

AGENDA

**City of University Heights, Iowa
City Council Meeting**

Tuesday, August 9, 2011

Location: 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	Louise From
	Approval of Minutes July 12, 2011	
7:01	-Presentation to report the construction of the new Children’s Hospital.	Dr. Tom Scholtz, Director of Pediatrics
7:05	-Consideration of Development Plan, Grading Plan, and Sensitive Areas Site Plan for 60 Marietta Avenue and Resolution No. 11-11 approving those plans.	Dorothy Maher and her representatives.
7:15	-Financial Evaluations of One University Place TIF request from firms: Terry, Lockridge & Dunn and Piper Jaffray.	Tim Terry of Terry, Lockridge & Dunn. Tim Oswald of Piper Jaffray.
	-Continued discussion of the TIF request for One University Place. This includes updates and discussions of the TIF process without county involvement.	Jeff Maxwell Team, City staff and City council members
	-Consideration to defer any further action on the PUD Application, Developer’s Agreement or TIF process on One University Place by City council until March 1, 2012.	Rosanne Hopson
	-Continued discussion of Multiple-Family Commercial PUD Plan Application for One University Place.	
	-Presentation of formal drawing of a five way intersection at Sunset Street .	
	-Continued discussion of Development Agreement between the City of University Heights and Jeff Maxwell concerning One University Place.	
	Planning Staff updates	John Yapp, Kent Ralston MPO-JC

Time	Topic	Topic	Owner
8:00	Public Input	Public Comments	
	<u>Administration</u>		
	-Mayor	Mayor's Report -Consideration of authorizing the mayor to sign a letter of support to area legislators regarding potential changes to the definition of MPO's in federal transportation legislation.	Louise From
	-City Attorney	Legal Report	Steve Ballard
	-City Clerk	City Clerk Report Library Petition & Election papers -Consideration of Resolution No. 11-12 authorizing the following Public Measure to be placed on the ballot for the next regular City election, November 8, 2011. "Shall the City of University Heights, Iowa levy a tax not to exceed 27 cents per thousand dollars of valuation for support of a public library, with the levy to expire after ten years on June 30, 2022?"	Chris Anderson
	<u>Committee Reports:</u>		
	<u>Finance</u>	Committee Report -Financial report from Terry, Lockridge & Dunn	Brennan McGrath Mike Mesch
	<u>Community Protection</u>	Treasurer's Report/ Payment of Bills Committee Report -Consider hiring of Reserve Officers -Discussion of City joining Iowa City Chamber of Commerce	Lori Kimura R. Hopson/M. Haverkamp
		Police Chief report	Ron Fort
	<u>Streets and Sidewalks</u>	Committee Report -Tree and shrub trimming update	Pat Yeggy
		Engineer Report -Consideration of Resolution 11-13 endorsing and approving the Sunset Street wide-sidewalk project and agreeing to maintain the sidewalk for 20 years after project completion. - Consideration of Resolution No. 11-14 adopting and accepting the slope classifications set forth in Existing Conditions	Josiah Bilskemper

Time	Topic	Owner
	Plan and Sensitive Areas Development Plan for One University Place, as shown on revised Sheet C-103 of the Multiple-Family Commercial PUD Application. Accepting this plan establishes the slope classifications shown on Revised Sheet C-103 .	
	<u>Building, Zoning & Sanitation</u>	Stan Laverman
	Committee Report	
	Zoning Report	Pat Bauer
	<u>e-Government</u>	Mike Haverkamp
	Committee Report	
	<u>MPO-JC (Metropolitan Planning Organization of Johnson Co.) - formerly known as JCCOG</u>	Louise From
	Committee Report	
	Announcements	Anyone
10:00	Adjournment	Louise From

Next Regular Council Meeting: Tuesday, Sept. 13, 2011. Location to be announced.

DEVELOPMENT & GRADING PLAN SENSITIVE AREAS SITE PLAN

LEGAL DESCRIPTION:

The east 75 feet of Lot 160 in University Heights, Johnson County, Iowa, according to the revorded plat thereof; subject to easements and restrictions, if any, of record.

OWNER:
Dorothy M Maher
836 West Side Dr
Iowa City, Ia 52246

PROPERTY ADDRESS:
60 MARIETTA AVENUE
UNIVERSITY HEIGHTS, IOWA

STANDARD LEGEND AND NOTES

- PROPERTY CORNER(S), FOUND
- PROPERTY &/or BOUNDARY LINES
- - - - - RIGHT-OF-WAY LINES
- CENTER LINES
- - - - - LOT LINES, PLATTED OR BY DEED
- - - - - EXISTING EASEMENT LINES
- - - - - STORM SEWER LINES
- - - - - SANITARY SEWER LINES
- - - - - WATER MAIN LINES
- - - - - OVERHEAD ELECTRICAL LINES
- - - - - ELECTRICAL LINES
- EVERGREEN TREE WITH SIZE
- DECIDUOUS TREE WITH SIZE
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- FIRE HYDRANT
- SANITARY MANHOLE
- STORM MANHOLE
- STORM GRATE INLET
- STORM CURB INLET
- TELEPHONE CAN
- GAS METER
- AIR CONDITIONER
- GUY WIRE
- POWER POLE
- ELECTRIC TRANSFORMER/PAD

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDRETHS

LOT REGULATIONS:

ORDINANCE SETBACKS:
FRONT: 25 FT.
REAR: 30 FT.
SIDE: 5 FT.

PROPOSED SETBACKS:
FRONT: 15 FT.
REAR: 30 FT.
SIDE: 5 FT.

VARIANCE SETBACK GRANTED:
FRONT: 10 FT.
REAR: NONE
SIDE: NONE

SENSITIVE AREAS PLAN:

CATEGORY:
CRITICAL SLOPE-25% TO 40%
MEASURED SLOPE-38% TO 40%;
ESSENTIALLY EVERYTHING NORTH OF ELEV.759
DISTURBANCE WILL BE EVERYTHING SOUTH OF ELEV. 753

OBJECT IS TO MAKE A WALK OUT BASEMENT.
WILL NOT DISTURB THE APPROXIMATE NORTH 20 FEET OF LOT.

CRITICAL SLOPE AREA ON LOT:
EXISTING 2,800 SQ.FT.
DISTURBED 1,160 SQ.FT.
41% OF CRITICAL SLOPE DISTURBED BY WORK

MMS
CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282

www.mmsconsultants.net

5741 C ST. SW SUITE C
CEDAR RAPIDS, IOWA 52404
(319) 841-5188

Date	Revision

DEVELOPMENT & GRADING PLAN SENSITIVE AREAS SITE PLAN

PART OF LOT 160
UNIVERSITY HEIGHTS,
JOHNSON COUNTY,
IOWA

MMS CONSULTANTS, INC.

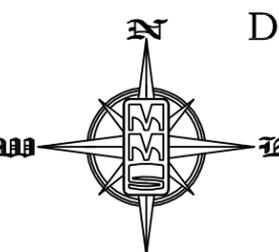
Date: 7/20/11

Designed by: GDM Field Book No: 951

Drawn by: BRT Scale: 1"=20'

Checked by: GDM Sheet No: 1

Project No: IC 7151002 of: 1



GRAPHIC SCALE IN FEET
1"=20'

OWNER: Dorothy M Maher

LOT 159
UNIVERSITY HEIGHTS SUBDIVISION

EXISTING HOUSE
76 Marietta Avenue

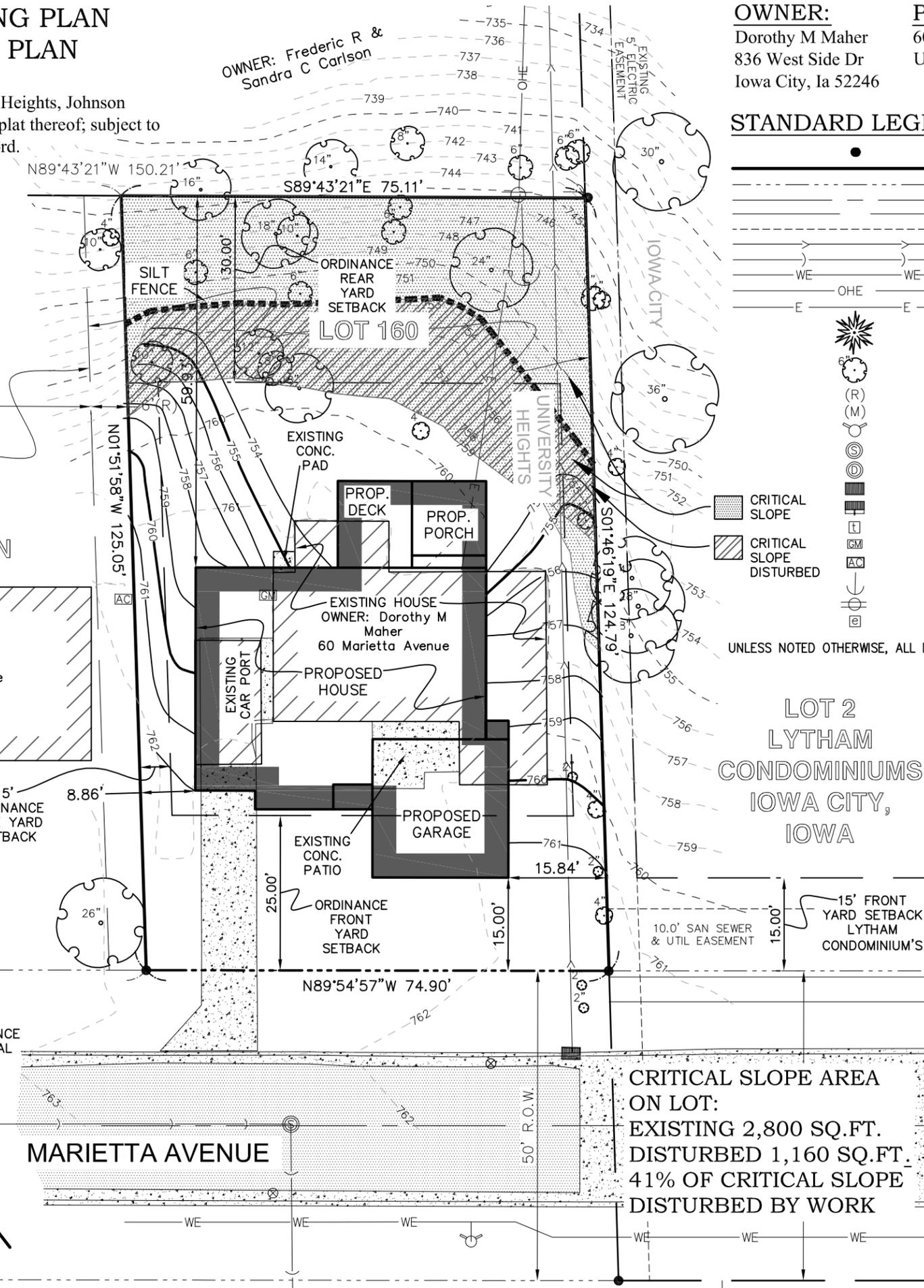
NOTES:
ALL DISTURBED AREAS WILL BE SODDED.
THE DISTURBED AREAS WILL BE MUCH FLATTER.
THE SLOPES IN THE N.W. CORNER WILL BE 27%

1ST FLOOR

REMOVE SOIL FOR WALK OUT

BASEMENT

REAR VIEW OF PROPOSED HOUSE



G:\7151\7151-002-V\7151002.dwg 8/8/2011 11:36:40 AM CDT

RESOLUTION NO. 11-11

RESOLUTION APPROVING THE DEVELOPMENT AND GRADING PLAN AND SENSITIVE AREAS SITE PLAN FOR PROPOSED REDEVELOPMENT AT 60 MARIETTA AVENUE.

WHEREAS, Dorothy Maher, owner of 60 Marietta Avenue, University Heights, desires to redevelop that property by razing the existing home there and building a new one; and

WHEREAS, the University Heights Board of Adjustment approved a variance request for this property at its meeting March 9, 2011, permitting the home to be constructed at 60 Marietta Avenue to have a minimum front yard of 15 feet (instead of 25 feet), provided that only the garage of the home may be as close as 15 feet to the property line; and

WHEREAS, one reason for the Board of Adjustment’s decision was to permit the property owner to build the home she desires while discouraging construction on the northern part of her property, which has significant sloping; and

WHEREAS, Dorothy Maher has submitted a Development & Grading Plan and Sensitive Areas Site Plan prepared by her engineers, MMS Consultants, Inc., showing that portions of the lot where construction activities will occur constitute “critical slopes” under University Heights Ordinance No. 128(2)(D); and

WHEREAS, the University Heights City Council, after consulting the City Engineer, finds and concludes that the proposed redevelopment will not decrease stability in the area, present drainage problems, or otherwise negatively impact the property in question or other property in the area,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA that the Development & Grading Plan and Sensitive Areas Site Plan for 60 Marietta Avenue is approved pursuant to University Heights Ordinance No. 128(3), and a building permit may issue and the proposed redevelopment may commence upon proper application, fees, and other usual requirements to the University Heights Building Official.

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 9th day of August, 2011.

Louise From, Mayor
City of University Heights

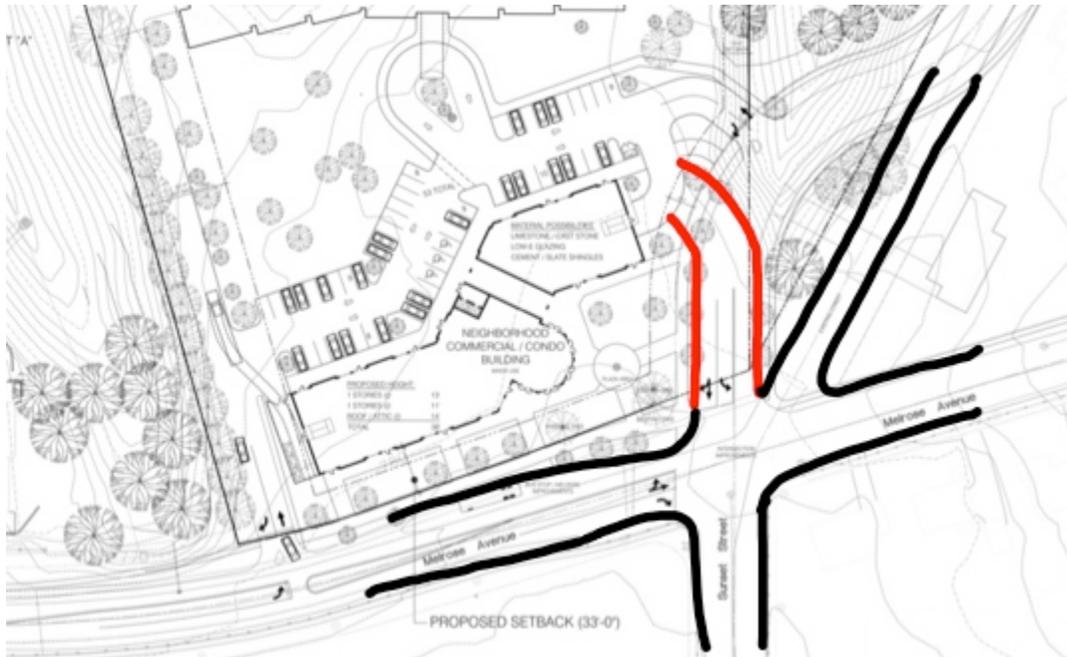
ATTEST:

Christine M. Anderson, City Clerk

Proposal for a Five-Way Intersection with Limited Access on the Fifth Leg

I request the council to direct Mr. Maxwell to develop plans for a five-way intersection at Sunset and Melrose. *This five-way intersection would consist of the current north leg of Sunset as a one-way northbound-only block for use by buses and service vehicles, and a four way junction into the project made by extending Sunset in a straight line.*

In the picture below, the red lane is the new extension of Sunset (which could be called University Place) and the black northern existing leg of Sunset would be one-way limited access for buses and service vehicles.



This would serve multiple purposes:

- Allow entry into the project at an intersection with a stop light (the present version of the PUD directs all entering traffic at the middle of the block, through the existing southwest driveway).
- Preserve the residential character of the northern leg of Sunset and Grand Avenue
- Avoid the need for a second traffic light at the southwest entrance
- Preserve more of the trees, including the oldest oak which is probably providing structural support to the ravine
- Avoid the eight foot retaining wall currently proposed and allow a more stable configuration

The northern leg of Sunset would admit two buses a day on weekdays and once a week access for refuse removal and recycling. This minimal amount of traffic could be safely accommodated by a five-way intersection; it would enter on the same cycle that controls the entrance to OUP.

Memorandum

To: Mayor and Council
CITY OF UNIVERSITY HEIGHTS, IOWA

From: Steven E. Ballard

Date: July 20, 2011 (supplemented August 8, 2011)

**Re: PUD Development Agreement –
provisions to consider**

1. Introduction

1. This memorandum restates and supplements the portion of my legal report for July 2011 concerning the draft version of the PUD Development Agreement concerning One University Place.
2. As the Council continues its consideration of the PUD Plan Application, and more particularly the Development Agreement contemplated by Ordinance No. 79 (13)(E), I thought it would be beneficial to collect a variety of thoughts and possibilities that have been raised and discussed to some extent throughout the rezoning and PUD processes.
3. I again want to preface my presentation of particular items 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.
4. If there are other items the Mayor or Council would like me to include in this list, please let me know.
5. The first 17 items listed in this memo are copied from my July 2011 legal report. Items 18-32 were added based principally upon public comment and Council discussion from that meeting. Items 33 and 34 were added August 8, 2011.

2. Items to consider for inclusion in PUD 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.
18. Limit Liquor Licenses. The Council may wish to consider limiting the number of liquor licenses or beer permits that may be issued for businesses located at the development. Doing so may be another measure useful to restricting permitted uses. The point may be that one restaurant would be great but 3 is too many.
19. “Land Banking” Green Space. MPO-JC has raised the possibility of the Council requiring that certain green space be kept available for conversion into surface parking if some specified triggering event occurs in the future. The triggering event might be something like (i) a future finding and Resolution by the Council that parking is inadequate or (ii) the establishment of a certain number of a certain types of businesses at the proposed development (e.g., if there’s 3 restaurants, the green space becomes or may become parking).
20. TIF. Does the Council desire to condition approval of the PUD Plan Application on establishing the requested TIF? Are there other TIF points the Council would like to address in the Development Agreement?
21. Conditioning PUD Approval on Land Sale Timely Construction. The Council may wish to consider provisions that the PUD Plan Application approval terminates if St. Andrew Presbyterian Church votes not to sell the property or if the project is not completed in a given time. This issue also may be addressed separately in a provision that requires commencement and completion by certain dates.
22. Additional Traffic Signal on Melrose Avenue. The Council may wish to consider requiring that an additional traffic signal be installed on Melrose Avenue at the developer’s expense. The Council may wish to say that such a light would be required only if and when some future event occurs (like traffic times are decreased or car counts increase to specified levels or once the second building is built). MPO-JC has provided information concerning traffic patterns and the effects of an additional signal.
23. Limited Traffic Signal Operation. The Council may wish to consider whether to only operate an additional traffic signal on Melrose Avenue at specific times (e.g., 6:00 a.m. – 9:00 a.m. and 4:00 p.m. – 7:00 p.m.). If there is interest in pursuing that notion, I suggest that MPO-

JC be asked to evaluate this item from a traffic flow and safety standpoint.

24. Design of Sunset Street Exit to Protect Ravine. The Council may wish to request a design of the Sunset Street exit that impacts the ravine to the least extent possible.
25. Number of Residential Rentals. If residential units will be permitted to be leased, does the Council desire to limit the number?
26. OUP Entrance Design Elements. The Council may wish to require approval of specific plans for the entrance to the proposed development. Different ideas have been suggested – a fountain, a community common area, a sculpture. The Council may wish to have a say in how this area is presented.
27. Left Turns onto Melrose Avenue. A provision regarding traffic patterns and allowable turns may be included, consistent with the recommendations of MPO-JC and the infrastructure design that is discussed and approved as part of the overall PUD Plan Application.
28. Commitment to Resolve Future Infrastructure Issues. The Council may wish to require that the developer (and the condominium owners association) be responsible for resolving any future sanitary sewer issues that arise in the future. I believe this comment emanated from a concern that the proposed sewer plan might prove to be inadequate. Perhaps the Council desires to investigate that issue further.
29. Restrictions on Signs. The Council may wish to consider specific limitations and restrictions on signage permitted at the development. For example, size restrictions, prohibiting flashing signs or those whose messages change, etc.
30. Ravine Stability During Construction. The Council may wish to require specific testing or oversight during construction to confirm that construction activity itself is not harmful to the ravine.
31. No Preference in Awarding Infrastructure Contracts. The Council may wish to indicate in the Development Agreement that any contracts for the construction of public infrastructure will not necessarily be awarded to Jeff Maxwell of his company just because he is the developer. It may be that the Council simply requires installation of the improvements (to city standards and specifications) and leaves it to the developer to retain appropriate contractors. In that event, the Council would not be awarding a contract and may have little input into contractor selection.

32. Restriction on Transfer to Tax-Exempt Entity. The Council may wish to prohibit any sale or transfer of all or part of the proposed development to tax-exempt entities. Some such entities (like the church, for example) do not pay property taxes. To the extent portions of the proposed development are transferred to such an entity, the TIF component, if there is one, of the development may be affected.
33. Restriction on Transfer to Entities Not Owned or Controlled by Jeff Maxwell. The Council may wish to restrict the transfer or assignment of the Development Agreement to persons other than Jeff Maxwell or to entities not owned or controlled by him. Similarly, the Council may wish to condition its approval of the PUD Application on continued ownership by Mr. Maxwell or an entity owned or controlled by him. The thought behind such restrictions and conditions is that the qualifications and identity of the person/group proposing redevelopment (here Mr. Maxwell) are important to the Council and were significant reasons for entering into the Development Agreement (if it is entered into) and for approving the PUD Application (if it is approved).
34. Statement of Qualifications of Developer. The Council may wish to require that Jeff Maxwell provide a statement as to his qualifications and background for undertaking and completing a project such as the one proposed. This information may be important to the Council in determining whether to enter into a Development Agreement or to approve the PUD Application. The information sought could include such things as the identity of all owners and directors of any corporate or other legal entity involved in ownership or the development; financial references and background; other projects that have been developed; D/B/As or other names or entities by or through which the developer has conducted business in the past and present; and financial resources available for developer to complete financing of the proposed development. I would be happy to prepare a list of such requirements at the Council's direction.

July/ August 2011 -Mayor Report

1)The members of the Urbanized Area Policy Board voted unanimously at the July 13th meeting to approve sending a similar letter of support (listed below) to area legislators and recommend that each MPO community do the same. This letter is regarding new threshold designation language that *may* be included in the next surface transportation legislation bill. Potential changes include a provision that would eliminate MPOs with populations less than 200,000. Grandfathering provisions for existing MPOs are unclear. Should Congress elect to adopt these new provisions, approximately 220 of the 385 MPOs nationwide (including MPOJC) could be eliminated. The result of this action would presumably shift a large, unfunded, burden to local government, the state and/or adjacent MPOs and drastically reduce our community's ability to program federal capital funds, manage transit operations assistance funding, and conduct meaningful long range transportation planning.

Below is a sample of the letter suggested to send to area legislators. I have edited below for the City of University Heights. Let me know at Tuesday's meeting if you want to edit any specific items. I would like to ask the city council to consider approval of sending this letter of support.

Dear Legislator:

The Metropolitan Planning Organization of Johnson County (MPOJC) provides essential transportation planning services to more than 100,000 residents in the Cities of Iowa City, Coralville, North Liberty, Tiffin, University Heights and the University of Iowa (as well as portions of unincorporated Johnson County), and programs several million dollars in federal funding annually.

The purpose of this correspondence is to register the City of University Heights serious concerns related to new threshold designation language that may be included in the next surface transportation legislation bill. Proposed changes include a provision that would eliminate MPOs with populations less than 200,000 with no grandfathering provision for existing MPOs. Should Congress elect to adopt these new provisions, approximately 220 of the 385 MPOs nationwide (including MPOJC) would be eliminated. The result of this action would presumably shift a large, unfunded, burden to either the State or adjacent MPOs and drastically reduce our community's ability to conduct meaningful transportation planning, programming, and related services.

As required under U.S Code Title 23, Chapter 1, Section 134, MPOs are responsible for carrying out federally required transportation planning activities that include, but are not limited to, the development of long-range multimodal transportation plans, selection of transportation improvements in a fiscally constrained manner, public outreach, and coordination of numerous public and citizen interests. MPOJC has had a strong multi-modal focus, with planning and programming of the metropolitan trails and wide sidewalk network, a complete streets policy, and coordinated transit systems with the highest ridership in the State of Iowa. MPOJC also coordinates arterial street planning, programming of improvements, and traffic signal timings within the metropolitan area.

As Congress debates the reauthorization of surface transportation legislation, we would like to encourage you to act to retain all existing MPOs under 200,000 in population, regardless of any new MPO threshold designation changes that may be included in future legislation. While we agree that certain changes in law may be necessary to improve the planning process, all existing MPOs must remain in operation to continue their critical roles in planning and programming for the movement of people and goods that support our economy and provide healthy communities in which we live.

Sincerely,
Louise From, Mayor
City of University Heights

2) The MPO-JC is forming a committee to discuss and make recommendation on future transit needs in the Iowa City Urbanized Area. The committee's two main goals are to determine where we want to be in terms of transit service in the next 20 years and what steps should be taken to get there. Each MPO-JC Board voting entity is being asked to appoint one person to the committee by Sept. 2. They suggest that the appointee have some knowledge or interest in transit and be available for monthly meetings. The appointee does not need be an

elected official. Please let me know if any member of the public or council member is interested by Sept. 1st. Let me know if you need further information about specifics needs of this transit committee. There are also two at-large positions on the committee that need to fill out an application that I can provide to anyone that maybe interested.

Note**I wanted to note an apparent change in apportionment of the FY13-15 STP/TE funds during TTAC and Urbanized Area Policy Board Meetings. The federal funding dollars available are down. This time we had \$5.5 million available for \$20+ million STP/TE project requests. In visiting with Board members several said to me they think the “days of the 80%- 20% federal match is probably a thing of the past”. This time around each city entity that was granted monies was around the 60% federal funding-40% municipal funding match level. Each city scores higher for receiving funding if they increase their contribution.

Figures from Johnson County Refuse about University Heights (366 pickups) and comparative towns

	Tons	Percentage of Total	Tons	Percentage of Total	Total Tons
U Heights	GARBAGE		RECYCLING		
July 2009 - June 2010	172.30	62%	103.59	38%	275.89
July 2010 - June 2011 366 residents	167.89	61%	108.73	39%	276.62
Lone Tree					
July 2009 - June 2010	191.77	73%	70.37	27%	262.14
July 2010 - June 2011 464 residents	182.86	68%	84.16	32%	267.02
Riverside					
July 2009 - June 2010	123.97	71%	50.18	29%	174.15
July 2010 - June 2011 357 residents	117.93	71%	48.98	29%	166.91
Shellsburg					
July 2009 - June 2010	191.23	78%	52.49	22%	243.72
July 2010 - June 2011 353 residents	191.02	80%	48.97	20%	239.99

July '11 – City Attorney's Report

1. Sensitive Areas Site Plan – 60 Marietta Avenue.

- Doty Maher, owner of 60 Marietta Avenue, desires to raze the existing home there and reconstruct a single-family dwelling. The lot slopes significantly on its northern portion.
- The University Heights Board of Adjustment granted Ms. Maher a variance to permit the garage portion of the proposed home to have a minimum front yard (set back) of only 15 feet (instead of 25 feet). One reason for the board's action was to discourage construction on the northern portion of the lot, where the slopes are most severe, while permitting Ms. Maher to build the home she desires.
- Ms. Maher has submitted a Development & Grading Plan and Sensitive Areas Site Plan prepared by MMS Consultants, Inc., showing that a portion of the lot where construction activities will occur constitutes a "critical slope" under Ordinance No. 128. As such, development may occur there only upon approval by the Council of the MMS plans submitted. A copy of the MMS plans is attached.
- Josiah Bilskemper has suggested some changes to the plans, and I believe he will recommend approval once those changes are made. I do not believe the proposed construction negatively impacts stability or drainage in the area.
- I am attaching Resolution No. 11-11, approving the Development & Grading Plan and Sensitive Areas Site Plan for 60 Marietta Avenue, which you will be considering.

2. Library Levy. Iowa law permits cities to impose a levy not to exceed 27 cents per thousand dollars of assessed valuation to support a library. University Heights voters approved such a levy at the November 2005 city election. The duration of that levy was 5 years – it expired June 30, 2011. A petition has been received to reinstate the levy at the same rate (27 cents per thousand) for a period of 10 years, expiring June 30, 2022. I am attaching Resolution No. 11-12 directing that a public measure be placed on the November ballot that would authorize this levy. The deadline for submitting this ballot measure to the Johnson County Auditor is September 2, 2011.

3. Sunset Street Wide Sidewalk. I am attaching Resolution No. 11-13, which endorses the Sunset Street wide sidewalk project. This Resolution was requested by Josiah; I think funding sources require such a resolution for the project to proceed. Resolution No. 11-13 is substantially similar to the resolution adopted in 2004 regarding the Melrose Avenue wide sidewalk project.

4. One University Place – PUD Application and TIF Request.

- The Council will need to discuss its intentions regarding how and in what manner it desires to proceed forward with considering the PUD Application and TIF request in light of the decision by the Johnson County Board of Supervisors.
- I anticipate that Jeff Maxwell is or will be working on revisions to his TIF request, but I do not know that. The Council may wish to ask Mr. Maxwell for further clarification regarding his plans for financing of the project, and in what particulars those plans involve TIF.

5. One University Place – Development Agreement.

- I previously submitted a memorandum outlining considerations that the Council may or may not desire to include in a Development Agreement with Mr. Maxwell. His lawyer, Tom Gelman, provided a memorandum and revised agreement in response; I circulated those documents previously.
- I have revised my memorandum to a couple of additional items for the Council to consider (nos. 33 and 34). I am attaching the memorandum, as supplemented. In summary, the new items are as follows:
 - No. 33 concerns restrictions on transfer of ownership by Mr. Maxwell.
 - No. 34 concerns requesting a statement of Mr. Maxwell's qualifications for undertaking and completing the proposed development.

6. One University Place – Slope Classifications. I am attaching Resolution No. 11-14, which adopts the slope classifications set forth in Sheet C-103 (Revised 8/4/11), which is part of Jeff Maxwell's Multiple-Family Commercial PUD Application. The classifications comport with Ordinance No. 128. This resolution does not approve construction or development on these slopes; it just accepts the classifications, which Josiah has approved. After appropriate consideration, the Council still would need to approve a Sensitive Areas Site Plan and a Development and Grading Plan before development could occur on the Steep and Critical Slopes shown on Sheet C-103. The Council also would still need to make the particular findings required by Ordinance No. 128(3)C) before development could occur on the Protected Slopes shown on Sheet C-103.

**City Clerk Report
August 8, 2011**

- Two electrical permits and one building permit were received since the last meeting:

1237 Melrose Avenue – Electrical permit
1456 Grand Avenue – Electrical & Building permit
for a 3 season porch

- Updated rental permit for FY12 is attached. These are for permits received through August 6th.
- There will be a City election this year. I will bring copies of the nomination papers to the meeting. The candidate's filing period is from August 15, 2011 – September 1, 2011, by 5:00 pm. Any nominations filed after that time will not be honored. I must turn everything in on September 2nd, by 5:00 pm.

Forms can also be found online at:

www.sos.state.ia.us/elections/electioninfo/cityelections.html

Citizens can also e-mail or call me to make arrangements to drop off signed nomination papers. I will have office hours closer to the cut-off period.

- Report from Norm:

I'll be taking vacation from August 19 thru September 4.

Rental properties inspected in July;

1212 Melrose Ave
79 Olive Ct
212 Grandview Ct.
513 Grandview Ct.
100 Highland Dr
107.5 Highland Dr.
121 Highland Dr.
208 Highland Dr.

Rental properties reinspected in July;
900 Melrose Ave

Weed complaints inspected in July;

28 Olive Ct

32 Olive Ct

29 Highland Dr

36 Highland Dr

1132 Melrose Ave

1145 Melrose Ave

1251 Melrose Ave

55 Prospect

Trash complaints inspected in July;

217 Mahaska Dr. (twice)

Over occupancy and no rental permit investigation is on-going at 25 Highland Dr. Owners have not responded to a cordial letter, dated July 12, 2011, asking them to contact me to set up a rental inspection. A formal notice of violation for lack of a valid rental permit was sent out on August 2, 2011 and owners have until August 12, 2011 to respond.

RESOLUTION NO. 11-12

**RESOLUTION AUTHORIZING SUBMISSION OF PUBLIC MEASURE
CONCERNING LIBRARY SERVICES LEVY TO VOTERS
AT THE CITY ELECTION NOVEMBER 8, 2011.**

WHEREAS, the City of University Heights has received a petition requesting imposition of a library services levy not to exceed twenty-seven cents per thousand dollars of assessed valuation pursuant to Iowa Code § 384.12(21), signed by the requisite number of residents,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA that the following public measure should be made part of the ballot for the November 8, 2011, city election:

“Shall the City of University Heights, Iowa levy a tax not to exceed 27 cents per thousand dollars of valuation for support of a public library, with the levy to expire after ten years, on June 30, 2022?”

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 9th day of August, 2011.

Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: August 8, 2011
RE: City Engineer's Report

(1) Melrose Avenue Wide Sidewalk

- a. Final contractor pay application (retainage) was approved at the July meeting. Check was cashed and Reimbursement Request #7 was submitted to the Iowa DOT for final contractor and consultant payments; amount of \$16,303.64 is due to the city.
- b. One final reimbursement request will be made, as the DOT has been withholding a 5% retainage on all payments made back to the city. This retainage amount is \$14,498.89.

(2) Tree Trim Survey

- a. A draft of the 2011 tree trim survey has been forwarded to Pat Yeggy for review. It identifies properties that need to trim trees over streets or sidewalks to meet the minimum clearance requirements of Ordinance #52 (8-foot vertical clearance over sidewalks, 13-foot vertical clearance over streets).

(3) Sensitive Areas Site Plan – 60 Marietta Avenue

- a. As part of Steve Ballard's report for the month, he provided background information on the proposed new home construction by property owner Dorothy Maher at 60 Marietta Avenue. Included in that report are the Sensitive Areas Site Plan and Development & Grading Plan for this lot, along with a proposed resolution to approve these plans.
- b. We find that the Sensitive Areas Site Plan accurately delineates the critical slope areas based on the contours shown. It also indicates reasonable limits within which this existing critical slope would be disturbed.
- c. Based on proposed contours shown, the project will not change existing water drainage routes, which generally flows to the north property line.
- d. The proposed project would "cut" out the top edge of this slope to accommodate a walk-out basement, resulting in flatter slopes behind the home. They indicated that the approximate north 20-feet of the lot will remain undisturbed.
- e. The plan indicates the yard will be restored with sod, which will help minimize soil erosion on the new grade. The silt fence shown at the edge of the construction area should be installed and maintained throughout the duration of the project.

(4) One University Place

- a. City Engineer Report #1 and #2 have been updated with comments on all items and forwarded to the council.

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



RESOLUTION NO. 11-13

**RESOLUTION AUTHORIZING ENDORSING
SUNSET STREET WIDE SIDEWALK PROJECT.**

BE IT RESOLVED by the City of University Heights, Iowa, as follows:

1. The City of University Heights intends to widen the sidewalks along the west side of Sunset Street.
2. The City endorses the sidewalk-widening project.
3. The City will adequately maintain the completed project for its intended public use for a period of 20 years following project completion. The City's obligation to "maintain" the project does not include or impose any duty upon the City to remove natural accumulations of snow and ice from the sidewalk.

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 9th day of August, 2011.

Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

RESOLUTION NO. 11-14

RESOLUTION ADOPTING AND ACCEPTING THE SLOPE CLASSIFICATIONS FOR ONE UNIVERSITY PLACE AS SHOWN IN SHEET C-103 (REVISED 8/4/11), A PART OF THE PUD APPLICATION FOR ONE UNIVERSITY PLACE.

WHEREAS, University Heights Ordinance No. 128 restricts development on certain sensitive areas depending upon the slope of that property; and

WHEREAS, the Multiple-Family Commercial PUD Application submitted by Jeff Maxwell for One University Place includes an "Existing Conditions Plan and Sensitive Areas Development Plan", Sheet C-103 (Revised 8/4/11) of the application; and

WHEREAS, the slope classifications and designations set forth on Sheet C-103 (Revised 8/4/11) have been determined by the City Engineer to be accurate and in accordance with Ordinance No. 128,

NOW, THEREFORE, BE IT RESOLVED by the City of University Heights, Iowa, that the slope classifications and designations set forth on Sheet C-103 (Revised 8/4/11) of the Multiple-Family Commercial PUD Application submitted by Jeff Maxwell for One University Place are hereby adopted and approved. This resolution does not constitute approval of the Sensitive Areas Site Plan or approval of the Development and Grading Plan or adoption of the findings required for development on Steep, Critical, and Protected Slopes, all as specified and required by Ordinance No. 128(3) before development may occur.

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 9th day of August, 2011.

Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

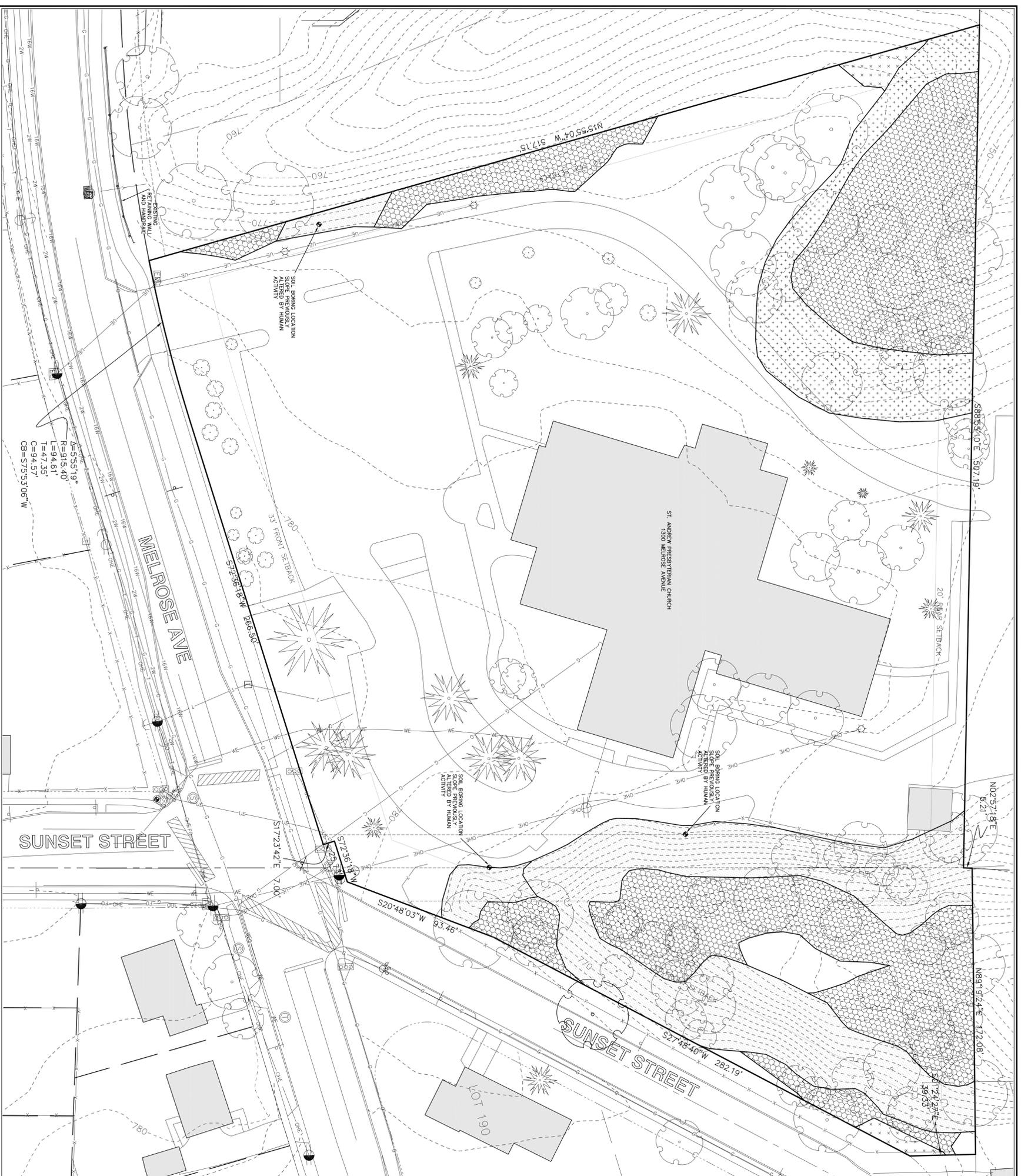
Steve/UH Resolutions/Resolution 11-14 – 080911 Approving OUP slope classifications

PUD SITE PLAN ONE UNIVERSITY PLACE UNIVERSITY HEIGHTS, IOWA

PLAT PREPARED BY: MMS CONSULTANTS, INC.
1917 SOUTH GILBERT ST.
IOWA CITY, IOWA 52240

APPLICANT: JEFF MAXWELL
3011 SIERRA COURT SW
IOWA CITY, IOWA 52244

APPLICANT'S ATTORNEY: THOMAS H. GELMAN
321 E. MARKET ST.
IOWA CITY, IOWA 52240



STANDARD LEGEND AND NOTES

PROPERTY AND/OR BOUNDARY LINES
EXISTING RIGHT-OF-WAY LINES
EXISTING CENTER LINES
LOT LINES, INTERNAL OR BY DEED
PROPOSED EASEMENT LINES
RECORDED DIMENSIONS
CORNER STAKEN NUMBER
POWER POLE W/ W/RES
POWER POLE W/ LIGHT
DAY FOLE
SANITARY MANHOLE
FIRE HYDRANT
WATER VALVE
CURB INLET
FENCE LINE
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
WATER LINES
TELEPHONE LINES
GAS LINES
CONDUIT LINES (1" INTERVAL)
PROPOSED GROUND
EXISTING TREE LINE
EXISTING TREE LINE
EXISTING DECIDUOUS TREES & SHRUBS
EXISTING EVERGREEN TREES & SHRUBS

PROPOSED
22'-1"

POWER POLE W/ W/RES
POWER POLE W/ LIGHT
DAY FOLE
SANITARY MANHOLE
FIRE HYDRANT
WATER VALVE
CURB INLET
FENCE LINE
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
WATER LINES
TELEPHONE LINES
GAS LINES
CONDUIT LINES (1" INTERVAL)
PROPOSED GROUND
EXISTING TREE LINE
EXISTING TREE LINE
EXISTING DECIDUOUS TREES & SHRUBS
EXISTING EVERGREEN TREES & SHRUBS

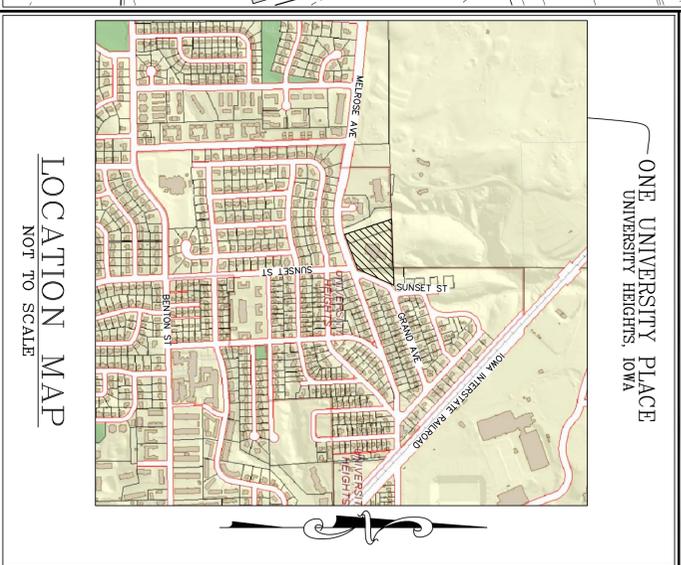
THE ACTUAL SIZE AND LOCATION OF ALL PROPOSED FACILITIES SHALL BE VERIFIED WITH CONSTRUCTION DOCUMENTS, WHICH APPROVAL OF THIS DOCUMENT

EXISTING CHARACTERISTICS

LOT AREA	231,029 SF (100%)
BUILDING AREA (GFA)	26,492 SF (11.5%)
GREEN SPACE (GFA)	203,448 SF (88.5%)
OFF-SITE IMPERVIOUS AREA	145,199 SF (63%)
	22,286 SF

SENSITIVE AREA HATCH LEGEND

[Hatched Pattern]	- STEP SLOPE
[Hatched Pattern]	- CRITICAL SLOPE
[Hatched Pattern]	- PROTECTED SLOPE



NEUMANN MONSON
ARCHITECTS
A PROFESSIONAL CORPORATION
221 E COLLEGE ST. IOWA CITY, IA 52240
319-398-7878 319-398-7879 FAX

MMS CONSULTANTS, Inc.
Iowa City, Iowa (319) 351-8282
Cedar Rapids, Iowa (319) 841-5188
LAW ENGINEERS AND ARCHITECTS
ENVIRONMENTAL SCIENTISTS
6150 35th St - 012 - 51500703.com

Project Title:
ONE UNIVERSITY PLACE

Project No.: 08.016
Drawn by:
Checked by:
Owner:

Date	Description
4.22.2011	PUD SUBMISSION
5.25.2011	PER CLIENT REQUEST
7.06.2011	PER CITY REVIEW
7.07.2011	LOCAL BIDDING LOCATIONS
8.04.2011	PER CITY REVIEW

Note:
FIELD VERIFY ALL DIMENSIONS AND CLEARANCES.
DO NOT SCALE DRAWINGS. CONSULT SHOP DRAWINGS AND LAYOUT FOR DIMENSIONS AND CLEARANCES. ALL WORK PRIOR TO PERMITS SHALL BE IN ACCORDANCE WITH IOWA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. UNAUTHORIZED SCANNING OF DRAWINGS IS PROHIBITED.
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Sheet Title:
EXISTING CONDITIONS PLAN AND SENSITIVE AREAS DEVELOPMENT PLAN

Sheet Number:
C-103