

October 12, 2010

Proceedings of the City Council of University Heights, Iowa, subject to approval by the Council at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

REGULAR MEETING

Mayor From called the October 2010 meeting of the University Heights City Council to order at 7:05 p.m.

Present: Mayor From. Council Members Mike Haverkamp, Jim Lane, Stan Laverman, Brennan McGrath, Pat Yeggy. Staff present: Engineer Bilskemper, Attorney Ballard, Police Chief Fort, Treasurer Kimura, and Clerk Anderson. Also present were Julie Andsager, Zlatko Anguelov, Pat Bauer, Kathy Belgum, Jane Braverman, Carolyn Brown, Tim Christensen, Judith Crossett, Tyler Dvorak, Lisa Cramer Edeker, Carson Egglund, Joseph Frankel, Robyn Fennig, Lawrence Fritts, Taylor Harmeyer, Alice Haugen, Sue Hettmansperger, Rosanne Hopson, Eunice Hunzelman, Al Leff, Jan Leff, Chris Luzzie, Jeff Maxwell, Brain McDonough, Stephanie Meder, Kevin Monson, Rachel Prickman, Kent Ralston, Dell Richard, Elizabeth Rowley, Della Ruppert, Sara Lee Schoenmaker, Yon Schoenmaker, Ryan Sikes, Becky Soglin, Jane Swails, Karla Schmidt, Mary Schmidt, Rich Schmidt, Jinx Tracy, Roger Tracy, Larry Wilson, Mary Mathew Wilson, Bill Wittig and Jerry Zimmerman.

The minutes of the September 14, 2010 meetings of the Council were presented and approved by unanimous consent.

Public Input:

17 members of the public spoke for or against the proposal to rezone property owned by St. Andrew and that to the east as follows:

- |   |  |
|---|--|
| Joseph Frankel–323 Koser Avenue–For           | Judith Crossett–1504 Grand Avenue–Against      |
| Zlatko Anguelov–Against                       | Carolyn Brown– 1434 Grand Avenue–Against       |
| Sue Hettmansperger–114 Highland Drive–Against | Pat Bauer–338 Koser Avenue–Against             |
| Rich Schmidt–207 Mahaska Drive–Against        | Alice Haugen–1483 Grand Avenue–Against         |
| Rosanne Hopson–205 Golfview Avenue–Against    | Jerry Zimmerman–1434 Grand Avenue–Against      |
| Kathy Belgum–104 Sunset Street–Against        | Larry Wilson–308 Koser Avenue–Against          |
| Jane Swails–333 Koser Avenue–Against          | Al Leff–215 Sunset Street–Against              |
| Rachel Prickman–321 Koser Avenue–Against      | Lisa Cramer Edeker–230 Golfview Avenue–Against |
| Mary Mathew Wilson–308 Koser Avenue–Against   |  |

**Mayor’s Report:** A written report was presented. Mayor From stated that JCCOG Planning Staff will assist the city in reviewing the site plan and Planned Unit Development (PUD) for the One University Place development. JCCOG staff will review development plan submittals, engage in dialogue with the site designers, identify any concerns or conflicts with the Zoning criteria and the Comprehensive Plan, and will make reports to the city in written and verbal format. While JCCOG will address any concerns or issues, the final design approval rests with the city.

**Legal Report:** A written report was presented. Attorney Ballard clarified that two members of the council or two members of the council plus the mayor may meet and the meeting is not subject to public meeting requirements. Once there is a majority of the council members involved, this constitutes a quorum and is subject to Iowa’s Open Meeting requirements, including advance notice, minutes, and attendance by members of the public.

Ballard also reiterated that Ordinance No. 180 provides the right to submit a PUD or site plan for consideration by the council. The council is considering approving a rezoning of the St. Andrew Church zoning; with the rezoning applying to potentially multiple developments. Specific details regarding a proposed PUD will be addressed by the council once a PUD application is submitted to the council.

Ballard suggested that it would be advisable to disclose any discussions council members had with the developers, architects or others .s. Council member McGrath stated he had a voice mail message from the developer before the

September meeting which said “his time was up” and the developer needed the rezoning to be resolved by December 15, 2010. Council member McGrath said the developer commented the council needed to move forward or he was walking away from the development. Council member Lane stated he spoke with a church member, Casey Boyd, Jeff Edberg, Jeff Maxwell, Kevin Monson and clients of Jeff Maxwell. Council member Laverman spoke with Mayor From, Council member Haverkamp and a UH citizen in Menards. Council member Yeggy spoke with Council member Haverkamp and Kevin Monson while Council member Haverkamp spoke with Julie Andsager, Kathie Belgum, Jeff Maxwell and Kevin Monson. Mayor From stated she spoke with Jeff Maxwell and all city Council members.

**MOTION** by McGrath, seconded by Haverkamp, to table Ordinance No. 180 until the November council meeting. **Not Carried.**

Haverkamp - No	McGrath - Aye
Lane - No	Yeggy - No
Laverman – No	

Council member McGrath commented on the e-mail the council received regarding a community survey to gauge support for or against the One University Place project. Julie Andsager, Professor of Journalism and Mass Communication has prepared a survey which would be mailed to approximately 350 randomly chosen UH citizens. Results would be presented to the council prior to the November council meeting. Professor Andsager will donate her time for this project and stressed that she could not accept any funding from the developer. After council discussion, it was decided that revisions needed to be made to the questions and Councilman Haverkamp volunteered to work on the survey with Andsager.

**MOTION** by Haverkamp, seconded by McGrath, to have a community survey completed with the city paying for expenses up to \$400. A committee of two University Heights citizens, one being Julie Andsager, and one City Council member, Mike Haverkamp, will be formed. **Carried.**

Haverkamp - Aye	McGrath - Aye
Lane - Aye	Yeggy - Aye
Laverman – Aye	

Council member McGrath stated he had concerns about the scale used in the architectural images of the project and felt a 3-D model would a better illustrate what the development will look like. Kevin Monson, of Neumann Monson Architects, confirmed that the images of the front and back buildings use two different scales; it was not the intention to deceive anyone but rather to fit both images on a piece of paper.

**MOTION** by McGrath, seconded by Haverkamp, to request the developer provide a 3-D model of the development to the council by November 5, 2010. **Not Carried.**

Haverkamp - No	McGrath - Aye
Lane - No	Yeggy - No
Laverman – No	

The council discussed the recommendations and concerns outlined in the memo council received from Engineer Bilskemper. It was recommended that a Traffic Impact Study be conducted to evaluate the anticipated effect on the adjacent street system. Shive-Hattery would be able to perform this study and it was recommended that JCCOG be involved in the project. Kent Ralston, Assistant Transportation Planner, stated that JCCOG would have some software limitations but they could assist on this project. It was requested the study be completed prior to the November council meeting.

**MOTION** by Haverkamp, seconded by Lane, to approve the second reading of Ordinance No. 180 amending the City’s Zoning Ordinance (No. 79) to create a Multiple-Family Commercial Zone and establish a procedure for St. Andrew Presbyterian Church property, as well as property adjacent to the east, to be redeveloped as a mixed-use commercial and residential development comprising no more than 2 buildings, 80 dwelling units, and 20,000 square feet of commercial space, among other limitations and restrictions.

**MOTION** by McGrath to amend Ordinance No. 180 to delete the phrase "...and adjacent to..." from the first paragraph of the ordinance under "Part I. Findings" beginning "Whereas". Motion died for lack of a second. **Not Carried.**

**MOTION** by McGrath, seconded by Haverkamp, to amend Ordinance No. 180 to insert the following language as new Section 6(F)(3): "Any development pursuant to a Multiple-Family Commercial PUD must be in full compliance with the provisions of Ordinance No. 128 ('An Ordinance Regulating the Development of Sensitive Areas Within the City of University Heights') existing on the date of the adoption of this amendment establishing a Multiple-Family commercial zone". **Not Carried.**

Haverkamp - No                      McGrath - Aye  
 Lane - No                              Yeggy - No  
 Laverman - No

Vote on prior **MOTION** to approve the second reading of Ordinance No. 180. **Carried.**

Haverkamp - Aye                      McGrath - No  
 Lane - Aye                              Yeggy - Aye  
 Laverman - Aye

**MOTION** by McGrath, seconded by Haverkamp, to request the developer to provide a Traffic Impact Study, with computerized visualization, to be conducted by Shive-Hattery Engineering and JCCOG. **Carried.**

Haverkamp - Aye                      McGrath - Aye  
 Lane - Aye                              Yeggy - Aye  
 Laverman - Aye

Attorney Ballard commented on Resolution 09-19 stating that adjacent property owners are only required by city policy to remove four feet of natural accumulations of snow and ice nearest to their property. State law requires that adjacent property owners remove snow and ice from "the sidewalks" and does not distinguish between different sidewalk widths. The City cannot displace state law in this regard. Ballard suggests the council provide some notice to property owners that the City only requires removal of snow from four feet of the sidewalk, but the City's policy does not change the state law as it concerns possible liability for injuries. Council directed Ballard to send a letter to property owners along north Melrose Avenue with this information.

**Clerk's Report:** A written report was presented. Six new building permits were received since the last council meeting.

**Finance Report:** No report from Council member McGrath.

**MOTION** by McGrath, seconded by Laverman, to adopt Resolution 10-20, in support of increased freight rail capacity in support of preserving balance regulation. **Carried.**

Haverkamp - Aye                      McGrath - Aye  
 Lane - Aye                              Yeggy - No  
 Laverman - Aye

Council member McGrath will forward the resolution and individual councilor letters of support to GO21.

**Treasurer's Report:** All bills presented were presented and approved by **unanimous consent.**

**Warrants  
 September 15, 2010 through October 10, 2010**

<b>Name</b>	<b>Amount</b>	<b>Name</b>	<b>Amount</b>
Matthew Fort	1,268.35	IPERS	88.31
Ronald Fort	1,854.30	IPERS	3,570.42
Benjamin Lord	1,058.96	IOWA WORKFORCE DEVELOPMENT	22.98



Invitations will be sent to residents on Olive Court, to attend the November council meeting, to discuss the Olive Court tree situation.

Council member Yeggy reminded the public that political signs must be kept behind the owner's property line and not in the city right-of-way.

**Building, Zoning & Sanitation:** Council member Laverman stated that leaf vacuuming will be on November 11, 2010 and leaf bag pick-up will be on November 18, 2010.

**E-Government:** Council member Haverkamp commented that he is posting e-mails to the website as quickly as he can; one Council member sent his/her e-mails to him just prior to the council meeting. One councilor did not respond to any e-mails and did not receive any e-mails that were not received by other councilors.

Haverkamp stated the car-seat check held on October 7, 2010 had a record turnout; over 30 car-seats were checked.

**JCCOG:** The next meeting will be held on October 27, 2010.

**Announcements:** Council member McGrath stated he attended the League of Women Voters meeting. Mayor From thanked Horn School for the use of their facilities and asked Mike Haverkamp to follow up with the principal to check if the city will need to pay overtime costs for the janitor because the meeting lasted beyond 11:00pm.

The meeting was adjourned by **unanimous consent at 11: 50p.m.**

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**Attest: Christine M. Anderson, City Clerk**

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**Approved: Louise A. From, Mayor**

UNIVERSITY HEIGHTS CITY COUNCIL  
October 12, 2010

MEETING

ATTENDEES

Please sign or print legibly

<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Mary Schmidt	207 Mahaska Dr	No
Karla Schmidt	207 Mahaska Dr	No
Stephanie Meder	822 Page	No
Tyler Dorak	943 Dover Iowa City	
Pat Bauer	338 Koser	<del>No</del> Yes ✓
Emilee Humphreys	1456 Grand	
Zlatko Angelov	207 Golfview	Yes ✓
Judith Crossett	1504 Grand	Yes ✓
Ryan Sikes	7205 Dubuque St	No
Rosanne Hopson	205 Golfview Ave	Yes ✓
Carson Eggland	1435 Grand Ave	No
Kathleen Bejger	104 Sunat	Yes ✓
Lisa Cramer Edeker	230 Golfview	No

UNIVERSITY HEIGHTS CITY COUNCIL  
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MEETING

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Please sign or print legibly

<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Jan Jeff	215 Sunset	
M. L.	122	. A ✓
Mont. P. S.	Scoog	No
Tim Christensen	<del>UAA</del> URP	
Yon Schoenmaker	27 Leaning	Maybe
Sara Lee	4	No
Lawrence Friths	114 Highland Dr.	No
Sae Hottmannsgaard	114 Highland	. Yes ✓
Jane Braverman	349 Koser Ave	No
Taylor Harmeyer	507 Bowery	No
Jane Swails	333 Koser	. Yes ✓
Kevin Monson	1000 City	but later on thanks!
Julie Andsager	231 Golfview	maybe

UNIVERSITY HEIGHTS CITY COUNCIL

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MEETING

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Please sign or print legibly

<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Elizabeth Rowley	216 MAHASKA Dr.	
Becky Soglin	<del>I</del> live in Iowa City	no
Joseph Frankel	323 Koser Ave	. YES ✓
RICH SCHMIDT	207 MAHASKA DR	. YES ✓
Chris Luzzie	338 KOSER	
Shella Ruppert	314 Koser	
Brian McLaughlin	809 Iowa Ave #2	No
Gene Tracy	105 Burkdale CT	
ROGER PRASEY	105 Burkdale Ct.	
Robyn Fenning	UIowa	NO
LARRY T. WILSON	375 Mormon Trek Blvd 308 KOSER AVE	. YES ✓
Dell Richard	849 Quarry Rd #304 CU	NO
Carolyn J. Brown	1434 Grand Ave	. YES ✓

UNIVERSITY HEIGHTS CITY COUNCIL  
October 12, 2010

MEETING

ATTENDEES

Please sign or print legibly

<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Alice Haugen	1483 Grand Ave	. <u>yes</u> ✓
Jeffrey L. Maxwell		—
Jenny Zimmermann	1434 Grand Ave	— . <u>yes</u> ✓