space *surplus* at 5:00PM on a weekday. This scenario uses the same land-uses as in scenario #1 to illustrate differences in parking demand due to changes in peak hours of business operation.

Scenario #3 – Parking Generation Demand – 7:00PM Weekday

| Land-Use | Sqft. | Parking Generation in Peak Hour | Peak Hour | Parking Space Demand (% of total) |
|---------------------------|-------|---------------------------------|-----------|-----------------------------------|
| Quality Restaurant | 4,238 | 10.60 vehicles/1,000 sqft | 7-9PM | 46 (100%) |
| Medical/Dental Office | 2,407 | 3.20 vehicles/1,000 sqft | 10AM-3PM | 4 (50%) |
| Hardware/Paint Store | 2,624 | 2.00 vehicles/1,000 sqft | 4-5PM | 2.5 (50%) |
| Apparel Store | 2,363 | 1.20 vehicles/1,000 sqft | 3-4PM | 1.5 (50%) |
| Quality Restaurant | 3,021 | 10.60 vehicles/1,000 sqft | 7-9PM | 32 (100%) |
| Copy/Print/Shipping Store | 2,355 | 3.00 vehicles/1,000 sqft | 6-7PM | 7 (100%) |

*Total Parking Commercial Generation = 93 (52 above grade, 26 below, & a 15 space deficit)

Using the commercial parking assumptions previously stated there would be a 15 commercial parking space *deficit* at 7:00PM on a weekday. This scenario uses similar land-uses as in scenarios #1 & 2 except assumes 2 Quality Restaurants and no presence of a Bread/Donut/Bagel shop to illustrate differences in parking demands due to changes in land-uses and peak hours of business operation. This scenario assumes that all of the retail establishments would remain open at 7:00PM on a weekday – this assumption may artificially increase the parking demand in this scenario.

Scenario #4 – Parking Generation Demand – Iowa City Zoning Code

| Land-Use | Sqft. | Parking Generation in Peak Hour | Peak Hour | Parking Space Demand |
|------------------|--------|---------------------------------|-----------|----------------------|
| Mixed-Use Retail | 17,008 | 1 vehicle /250 sqft | NA | 68 |

*Total Parking Commercial Generation = 68 (52 above grade, 16 below)

If comparing the proposed PUD to the parking regulations provided in the Iowa City Zoning Code, the PUD would be providing 10 more commercial parking spaces than required.

Conclusion

Given that the proposed PUD is located in an urban area near the University of Iowa Hospital as well as several established residential neighborhoods, it is likely that the development would attract a large number of bicyclists and pedestrians. As such, the actual parking demand may be lower than predicted.

Should the Council have concerns regarding a lack of available parking, one option would be to 'land-bank' a portion of open space within the development for future parking needs. The area set aside for future parking needs would then only be utilized if the development shows the need for more surface parking. The parameters/threshold at which time more parking is deemed necessary could be prescribed by the Council as part of the developer's agreement. Staff would be happy to assist in developing such language.

Please note that the information provided in the parking scenarios are based on land-use assumptions provided by the developer. As more information on the types of commercial tenants becomes available we will be better able to provide more accurate parking generation figures.



Date: July 7, 2011
To: University Heights Mayor & City Council
From: Kent Ralston; Assistant Transportation Planner
Re: One University Place – Signalization of Melrose Avenue Access

I have attached a revised version (dated July 5, 2011) of the Shive-Hattery Technical Memorandum regarding traffic operations at the Melrose Avenue / Sunset Street intersection and the main access to the proposed One University Place Planned Unit Development (PUD). The revisions were necessary as one small discrepancy was found regarding the total square footage of retail space provided in the development - the result of which does *not* change our recommendation to signalize the main access to the PUD upon full build-out of the development.

As noted in our staff report to Council (dated June 7, 2011), previous concepts proposed by the applicant had restricted left-turns at the access at Melrose Avenue. However, as shown in the PUD submitted on May 27th, the applicant is now proposing a full service access where both left and right turning movements would be permitted. Due to this change, additional traffic modeling was performed to determine the impact this change would have on the Melrose Avenue access.

Additional traffic modeling indicated that without a traffic signal at the main entrance to the PUD, southbound traffic exiting from the development would experience lengthy delays in both the AM and PM peak travel hours. Our concern is that although vehicle queuing would primarily take place within the development; lengthy delays would cause motorists to behave irrationally and create an unsafe environment for motorists and pedestrians at the intersection. While it was determined that the additional traffic generated by the development would not satisfy the requirements for signal installation, approximately 65 additional vehicles exiting the development in either the AM or PM peak travel hour would have warranted this signalization regardless of other factors such as inadequate gaps for left-turning motorists.

Given that lengthy delays and insufficient gaps for exiting traffic from the development would likely be experienced, and that a traffic signal is nearly warranted on volumes alone, staff recommends that the main access at Melrose Avenue be signalized upon full 'build-out' of the PUD. At a minimum, the intersection should be designed for future signalization if it is determined that the desire for a signal will be reassessed at a later date.

Attachment

TECHNICAL MEMORANDUM

TO: John Yapp, MPOJC
Kent Ralston, MPOJC

FROM: Brian Willham, PE, PTOE

DATE: July 5, 2011

RE: One University Place
University Heights, Iowa
Traffic Review

This memorandum includes a review of traffic operations at the Melrose Avenue and Sunset Street intersection and the Melrose Avenue and Main Entrance intersection in conjunction with the proposed One University Place development. In November 2010, Shive-Hattery completed traffic modeling for existing and proposed conditions and found that if the Melrose Avenue and Sunset Street intersection was improved by reducing the existing skew of Sunset Street through the intersection, traffic signal phasing could be modified to provide better operation during peak hours.

In the 2010 analysis, the entrance to the development on Melrose Avenue was proposed as a Full-In-Right-Out-Only entrance. Because the entrance on Melrose Avenue is now shown as a Full-In and Full-Out entrance, additional traffic modeling was completed to determine the impacts to the development entrance intersection as well as the Sunset Street intersection on Melrose Avenue.

To estimate the traffic generated by the proposed development, projected trips to and from the development were calculated based on ITE Trip Generation 8th Edition and are reported in **Table 1**.



Table 1: Estimated Trip Generation

| Land use (ITE Code) | Gross Floor or Leasable Area (1,000 SF) | Dwelling Units (EA) | Average Rate | Vehicle Trips |
|---|---|---------------------|--------------|-------------------|
| Residential Condominium / Townhouse (ITE Code 230) | | | | |
| Average Daily Traffic (50% in / 50% out) | -- | 79 | 5.81 | 230 in 230 out |
| AM Peak Hour (17% in / 83% out) | -- | 79 | 0.44 | 10 in 30 out |
| PM Peak Hour (67% in / 33% out) | -- | 79 | 0.52 | 30 in 15 out |
| Quality Restaurant (ITE Code 931) | | | | |
| Average Daily Traffic (50% in / 50% out) | 4.3 | -- | 89.95 | 195 in 195 out |
| AM Peak Hour (50% in / 50% out)* | 4.3 | -- | 0.81 | 5 in 5 out |
| PM Peak Hour (67% in / 33% out) | 4.3 | -- | 7.49 | 35 in 10 out |
| Specialty Retail Center (ITE Code 814) | | | | |
| Average Daily Traffic (50% in / 50% out) | 12.8 | -- | 44.32 | 285 in 285 out |
| AM Peak Hour (48% in / 52% out) | 12.8 | -- | 6.84 | 45 in 50 out |
| PM Peak Hour (44% in / 56% out) | 12.8 | -- | 2.71 | 15 in 20 out |

**ITE Trip Generation does not include directional information for this time period, due to the low volumes expected, a 50% split was assumed.*

The estimated traffic generated by the proposed development was added to the existing peak hour traffic for the AM and PM Peak Hour traffic models. The traffic models were also updated to include southbound left turns out of the proposed development. Synchro 7.0 was used to complete the traffic modeling.

Peak hour traffic volumes for existing and proposed conditions are found in **Figure 1** and **Figure 2**. The proposed traffic distribution assumes that approximately 90% of the traffic enters/exists from Melrose Avenue and that approximately 50% of the traffic travels from/to the east on Melrose Avenue, 10% travels to/from the south on Sunset Street, and 40% travels to/from the west on Melrose Avenue.

Figure 1: Existing Peak Hour Traffic Volumes

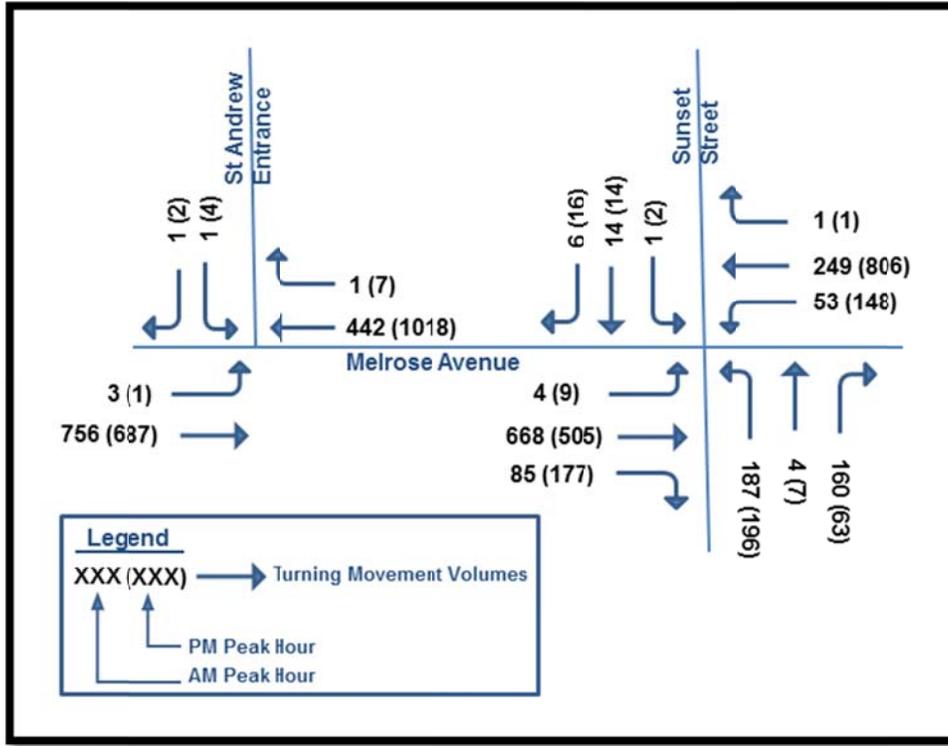
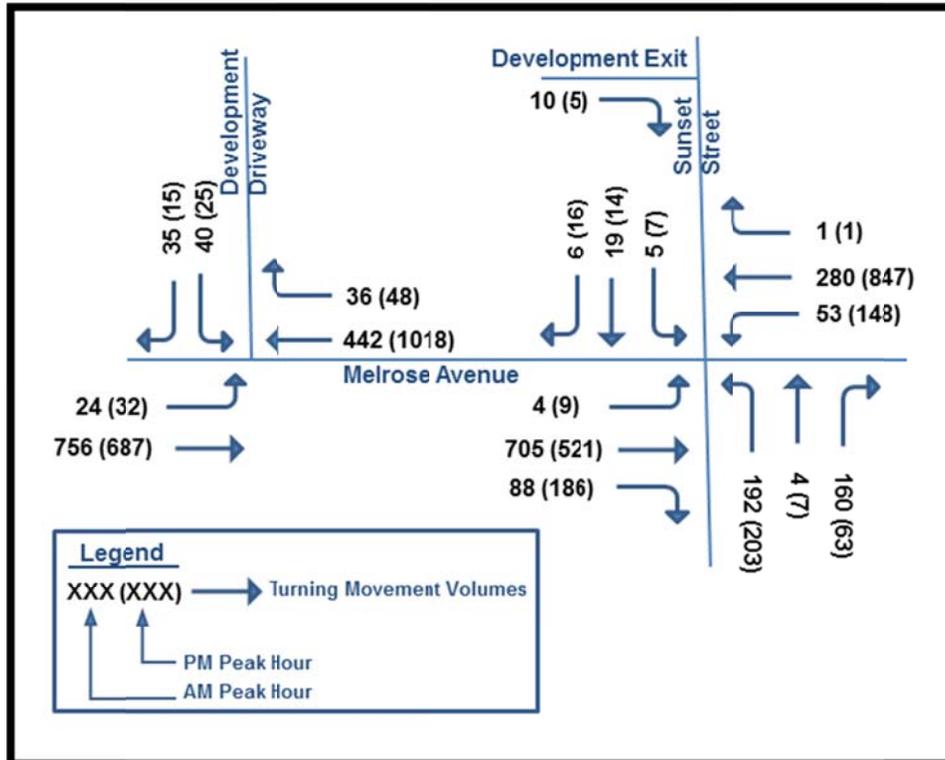


Figure 2: Proposed Peak Hour Traffic Volumes



Because the proposed development entrance now includes a southbound left turn movement, a planning-level traffic signal warrant analysis was completed for the development's entrance on Melrose Avenue. It was determined that the requirements of the peak hour volume warrant (Signal Warrant 3) would not be satisfied at the intersection with the proposed traffic added to the system. **There would need to be approximately 65 more vehicles exiting the development in either the AM Peak Hour or the PM Peak Hour to satisfy Signal Warrant 3.** However, due to the proximity of the intersection to the Melrose Avenue and Sunset Street intersection, traffic modeling was completed to analyze the feasibility of adding traffic signalization to enhance the operation of the two intersections during peak hours of the day. Analysis was completed for both unsignalized conditions and signalized conditions for the proposed entrance.

Because there is property owned by the University of Iowa located north of the proposed development that would use the development's entrance on Melrose Avenue when developed, traffic signalization would likely be warranted based on traffic volumes alone once that property is developed.

The Synchro traffic modeling that was completed resulted in the values for delay and Level of Service that are presented in **Table 2**. For reference and comparison, **Table 3** includes the results from the previous traffic analysis that compared operation of the Melrose Avenue and Sunset Street intersection between existing conditions and re-aligned geometry with no change in land use at the St Andrew property. The re-aligned geometry model included the elimination of the current north/south split phasing as well as the all-way pedestrian phase.

Table 2: Intersection Delay and LOS (with proposed development)

| Intersection | Unsignalized @ Main Entrance | | | | Signalized @ Main Entrance | | | |
|-------------------------------------|------------------------------|-----|-------|-----|----------------------------|-----|-------|-----|
| | AM | | PM | | AM | | PM | |
| | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS |
| Melrose Ave / Main Entrance* | 54 | F | >120 | F | 38 | D | 37 | D |
| Melrose Ave / Sunset St | 21 | C | 23 | C | 20 | C | 23 | C |

Delay = Seconds per vehicle

*Reported values are for southbound left turn movement

**Table 3:
Melrose Avenue & Sunset Street Level of Service (Geometric Changes to Intersection, No Land Use Change at St Andrew Property)**

| Intersection | Existing Geometry | | | | Re-aligned Geometry | | | |
|--------------------------------|-------------------|-----|-------|-----|---------------------|-----|-------|-----|
| | AM | | PM | | AM | | PM | |
| | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS |
| Melrose Ave / Sunset St | 23 | C | 79 | E | 19 | B | 20 | C |

Delay = Seconds per vehicle

As presented above, traffic exiting the proposed Main Entrance on Melrose Avenue will include lengthy delays during the AM and PM peak hours of the day if the intersection were to be left unsignalized. Delays for exiting traffic become manageable if the Main Entrance is signalized with the proposed development. Also, even if the Sunset Street and Melrose Avenue intersection were to be re-aligned and the signal phasing to be improved, eastbound traffic is still expected to back-up through the Main Entrance intersection during the AM peak hour. The combination of heavy eastbound traffic and left turning traffic exiting the proposed development could result in a safety issue during the AM peak hour. Similarly, the combination of the left turning exiting traffic and the heavy westbound traffic in the PM peak hour could also cause safety issues. **Therefore, it is recommended that traffic signalization be installed at the Main Entrance on Melrose Avenue if the southbound left turn is provided at the Main Entrance.**

The following summarizes the previous traffic modeling results as well as this analysis:

- If the Melrose Avenue and Sunset Street intersection is re-aligned, the north/south split phasing and all-way pedestrian phase could be eliminated. These modifications would allow additional "green-light" time to eastbound and westbound traffic during peak hours of the day, reducing average vehicular delay and increasing Level of Service. It is recommended to re-align the Melrose Avenue and Sunset Street intersection in conjunction with the proposed development.
- Traffic signals would not be warranted based on traffic volumes at the Main Entrance of the proposed development on Melrose Avenue. An additional 65 vehicles per hour during either the AM peak hour or the PM peak hour would result in traffic signals being warranted.
- Although not warranted based on traffic volumes alone, it is recommended that traffic signalization be installed at the Main Entrance on Melrose Avenue if southbound left turns are provided at the Main Entrance. If traffic signalization is not provided at the Main Entrance, there is expected to be safety issues with the exiting left turning traffic conflicting with the heavy through traffic on Melrose Avenue during peak hours of the day.

Please let me know if you have any questions on the information included in this memorandum.



Date: July 8, 2011
To: University Heights Mayor & City Council
From: Kent Ralston; Assistant Transportation Planner
Re: One University Place TIF – Public Comment

At your request, MPO staff has been collecting public input related to the One University Place Planned Unit Development (PUD) for 1300 Melrose Avenue. Staff received 21 emails with written correspondence received between June 6 and July 8, 2011 which are attached for your review. Below you will find a summary of common themes staff derived from the written correspondence. Please keep in mind that common themes were difficult to identify as much of the correspondence received addressed a wide range of topics related to the proposed development. The themes below were topics that were addressed by two or more correspondents and are paraphrased by staff.

Common themes

- The development process in general and/or decisions related to the TIF proposal need to be slowed and weighed carefully.
- The use of TIF is inappropriate for this specific development and/or TIF revenues should only be used for public improvements or uses that have a general public benefit.
- The use of TIF for the proposed development is appropriate and would be advantageous in that it may bolster City finances.
- Low income housing assistance generated by TIF revenue is not necessary for University Heights and/or implementation of such a program may be difficult.
- The scale and design of the development are appropriate for the site and are aesthetically pleasing.
- The One University Place PUD proposal should not be compared to Plaza Towers development in Iowa City.

Attachments:

Correspondence from Pat Bauer

BACKGROUND INFORMATION

Recently posted draft minutes of the City Council's June 14 meeting include a description of the following unanimously approved motion:

MOTION by Haverkamp, seconded by McGrath, to incorporate into the city council's record for consideration of the Maxwell PUD application the prior public comments and submissions made to the Zoning Commission and to the city council regarding the rezoning of the PUD property. **Carried.**

Part of the context in which such motion was made is the following segment of Steve Ballard's June City Attorney's Report:

1. PUD Submittal.

- As the Zoning Commission and Council considered the request to rezone the property that is the subject of Jeff Maxwell's PUD proposal, each body incorporated all of the comments, submissions, and remarks made at prior meetings of either body.

- Adopting such a motion saves members of the public and Council from having to repeat each and every point made previously if they desire a particular point to be part of the Council's public record. The Council may wish to adopt a motion that incorporates the input from the rezoning process into its record on the PUD consideration.

-If a Council member desires to make such a motion, I suggest something along the lines of this:

I move that the Council adopt and incorporate by reference into its present record on the Jeff Maxwell PUD consideration the public comments, submissions, and remarks by citizens, Mr. Maxwell and his representatives, Zoning Commission members, and the Mayor and Council at the prior Zoning Commission and Council meetings when the application to rezone the property in question was considered.

The following portions of this e-mail and the attached documents are submitted in response to the above aCouncil ction.

MATERIALS CURRENTLY AVAILABLE ON THE CITY'S WEB SITE

Many of the written submissions so adopted and incorporated presently are available at the following locations on the City's web site:

2009 REZONING APPLICATION

<http://www.university-heights.org/zoning.html> - twenty-nine files (including petition and two compilations of written submissions) grouped under "2008-2009 - St. Andrew Church" heading

<http://www.university-heights.org/UHCC-SAC.html> - five files (including two compilations of received e-mails)

2010 REZONING APPLICATION

<http://www.university-heights.org/zoning.html> - nineteen files (including four compendia of zoning communications) grouped under "2010 - St. Andrew Church" heading

<http://www.university-heights.org/minutes.html> - twenty-seven files (included community survey and ten compilations of received and sent e-mails and letters assembled in response to public records request) in groupings for City Council meetings on August 10, August 24 (work session), September 14, October 12, November 9, and December 14

2011 PUD APPLICATION

<http://www.university-heights.org/council/1011/11minutes.html> - nineteen files (including two MPOJC summaries of community input) in groupings for City Council meetings on January 11, February 8, March 1, April 12, May 10, June 14, and June 28 (work session)

With the exception of a single entry on May 10, 2011, the "One University Place" page on the City's web site < <http://www.university-heights.org/BuildZoneSanit/OUP/index.html> > does not effectively reflect any of the above materials. Although it presently includes essentially everything submitted by the developer (in one instance (entry of July 4, 2011) even when the developer's submission is in response to a resident's written submission that is itself not posted on the City's web site), for the sake of evenhandedness in presentation it quite appropriately could be revised to afford clearer recognition to community input (e.g., perhaps a "Community Input" heading followed by links to the pages listed above or (even more helpfully) to specific files that include community input).

MATERIALS NOT CURRENTLY AVAILABLE ON THE CITY'S WEB SITE

Although all written submissions from the end of this April forward appear to have been included in the MPOJC compilations posted as agenda attachments for City Council meetings on May 19 and June 14, the City's web site otherwise does not presently seem to include any written submissions received since the last compilations of e-mails and letters mail posted as part of the groups for the City Council meeting of November 9, 2010 in response to a public records request made last fall.

To start the process of filling in this resulting gap of posted written communications, I am attaching two PDF documents I e-mailed to all City Councilors last December and this March. I'm generally aware that additional written communications were submitted by other citizens, and for the sake of having a full and complete record, would request that all such communications be compiled and posted on the City's web site.

I appreciate the burdens involved in responding to formal public records request, and accordingly would ask that this e-mail not be considered as such a request if something more informal will be sufficient to satisfactorily fill in the existing gap of posted written communication in the interval between last November and this May.

Finally, having reviewed the compilations of received and sent e-mails and letters assembled in response to last fall's public records request, I'm attaching two omitted PDF documents I e-mailed to all City Councilors last October.

Please disregard the previous email and use this version.

Points to consider about Jeff Maxwell's proposal for One University Place:

- The St. Andrew property was never listed for sale.
- The St. Andrew congregation has not voted to move from the current location.
- Jeff Maxwell approached the church with the purchase proposal.
- Jeff Maxwell offered \$4.3 million for the property.
- Jeff Maxwell entered into an agreement with St. Andrew knowing the zoning for the property would not allow him to build what would be known as One University Place.
- A majority of University Heights residents are/were opposed to:
 - Change in the zoning to allow this project to proceed.
 - The size and scale of the project.
- The UH City Council has been split on approval for this project:
 - The initial proposal was defeated.
 - The 2009 election was decided by less than 5 votes.
 - Jim Lane was appointed to fill a vacant city council seat in the Fall of 2010, when the council manipulated the scheduling of a special election that allowed the zoning change to be approved.
 - When the community was allowed to vote in the special election in January 2011, Jim Lane was removed from office. Roseanne Hopson who voiced concerns over the project and the process was elected to fill the remainder of Amy Moore's term.
- Numerous claims have been made about the prospective tenants that will occupy the commercial portion of the project: Trader Joe's, coffee shop, high-end restaurant, etc. These claims have been used to entice the neighbors without any guarantee that these businesses will occupy the space or can afford the rent.
- Jeff Maxwell has been less than forthcoming at many, many University Heights meetings regarding his ability to fund the One University Place project.
- Jeff Maxwell demanded TIF knowing that University Heights' debt limit would not allow \$8.5 million in tax rebates to him. This is 10 times the value of the public improvements he has included in the proposal.
- The St. Andrew property was not designated a "slum," "blighted" or "economic development" area, as defined in Chapter 403 of the Iowa Code in the November 2006 UH Comprehensive Plan or the 2010 revised version (<http://university-heights.org/CompPlan10/CompPlanRevised5-2010.pdf>). This designation is necessary when establishing tax increment financing area and obtaining TIF revenues.
- Jeff Maxwell has stated that without the TIF, the project will not proceed.
- If this is a viable project, traditional funding should be sufficient.
- University Heights residents who support the project are opposed to approving the TIF.

Since late 2008, this project has divided University Heights and the St. Andrew congregation. Jeff Maxwell stands to make a substantial profit on this project or he wouldn't still be pursuing it. Don't let his offer of a community space or "Chautauqua square plaza" tug at your heartstrings. This project is about profit for Jeff Maxwell.

DENY THE TIF AND LET JEFF MAXWELL SECURE TRADITIONAL FINANCING FOR HIS PROJECT.

Most sincerely,
Ann & Andy Dudler
205 Koser Avenue
University Heights, IA

Dear Clerk,

Those of us in University Heights with rental properties would also like to reap 10% rather than 5% profit on our investments. Why should Jeff Maxwell, who is not even a resident of our town, receive charity in the form of TIF assistance, whereas the rest of us, in competition with him, do not? It is patently unfair and highly doubtful that it will benefit University Heights in any way..

Doris Eckey
33 Highland Drive
Iowa City, IA 522456

We are opposed to the council approving the TIF. We do not understand why the council feels they are prepared to vote on such an important issue at this time.

Russ and Eunice Hunzelman
1456 Grand Av

Dear Council,

Although there are many aspects to this project that should be addressed, I will focus here on two.

1. Require the developer to use a five-way junction with limited access on the northern leg of Sunset.

The best traffic solution to this large project is to leave the northern leg of Sunset as it presently is and to extend Sunset directly onto the St. Andrew's site. This creates a five way junction, but traffic on the northern leg of Sunset would be one way northbound and limited to school buses and emergency vehicles. The new fifth leg could be called University Place, to distinguish it from the present northern leg of Sunset. The University Place leg would be a two way junction with Melrose, regulated by a traffic light.

This five way junction has many, many advantages.

1. No second traffic light is needed at the western entrance to the site
2. The junction is more right angled than under the developer proposal
3. Traffic flow will be better than under either the present layout or the angled proposal of the developer
4. The ravine remains intact and more mature trees are saved
5. No eight foot retaining wall is needed because the ravine is preserved
6. Construction is safer because the ravine is preserved

If the developer maintains that a five way junction is not possible because it uses more of the site for traffic, this only confirms the long expressed view that the project is too big for the site.

2. Correcting factual errors

A great deal of material was covered at the work session. Some statements were made that were in error or were misleading so please consider these corrections in your deliberations.

Claim: The Plaza Towers are a parallel to One University Place.

This is **incorrect** because:

1. Iowa City sought a developer for the site of Plaza Towers but the developer came to the city to get support for One University Place

2. The TIF for Plaza Towers was \$6M but the TIF sought for One University Place is \$8M. This means that for Plaza Towers each tax payer forwent less than \$92; in University heights because the town is so much smaller, each taxpayer would forgo **\$8000** in tax revenues.
3. The proposal from Iowa City **required** a market but the PUD in front of the council only expresses a willingness to try.
4. The TIF in Plaza Towers made the project possible; the TIF for OUP is projected to double the profit from ~5% to 10%

Claim: Grandview Court is a parallel to One University Place.

This is **incorrect**:

The higher density of residents at Grandview Court is offset because Grandview Court has three times the access to streets, and because OUP will include commercial ventures with higher traffic. Thus using the MPO projections OUP puts twice the traffic onto one-third the street access.

Using a five-way junction would mitigate the harm of this project. It still remains too large for this site, and it does not justify support from the town in the form of a TIF.

Sincerely,

Alice Haugen
Tom Haugen
1483 Grand Avenue

The TIF meeting last week did not clear up the misgivings for me at all. The Maxwell group kept trying to say it as a win/win situation but I don't believe that for one minute. If I build a house I pay for it myself with a loan. Why should Maxwell get U Heights money to pay for his building project because that is what a TIF is - using other peoples money to your advantage. Tax money that goes to him instead of U Heights. Also Maxwell's "giving" 4000 sq. ft. to the community is a nice gesture but in reality he is gaining \$900,000 (or something like that) by the donation. I for one do not want the room because it would go unused most of the time. And do we pay taxes on it? We function fine with our police headquarters where they are and when we need to meet in a larger place we are able to find a place. We are not a "club" that needs a meeting place. And the thought that we might try to finagle a TIF in this community which does not have a need for funding "low income housing" is absurd and dishonest. We would be the laughing stock of IowaCity.

If Maxwell cannot finance his project then he should not be doing it. By the way what is he building right now???

We have many unanswered questions. Kathie Belgum

Dear Councilors and Mayor,

As you may have guessed, we are opposed to TIF for the development of the St. Andrew's property. Like the literal size of the proposed development, the TIF proposal is also simply too large for this community. As Ms. Hopson noted at the council worksession, if University Heights needs even one more police officer or any other city-provided service as a result of this development, the added taxes collected by this development may not be enough to cover the additional services. We are concerned that TIF assistance of this proportion could place undo strain on the finances of our city.

Sincerely,
Greg and Rachel Prickman

To the University Heights Council Members and Mayor,

I am writing to convey my opinion about the upcoming decision regarding the TIF request from Mr. Maxwell. I am strongly opposed to the Council support of the TIF and would ask that the vote be postponed until the matter has been thoroughly studied and understood by all. I see no reason to rush through this important decision, especially since it is such a complex issue. Your responsibility is to the residents of University Heights (who have already expressed their non-support of the project) not to the developer.

On another issue, I see no reason to straighten the intersection of Sunset and Melrose. The number of accidents there is very small which should be the determining factor in making such a drastic and expensive change. For those of us who live on the north side of Melrose, I know of no one who would be in favor of making a change. Please weigh your decision carefully.

Please listen to your community citizens and respect their thoughts. Thank you for your service.

Linda Fincham
1475 Grand Ave.
July 6, 2011

I am writing in support of the Saint Andrew PUD and the proposed TIF. For two years I have heard the same arguments over and over against this project and in two years none of these arguments have convinced me that the City should not move forward with this development.

I have lived in University Heights at my current address for 23 years. I also lived here for 7 years in the late sixties and early seventies. My parents built the house I currently live in 48 years ago and I am probably one of the few people who can say they helped build the house they live in. I worked with my uncle who built the house in the summer of 1963. The main reason my parents built in University Heights was because of the lower taxes not because it was University Heights. They also considered sites in other locales in Iowa City but it was the lower taxes here that sealed the deal.

As I see it we have three council members who are progressive and look to the future and two council members who want to protect the status quo. I have heard again and again how the majority of the community does not support this project, but I have talked to a lot of people and would say opinions are pretty evenly divided.

At the Tuesday TIF work session I heard how we need another survey to get input from the public. We have had two elections, a survey for the comprehensive plan, and two fliers asking for public input on this project. The public has had ample chances to provide input. You can't hide behind surveys or polls every time there is a difficult decision; you were elected you to govern.

I read the letter in the Press Citizen and I could put my own spin to this but I am not going to bother. I agree the TIF does benefit the developer but it also benefits the city and its residents. You can look at it this way, you can have the Moen Towers (TIFed) that has re-energized downtown Iowa City or you can have the cheap student apartments like those that line Burlington and Gilbert Streets, which in my opinion helped speed up the demise of downtown Iowa City. Explain to me: which developer is in it for the quick profit? I realize the situation is somewhat different in University Heights but if the church moves, this land is not going to stay vacant. Jeff Maxwell stated that he will be purchasing this property if the church moves forward with the new church and he really has no obligation to tell you what his plans might be if the proposed PUD fails.

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I think it's time that this community moves forward. I don't see how we can survive without additional revenues. It may not happen in my lifetime and it really doesn't bother me that one day this community could be part of Iowa City. I think the Maxwell development will bring positive changes to University Heights. Everybody is entitled to their opinion and that is my opinion. I am willing to discuss this project with any of you. I believe in my position. But I am not interested in being involved in the uncivil discourse I have witnessed at many of the city council meetings.

Ken Yeggy
305 Ridgeview Ave.

Dear Clerk,

My husband and I have been opposed to this misguided development from the beginning, and are also now incredulous that the developer seeks public financial support in the form of TIF assistance. We believe this subverts the original intention of the TIF program and we are opposed to it.

Sincerely,
Sue Hettmansperger
Lawrence Fritts
114 Highland Dr.
Iowa City, IA 52246

Hello,

The purpose of this e-mail is to register our disagreement with a proposed TIFF on the property currently occupied by St. Andrew's Church.

Sincerely,

Scott and Carol Ann Christiansen
1461 Grand Ave.
University Heights

Dear Mayor From and Councilpersons Havekamp, Hopson Laverman, McGrath & Yeggy

Mr. Maxwell and Mr. Monson have emphasized repeatedly that the development's TIF arrangement they're proposing would not cost our community anything. We beg to differ. Such a position may be partly true, but only if you evaluate the cost to the community in terms of income dollars rather than quality of life and a host of other important indicators. Here is a partial list of the costs of the development to the community that we want you to consider:

- It will cost our community its characteristic look and feel (we are a residential area, not an urban/downtown Iowa City blighted parking lot in need of renewal); we do NOT need an outside developer to dictate our "sense of place" and you, as City Council members are presumptuous, arrogant, and derelict of your elected duty if you do not engage the community in determining what our sense of place should be--you haven't listened to any of our input about that;
- It has cost (and will continue to cost) a great deal of city administrative time (that taxpayers are paying for) at the expense of due diligence to other important city business;
- It has cost the public's respect and trust of the City Council when time and again the Council has gone against the wishes of over half the community as evidenced by a legitimate, scientific survey and a special election outcome;
- It has cost many an involved citizen literally endless hours spent in attending City Council meetings, special meetings, private community meetings, and in reviewing and offering input regarding proposals, plans, and so forth.

In short, it has cost our community A LOT since the day that Maxwell & Monson's profit-seeking radar zeroed in on the St. Andrew Church property. We have paid and paid dearly, and will continue to do so as long as the Council refuses to take a critical look at a hugely over-sized and inappropriate development for our community, and continues to lack the fortitude to review the TIF proposal in light of what is truly best for our community and the people who already live here.

If TIF weren't being used for funding the construction of luxury residential units, there would be no requirement to provide a fund for low and moderate income housing. If the developer truly wants

mixed use development as he claims, then any low and moderate income housing funds should be utilized and managed by the developer. The developer himself should provide low and moderate income housing opportunities (through rental or ownership options) within his own development. Otherwise, it will be up to the University Heights City Council to handle the annual distribution of low and moderate income housing funds which will be a complicated and time-consuming commitment and will likely require hiring professional assistance to help administer.

If the low and moderate income housing funds were to be utilized outside of University Heights in order to shift the administration of the funds to the County, it would be of no benefit to our community whatsoever. This option should not be considered. Why should University Heights bankroll low and moderate income housing to areas outside University Heights?

The UniverCity model of funding mentioned by Councilman Laverman might be a good use of low and moderate income funds, but it, too, would be complicated to administer without hiring additional staff, particularly if it involved a partnership with the University of Iowa and others.

The developer is continually clouding the issue when he mentions Mark Moen's Plaza Towers as a comparable use of TIF. The City of Iowa City defined the project they wanted to develop based on their vision of downtown Iowa City and they solicited the developers who would be willing to develop the property to satisfy the city's vision (which included a downtown food market). They were willing to provide TIF support in order to realize their vision. Our situation is vastly different in that the only expressed vision by the Council is one driven by financial interests of the Council and not by a vision of development that would satisfy a community need. In truth, this is the developer's vision and not the City Council's vision. It is certainly not the vision of the majority of residents of University Heights. If the developer truly wanted to respond to the community vision as expressed by a majority of community residents, then he would propose a project that would have a four-storey rear building and two-storey front building with no--or limited--commercial use. This is what the majority of University Heights residents have already clearly indicated they would support.

We close this letter with a list of additional points in need of resolution by you, our elected officials:

- The developer claims that he will provide all the infrastructure inside the property and nearby, but the real cost is borne by the community, hidden in the TIF request.
- The improvement of the Melrose and Sunset intersection is driven by the development because there has been no documentation that it is currently a serious problem in need of a reconstruction/realignment solution. The cost of this improvement is also hidden within the TIF request. If the Metropolitan Planning Organization (formerly, JCCOG) believes it is a good thing for the greater Iowa City community, then they should provide funding to support it.
- The plans indicate easements within the development for utilities that serve only the development. This implies that University Heights will be expected to take over the ownership and maintenance of utilities located within those easements. Otherwise, the easements aren't needed. The city should not subsidize the developer's utilities.
- Providing the subsidy for a community coffee shop or grocery store should be part of the developer's proposal to create a community-based, mixed-use development and should not be a separate subsidy by TIF. In other words, only restricted commercial that includes a grocery store or coffee shop should be approved.
- If University Heights is responsible for completing its own city center "white envelope" space, it will take all their share for the next few years of TIF funds to do this, namely \$58,000 in annual TIF allocation, for the next 3 or 4 years at least--maybe longer. This presumes that the council will want audio-video equipment, office and meeting room furniture, restrooms, a small kitchen,

offices for police, computers, etc.

Please feel free to contact us if you have any questions about any of the above issues.

Respectfully,

Mary Mathew Wilson & Larry Wilson
308 Koser Avenue
University Heights

The ill-conceived proposed development, One University Place, does not deserve TIF support.

This project does not have the support of the majority of residents of University Heights . Both a community wide survey finding 56% opposed and a recent hard-fought special election where the candidate opposed to the project won election with 53% of the vote, show the lack of community support for a project that will change the character of our city. The request for significant TIF funding only adds insult to injury.

This project, with only a small proportion commercial and located in the city with one of the highest median incomes in the state, cannot in good conscience meet the requirement of an urban renewal district—not blighted, and not likely to make any significant increase in economic development.

This is only a subsidy to a developer—by his own account, it merely increases his profit margin from 5% to 10%—for construction of an upscale condominium complex. This project is a poster child for TIF abuse.

Please do not support a TIF application for this property. Thank you for your consideration.

Sincerely,
Christine Luzzie
338 Koser Avenue
University Heights

I will be out of town and unable to attend the July 12 public hearing regarding 1 University Pl. and so I wanted to indicate my strong support for the proposed TIF plan. I am in agreement with the view expressed by councilperson Havercamp in his e-mail to residents on June 30, and I disagree with the opinion expressed by councilperson Hobson in the editorial in the Press Citizen.

Thank you for the work you are all doing on this matter.

mf

--

Michael Flaum
901 Melrose Ave
Iowa City, IA 52246
319-227-7653

Dear City Council members:

I am responding to the request for "citizen feedback with regard to the Planned Unit Develop Proposal"

In fact, I have no quarrel with the PUD proposal. But I am very uneasy about the developer's TIF proposal.

In the previous Council meeting (June 14), I suggested that the council bargain forcefully over the commercial TIF, and reject the residential TIF. I didn't at the time think about the genuine value that the town would be getting from the infrastructure proposal (i.e improving the intersection of Melrose with Sunset), but I suppose that this could be folded into a commercial TIF.

But it is the Residential TIF that I am writing about. I have strong sympathy with the objections of two of the Council members, recently published in the IC Press Citizen, objecting to the "reverse Robin Hood" effect of the town's supporting a residential project for rich people.

I have been thinking about this and corresponding with my contact at the Greenbelt Alliance in the San Francisco Bay Area, and with her help I think that I have found a way that this lemon can (maybe) be turned into lemonade.

I had originally thought that the Developer ought to make several units at One University Place available at below-market costs. But my California contact pointed out that "the cost of one luxury unit in One University Place could help build probably 5-10 slightly-less-luxurious apartments for low-income residents due to economies of scale and bundling together with other funding sources."

Notice that she used the verb "build". That was because in the Bay Area occupancy rates tend to be high, there is little or no spare capacity in existing less-expensive apartment houses.

But that appears not to be true here. I checked out Grandview Apts. yesterday, and found signs from no less than 5 realtors! Some had special Saturday hours. So there probably are quite a few unoccupied units at Grandview. Why that's so, I don't know - maybe they are overpriced. But they will certainly be less expensive than the units at One University Place!

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So here is how to make the lemonade. In exchange for the residential TIF, get the developer of One University Place to subsidize a substantial number of units at Grandview Apts, and then make them available to lower-income people at below-market rates. There are lots of low-paid people working for the University of Iowa - orderlies, custodians, secretaries, etc. Many of them live in other eastern Iowa communities, partly because of family ties, and partly because housing is less expensive and taxes are lower there. Providing inexpensive housing close-by should now be very attractive, because the steady rise in gasoline prices drastically alters the cost-benefit equation of commuting (see a fascinating website, <http://www.cnt.org/tcd/ht>, on housing and transportation costs. It also saves energy, bringing us an inch closer to a sustainable economy.

So this might be a way to at least partly reverse the reverse Robin Hood effect of the residential TIF. Now I can see an entirely different objection possibly coming from another quarter: that I am proposing that we encourage deadbeats to settle in University Heights. Not so. The U. of I. salary curve is very steep; lots of hard-working, responsible people get paid just enough (or not quite enough) to make ends meet. So the developer who is building 65 units where such people can't afford to live should provide some assistance for them to live in units that they can afford---right down the street.

-Joe Frankel
323 Koser Ave.

P.S. Another website, that might be useful - the Iowa Financing Authority <http://www.iowafinanceauthority.gov/> but you may already be familiar with them.

I want to express my support for the proposed design for One University Place as displayed in the detailed scale model I viewed in the city office, and for the TIF proposal.

I am delighted at the way the buildings fit the site:

The model really allowed me to appreciate how the slopes involved plus the developer's change to the top floor keep the profiles of the buildings to a very reasonable scale.

The placement of the front building and the bend in its layout keep the Melrose Avenue face of the development much less "abrupt" than I was expecting.

The retention of mature trees in the front, and the new green space to the rear, seem to substantially help the blending of the site with the wooded and green aspects of the neighborhood.

The traditional style of the front building seems very respectful of the established history and style of our neighborhood, while the modern lines of the rear building

appeal to me as a striking expression of the developer's personal vision for an interesting and unique look designed to appeal to a type of upscale buyer.

I am pleased to see the inclusion of both the more "modest" residential units in the front building, and the range

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of luxury features in the rear building – this gives me a feeling of a very reasonable approach to in-fill as a growth strategy for our community. The high-end aspects of the rear building feel like a good approach to allowing our community to attract an appealing and appropriate market segment for our specific location. The openness of the plaza-type area in the front lends a nice welcoming, non-exclusive feel – and is very consistent with attractive features of both the remodeled streetscape near Stella, and the front of Kinnick stadium a little farther down Melrose. The rear building seems to have features of luxury and privacy that should appeal to potential buyers in a high-end market segment – and the plan for the unusual balcony plantings and the top floor features seem like exciting ways to make the project stand out.

The upgrade making the intersection at that corner suitable for a two-phased traffic light, with standard pedestrian walk lights following the typical pattern with traffic is WONDERFUL! I really think this is an important tweak to make that intersection safer for cars, pedestrians and most of all, kids on foot and bikes. PLEASE SUPPORT THIS! (I am disappointed that a sidewalk is not included on the ravine side, but understand that this may be a consequence of protecting the slope that some in our community feel strongly about.)

The opportunity to have a community space for meetings seems incredibly valuable! It makes sense to take advantage of a way to have room available for city council activities, meetings for community groups, maybe we'd be able to have even a little taste of activities like the Iowa City Senior Center hosts! PLEASE SUPPORT THIS!

The structuring of the TIF seems to have been carefully researched so as to provide incentives for the develop to make timely progress, include community-favorable features, and make a huge investment in growth in our community – I am excited that University Heights has a chance to use this tool to such mutual benefit.

Thank you for your hard work trying to balance many issues and concerns.

Lori Marshall

7 Glencrest Drive

319-338-3117

After stopping in the UH office and observing the 3D model, I have encouraged all my neighbors do the same. It's a terrific representation and places everything in perspective. The elevation from Melrose Ave North is quite a surprise; so little of the condo building is seen. The 'ravine' is lost with all the plantings- great! It's nothing but a long ditch filled with debris, rodents, dead timbers, noxious plants etc. I'd fill it in!

I do worry about the traffic leaving the area onto Melrose , but Chief Ron showed me where the traffic lights will be.

My only disappointment is the external covering of the North building; I wish it was more 'neutral' to blend in with the surroundings.

But overall very impressive! Three cheers for the architect and the developer!

art

Arthur Nowak

106 Birkdale Court

University Heights , IA 52246

Dear Council Members:

I am relieved to hear of the latest piece of Maxwell mania-a super rental facility atop a building within walking distance of my house which would be perfect for my next wedding reception! However, I am not getting married, and were I to rent the facility for a party very few of my guests would be within walking distance. Oh dear, 150 guests and wherever will they park?

Perhaps on the old "Chautauqua site" on Melrose and Golfview and I can rent a shuffle. What traffic problems are projected (that is, if the facility can compete with the stadium,Sports Museum, the sumptuous Marriott Hotel, UAC and other venues) Yet another surprise, and what next? I recall both in private conversations with many of you and in your public statements at meetings that you were waiting for the PUD before you asked the tough questions. The PUD is here and growing in scope. If not now, when??

June Braverman

To the Mayor and Council Members:

Many of your constituents have spoken again and again as to the desirability and feasibility of the Maxwell development, attended countless meetings and written countless reports and letters. Meeting after meeting experts questioned the development presenting relevant, cogent data regarding zoning, rezoning, environmental, traffic, social, legal and ethical concerns and the PUD / TIF now on the table. All but Brennan McGrath and later Roseanne Hopson tuned out. Those of us who worried it couldn't get any worse have been reminded painfully that it could. At this critical juncture I can only add what I admonished my school aged children 47 years ago when we moved here : STOP, LOOK and LISTEN!

June Braverman

349 Koser Ave.

Hello!

I stopped by the city office on Sat. and saw the 3-D model of the development plans for One University Place. I think it will be a fantastic addition to our community. I moved to University Heights last September from Chicago and am excited by the potential of having shops and restaurants that I can walk to, especially if we could get some type of market/convenient store in there. I think that the proximity of the University and the Hospital (and their lack of parking) already makes this a walkers community. Adding commercial businesses would further promote that and, I believe, bring the community together by providing another avenue for community members to get to know one another.

It was nice to see a physical model of the plans. The buildings are tastefully done and I am glad to see that many of the trees will remain in tact. Thank you, UH Council, for all your hard work on this.

Kim Laczynski

University Heights Resident

Attached are my comments made during the last Tuesday's City Council meeting for your records and for posting. I have also included a slightly revised version of my PUD submittal package review to which I have added item C-105 that I mentioned in my meeting comments, but had neglected to include in my PUD plan review.

Please let me know if you have questions.

Larry

Dear Council Members and Staff--

I have reviewed the revised One University Place PUD submission package as posted on the University Heights website. so that I might have a better understanding of whether the project is being developed as promised and expected. My review covered how well, from my perspective, the plans met the PUD submittal requirements of Ordinance 180 Section D and whether development issues and concerns were fully addressed. My intent is to raise questions and concerns in my review to assure they are answered by the developer and his architect.

I would be happy to discuss my findings with you if you would like.

Larry

L WILSON COMMENTS AT THE UH COUNCIL MEETING JUNE 14, 2011

As prior to last month's meeting, I have reviewed the PUD plans as submitted May 27, 2011 and the Council has received a memo of my review earlier today.

As before, Pat Bauer & others have covered the general issues very well so I have focused on the Ord. 79, Sect. D detailed plans and the TIF proposal. I will not cover each of my comments in the PUD memo sent to you, but I will cover a few highlights.

First, I neglected to mention in my PUD review memo that approximately 150ft of guard rail is proposed between the sidewalk and curb west of the west entrance to the development that is required to protect bicyclists on the wide sidewalk. I presume this is either a metal highway type guardrail or a concrete Jersey barrier. Either one will be very unsightly.

The east ravine apparently has slopes protected under Ord. 180 which have been disturbed and others which have not. It is the current naturalistic or nature-like appearance of the undisturbed or disturbed protected slopes that is important. The current screening and habitat value to the community is not reduced by the former disturbance. Damage occurring from storm water runoff can be addressed by a grass buffer strip rather than flattening the slope which would destroy the ravine's value.

The City Engineer's Report #1 review item 2, recommended moving the south sidewalk along Melrose to the south ROW line. Screening trees & vegetation planted long ago, which would provide screening of the Maxwell development, would have to be removed to place the sidewalk in this location. The removal of the tree screening would be greater harm than the increased difficulty of snow removal. Our neighbors, the Rupperts, support this position.

Easements are provided for waterlines and a sanitary sewer that serve only the Maxwell development. There is no need for these easements unless Mr. Maxwell expects UH to install and maintain the lines. Instead, these sanitary sewer and waterlines should be installed and maintained by the developer.

I agree with the MPO report recommendation that an exterior lighting planimetric lighting impact map (lighting photometric plan) to determine potential light pollution be provided.

But I do believe that a second traffic light at the west entrance to the development will further make the area more commercial and less residential in character. It should not be installed when the requirements for it have not yet been met and when the severity of the situation is not yet known.

The top floor (sixth) of rear building 2 is shown as a reception Room with large expanses of glass. This will become a beacon at night impacting on the surrounding homes. This was a problem with the University's Carver Biomedical Research Building top floor. Manville Heights neighbors complained about the night lighting beacon effect on the neighborhood. This needs to be reconsidered.

If you base adequacy of parking on 1 parking space for each 150sf of restaurant space and 1 car for each 200sf of other commercial space as required in Ord. 79, there is a deficit of 44 public commercial parking spaces. While some of the excess underground parking spaces in front Building 1 might be assigned to business owners, it would not be practical to assign them to the public business patrons, plus the entrance to the parking is fairly hidden on the far east end of the building. Excess underground parking in the rear building 2 would be too isolated and too far to be used.

TIF should not be used to subsidize a high-end private condo and commercial development when \$4.3M is being paid for the land valued at only a fraction of that amount as originally zoned. I am not opposed to TIF per se, but I am opposed to how it has been requested to be used.

Plaza Towers was built on an Iowa City lot designated for a specific City vision. The use of TIF was an incentive to get the City's vision implemented. In the UH situation, the developer is proposing his vision, not a UH community vision.

All utilities, roads, and other infrastructure improvements necessary to construct the project are created by the project and should not be subsidized by TIF.

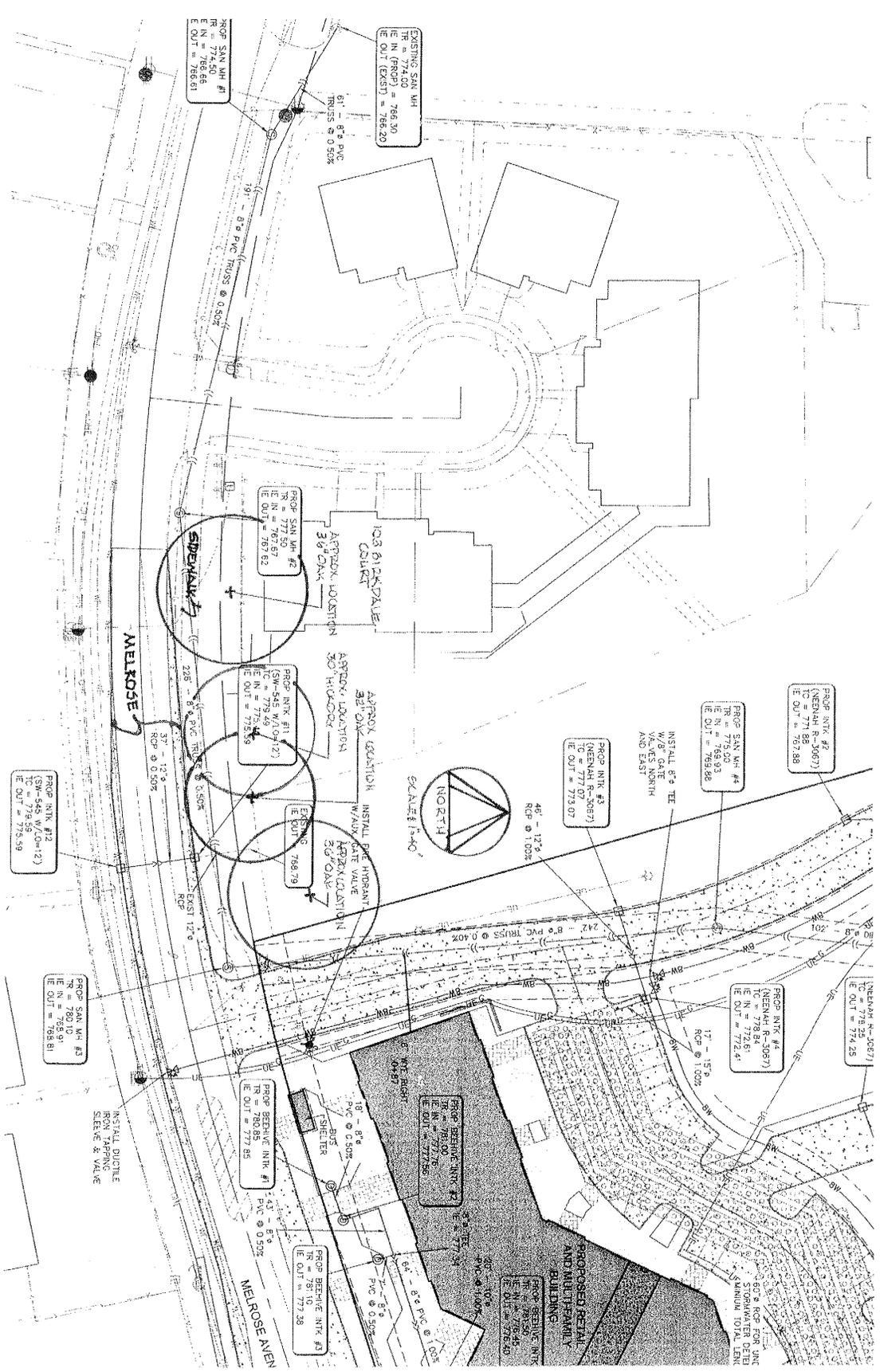
Likewise, commercial development should not be subsidized by TIF because it is the developer's choice, especially since over half of the UH community is opposed to any commercial development at all.

However, if commercial development is approved, it would be legitimate use of TIF to subsidize a neighborhood market or coffee shop if they are reasonably guaranteed. Use of TIF to provide the 4000sf of UH community space or to eliminate the sixth floor reception room from the high-rise condo would be other community benefits that would make sense.

Keep in mind that with no TIF, or with a reduced TIF amount, there will be more immediate tax income to UH community.

Please contact me if you have any questions about my memo sent earlier today?

Thank you.



EXISTING SAN M.H.
 TR = 766.30
 E IN (PROJ) = 766.30
 E OUT (EXIST) = 766.29

PROPOSED SAN M.H. #1
 TR = 766.66
 E IN = 766.66
 E OUT = 766.61

PROPOSED SAN M.H. #2
 TR = 777.50
 E IN = 767.82
 E OUT = 767.82

PROPOSED INK #1
 TR = 775.43
 E IN = 775.43
 E OUT = 775.58

PROPOSED BEEHIVE INK #1
 TR = 780.85
 E IN = 777.85
 E OUT = 777.85

PROPOSED BEEHIVE INK #3
 TR = 791.10
 E IN = 791.10
 E OUT = 791.26

PROPOSED INK #3
 (NEENAH R-2087)
 TR = 773.07
 E IN = 773.07
 E OUT = 773.07

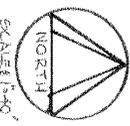
PROPOSED SAN M.H. #4
 TR = 775.00
 E IN = 769.93
 E OUT = 769.88

PROPOSED INK #2
 (NEENAH R-3067)
 TR = 771.88
 E IN = 771.88
 E OUT = 767.88

PROPOSED INK #4
 (NEENAH R-3067)
 TR = 772.41
 E IN = 772.41
 E OUT = 772.41

PROPOSED SAN M.H. #3
 (SW-548 W/O=12)
 TR = 779.59
 E IN = 779.59
 E OUT = 779.59

PROPOSED SAN M.H. #3
 TR = 780.10
 E IN = 780.10
 E OUT = 768.81



MELROSE

MELROSE AVEN

PROPOSED RETAIL AND MULTIFAMILY BUILDINGS

60' x 100' FOR ONE UNIT FROM EXISTING SANITARY MANHOLE TOTAL LENGTH

INSTALL DUCTILE IRON TAPPING SLEEVES & VALVE

INSTALL PERMITSANT W/BACK GATE VALVE APPROX LOCATION 30' GUY

APPROX LOCATION TO HOOKUP 30' GUY

APPROX LOCATION 30' GUY

6" - 8" PVC TRUSSES @ 0.50%

8" - 8" PVC TRUSSES @ 0.50%

3" - 8" PVC TRUSSES @ 0.50%

July '11 – City Attorney's Report

1. Comprehensive Solid Waste Management Plan.

- Iowa law requires cities and counties to adopt a solid waste management plan. Cities are expressly permitted to adopt a regional plan, and the East Central Iowa Council of Governments (ECICOG) has prepared such a plan. University Heights is within the service area of the Iowa City Landfill and Recycling Center, but there is no 28E agreement concerning landfill/recycling services. Thus, University Heights is required to adopt a solid waste management plan, and staff at the Iowa City Landfill and Recycling Center recommends adoption of the ECICOG plan.
- The plan itself is rather voluminous; you may view it here: <http://www.mediafire.com/file/fq48a15mr2x9k42/comp%20plan%202010.pdf>.
- The Council adopted the previous version of the ECICOG plan in July 2008, but the plan has been amended and extended. I am attaching a memo from Iowa City Landfill and Recycling Center staff outlining significant recent updates to the plan.
- I also am attaching Resolution No. 10-12 that you will be considering, which adopts the ECICOG plan.

2. Letter to Johnson County Regarding TIF.

- As requested by a majority of the Council at the June 28, 2011, work session, I have put together a draft letter to the Johnson County Board of Supervisors requesting the County's participation in the TIF request by Jeff Maxwell. A copy of the draft letter is attached.
- As requested by Council Member Hopson, I included language (underlined in the draft) indicating that 1) 100% of the Council is not in favor of the development and 2) there is significant community opposition.
- The draft letter is intended as a point of departure. The language used the sentiment expressed is for the Council, not me, to decide.
- John Danos has not had a chance to review this in advance, but I have solicited his input and expect to have it before Tuesday.
- I also am attaching Resolution No. 10-13 that you will be considering, which authorizes the Mayor to sign and send the letter, if any, approved by the Council.

3. One University Place - email on Website.

- At the June meeting, the Council adopted a motion to incorporate into the Council's record concerning Mr. Maxwell's PUD application the prior public comments and submissions made to the Zoning commission and Council regarding the rezoning of the PUD property.
- My understanding from Council Member Haverkamp's recent email is that all email and communication forwarded to him has been placed on the City website. In accordance with the Council's action in June, if any of you have additional email or communications regarding the rezoning or PUD that you have not previously sent to Council Member Haverkamp, I encourage you to do so at once so that these communications not only are part of the public record but also more easily accessible.

4. Definition of "Protected Slope".

- Mr. Maxwell's engineering team raised a question in June concerning whether certain portions of the property proposed for redevelopment were properly classified as "Protected Slope[s]" under University Heights Ordinance No. 128, which you may view here: <http://www.university-heights.org/ord/ord128.pdf>.
- Ordinance No. 128 defines "Protected Slope" as "[a]ny slope rising forty percent (40%) or steeper over a run of 10 feet". The question presented was whether "Protected Slope" means the 40% grade has to extend for 10 feet of rise, or whether the area with 40% grade has to be 10 feet wide (horizontal measurement).
- I have reviewed my file concerning the adoption of the ordinance and spoken with Josiah Bilskemper about it. I have also researched common definitions of "rise" and "run" in similar contexts, I interpret Ordinance No. 128's definition of "Protected Slope" to mean the area with 40% grade has to be 10 feet wide (horizontal measurement), regardless of the length of the "rise" itself. I have informed Josiah and Mr. Maxwell's engineering team of my conclusion.
- This interpretation only goes to determining whether particular slopes meet (or do not meet) the definition of "Protected Slope[s]" by Ordinance No. 128. If particular slopes are defined as "Protected", then the ordinance provides that development on those slopes may occur only upon the following showings:
 1. The area has previously been altered by human activity; and
 2. A geologist or professional engineer demonstrates to the City Council's satisfaction that the development activity will not undermine the stability of the slope; and
 3. The City Council determines that the development activity is consistent with the intent of Ordinance No. 128; and

4. The proposed developer submits a development plan, grading plan, and sensitive areas site plan to be considered and approved by the Council before development begins.

5. Public Hearing on PUD Plan Application – Coordination with TIF.

- Tuesday’s Council meeting will be preceded by a public hearing on the PUD Plan Application submitted by Mr. Maxwell for One University Place. A public hearing is required by Ordinance No. 79(C)(2). You may view Ordinance 79 here: <http://www.university-heights.org/ord/ord079amend.pdf>. I have been asked whether holding the public hearing Tuesday means the Council must vote on the PUD Plan Application then; the Council is not required to vote now.
- The public hearing provides citizens the opportunity to comment further on the PUD Plan Application. Such public input has been received and will continue to be received outside the confines of a “formal” public hearing; this forum is not the only or last opportunity for citizens to comment.
- My understanding is that Mr. Maxwell and his representatives will be on hand Tuesday to present updates to the PUD Plan Application and answer questions. MPO-JC already has submitted additional memoranda to the Council concerning parking and traffic signals. I suspect that Josiah Bilskemper may have additional comment, as will citizens, perhaps among others. It seems to me that the Council is still in the evaluation and discussion stage with Mr. Maxwell concerning the PUD Plan Application. The scheduled public hearing does not compel the Council to vote on the application Tuesday, but the hearing is required before the Council may vote (now or later) to approve or disapprove the PUD Plan Application.
- The Council will need to decide whether it desires to proceed with considering and, ultimately, voting on the PUD Application before, after, or simultaneously with further consideration of and action on the TIF proposal.

6. Draft Version of Development Agreement.

- Mr. Maxwell’s lawyer, Tom Gelman, and I have been working on a draft version of a Development Agreement concerning One University Place. Such an agreement is contemplated by Ordinance No. 79(13)(E). I am attaching a draft version of the agreement that represents my initial version and incorporates Mr. Gelman’s requested changes; Mr. Gelman did not agree with all the provisions in my original draft, and I have not agreed to all of his proposed changes. At this point, I thought it would be best to circulate the working draft to the Council for consideration and direction.

- I want to stress that the attached version is a draft only; the Council will need to review the terms of this Agreement and provide direction concerning various issues or provisions the Council desires or does not desire.
- Throughout consideration of the rezoning application and PUD Plan Application, I have kept notes concerning items the Council may desire to make part of a Development Agreement. Many of these particulars are included in the draft Agreement attached, and others are listed below.
- I want to preface my presentation of particular items for the Council to consider by saying that many if not most of these items present policy decisions for the Council. I do not intend to take or suggest a policy stand on particular items; I simply make mention for the Council's consideration. The Council will need to provide direction to me (and other City staff) concerning whether any of these particular items (or others) are important to the Council and should be included in the Development Agreement and/or whether the Council needs additional information or input to make that decision.
- Mr. Maxwell and his representatives will have something to say about most of the items on this list; citizens and City staff may, as well. The Council will be able to consider all of these comments as part of its PUD Plan Application consideration and evaluation. In addition, the Council may provide direction and comment as to all parts of the proposed Development Agreement or additional provisions the Council wants to see in that Agreement, not just the particular items called out below.
- I suggest that the Council consider these items that could be incorporated into a Development Agreement:
 1. Parties to Agreement. The Council should consider whether St. Andrew Presbyterian Church should be a party to the Development Agreement. Mr. Maxwell, as owner of a portion of the property proposed for development and as the proposed developer presently is a party in the draft version. The Council may desire that the church also undertake the commitments set forth in the Agreement.
 2. Light Restrictions. The Council should consider the particulars of the light restrictions and provisions to avoid light "spillage" from the development and whether these provisions are sufficient.
 3. Exterior Amenities. The Council may desire that certain exterior amenities, perhaps including benches, book drop, and bicycle racks be shown and specified in site or building plans.

4. Boring Plans. The Council should consider whether to require boring plans showing that all utilities or other implements to be constructed on the property shall be bored-in and not placed by way of open excavation or otherwise.
5. Fill Material. The Council should consider whether to require that all fill on the project be observed by an independent monitor who shall have authority to order stoppage of work without notice if work is not proceeding in accordance with the monitor's direction. The Council could request that all costs associated with such monitoring be the sole and exclusive responsibility of developer.
6. Changes to Condominium Documents. The Council should consider whether to require that any substantive changes to the condominium documents that will be drafted must be approved by the Council to be effective. The Council particularly may wish to have such a requirement concerning changes to the rules and regulations governing the development.
7. Rental/Leasing of Residential Units. The Council should decide whether it is agreeable to permitting some or all of the residential units in the development to be rented or leased. The Council may propose that no units be leased; or that only units in one building may be leased; or that no more than a specified number of units may be leased; or some other description of limits on leasing.
8. Traffic Considerations. The Council should consider whether to prohibit left turns from the property onto Sunset Street.
9. Law Enforcement on Property. The Council should consider requesting that the developer and those coming after the developer (owners of condominium units) agree that the University Heights Police Department may come upon the property in perpetuity to enforce all traffic signage and regulations on the property.
10. LEED Certification. The Council should consider whether to require that the development's plans, specifications, and construction meet or exceed the design and build elements necessary for the entirety of the project to be qualified as Certified/Silver/Gold/Platinum according to the Leadership in Energy & Environmental Design 2009 scale. The Development Agreement could provide that no building or occupancy permit shall be issued until such certification is documented to the satisfaction of the Council.

11. Maintenance of Public Space. The Council should consider whether to require the developer to maintain any public space (fountain, atrium, etc.) even if the space is open and available for public use and even if the Council sets restrictions concerning hours and uses of such space.
12. Snow Removal. The Council should consider whether to require the developer to be responsible in perpetuity for the removal of snow and ice on certain City sidewalks, including those on the north and south sides of Melrose Avenue beginning at Sunset Street and proceeding west to a specified distance. The sidewalk on the south of Melrose Avenue will be closer to the street, from what I understand of the plans, which may lead to additional deposits of snow and ice from plows clearing the street.
13. Restrictions on Commercial Uses/Hours of Operation. The Council should consider the types of businesses that are or are not permitted in the commercial portion of the development. Ordinance 79(6)(f)(2)(b) provides a broad list of permitted uses. The Council may wish to further refine or define those uses and further address hours of operation.
14. Outdoor Game Day Sales. The Council may wish to prohibit any outdoor sales on Hawkeye home game days.
15. Timing of Construction. The Council may wish to provide that construction on the proposed development must commence by a certain date and be completed by a certain date.
16. Grocery Store/Market. The Council should consider whether it desires to require that a portion of the commercial space be used for a grocery store/market.
17. Parking. The Council should consider whether the proposed parking is sufficient for the development and the types of commercial uses contemplated.

RESOLUTION NO. 11-08

RESOLUTION APPROVING THE EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS REGIONAL COMPREHENSIVE INTEGRATED SOLID WASTE MANAGEMENT PLAN 2011-2017.

WHEREAS, Iowa Code § 455B.302 provides that each city and county in Iowa shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the adopted hierarchy of solid waste management (as set forth in Iowa Code in § 455B.301A); and

WHEREAS, Iowa Code § 455B.306(1) provides that each city and county in Iowa shall file with the Iowa Department of Natural Resources a comprehensive plan detailing the method by which those waste reduction and recycling program requirements will be met, and that plan shall be updated consistent with the rules of the Environmental Protection Commission; and

WHEREAS, an update of the Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017 has been prepared by the East Central Iowa Council of Governments, and the City of University Heights will fulfill its planning requirement pursuant to Iowa law through its adoption,; and

WHEREAS, the City of University Heights has participated in the review of the Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017, and the City of University Heights is committed to the State of Iowa's waste reduction and recycling goals,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA that the City of University Heights hereby adopts the East Central Iowa Council of Governments Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017, and will make its best effort to put into action the implementation plan and schedule as presented in the plan.

Upon motion by _____, and seconded by _____, the vote was as follows:

| | AYES: | NAYS | ABSENT |
|-----------|-------|-------|--------|
| Haverkamp | _____ | _____ | _____ |
| Hopson | _____ | _____ | _____ |
| Laverman | _____ | _____ | _____ |
| McGrath | _____ | _____ | _____ |
| Yeggy | _____ | _____ | _____ |

Upon Roll Call thus recorded, the Resolution is declared adopted this 12th day of July, 2011.

Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

Steve/UH Resolutions/Resolution 11-08 – 071211 ECICOG Comp Waste Mgmt Plan



CITY OF IOWA CITY MEMORANDUM

Date: May 13, 2011
To: City Councils of Johnson County, Kalona and Riverside
From: Jen Jordan, Recycling Coordinator at the Iowa City Landfill & Recycling Center
Re: ECICOG's *Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017*

Iowa City Landfill and Recycling Center staff has been working with the East Central Iowa Council of Governments to update the *Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017*. The landfill service area communities are not part of a 28E agreement; therefore each City Council in the service area of Johnson County and the communities of Kalona and Riverside are required by Iowa Code to individually adopt the plan by resolution.

The majority of the plan consists of ECICOG's reporting requirements to the Department of Natural Resources regarding what waste reduction activities have occurred since the last update and what new goals have been set for the region.

The remainder of the plan sets goals and timelines for individual counties in the ECICOG planning area; this is primarily what City Councils are asked to adopt. In Johnson County, two planning sessions involving interested stakeholders were held in August of 2010. The eleven goals resulting from these planning sessions and detailed in the attached pages are:

1. Promote a significant unifying goal to the public. "Exceed 50% waste reduction by 2017."
2. As a function of the comp plan, establish a local committee to evaluate progress toward goals.
3. Promote and expand waste reduction and recycling education activities.
4. Expand use of Iowa City Landfill's Regional Collection Center (RCC) for hazardous waste
5. Continue to support regional approach to recycling
6. Investigate new landfill technologies & policies to enhance efficiency and environmental protection.
7. Develop strategies to increase recycling among multi-family households
8. Review/evaluate waste and recycling collection programs
9. Reduce construction & demolition waste
10. Expand composting in Johnson County
11. Work with policy makers to reduce waste such as water bottles, plastic bags and electronic wastes.

These goals are lofty but realistic targets for the City of Iowa City Landfill and Recycling Center and for all of the Landfill service area.

Jennifer Ryan Fencl with ECICOG and I will be available for June and July City Council meetings to answer any questions about the *Regional Comprehensive Integrated Solid Waste Management Plan 2011-2017*. In the meantime, please contact me with any questions at jennifer-jordan@iowa-city.org or 319- 887-6160.

cc: Jennifer Ryan Fencl, East Central Iowa Council of Governments

Iowa City / Johnson County Integrated Solid Waste Management Activities 2011-2017

| Goal/Objective | Activities to Achieve Goal/Objective | Estimated Timeline | Associated Educational Strategy (if any) | Funding Source (other than local assessments or tipping fees) | Responsible Entity(s) |
|--|---|--------------------|--|---|---|
| <p>1. Promote a significant, unifying goal to the public. "Exceed 50% waste reduction by 2017."</p> | <p>a) Increase waste reduction, reuse, recycling, and composting among industrial/commercial/institutional (ICI) sectors.</p> | <p>2011-2017</p> | <p>Public education campaign via various outlets including the Corridor Business Journal, HBA, etc.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - Businesses - IWE - U of I |
| | <p>b) Encourage businesses & institutions to adopt waste management strategies into their strategic plans</p> | <p>2011-2017</p> | <p>Public education campaign via various outlets including the Corridor Business Journal, HBA, etc.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - Businesses - IWE - U of I |
| | <p>b) Increase waste reduction, reuse, recycling, and composting among residents.</p> | <p>2011-2017</p> | <p>Public education campaign via city/county websites, county newsletter, conservation district newsletter, etc.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - Municipalities - Unincorporated areas - U of I |
| <p>2. As a function of the comp plan, establish a local committee to evaluate progress toward goals.</p> | <p>a) Invite planning committee to meet twice per year (January & June) to review goal progress.</p> | <p>2011-2017</p> | <p>Provide information concerning committee objectives to relevant decision-makers.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG |
| | <p>b) Examine opportunities for partnerships to achieve comp plan goals.</p> | <p>2011-2017</p> | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG |
| | <p>c) Communicate committee's efforts to business groups</p> | <p>2011-2017</p> | <p>Using newsletters, presentations, etc.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IWE |
| | <p>d) Develop new methods of measuring positive impact at the landfill such as amount diverted or customers served.</p> | <p>2011-2017</p> | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG |

| | | | | | |
|---|--|----------------------------------|--|---|---|
| <p>Goal/Objective</p> | <p>Activities to Achieve Goal/Objective</p> | <p>Estimated Timeline</p> | <p>Associated Educational Strategy (if any)</p> | <p>Funding Source (other than local assessments or tipping fees)</p> | <p>Responsible Entity(s)</p> |
| <p>3. Promote and expand waste reduction and recycling education activities.</p> | <p>a) Expand promotion of full range of landfill services to rural residents, businesses, multi-family residents, the campus community and the general population.</p> | <p>2011-2017</p> | <p>Using advertisements, print materials, presentations to groups, fair/event displays, etc.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - Municipalities |
| | <p>b) Create & implement a comprehensive curbside recycling education & outreach program.</p> | <p>2011-2017</p> | <p>Using print material, advertisements and presentations.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IC Streets & Refuse Division |
| | <p>c) Expand recycling education activities aimed toward children pre-K thru 12th grade.</p> | <p>2011-2017</p> | <p>Using presentations, education units, tours and school career days</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - U of I students |
| | <p>d) Continue and expand recycling container lending program for events & fairs in all communities within the service area.</p> | <p>2011-2017</p> | <p>Develop event waste reduction campaign, including composting options.</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG |
| | <p>e) Develop single issue education campaigns targeting special waste streams such as HHM, E-wastes, Styrofoam use at events, food waste and illegal dumping.</p> | <p>2011-2017</p> | <p>Using print materials, presentations, advertisements, articles, etc.</p> | <p>Possible SWAP funds</p> | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - event organizers - Johnson County |
| | <p>f) Develop waste management education targeted to businesses.</p> | <p>2011-2017</p> | <p>Provide resource sheets and highlight positive examples</p> | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IWE - Chamber - Downtown Association |
| <p>Goal/Objective</p> | <p>Activities to Achieve Goal/Objective</p> | <p>Estimated Timeline</p> | <p>Associated Educational Strategy (if any)</p> | <p>Funding Source (other than local assessments or tipping fees)</p> | <p>Responsible Entity(s)</p> |

| | | | | | |
|--|---|----------------------------------|--|---|--|
| <p>4. Expand use of Iowa City Landfill's Regional Collection Center (RCC) for hazardous waste</p> | <p>a) Continue to expand use of RCC to residents and small businesses (conditionally exempt small quantity generators or CESQGs). b) Consider RCC operational changes for customer convenience to increase use such as hours, etc. c) Expand Reuse Shop usage; including bulked latex paint reuse program. d) Focus mobile HHW collection events in service area communities on permanent facility use education. (Johnson County cities as well as Riverside & Kalona)</p> | <p>2011-2017</p> | <p>Using advertisements, print materials, presentations to groups, fair/event displays, etc. Using print materials, presentations, advertisements, articles, etc. Using print materials, presentations, advertisements, articles, etc.</p> | | <p>- Iowa City Landfill & Recycling Center - ECICOG - IWE</p> |
| <p>5. Continue to support regional approach to recycling</p> | <p>Work with council of governments to continue regional processing contracts for tires, white goods, HHM and other materials such as electronic waste.</p> | <p>2011-2017</p> | <p>Present benefits of regional approach to decision makers</p> | | <p>- Iowa City Landfill & Recycling Center - ECICOG</p> |
| <p>6. Investigate new landfill technologies & policies to enhance efficiency and environmental protection.</p> | <p>a) Research & evaluate new technologies such as materials recovery facility, anaerobic digester, and methane collection. b) Investigate options to direct waste generated in Iowa City service area to the Iowa City Landfill.</p> | <p>2011-2017</p> | <p>Develop method to educate industry on liability issues of depositing waste at various landfills</p> | | <p>- Iowa City Landfill & Recycling Center - ECICOG - Municipalities - IWE</p> |
| <p>Goal/Objective</p> | <p>Activities to Achieve Goal/Objective</p> | <p>Estimated Timeline</p> | <p>Associated Educational Strategy (if any)</p> | <p>Funding Source (other than local assessments or tipping fees)</p> | <p>Responsible Entity(s)</p> |

| | | | | | | |
|---|--|-----------|--|---------------------|--|---|
| | c) Evaluate operational policies at the landfill such as load tarping. | 2011-2017 | | | | - Iowa City Landfill & Recycling Center |
| | d) Investigate restricting materials at the landfill such as OCC, E-waste, mattresses, and HHM. | 2011-2017 | | | | - Iowa City Landfill & Recycling Center |
| 7. Develop strategies to increase recycling among multi-family households | a) Promote Iowa City Landfill recycling drop-off & other drop-offs among multi-family residents | 2011-2017 | Using print materials, presentations, advertisements, articles, etc. | Possible SWAP funds | | - Iowa City Landfill & Recycling Center - ECICOG |
| | b) Involve U of I student groups in new recycling programs and/or education of existing programs available at student housing. | 2011-2017 | Invite student groups to participate in a work group to develop solutions. | | | - Iowa City Landfill & Recycling Center - U of I |
| | c) Expand apartment move-in / U of I dorm partnership | 2011-2017 | Using print materials, presentations, advertisements, articles, etc. | | | - Iowa City Landfill & Recycling Center - U of I |
| | d) Investigate options for multi-family recycling including working with apartments, neighborhood associations, the city, and/or private collection. | 2011-2017 | Invite large apartment owners to participate in a work group to develop solutions. | | | - Iowa City Landfill & Recycling Center - ECICOG - Municipalities - apartment owners |
| | e) Work with apartment associations to implement 'green initiatives' to enhance their marketability. | 2011-2017 | Public education campaign | Possible SWAP funds | | - Iowa City Landfill & Recycling Center - apartment owners |
| | f) Amend City of Iowa City zoning code to require recycling facilities and services for all new multi-family housing larger than 5-plex | 2011 | Notify developers of the new requirement. | | | - Iowa City Landfill & Recycling Center - IC Planning & Zoning Department |

| Goal/Objective | Activities to Achieve Goal/Objective | Estimated Timeline | Associated Educational Strategy (if any) | Funding Source (other than local assessments or tipping fees) | Responsible Entity(s) |
|--|---|--------------------|---|---|--|
| 8. Review/evaluate waste and recycling collection programs | <p>a) Continue to evaluate & research new recycling & waste management opportunities for downtown Iowa City working with all involved entities</p> <p>b) Enlist personnel at UI to facilitate a student-run waste characterization study identifying wastes for diversion..</p> | 2011-2017 | Communicate results to public through articles, etc. | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - U of I - ECICOG |
| | <p>c) Consider regional/metro area coordination of services for curbside and/or processing.</p> | 2011-2017 | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - Municipalities |
| | <p>d) Continue to evaluate municipal residential curbside programs; consider single stream collection and/or multi-family / small commercial service programs.</p> | 2011-2017 | Communicate results to public through articles, etc. | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - Municipalities |
| 9. Reduce construction & demolition waste | <p>a) Seek opportunities for construction waste management with industry organizations including the local Homebuilders Association as well as at the UI</p> | 2011-2017 | Provide information about C&D waste management to Homebuilders and Chamber newsletters as well as to UI facilities management personnel | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IWE - Businesses - U of I |
| | <p>b) Investigate C&D processing rules to manage at the landfill in the future</p> | 2011-2017 | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center |

| Goal/Objective | Activities to Achieve Goal/Objective | Estimated Timeline | Associated Educational Strategy (if any) | Funding Source (other than local assessments or tipping fees) | Responsible Entity(s) |
|---|--|--------------------|--|---|---|
| | c) Develop resource lists and issue specific flyers targeted to construction industry. | 2011-2017 | Work with HBA and local building permit offices to distribute education materials. | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - HBA - IWE - Municipalities |
| 10. Expand composting in Johnson County | a) Begin promoting organics composting to businesses. | 2011-2017 | Work with local waste haulers to promote the service | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IWE |
| | b) Promote use and sale of compost | 2011-2017 | Market compost use through articles, presentation, etc. | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - IWE - Businesses - U of I |
| | c) Promote backyard composting | 2011-2017 | Work with Johnson Co. Extension/Master Gardeners to promote backyard composting | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - Library - Municipalities |
| | d) Investigate partnerships to encourage community yard waste collection and composting/chipping to discourage open burning. | 2011-2017 | Consider making a mobile chipper available to smaller communities to manage yard waste | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - ECICOG - Municipalities |
| 11. Work with policy makers to reduce waste such as water bottles, plastic bags and electronic wastes. | a) Participate in established initiatives such as the Product Stewardship Institute (PSI) to encourage policies that address waste reduction | 2011-2017 | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - County - Municipalities |
| | b) Consider an initiative to reduce the availability of bottled water for sale in public areas. | 2011-2017 | | | <ul style="list-style-type: none"> - Iowa City Landfill & Recycling Center - County - Municipalities |

City of University Heights, Iowa

July 12, 2011

The Hon. Pat Harney and Members
JOHNSON COUNTY BOARD OF SUPERVISORS
Johnson County Administration Building
913 South Dubuque Street, Suite 201
Iowa City, Iowa 52240

Re: Request to Assist with TIF

Dear Supervisors,

At its meeting July 12, 2011, the University Heights City Council adopted a resolution authorizing the Mayor to request that Johnson County consider assisting with a tax increment financing (TIF) proposal. That proposal was received from Jeff Maxwell, who plans to redevelop property generally at the northwest corner of Melrose Avenue and Sunset Street. St. Andrew Presbyterian Church presently owns most of the property proposed for redevelopment; Mr. Maxwell owns a portion of the property to the east of the church's property.

The University Heights City Council voted in December 2010 to rezone the subject property to permit a mixed-use commercial and residential development. The Council is presently considering Mr. Maxwell's Planned Unit Development application, which details his development proposal. A majority of the City Council supports the proposed development, but not all Council members are in favor. Community input at various public hearings and meetings is divided, and there is significant opposition.

Mr. Maxwell has also submitted a TIF proposal that seeks rebates from future property taxes to the extent of \$8-\$8.5 million. A copy of Mr. Maxwell's proposal, which details his request, is enclosed. The TIF request exceeds University Heights' debt limitation imposed by the Iowa Constitution. As a consequence, Mr. Maxwell intends to ask Johnson County to participate in the proposed TIF.

Significant details surrounding the TIF proposal remain to be considered. The City Council has retained John Danos of Dorsey & Whitney in Des Moines to assist in its consideration of the TIF request, and Mr. Danos is available to answer questions the Board may have.

On behalf of and at the direction of the University Heights City Council, I respectfully request that the Johnson County Board of Supervisors provide the County's assistance so the requested TIF may be approved and established as a partnership between the County

and the City. The Council would appreciate the Board's inclusion of this request on an upcoming agenda.

Thank you for your consideration.

Sincerely,

Louise From, Mayor
CITY OF UNIVERSITY HEIGHTS, IOWA

DRAFT

RESOLUTION NO. 11-09

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SEND LETTER REQUESTING ASSISTANCE FROM JOHNSON COUNTY RE TIF.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA authorizes Mayor Louise From to sign and send a letter to the Johnson County Board of Supervisors requesting the County's assistance in approving the tax increment financing proposal submitted by Jeff Maxwell in the form adopted by the Council July 12, 2011.

Upon motion by _____, and seconded by _____, the vote was as follows:

| | AYES: | NAYS | ABSENT |
|-----------|-------|-------|--------|
| Haverkamp | _____ | _____ | _____ |
| Hopson | _____ | _____ | _____ |
| Laverman | _____ | _____ | _____ |
| McGrath | _____ | _____ | _____ |
| Yeggy | _____ | _____ | _____ |

Upon Roll Call thus recorded, the Resolution is declared adopted this 12th day of July, 2011.

Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

Formatted: Different first page header

| | |
|----------------------------|--|
| Prepared by and return to: | Steven Ballard, Leff Law Firm, P.O. Box 2447, Iowa City, Iowa 52244-2447, (319) 338-7551 |
|----------------------------|--|

PUD DEVELOPMENT AGREEMENT

This Agreement is entered into by and between **Jeff Maxwell**, hereinafter referred to as "Developer" and the **City of University Heights, Iowa**, hereinafter referred to as "City", pursuant to the City's Zoning Ordinance, No. 79.

RECITALS:

- A. Developer is the owner of the real estate described and referred to as the Maxwell Parcel on the attached Exhibit A.
- B. Under a written purchase agreement, St. Andrew Presbyterian Church is the Seller, and Developer is the purchaser, subject to certain seller contingencies, of the real estate described and referred to as the St. Andrew Parcels on the attached Exhibit A.
- C. The Maxwell Parcel and St. Andrew's Parcels are located within the City's limits and together comprise land zoned Multi-Family Commercial. When used for multi-family and commercial purposes, City Zoning Ordinance No. 79 requires the submittal of a Planned Urban Development (PUD) application and compliance with Section 13 of the ordinance, which section anticipates the Developer and the City entering into a Development Agreement establishing development requirements and addressing certain other items enumerated in the ordinance.
- D. The Developer has submitted a PUD Application for development of the Maxwell and St. Andrew parcels under a single project known presently as "One University Place" and referred to herein as the "Project".

E. St. Andrew Presbyterian Church (“Church”), as owner of the St. Andrew Parcels, has previously delivered to the City its continuing express written consent for Developer to submit to the City a Multi-Family Commercial PUD Plan Application together with such other materials, applications and requests as may be related to such PUD Plan Application and the project described therein. The Church is not a developer of the Project.

F. Developer and City wish to comply with the requirements of Ordinance No. 79, Section 13 by entering into this Development Agreement setting out their agreements.

IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

1. **Purpose.** This Development Agreement is prepared for the purpose of complying with the City's Ordinance No. 79, Section 13(E).
2. **Building Plans and Construction Drawings.** Before any building permit is issued for all or any part of the Project, Developer shall submit to the City for approval detailed building plans, construction drawings, and related plans and applications for the Project in accordance with City requirements and procedures. Such plans shall reflect the design, features and details of the PUD Plan approved by the City (“approved PUD Plan”) and provide explanation of any variances. To the extent that the submitted plans contain new or modified details not already shown in the approved PUD Plan, the Council may establish reasonable conditions for approval of such newly provided details in accordance with its ordinances and state law. The City shall not issue building permits until such time as the City Council has in the exercise of its reasonable discretion approved by resolution all of the plans, drawings, and applications set forth below in this paragraph. Once approved by the City, the Project shall be constructed in accordance with the approved plans, drawings, and applications, which shall not be amended, changed, or otherwise altered in any material way without further resolution adopted by the City Council. Minor adjustments may be approved administratively by the City Engineer or other authorized party in accordance with the City’s standard policies, practices and procedures. The required plans and drawings shall include the following:
 - a. Building plans consistent in all material respects with the approved PUD Application showing final design features applicable to the proposed Project, including but not limited to these:
 - i. Design of exterior lighting so that all site and building-mounted luminaires produce a maximum initial illuminance value no greater than 0.10 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 10 feet beyond the site boundary. Document that no more than 2% of the total initial designed fixture lumens (sum total of all fixtures on site) are emitted at an angle of 90 degrees or higher from nadir (straight down).

- ii. Site plan showing the location of all buildings and improvements for the Project, including but not limited to: the placement of all refuse receptacles (including trash cans, dumpsters, and grease traps) and proposed screening for such receptacles; driveways and parking plans showing appropriate dimensions for vehicle turning movements on site for garbage trucks, delivery vehicles, buses, and fire trucks.
 - iii. Grading plan, including Sensitive Areas Development Plan to the extent required pursuant to City Ordinance No. 128.
 - iv. Landscaping Plan showing species and size of plantings as well as amenities including but not limited to walkways, benches, bicycle racks, and trash receptacles.
 - v. Storm Water Management Plan sufficient for the City to issue a Construction Site Runoff Permit pursuant to City Ordinance No. 169.
 - vi. Storm Water Pollution Prevention Plan and application sufficient for the City to issue a Construction Site Runoff Permit pursuant to City Ordinance No. 155.
 - b. Final Construction drawings consistent in all material respects with the approved PUD Application showing:
 - i. All final dimensions of the buildings and improvements to be included in the Project.
 - ii. All exterior building materials.
 - iii. All exterior colors.
 - iv. Other matters required to be shown generally for building permit approval.
 - v. The Developer need not include construction drawings of interior improvements intended to be built-out or finished by the owners or tenants of commercial or residential units. Such improvements will be subject to separate building permits, to the extent applicable, in accordance with standard City practices.
- 3. **Restrictions on Use.** Developer and the City understand that the property comprising this Project will be submitted to a horizontal property regime pursuant to Iowa Code Chapter 499B; that is, the project will be a multi-use condominium comprised of commercial and residential units configured in compliance with the zoning classification. At such time as Developer prepares a condominium declaration, Developer will record such declaration in accordance with applicable laws, and it shall contain restrictions as to use; rules and regulations; owners' association ("Association") matters (including, but not limited to, articles of incorporation and bylaws); and other governing provisions required by law and typical of condominium projects of this type; all to be appurtenant to the land.

As a condition for the approval of the first occupancy permit for the Project it shall be established by the Developer that the condominium declaration and accompanying documents shall have been recorded and shall include the following restrictions on the Project, which specific restrictions shall be enforceable by the City (in addition to the Association and/or unit owners) and shall not be permitted to be amended, deleted or otherwise modified without approval of the City by appropriate resolution of the City Council:

- a. Unless with the prior approval by Resolution of the City Council, no commercial use shall employ or have as an amenity or feature any sort of outdoor sales area. This restriction applies at all times, including, but not limited to any day on which The University of Iowa plays football games in Kinnick Stadium.
- b. Unless with the prior approval by Resolution of the City Council, no commercial use shall employ or have as an amenity or feature any sort of drive-through service area or hand-through service window to motor vehicles.
- c. Any proposed sign (whether lighted or not) associated with the advertising of any commercial use must be either 1) approved by the City Council, or 2) be in full compliance with sign covenants and restrictions applicable to the Project as may be incorporated into the Condominium Declaration and expressly approved by Resolution of the City Council.
- d. No temporary signs on or visible from the exterior of a commercial establishment will be permitted except when located in a window of the establishment filling not more than 25% of the window space and for no more than 20 business days during any calendar year. Signs indicating that a business is open or closed or hours of operation, or containing governmentally required disclosures, shall not be deemed temporary signs.
- e. To the extent that a unit remains for rent, one unlighted "For Rent" sign no larger than three feet by three feet (excluding stand) may be placed in or on the leased unit. In connection with the initial leasing of units, the Developer may either abide by the foregoing requirement or in lieu thereof place one leasing sign no larger than ten feet by ten feet (excluding stand) within the Project.
- f. To the extent that a unit remains for sale, one unlighted "For Rent" sign no larger than three feet by three feet (excluding stand) may be placed in or on the unit for sale. In connection with the initial sale of units, the Developer may either abide by the foregoing requirement or in lieu thereof place one for sale sign no larger than ten feet by ten feet (excluding stand) within the Project.
- g. All unit owners, occupants and guests shall comply with the noise ordinances of the City and otherwise not create any noise nuisances.
- h. Commercial uses may operate and remain open to the public between the hours of 6:00 a.m. and 10:00 p.m. on Sunday through Thursdays, and between the

hours of 6:00 a.m. and 12:00 on Fridays and Saturdays. Owners, tenant and Employees may enter upon and remain in the commercial space at other times for business purposes that do not involve the coming and going of customers or clients.

- i. Commercial uses shall be limited to those uses specifically permitted by City ordinance, now or in the future, in a multi-family commercial zone. In the event such uses are modified by zoning amendment, previously existing permitted uses shall be grandfathered until such time as such use ceases to be operated for one year.
 - j. Residential units may be occupied by a single "family" and up to one person not a member of the family occupying the premises as part of an individual housekeeping unit. "Family" is defined for purposes of this Agreement in the same manner as it is defined by the City Zoning Ordinance, No. 79, Section 3(12): "Family" is defined as one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
 - k. The Developer's obligations to remove snow and ice from City sidewalks as set forth in this Agreement shall be made part of the obligations of the Association in the condominium declaration.
 - l. No residential unit may be subdivided.
 - m. Traffic Restrictions:
 - i. No left turns shall be permitted from the Project directly onto Sunset Street.
 - ii. Other ???
 - n. The Developer or Developer's Successors (Association and/or unit owners) shall be responsible in perpetuity for the removal of snow and ice on City sidewalks on the north side of Melrose Avenue from the intersection of Melrose Avenue and Sunset Street west to the Project boundary. All snow removed from these sidewalks, and that from any other area of the Project shall be deposited on the Project's property or elsewhere but not upon City streets, City right-of-way, or any other property owned or controlled by the City or upon private property except with the permission of the property owner.
4. **Easements.** Before the issuance of any building permit for the Project, the Developer shall have granted to the City the following easements to be in a form approved by the City Attorney:
- a. An easement for the City's erection, maintenance, replacement and use of a bus shelter along Melrose Avenue as shown on the PUD Plan. Bus shelter shall be installed, maintained, repaired and replaced by the City.

- b. An easement for any portion of the sidewalk along Melrose Avenue not within City right-of-way, which sidewalk shall be installed and maintained by the Developer or Developer's successors (Association and/or unit owners).
- c. An easement for the use of the public space shown on the approved PUD Site Plan as "public plaza area", which will permit the non-exclusive use of the area by the general public according to such rules and regulations as the City may from time to time impose, provided such rules do not materially interfere with the rights of general use and access by the owners of units in the Project. The initial installation of the improvements in the easement area as shown on the approved PUD plan shall be at Developer's cost, and such improvements shall thereafter be maintained, repaired and replaced by the Developer or Developer's successors (Association and/or unit owners), with the right to recover the cost of repair or replacement from any party damaging such improvements.
5. **Dedication of Right-of-way.** Before the issuance of any building permit for the Project, the Developer shall have dedicated to the City the portions of Melrose Avenue shown on approved PUD Plan for dedication, with such dedication documentation to be in a form approved by the City Attorney.
6. **Public Infrastructure.** Before issuance of any occupancy permit for the Project, the Developer shall have completed constructed all City street, Traffic signal and sidewalk infrastructure improvements as shown on the approved PUD Plan according to plans and specifications approved by the City's engineer, and such improvements shall have been accepted by the City.
7. **Timing of Construction.** The Project is likely to be built in phases: Phase One being the south commercial /residential building, and Phase Two being the north residential building. Once construction commences on each Phase, Developer shall use all reasonable efforts to complete construction of such phase as efficiently and in as timely a manner as the parameters of the project permit and to be substantially completed within two years after the commencement date for such phase.
8. **Neighborhood Grocery Market.** Developer will use Developer's best commercially reasonable efforts to secure a tenant or owner agreeing to operate a neighborhood grocery market/deli within one of the commercial units within the Project.
9. **Payment by the Developer of Costs and Fees.** The Developer has in writing already agreed to reimburse, and has already commenced reimbursing, the City for certain costs and fees associated with Developer's PUD Application. The Developer affirms its obligations to reimburse the City as specified in the previously executed agreement.
10. **Binding.** This Agreement is binding on the parties hereto and their respective successors and assigns.
11. **Complete Agreement.** The Agreement and the Approved PUD Plan represents the complete agreement of the parties on the matters contained herein and

DATED this _____ day of _____, 2011.

CITY OF UNIVERSITY HEIGHTS, IOWA

DEVELOPER

By: _____

Louise From, Mayor

Jeffrey L. Maxwell

ATTEST: _____

Christine Anderson, City Clerk

[Add Acknowledgement Forms]

Exhibit A – Legal Description of Site for

One University Place Project

St. Andrew Parcels

Beginning at the Northeast Corner of Section 17, Township 79 North, Range 6 West of the 5th P.M.; thence North 89 degrees West along the North line of said Section 17, 402.6 feet, thence South 16 degrees East 490 feet to the Northerly line of Snook's Grove Road as now established; thence North 73 degrees East along the Northerly line of said road 291.3 feet; thence North 1 degree 40' West to the point of beginning, as shown by Plat recorded in Plat Book 4, Page 383.

and

That part of the northeast quarter of the northeast quarter of Section 17, Township 79 North, Range 6 West of the 5th P.M., described as Auditor's Parcel 96091 on plat of survey recorded in Book 38, Page 125, Plat Records of Johnson County, Iowa.

Maxwell Parcel

Auditor's Parcel 2005091 according to the Plat of Survey recorded in Book 49, Page 284, Plat Records of Johnson County, Iowa, being a portion of Outlot 1 and of Lot 238, University Heights, Second Subdivision, according to the plat thereof recorded in Book 2, Page 76, Plat Records of Johnson County, Iowa; EXCEPT beginning at the Southwest corner of Auditor's Parcel 2005091, thence North 0°00'00" East 19.48 feet along the West Line of said Auditor's Parcel (assumed bearing for this description only), thence North 74°40'39" East 8.58 feet to a point of intersection of the Westerly right-of-way line of Sunset Street, thence South 20°48'18" West 23.29 feet along said right-of-way to said point of beginning and containing 81 square feet more or less.

**City Clerk Report
July 12, 2011**

- **Four new building permits were received since the last meeting:**

**120 Koser Avenue – Detached Garage
246 Koser Avenue – Electrical permit
426 Koser Avenue – Uncovered wooden deck
316 Monroe Street – Window replacement**

I will send an updated spreadsheet after the meeting.

- **Three new rental permits were received since the last meeting:**

**1424 Grand Avenue
1247 Melrose Avenue
16 Olive Court**

I will send out the updated rental spreadsheet once I receive more permits this month.

- **Report from Norm:**

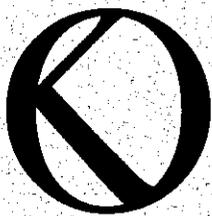
Rental properties inspected in the month of June:

**1424 Grand Ave
30 Leamer Ave
16 Olive Ct**

**Reinspected properties:
1424 Grand Ave**

Weed inspection conducted, photos taken. It was determined that the property was being properly tended.

- **We received one audit proposal back for the council to consider; a copy of that was sent to the council via e-mail. The State of Iowa did send a very nice rejection letter, stating they had the expertise but did not have the manpower to do the audit.**



Kronlage & Olson, P.C.

Certified Public Accountants

Douglas E. Kronlage, CPA

John C. Olson, CPA

July 7, 2011

Ms. Christine Anderson
City Clerk
City of University Heights
1004 Melrose Avenue
Iowa City, IA 52246

Dear Ms. Anderson:

Enclosed is our response to the City of University Heights' request for proposals for audit services for the fiscal year ended June 30, 2011.

We have been auditing cities, using the cash basis and modified accrual basis of accounting for many years. Our firm has also prepared governmental financial statements using the required GASB 34 format. We have individuals available who have spent substantial amounts of time in the governmental audit area, an area of practice in which we specialize. We have restricted our practice to working with a small number of governments and governmental agencies each year so that we may concentrate on their situations without the interference of having to work on several other engagements at the same time.

We believe that our experience and the individuals performing the audit makes us uniquely qualified to perform an audit of the City of University Heights. We will have individuals as assistants who have audited not just one or two cities a year, but many. We have personally been involved with city audits for over twenty-five years.

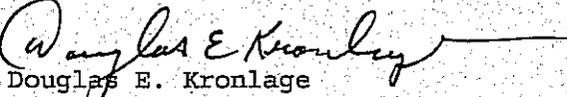
We will perform the work related to the audit of the City's financial statements as more fully explained in the Scope of Service and Proposed Project Schedule sections of our proposal.

If we are chosen to perform the City's audit as outlined in my proposal, we will request that the City sign a formal engagement letter reiterating the items included in our proposal prior to beginning the audit.

The individual authorized to make representations regarding this proposal is Mr. Douglas E. Kronlage. He may be reached at the above address and phone number.

Sincerely yours,

KRONLAGE & OLSON, P.C.


Douglas E. Kronlage
Certified Public Accountant

enclosure

PROPOSAL FOR AUDIT OF THE
FINANCIAL STATEMENTS OF THE CITY OF
UNIVERSITY HEIGHTS, IOWA
FOR THE YEAR ENDED
JUNE 30, 2011

- PREPARED BY -

Kronlage & Olson, P.C.
Certified Public Accountants
117 N. Jackson Street
Charles City, IA 50616-2036
Phone (641) 228-5900

Contact Person
Douglas E. Kronlage, CPA

PROPOSAL FOR AUDIT OF THE
FINANCIAL STATEMENTS OF THE CITY OF
UNIVERSITY HEIGHTS, IOWA
FOR THE YEAR ENDED
JUNE 30, 2011

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KRONLAGE & OLSON, P.C.
FIRM PROFILE

Kronlage & Olson, P.C., Certified Public Accountants, is a single office firm located in Charles City, Iowa. The firm was formed in 2010 with the inclusion of John C. Olson, CPA in the ownership group of the practice. The shareholders have been associated with various CPA firms for thirty years in positions including owner, partner, vice-president and staff accountant before forming our own firm. Although the firm has only two CPA's on staff, we have the ability to draw on several other CPA's through a work sharing arrangement with two other CPA firms. All of the CPA's who would potentially be involved have extensive governmental auditing experience.

We serve our clients by providing the traditional audit, tax and accounting services as well as providing assistance in the design and installation of computer systems, management information systems and other management advisory services. The firm's clientele is as varied as its services and includes municipalities, restaurants, contractors, farms, professional service providers, quasi-governmental agencies and non-profit organizations.

The firm maintains its high level of competence through its membership in various professional organizations. The company presently qualifies for and has membership in the American Institute of Certified Public Accountants, the Iowa Society of Certified Public Accountants, and the Governmental Accounting Standards Board.

The firm is in compliance with all registration and permit requirements relating to the practice of public accounting in the State of Iowa. The firm has a current Permit to Practice for the State of Iowa. All CPA's have current licenses and permits to practice in the State of Iowa.

KRONLAGE & OLSON, P.C.
QUALIFICATIONS

Kronlage & Olson, P.C. and various predecessors have been involved in governmental auditing since 1972. The firm has been active in auditing municipalities, school districts, various federal grant programs and quasi-governmental agencies. A schedule of recent governmental audits performed by Kronlage & Olson, P.C. and predecessors is included as Exhibit A. The City of Charles City audits were done using financial statements prepared using the cash basis method of accounting and in compliance with GASB 34 when implemented. The audits of the City of Mason City, Low Rent Housing Agency of Bancroft (LRHAB) and the North Iowa Regional Housing Authority (NIRHA) were done using financial statements prepared using the accrual method of accounting. The City of Mason City's June 30, 2003 through 2010 and the NIRHA audits were performed using the requirements of GASB 34. Please feel welcome to contact any of our governmental audit clients listed. The City of Mason City has consistently qualified for the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association (GFOA) after we began preparing the City's Comprehensive Annual Financial Report (CAFR). The Mason City, NIRHA and Charles City audits included Single Audit Act audits of various grant programs from many different federal and pass-through agencies.

In addition to the governmental audit work cited in the attached schedule, we have also performed several 'agreed upon procedures' engagements related to debt issuances for the cities of Mason City and Charles City. Our firm also performs audits for non-governmental clients.

An advantage of a one-office firm of several professional members is the easy availability of individuals to discuss problems that may arise in the course of an engagement. Our background in auditing allows us to apply known techniques to municipal situations. Our office sharing arrangement includes two other firms with four CPAs in the office of which three have extensive governmental backgrounds. Individuals involved in municipal auditing have only to walk down the hall to find someone else knowledgeable in governmental auditing with whom to discuss a problem.

We are strong believers in having all staff members meet or exceed the minimum requirements for continuing professional education (CPE). The General Accountability Office (GAO) requires that all individuals auditing federal financial assistance programs have at least 24 hours of direct governmental CPE every two years. All members of the proposed audit team have complied with the minimum requirement. The GAO also requires that all individuals obtain at least 80 hours of CPE every two years "that directly enhance the auditor's professional proficiency to perform audits and/or attestation engagements". All members of the proposed audit team have complied with the CPE requirements, if not exceeded them.

Many of our clients have in-house computer systems, including Quickbooks, they use for the processing of the city's financial information. These cities purchase "canned" applications from a software vendor who normally will not provide them with the source code for programs. This insures that changes cannot be made to the programming without the assistance of the software company. As part of our normal audit procedures, we evaluate the controls that are in place over the use of machines and the processing of information. Our procedures document the controls over the accuracy and completeness of the information that is being processed. As part of our testing, we may periodically test various components of the computer system to insure that changes in input information are accurately reflected in the applicable outputs. The City's system is not sufficiently large or complex to justify using a specialist to audit through the computer system.

Over the years, we have obtained significant amounts of experience in the various aspects of different cities' and quasi-governmental agencies' operations. We also have individuals who have significant experience in the commercial area. The blending of these areas allows us to bring the profit-intensive atmosphere of commercial business to the regulatory laden world of government. We have previously assisted cities with selection and implementation of computer-based accounting systems and with personnel-related activities. We believe that our firm can serve you as a sounding board in several areas. The GAO issued amendment No. 3 to *Government Auditing Standards* titled *Independence* on January 25, 2002. The amendment severally restricts the nonaudit services that may be provided by an auditor and allow him to maintain the required independence. We are still able to provide comments and suggestions for improving the accounting and control systems the City uses in performing its recording and reporting functions. We would be pleased to discuss other consultation opportunities as they develop.

Kronlage & Olson, P.C. has successfully completed an independent quality review of its accounting and auditing practice for the period ended May 31, 2009.

In evaluating a firm's quality controls, a reviewer considers, among other things, what the firm has done to ensure that it hires only qualified people, that it properly supervises them and provides them with professional training, that it advances them to responsibilities they are capable of handling, and that it provides them with necessary technical resources.

In the quality review of Kronlage & Olson, P.C., the reviewers made an independent assessment of the firm's quality control policies and procedures and inspected the working papers and reports on a representative sample of accounting and auditing engagements. They also inspected the firm's administrative files and records and interviewed professional personnel.

The reviewers concluded that the firm complied with the stringent quality control standards set by the American Institute of Certified Public Accountants, the national professional organization of CPA's.

A copy of the independent quality review report for the period ended June 30, 2009 is included as Exhibit B.

Please contact Kevin Jacobson, Finance Director, City of Mason City; Deb Bullerman, Executive Director, NIRHA, and former manager of LRHAB; or Greg Nicholas, President, First Citizens Trust Company, Mason City as audit client references.

KRONLAGE & OLSON, P.C.
SCOPE OF SERVICES

Our audit will be made in accordance with auditing standards generally accepted in the United States of America, Chapter 11 of the Code of Iowa, *Government Auditing Standards*, issued by the Comptroller General of the United States, the Single Audit Act Amendments of 1996, and Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*, and will include tests of the accounting records and such other audit procedures as we consider necessary to enable us to render an opinion on the fairness of your financial statements. It is not contemplated that we will make a detailed examination of transactions or that we will discover fraud, should any exist. We will, however, inform you promptly of any findings that appear unusual or abnormal. Our work will include a review and critique of your internal control structure.

At the conclusion of the audit, we will submit a GASB 34 compliant report which will include our opinion; government-wide statement of activities and net assets - cash basis; statement of cash receipts, disbursements and changes in fund balances, and notes to the financial statements for all included funds. Our report will also include various supplemental financial information including supplemental schedules of combining non-major fund statements, statement of revenues, disbursements and changes in fund balances - budget to actual, and notes to required supplementary information - budgetary reporting. We will also provide all the compliance reports required by the Auditor of State. We will include in these reports our recommendations for improvement of the operational effectiveness and efficiency of the City's departments.

We understand, based on information provided to us by you or your representatives, that a Single Audit will not be required. If we determine that a Single Audit is required, we will notify you immediately.

We understand that you will provide us with the basic information required for our audit and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their application and will assist in the preparation of your financial statements, but the responsibility for the financial statements remains with you. This responsibility includes the maintenance of adequate records and related controls, the selection and application of accounting principles, and the safeguarding of assets.

We also understand that no extended services will be performed unless they are authorized in the contractual agreement or in the amendment to the agreement.

KRONLAGE & OLSON, P.C.
PROPOSED PROJECT SCHEDULE

A tentative schedule for performance of key phases of the audit is as follows:

| <u>DATE</u> | <u>PROCEDURE</u> |
|------------------|---|
| July 8, 2011 | Submit proposal to City of University Heights. |
| July 12, 2011 | Proposal of Kronlage & Olson, P.C. accepted by University Heights City Council. |
| August 2, 2011 | Begin fieldwork. |
| August 4, 2011 | Completion of field work. |
| September 2011 | Work papers and preliminary draft of the audit report ready for office review. |
| September 2011 | Draft report ready for review by City of University Heights Designee. |
| October 11, 2011 | Formal presentation of audit to City of University Heights City Council. |

The actual timing will be dependent on availability of your records and our firm's prior commitments.

KRONLAGE & OLSON, P.C.
FEES AND COMPENSATION

We estimate that total fees including out-of-pocket costs will be in the range of \$6,500-\$7,000 for the audit of the June 30, 2011 financial statements. This amount is composed of the following items:

| <u>Employee Classification</u> | <u>Hourly Rate</u> | <u>Estimated Hours</u> | <u>Total</u> |
|---|------------------------|----------------------------|-----------------|
| Partner | \$100.00 | 19 | \$1,900 |
| Manager | 80.00 | 28 | 2,240 |
| Assistant | 50.00 | <u>24</u> | <u>1,200</u> |
| Totals | | <u>71</u> | \$5,340 |
| Plus travel and out-of-pocket expenses. | | | <u>1,160</u> |
| Total cost | | | <u>\$ 6,500</u> |

Our fee proposal is premised on the assumption that we will not encounter any major problems or expansion of work requirements. If we should determine that there is a major problem or expansion of work requirements that would significantly extend the time of the audit, we will consult with you immediately.

Should you request we perform additional services outside the scope of this audit, the hourly fees will be as noted above. We will require a separate engagement letter to govern any additional services.

Our normal billing procedure is to bill for all services performed during a month at the end of the month. Payment is due upon receipt of the billing. We would request that we be able to bill up to 90% of the total fee during the fieldwork portion of the audit. The remaining 10% of the fee would be billed at the time of presentation of the audit to the City Council. Final payment would be made no later than 15 days after the audit presentation.

KRONLAGE & OLSON, P.C.
SCHEDULE OF GOVERNMENTAL AUDITS

| <u>ENTITY NAME</u> | <u>AUDIT PERIOD ENDED</u> |
|--|--|
| <u>CITIES</u> | |
| Charles City | June 30, 1980-1988, 1997-2000, 2003-2004 |
| Mason City | June 30, 1983-2011 |
| <u>OTHER GOVERNMENTAL</u> | |
| North Iowa Regional Housing Authority (NIRHA) | September 30, 2004-2007, 2010-2011 |
| Low Rent Housing Agency Of Bancroft (LRHAB) | December 31, 2008-2010 |

HUNZELMAN, PUTZIER & CO., PLC
CERTIFIED PUBLIC ACCOUNTANTS

JEFFORY B. STARK, C.P.A.
KEITH C. GERMANN, C.P.A.
RICHARD R. MOORE, C.P.A.
WESLEY E. STILLE, C.P.A. (RETIRED)
KENNETH A. PUTZIER, C.P.A. (RETIRED)
W.J. HUNZELMAN, C.P.A. 1921-1997

1100 WEST MILWAUKEE
STORM LAKE, IOWA 50588
712-732-3653
FAX 712-732-3662
info@hpcocpa.com

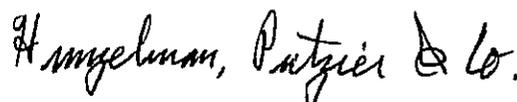
To the Owner
Douglas E. Kronlage, CPA
and the Peer Review Committee of the
Iowa Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of **Douglas E. Kronlage, CPA** (the firm) in effect for the year ended May 31, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included one engagement performed under the *Government Auditing Standards* and one audit of an employee benefit plan.

In our opinion, the system of quality control for the accounting and auditing practice of **Douglas E. Kronlage, CPA** in effect for the year ended May 31, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. **Douglas E. Kronlage, CPA**, has received a peer review rating of *pass*.

HUNZELMAN, PUTZIER & CO., PLC



Storm Lake, Iowa
July 15, 2009

KRONLAGE & OLSON, P.C.
RESUMES OF AUDIT STAFF PERSONNEL

Douglas E. Kronlage, CPA - President

Mr. Kronlage graduated from Winona State College in 1973 with a B.A. degree in accounting. Mr. Kronlage began his career as a staff auditor with the national firm of Laventhol and Horwath in Minneapolis. He joined R. W. Cox and Company in January 1977 and was eventually the managing partner of the firm. In addition to his administrative duties, Mr. Kronlage was heavily involved in audits of governmental agencies and federal grant programs. On January 1, 1999, he became the proprietor of Douglas E. Kronlage, CPA, evolving into Kronlage & Olson, P.C. in 2010.

Mr. Kronlage's experience with governmental accounting began with an internship with the Comptroller's Office of the City of Minneapolis.

Subsequent to his graduation, Mr. Kronlage has been involved in auditing municipalities, school districts, colleges, and quasi-governmental agencies (i.e. regional council of governments and 28E organizations) as well as many federal and state grant programs. Since 1984 he has been heavily involved in financial and compliance audits of the firm's clients under the provisions of the Single Audit Act. He has been one of the lead individuals in the firm working with accrual based financial statements of cities. Since 1985, he has been instrumental in assisting clients in preparing financial statements to submit to the Governmental Finance Officers Association (GFOA) to qualify for the Certificate of Achievement for Excellence in Financial Reporting.

Mr. Kronlage maintains his level of knowledge by attending various continuing education courses pertaining directly to the accounting and auditing of governmental organizations and programs. He is presently in compliance with the Comptroller General of the United States' requirements for supervisors of audits involving federal grants.

Mr. Kronlage is a member of the American Institute of Certified Public Accountants (AICPA), the Iowa Society of Certified Public Accountants (ISCPA), and the Minnesota Society of Certified Public Accountants (MSCPA). He is licensed as a CPA in the states of Iowa and Minnesota (inactive).

KRONLAGE & OLSON, P.C.
RESUMES OF AUDIT STAFF PERSONNEL

John C. Olson, CPA - Vice-President

Mr. Olson graduated from the University of Northern Iowa in 1991 with a B.A. degree in accounting. Mr. Olson began his accounting career with the office of Auditor of Floyd County as a deputy auditor. He was in charge of daily, monthly and annual accounting functions of the county, as well as voting and property transfer duties.

In 1996, Mr. Olson joined Gardiner & Co., P.C., CPA's, as a staff auditor. During his 5 years there, he was instrumental in the annual financial statement audits of 13 counties and cities combined, as well as approximately 12 farmer's cooperatives and 2 credit unions.

In 2001, Mr. Olson joined the firm of Douglas E. Kronlage, CPA. Approximately 50% of his time is devoted to governmental and employee benefit plan audits, in addition to small business compilations, and individual, partnership and corporate taxation. Mr. Olson is responsible for the preparation of governmental audits in compliance with the requirements of GASB 34 - Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments.

In January, 2011, Mr. Olson was admitted to the ownership group of Kronlage & Olson, P.C.

Mr. Olson maintains his level of knowledge by attending various continuing education courses pertaining directly to the accounting and auditing of governmental organizations and programs. He is presently in compliance with the Comptroller General of the United States' requirements for supervisors of audits involving federal grants.

Mr. Olson is a member of the Iowa Society of Certified Public Accountants (ISCPA) and the American Institute of Certified Public Accountants (AICPA). He is licensed as a CPA in the state of Iowa.

Treasurer's Report

June 2011

Our total revenue for the month of June was \$28,164.11 comprised of the following amounts:

| | |
|-----------------------------------|-------------|
| Property Taxes | \$ 5,850.85 |
| Parking fines | \$ 250.00 |
| Traffic Fines from Clerk of Court | \$ 4,655.16 |
| Interest on bank accounts | \$ 280.81 |
| Road Use Funds | \$ 3,409.43 |
| Building/excavation permits | \$ 853.00 |
| Local Option Sales Tax funds | \$11,077.69 |
| Police Reports | \$ 120.00 |
| Rental Permits | \$ 300.00 |
| Governors Traffic Safety Grant | \$ 1,027.34 |
| Refund from Federal Signal Corp | \$ 482.75 |

Balances in the bank accounts as of 6/30/11:

| | |
|---------------------------------|--------------|
| MidwestOne Checking Account | \$223,810.66 |
| Hills Bank Money Market Account | \$ 23,489.87 |
| CD at UICCU (due 2/28/14) | \$ 40,593.46 |
| Forfeiture Fund | \$ 2,289.86 |

I did get a check from Maxwell Development for reimbursement of engineering and legal fees but it was not received until last week so it is not reflected in the totals for the fiscal year that just ended.

I dropped off a back up of Quick Books to Jerad at Terry, Lockridge and Dunn

Warrants for Council Approval

06/13/2011

May 11 through June 14, 2011

| | <u>Date</u> | <u>Name</u> | <u>Memo</u> | <u>Amount</u> |
|---------------------|-------------|---|--|---------------|
| May 11 - Jun 14, 11 | | | | |
| | 05/13/2011 | City of Iowa City | City Hall water/sewer automatic payment | -22.99 |
| | 05/13/2011 | Fort, Matthew A | | -1,265.48 |
| | 05/13/2011 | Fort, Ronald R | | -1,091.41 |
| | 05/13/2011 | Lord, Benjamin M | | -1,313.57 |
| | 05/13/2011 | Reinhard, Brad | | -1,351.01 |
| | 05/13/2011 | Strong, Donald K. | | -1,139.10 |
| | 05/18/2011 | McLeod USA/PAETEC | automatic phone service payment | -138.12 |
| | 05/25/2011 | MidAmerican Energy | 1301 Melrose stop light | -29.14 |
| | 05/25/2011 | MidAmerican Energy | 1011 Melrose stop light | -28.33 |
| | 05/25/2011 | MidAmerican Energy | City Hall electricity | -63.93 |
| | 05/26/2011 | MidAmerican Energy | street lights | -612.18 |
| | 05/27/2011 | Anderson, Christine M. | | -192.70 |
| | 05/27/2011 | Fort, Matthew A | | -1,345.62 |
| | 05/27/2011 | Fort, Ronald R | | -1,236.78 |
| | 05/27/2011 | Kimura, Lori D. | | -272.36 |
| | 05/27/2011 | Lord, Benjamin M | | -853.78 |
| | 05/27/2011 | Reinhard, Brad | | -1,206.01 |
| | 05/27/2011 | Strong, Donald K. | | -1,110.53 |
| | 05/27/2011 | Wellmark BC/BS | monthly insurance payment | -1,528.72 |
| | 05/31/2011 | IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM | | -69.59 |
| | 05/31/2011 | IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM | | -2,746.97 |
| | 05/31/2011 | Internal Revenue Service | 42-1109342 | -3,793.86 |
| | 05/31/2011 | Hills Bank and Trust | principal/interest payment due on capital loan | -7,479.41 |
| | 06/01/2011 | Paul J. Moore, Melrose Avenue Building | City Hall Rent | -867.00 |
| | 06/10/2011 | City of Iowa City | City Hall water/sewer automatic payment | -19.84 |
| | 06/14/2011 | Breese Plumbing & Heating | reinstall RPZ & meter park drinking fountain | -171.20 |
| | 06/14/2011 | Greenwood and Crim, P.C. | FY12 budget/amend FY11 budget/present at | -1,280.00 |
| | 06/14/2011 | Iowa Department of Transportation | paper rolls for the Tracks system | -177.84 |
| | 06/14/2011 | ABC Solutions | Monthly fee for city website/email service | -24.95 |
| | 06/14/2011 | Paul J. Moore, Melrose Avenue Building | Garage rent | -35.00 |
| | 06/14/2011 | SEATS | Seats Payment | -703.66 |
| | 06/14/2011 | City of Iowa City | bus, fuel, park water, annual use fee for radic | -4,668.35 |
| | 06/14/2011 | Mediacom | online service 6/2/11-7/2/11 | -69.95 |
| | 06/14/2011 | Johnson County Refuse, Inc. | May recycling/spring clean up | -1,829.36 |
| | 06/14/2011 | Municipal Street Improvements Inc. | street sweeping | -2,087.00 |
| | 06/14/2011 | Racom Corporation | Police computer access fee | -79.60 |
| | 06/14/2011 | Vitosh Auto Detailing | detailing/waxing of units 1 & 2 cars | -280.00 |
| | 06/14/2011 | Leff Law Firm, L.L.P. | Legal fees 3/2/11-6/8/11 | -20,923.64 |
| | 06/14/2011 | Norm Cate | inspection services for May | -420.00 |
| | 06/14/2011 | Terry Goerd | inspection services for May | -1,050.00 |
| | 06/14/2011 | Welt-Ambrisco Insurance | commercial package renewal | -17,927.00 |
| | 06/14/2011 | Westport Touchless Autowash | May vehicle washes | -42.00 |
| | 06/14/2011 | Iowa City Press-Citizen | May publications | -266.77 |
| | 06/14/2011 | Russ Boyer Construction | patch holes/rpr street signs | -458.00 |
| | 06/14/2011 | Myriah Boyer | lawn care at park | -60.00 |
| | 06/14/2011 | Coralville Public Library | library services for FY10-11 | -2,934.00 |
| | 06/14/2011 | Staples | 2 toner cartridges | -419.43 |
| | 06/14/2011 | Anderson, Christine M. | reimbursement for certified letter to State of I | -6.83 |
| | 06/14/2011 | VISA | Quickbooks 2011/stamps/evidence tape/park | -650.99 |

| <u>Date</u> | <u>Name</u> | <u>Memo</u> | <u>Amount</u> |
|-------------|-----------------------|-----------------------------------|---------------|
| 06/14/2011 | Iowa Paper & Chemical | paper towels/soap for city office | -39.43 |
| 06/14/2011 | Lane, James | final paycheck | -37.74 |

May 11 - Jun 14, 11

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: July 11, 2011
RE: City Engineer's Report

(1) Melrose Avenue Wide Sidewalk

- a. Punch list items have been completed, Iowa DOT clearance modifications completed. Recommend approval and acceptance of the project.
- b. Final contractor pay application (retainage) has been submitted for council action.

(2) Community Tree Survey

- a. The "Tree Questionnaire" completed and approved last month as part of Pat Yeggy's report was forwarded to Mark Vitosh, District Forester, along with several aerial maps showing the city streets and municipal limits. Mark has replied he is scheduled to complete the city tree inventory between September and October, with report to follow.

(3) Maintenance Repairs

- a. J&L Construction is scheduled to complete two maintenance projects during the month of July. This is the cleaning and resealing of street joints on Birkdale Court near an existing storm intake (existing material has washed out, water is draining under the slab), and the modifications to the existing grated storm intake on Golfview Avenue.
- b. Several weeks of good construction weather have meant that most contractors are working on their larger paving/grading projects.

Please feel free to contact me if you have any questions about these or any other items.

JDB



APPLICATION AND CERTIFICATE FOR PAYMENT

| | | | | | | |
|---------------------|---|---------------------|----------------------------|-----------------------|--------|---|
| TO OWNER | City of University Heights 1004 Monroe Ave University Heights, IA 52346 | PROJECT | Monroe Avenue Improvements | APPLICATION NO | 5 | Distribution to <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> ENGINEER |
| PERIOD TO | 7/7/11 | PROJECT NO | 52-7855-805 | CONTRACT NO | | |
| CONTRACTOR | J&I Construction LLC 1971 Lexington Blvd Washington IA 52353 | VIA ENGINEER | Shave-Hattery Inc. | CONTRACT DATE | 8/7/10 | |
| CONTRACT FOR | Monroe Avenue Improvements | | | | | |

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment as shown below in connection with the Contract. Continuation Sheet is attached.

| | | |
|---|------------------|---------------------|
| 1. ORIGINAL CONTRACT SUM | \$ | 343,739.91 |
| 2. Net Change by Change Orders | \$ | 14,860.06 |
| 3. CONTRACT SUM TO DATE | \$ | 358,599.97 |
| 4. TOTAL COMPLETED & STORED TO DATE | \$ | 352,472.28 |
| 5. RETAINAGE | | |
| a. 3 % of Completed Work | \$ | 10,874.17 |
| b. 3 % of Stored Material | \$ | - |
| Total Retainage | \$ | 10,874.17 |
| 6. TOTAL EARNED LESS RETAINAGE | \$ | 351,598.11 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT | \$ | 351,598.11 |
| 8. CURRENT PAYMENT DUE | RETAINAGE | \$ 10,874.17 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE | \$ | - |

(This amount will decrease as Change Orders do not yet reflect items deleted or decreased in quantity - see summary sheet for est. final totals)

| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|--|---------------------|-------------|
| Total changes approved in previous months by Owner | \$ 14,860.06 | \$ - |
| Total approved this month | \$ - | \$ - |
| TOTALS | \$ 14,860.06 | \$ - |
| NET CHANGES by Change Order | \$ 14,860.06 | \$ - |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR J&I Construction LLC
By *Scott D. Puffer* Date 7-7-11

State of Iowa
County of Washington
Subscribed and sworn to before me this 7th day of July, 2011

Notary Public *Nancy J. Wraga*
My Commission expires 8/29/2011

NANCY J. WRAGE
Commission Number 718216
My Commission Expires
8-29-2011

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 10,874.17

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ENGINEER
By *B. J. Wald* Date 7/7/11

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

J&L Construction, LLC
 1971 Lexington Blvd
 Washington IA, 52353

Melrose Avenue Improvements
 City of University Heights

Page: 2
 Date: 7/7/2011
 Pay Request #: 5

| Line | Item Number | Item Description | Contract | | | Pay App # 4 | | Pay App # 3 | | Pay App # 2 | | Pay App # 1 | | Completed To Date | |
|------|--------------|-------------------------------------|----------|-------|-------------|-------------|--------|-------------|-------------|-------------|-------------|-------------|------------|-------------------|-------------|
| | | | Units | Price | Amount | Unit | Amount | Unit | Amount | Unit | Amount | Unit | Amount | Unit | Amount |
| 10 | 2101-0850002 | CLEAR + GRUB | 38.10 | UNIT | \$94.00 | \$3,581.40 | | | \$0.00 | 38.10 | \$3,581.40 | \$0.00 | | 38.10 | \$3,581.40 |
| 20 | 2102-2710070 | EXCAVATION, CL 10, RDWY + BORROW | 500.00 | CY | \$14.38 | \$7,190.00 | | 275.00 | \$3,954.50 | 225.00 | \$3,235.50 | 16.81 | \$241.73 | 516.81 | \$7,431.73 |
| 30 | 2105-8425005 | TOPSOIL, FURNISH + SPREAD | 330.00 | CY | \$18.17 | \$5,996.10 | | 330.00 | \$5,996.10 | | | | \$0.00 | 330.00 | \$5,996.10 |
| 40 | 2115-0100000 | MODIFIED SUBBASE | 170.00 | CY | \$22.34 | \$3,797.80 | | 105.00 | \$2,345.70 | 76.69 | \$1,713.25 | 16.81 | \$375.54 | 198.50 | \$4,434.49 |
| 50 | 2123-7450020 | SHOULDER FINISHING, EARTH | 9.24 | STA | \$175.62 | \$1,622.73 | | 6.24 | \$1,095.87 | 3.00 | \$526.86 | | \$0.00 | 9.24 | \$1,622.73 |
| 60 | 2301-1033100 | STD/S-F PCC PAVT, CL C CL 3, 10" | 861.50 | SY | \$56.89 | \$49,010.74 | | 398.01 | \$22,642.79 | 383.51 | \$21,817.88 | 83.00 | \$4,721.87 | 864.52 | \$49,182.54 |
| 70 | 2304-0100000 | DETOUR PAVT | 20.80 | SY | \$29.01 | \$603.41 | | | \$0.00 | | | 38.50 | \$1,116.89 | 38.50 | \$1,116.89 |
| 80 | 2401-6745765 | RMVL OF LIGHT POLE | 8.00 | EA | \$232.99 | \$1,863.92 | | | \$0.00 | | | 8.00 | \$1,863.92 | 8.00 | \$1,863.92 |
| 90 | 2402-0425031 | GRANULAR BACKFILL | 15.00 | TON | \$24.01 | \$360.15 | | 5.00 | \$120.05 | 10.00 | \$240.10 | | \$0.00 | 15.00 | \$360.15 |
| 100 | 2414-6444100 | STEEL PIPE PEDESTRIAN HANDRAIL | 114.00 | LF | \$72.60 | \$8,276.40 | | 114.00 | \$8,276.40 | | | | \$0.00 | 114.00 | \$8,276.40 |
| 110 | 2431-0000100 | SEGMENTAL BLOCK RETAINING WALL | 454.00 | SF | \$19.95 | \$9,057.30 | | | \$0.00 | 454.00 | \$9,057.30 | | \$0.00 | 454.00 | \$9,057.30 |
| 120 | 2435-0254100 | INTAKE SW-541 | 3.00 | EA | \$3,200.00 | \$9,600.00 | | 2.00 | \$6,400.00 | 1.00 | \$3,200.00 | | \$0.00 | 3.00 | \$9,600.00 |
| 130 | 2435-0800010 | MANHOLE ADJUSTMENT, MINOR | 7.00 | EA | \$229.32 | \$1,605.24 | | 4.00 | \$917.28 | 2.00 | \$458.64 | 2.00 | \$458.64 | 8.00 | \$1,834.56 |
| 140 | 2435-0800020 | MANHOLE ADJUSTMENT, MAJOR | 3.00 | EA | \$1,459.44 | \$4,378.32 | | 1.00 | \$1,459.44 | 3.00 | \$4,378.32 | | \$0.00 | 4.00 | \$5,837.76 |
| 150 | 2502-8212034 | SUBDRAIN, LONGITUDINAL, (SHLD) 4" | 1,253.00 | LF | \$6.80 | \$8,520.40 | | 693.00 | \$4,712.40 | 560.00 | \$3,808.00 | | \$0.00 | 1,253.00 | \$8,520.40 |
| 160 | 2502-8212406 | SUBDRAIN, STD, NON-PERFORATED, 6" | 18.00 | LF | \$18.33 | \$329.94 | | | \$0.00 | | | 18.00 | \$329.94 | 18.00 | \$329.94 |
| 170 | 2502-8220193 | SUBDRAIN OUTLET (RF-19C) | 6.00 | EA | \$250.00 | \$1,500.00 | | 2.00 | \$500.00 | 4.00 | \$1,000.00 | | \$0.00 | 6.00 | \$1,500.00 |
| 180 | 2503-0114212 | STORM SWR G-MAIN, TRENCH, RCP 2000D | 12.00 | LF | \$77.28 | \$927.36 | | 4.00 | \$309.12 | 8.00 | \$618.24 | | \$0.00 | 12.00 | \$927.36 |
| 190 | 2503-0200036 | RMV STORM SWR PIPE LE 36" | 21.00 | LF | \$13.38 | \$280.98 | | 4.00 | \$53.52 | 17.00 | \$227.46 | | \$0.00 | 21.00 | \$280.98 |
| 200 | 2510-6745850 | RMVL OF PAVT | 1,957.90 | SY | \$6.96 | \$13,626.98 | | 1,020.00 | \$7,099.20 | 755.29 | \$5,256.82 | 185.56 | \$1,291.50 | 1,960.85 | \$13,647.52 |
| 210 | 2511-6745900 | RMVL OF SIDEWALK | 1,385.90 | SY | \$3.53 | \$4,892.23 | | 333.16 | \$1,176.05 | 746.00 | \$2,633.38 | 306.84 | \$1,083.15 | 1,386.00 | \$4,892.58 |
| 220 | 2511-7526006 | SIDEWALK, PCC, 6" | 2,598.50 | SY | \$28.83 | \$74,914.76 | | 1,435.01 | \$41,371.34 | 871.05 | \$25,112.37 | 306.09 | \$8,824.57 | 2,612.15 | \$75,308.28 |
| 230 | 2511-7528100 | DETECTABLE WARNING - CURB RAMP | 165.80 | SF | \$30.86 | \$5,116.59 | | 65.80 | \$2,030.59 | 72.00 | \$2,221.92 | 28.00 | \$864.08 | 165.80 | \$5,116.59 |
| 240 | 2515-2475006 | DRIVEWAY, PCC, 6" | 504.80 | SY | \$31.44 | \$15,870.91 | | 232.00 | \$7,294.08 | 272.25 | \$8,559.54 | | \$0.00 | 504.25 | \$15,853.62 |
| 250 | 2519-3300600 | FENCE, SAFETY | 33.00 | LF | \$8.79 | \$290.07 | | | \$0.00 | | | 170.00 | \$1,494.30 | 170.00 | \$1,494.30 |
| 260 | 2523-0000100 | LIGHTING POLE | 7.00 | EA | \$5,426.00 | \$37,982.00 | | 7.00 | \$37,982.00 | | | | \$0.00 | 7.00 | \$37,982.00 |
| 270 | 2523-0000200 | ELECTRICAL CIRCUIT | 491.00 | LF | \$10.54 | \$5,175.14 | | 403.00 | \$4,247.62 | | | 88.00 | \$927.52 | 491.00 | \$5,175.14 |
| 280 | 2523-0000310 | HANDHOLE+JUNCTION BOX | 3.00 | EA | \$1,100.00 | \$3,300.00 | | 3.00 | \$3,300.00 | | | | \$0.00 | 3.00 | \$3,300.00 |
| 290 | 2524-6765010 | RMV+REINSTALL SIGN | 21.00 | EA | \$210.00 | \$4,410.00 | | 13.00 | \$2,730.00 | 8.00 | \$1,680.00 | | \$0.00 | 21.00 | \$4,410.00 |
| 300 | 2524-9325001 | TYPE A SIGN, SHEET ALUM | 10.60 | SF | \$42.00 | \$445.20 | | 10.60 | \$445.20 | | | | \$0.00 | 10.60 | \$445.20 |
| 320 | 2527-9263117 | PAINTED PAVT MARK, DURABLE | 114.50 | STA | \$45.00 | \$5,152.50 | 1.34 | \$60.30 | 114.50 | \$5,152.50 | | | \$0.00 | 115.84 | \$5,212.80 |
| 330 | 2527-9263143 | PAINTED SYMBOL+LEGEND, DURABLE | 11.00 | EA | \$250.00 | \$2,750.00 | | 10.40 | \$2,600.00 | | | | \$0.00 | 10.40 | \$2,600.00 |
| 335 | 2527-9263180 | PAVEMENT MARKING REMOVED | 122.90 | LS | \$56.95 | \$6,999.16 | | 77.47 | \$4,411.92 | | | | \$0.00 | 77.47 | \$4,411.92 |
| 340 | 2528-8445110 | TRAFFIC CONTROL | 1.00 | LS | \$7,100.00 | \$7,100.00 | | 0.25 | \$1,775.00 | 0.50 | \$3,550.00 | 0.25 | \$1,775.00 | 1.00 | \$7,100.00 |
| 350 | 2528-8445113 | FLAGGER | 10.00 | DAY | \$295.00 | \$2,950.00 | | 3.00 | \$885.00 | 5.00 | \$1,475.00 | 3.00 | \$885.00 | 11.00 | \$3,245.00 |
| 360 | 2533-4980005 | MOBILIZATION | 1.00 | LS | \$18,795.16 | \$18,795.16 | | | \$0.00 | 0.50 | \$9,397.58 | 0.50 | \$9,397.58 | 1.00 | \$18,795.16 |
| 370 | 2554-0212030 | VALVE BOX REPLACEMENT | 6.00 | EA | \$199.99 | \$1,199.94 | | 3.00 | \$599.97 | | | 3.00 | \$599.97 | 6.00 | \$1,199.94 |
| 380 | 2599-9999005 | CURB INLET FILTER | 6.00 | EA | \$40.00 | \$240.00 | | 3.00 | \$120.00 | 2.00 | \$80.00 | 1.00 | \$40.00 | 6.00 | \$240.00 |
| 390 | 2599-9999005 | REMOVAL OF CURB INLET FILTER | 6.00 | EA | \$10.00 | \$60.00 | | 6.00 | \$60.00 | | | | \$0.00 | 6.00 | \$60.00 |
| 400 | 2599-9999009 | CLEAN-OUT COMPOST FILTER TUBE | 1,253.50 | LF | \$0.10 | \$125.35 | | 880.00 | \$88.00 | | | | \$0.00 | 880.00 | \$88.00 |
| 410 | 2599-9999009 | CLEAN-OUT CURB INLET FILTER | 120.00 | LF | \$1.50 | \$180.00 | | 90.00 | \$135.00 | 30.00 | \$45.00 | | \$0.00 | 120.00 | \$180.00 |

J&L Construction, LLC
 1971 Lexington Blvd
 Washington IA, 52353

Melrose Avenue Improvements
 City of University Heights

Page: 3
 Date: 7/7/2011
 Pay Request #: 5

| | | | Contract | | | Pay App # 4 | | Pay App # 3 | | Pay App # 2 | | Pay App # 1 | | Completed To Date | | |
|-----|--------------|---|----------|-------|------------|--------------|------|-------------|--------|--------------|--------|--------------|--------|-------------------|--------|--------------|
| | | | Units | Price | Amount | | | Unit | Amount | Unit | Amount | Unit | Amount | Unit | Amount | |
| 420 | 2599-9999009 | COMPOST FILTER TUBE | 1,253.50 | LF | \$1.80 | \$2,256.30 | | | 880.00 | \$1,584.00 | | | | | 880.00 | \$1,584.00 |
| 430 | 2599-9999009 | ELECTRICAL CIRCUIT, PUSHED | 120.00 | LF | \$16.52 | \$1,982.40 | | | 60.00 | \$991.20 | | | 60.00 | \$991.20 | 120.00 | \$1,982.40 |
| 440 | 2599-9999009 | REMOVAL OF COMPOST FILTER TUBE | 1,253.50 | LF | \$0.26 | \$325.91 | | | 880.00 | \$228.80 | | | | \$0.00 | 880.00 | \$228.80 |
| 450 | 2599-9999010 | REMOVALS PER PLAN | 1.00 | LS | \$265.12 | \$265.12 | | | | \$0.00 | 1.00 | \$265.12 | | \$0.00 | 1.00 | \$265.12 |
| 460 | 2601-2639010 | SOD | 200.00 | SQ | \$44.16 | \$8,832.00 | | | 245.00 | \$10,819.20 | | | | \$0.00 | 245.00 | \$10,819.20 |
| | | CO # 1 -- Line 90 -- Granular backfill | 203.72 | TN | \$24.01 | \$4,891.32 | | | | | 203.72 | \$4,891.32 | | \$0.00 | 203.72 | \$4,891.32 |
| | | CO # 1 -- Line 110 -- Block retaining wall | 201.64 | SF | \$19.95 | \$4,022.72 | | | | | 201.64 | \$4,022.72 | | \$0.00 | 201.64 | \$4,022.72 |
| | | CO # 2 -- Curb grinding f/crosswalks | 55.00 | EA | \$13.00 | \$715.00 | | | 55.00 | \$715.00 | | | | \$0.00 | 55.00 | \$715.00 |
| | | CO # 2 -- Symbols/Legends removed | 7.00 | EA | \$220.00 | \$1,540.00 | | | 8.00 | \$1,760.00 | | | | \$0.00 | 8.00 | \$1,760.00 |
| | | CO # 2 -- Perf metal subdrain remove & backfill | 1.00 | EA | \$636.02 | \$636.02 | | | 1.00 | \$636.02 | | | | \$0.00 | 1.00 | \$636.02 |
| | | CO # 3 -- Install/remove temp. fencing | 1.00 | EA | \$3,055.00 | \$3,055.00 | 1.00 | \$3,055.00 | | | | | | | 1.00 | \$3,055.00 |
| | | Totals | | | | \$358,599.97 | | \$3,115.30 | | \$199,020.86 | | \$123,053.72 | | \$37,282.40 | | \$362,472.28 |

Completed Work to Date \$362,472.28
 Less Amt. Paid to Date (351,598.11)
 Amount Due J & L \$ 10,874.17
 (3% Retainage)