

November 9, 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.

Mayor From called the November 2010 meeting of the University Heights City Council to order at 7:09 p.m.

Present: Mayor From. Council Members Mike Haverkamp, Stan Laverman, Jim Lane, Brennan McGrath, and Pat Yeggy. Staff present: Engineer Bilskemper, Attorney Ballard, Police Chief Ron Fort, Treasurer Kimura, and Clerk Anderson. Also attending: 59 other persons (see attached sign-in sheets).

The minutes of the October 12, 2010 and October 25, 2010 meetings of the Council were presented and approved by **unanimous consent**.

Results of Community Survey: Julie Andsager a University Heights resident with training in quantitative public opinion research methods and statistics presented the findings from a community survey on the proposed development of the St. Andrew land. Representatives from the pro- and anti-development sides were included on the committee: committee members were Julie Andsager, who has not taken a stand on the issue, Pat Bauer, Carolyn Brown and Mike Haverkamp.

The survey was conducted from October 23-20, 2010. 504 surveys were mailed out to citizens who had participated in the last three elections or to current residents at those addresses. Of the 499 questionnaires that reached current UH residents, 324 were completed and returned, for a 64.9% response rate, which Andsager said was very high.

56% of the surveys were against the Maxwell development and 43% were in favor of single-family homes being developed on the land. Respondents against the Maxwell development cited concerns for increased traffic, quality of life and the types of businesses that may go into the commercial spaces.

Approximately 40% of those surveyed are in favor of the Maxwell proposal. Those for the development cited concerns for the city's property tax revenue and support for commercial spaces.

Council member Lane asked Andsager if this was a controlled or random survey, as the October minutes cited that the survey would be sent to 350 random citizens in University Heights. Andsager stated the survey is more of a census than a random survey. Council member Yeggy asked why the committee did not survey households within the city as some addresses receive multiple surveys; Andsager stated it would be more difficult to control, as anyone could fill out the form, plus the short time frame was an issue. Andsager stated that if they went door-to-door to conduct the survey that might be construed as pressure to vote one way or another.

Mayor From thanked Andsager for her many volunteer hours spent on the survey and also thanked the committee for their efforts.

JCCOG Planning Report: Kent Ralston, Assistant Transportation Planner, presented trip generation figures for the proposed development as requested at the previous council meeting. Ralston stated that the findings were estimates based on information that was provided by the developer and the proposed Ordinance No. 180. If the property was developed it would generate between 1,405 and 1,538 trips per day.

Ralston also stated that JCCOG counted the average traffic generation for the weekend of October 30th; with that Saturday being a home football game. On Saturday, the average daily traffic (ADT) was 694 and an ADT of 830 on Sunday. Counts collected on November 2-5, 2010 showed an ADT of 407.

JCCOG recommended that the Sunset Street/Melrose Avenue intersection be straightened for safety reasons. The original recommendation was to eliminate the skew of the north leg of the intersection. JCCOG evaluated 6 potential designs that would minimize the impact on the ravine and still allow for improving the safety of the intersection. Ralston stated that JCCOG believes the intersection could be realigned with a much less aggressive design and that would protect much of the north ravine; perhaps as much as a 50% impact reduction.

JCCOG/Shive Hattery Traffic Study: Brian Willham, Traffic/Transportation Engineer with Shive Hattery, demonstrated computerized traffic simulations for the council showing what the current traffic flow is and several

scenarios if the intersection was realigned. By realigning the intersection, waiting times for pedestrians would be reduced from 80 seconds to 20 seconds. Also, there would be an increase in the north/south traffic flow which would cut-down on congestion during the peak times in the morning and afternoons.

PUBLIC HEARING ON PROPOSED ZONING AMENDMENT

Mayor From called the public hearing to order at 8:04 pm for the purpose to discuss proposed amendments to the City's Zoning Ordinance (No. 79). The proposed amendments concern property at and near the intersection of Melrose Avenue and Sunset Street (present location of St. Andrew Presbyterian Church and adjacent lot to the east). All of this property is presently in the R-1 Single-Family Residential Zone, which permits only single-family uses and prohibits commercial uses. The proposed amendments create a Multiple-Family Commercial Zone that would establish a procedure for the property 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.

Present: Mayor From. Council Members Mike Haverkamp, Stan Laverman, Jim Lane, Brennan McGrath, and Pat Yeggy. Staff present: Engineer Bilskemper, Attorney Ballard, Police Chief Ron Fort, Treasurer Kimura, and Clerk Anderson. Also attending: 59 other persons (see attached sign-in sheets).

24 members of the public spoke for or against the proposal as follows:

Chris Luzzie-338 Koser Avenue-Against	Carolyn Brown-1434 Grande Avenue-Against
Rosanne Hopson-205 Golfview Avenue-Against	Lori Marshall-7 Glencrest Drive-For
Sue Hettmansperger-114 Highland Drive-Against	Joseph Frankel-323 Koser Avenue-For
Pat Kelley-376 Koser Avenue-For	Pat Bauer-338 Koser Avenue-Against
June Braverman-349 Koser Avenue-Against	Larry Wilson-308 Koser Avenue-Against
Kathy Belgum-104 Sunset Street-Against	Rich Schmidt-207 Mahaska Drive-Against
Alice Haugen-1483 Grand Avenue-Against	Mary Mathew Wilson-308 Koser Avenue-Against
Al Leff-215 Sunset Street-Against	Holly Berkowitz-40 Gallup Place-Against
Della Rupert-314 Koser Avenue-Against	Wally Heitman-262 Highland Drive-Against
Rachel Stewart-1327 Oakcrest Avenue-Against	Kermit Sheker-239 Highland Drive-Against
Rachel Prickman-321 Koser Avenue-Against	Tom Gelman-714 McLean Street-For
Warren Tunwall-100 Koser Avenue-For	Jerry Zimmerman-1434 Grand Avenue-Against

In addition, correspondence in favor of the Maxwell Proposal from Bob and Sheryl Beinhard, Megan Bygness, Melissa Ramos and Jane Gay was read by Clerk Anderson. Correspondence against the Maxwell Proposal from Doris Eckey was also read by Clerk Anderson.

Alice Haugen will turn in a petition to the city clerk, at a later date, that is signed by 241 citizens to save the ravine from development and infill. She would like to make copies for herself

The mayor adjourned the public hearing at 9:39 pm

REGULAR MEETING

The mayor reconvened the regular meeting of the council at 9:50 pm

MOTION by Haverkamp, seconded by Yeggy, to adopt Resolution 10-21, authorizing the Major to sign and the Clerk to attest a Conditional Zoning Agreement concerning the property under consideration for rezoning by Ordinance No. 180. **Carried.**

Attorney Ballard stated that the agreement is bound by the ordinance and is between the church, developer and the city and is a restriction on the land so that another party cannot challenge the zoning ordinance. If the ordinance is not approved then the agreement is void.

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

MOTION by Yeggy, seconded by Lane to approve the third reading of Ordinance No. 180.

MOTION by McGrath, seconded by Haverkamp, to table the third vote on Ordinance 180 until the February 2011 council meeting.

Council member McGrath asked the council what their rationale was for voting that evening for the development when the survey said a majority of the citizens are against the proposal. Council member Yeggy felt that the survey was rushed and that it was a ploy to slow the process down. Yeggy stated that 75% of the survey went to only 35% of the population. Council member Lane commented that he was “not moved by the survey” and that the findings were not substantially different from the election.

Council members Lane, Laverman and Yeggy stated they were ready to vote on the final reading of the ordinance. Council member Haverkamp there is so much anger and rancor about the issue that he felt there could be some closure if the council deferred the vote. **Not carried.**

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

Public Input: Kathy Belgum inquired about the rental property issues on Melrose Avenue. Council member Laverman responded that Norm Cate is gathering information on the properties which could take several months. Cate will be invited to a future council meeting to update the council on his findings.

Mary Mathew Wilson inquired about the new city logo and why it was not on the city website. Council member Haverkamp had e-mailed the graphic designer for a file containing the logo but has not received it. Clerk Anderson will work on getting the file.

Wilson also commented that there is a perception in the city that citizens against the development were targeted with tree and shrub notices. Council member Yeggy replied that she sent out the notices and they were based on the heights not in compliance.

Jim Stebhens commented that there are several houses on Melrose Avenue that consistently have garbage in their yards after football games. Police Chief Fort stated he informs each property they have one day to clean up the garbage or they will be fined.

Pat Bauer recommended that a formal motion be done to appoint a group to meet with St. Andrew Church regarding an extension for the One University Place developer.

MOTION by Haverkamp, seconded by McGrath, to defer the third consideration of Ordinance 180 until December 2010 and appoint two council members to meet with representatives of St. Andrew Presbyterian Church to request that the church extend its deadline with Jeff Maxwell to February 15, 2011, so that the special election set for January 11, 2011, may be held. Council members Haverkamp and McGrath volunteered to serve on the committee. McGrath stated that he had suspended his membership with the church so there would not be any conflict of interest. The council accepted without objection an amendment to the motion to name Haverkamp and McGrath as the council’s representatives. **Carried.**

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

Mayor’s Report: No report. The November report will be combined with the December report for the next council meeting.

Legal Report: A written report was presented.

Attorney Ballard stated that additional questions have arisen regarding City policy concerning removal of snow by property owners from the four feet of the wide sidewalk that abuts their property. Ballard would like council

guidance on three issues: 1) should property owners shovel the snow north, towards their property, or south, towards the city right-of-way, 2) should owners be instructed to not use ice-melt, sand or other chemicals this winter so as to not damage the new concrete, and 3) who is responsible for removing snow deposited by the snow plows.

Mayor From stated that Steve Smith of Johnson County Refuse would prefer the snow was shoveled to the north; the council agreed. Council member McGrath inquired if Smith had equipment that could clear the entire width of the sidewalk and the city would pay for that service. Council member Laverman stated that the city should contract with Mall Services to remove any snow deposited by the snow plows. It was reiterated that the sidewalk-access to streets must be completely cleaned.

Engineer Bilskemper presented literature to the council that concrete experts do not recommend using ice melt, sand or other chemical agents the first winter after concrete is installed. The experts stated that the ultimate consideration is safety for pedestrians; Attorney Ballard will incorporate Bilskemper’s literature into his letter to UHs citizens.

Clerk’s Report: A written report was presented. Five new rental permits have been received since the last council meeting. Nomination papers, for the special election, have been received from Rosanne Hopson. The filing deadline is at noon, on November 19, 2010.

Finance Report: No report.

MOTION by McGrath, seconded by Haverkamp, to adopt Resolution 10-22, approving the annual financial report for the fiscal year ending June 30, 2010. **Carried.**

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

MOTION by Laverman, seconded by McGrath, to increase the expenses paid by the city for the community survey from \$400 to \$508. **Carried.**

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

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

**Warrants
October 13, 2010 through November 9, 2010**

Name	Amount	Name	Amount
Matthew Fort	1,575.67	Paul Moore	35.00
Ronald Fort	1,373.97	SEATS	703.66
Benjamin Lord	882.89	City of Iowa City	10,317.54
Brad Reinhard	1,762.49	Donald Strong	180.00
Donald Strong	1,348.74	Joy Doehrman	85.00
Heidi Mae Daumen	230.00	Galls Incorporated	125.98
McLeod USA/PAETEC	135.79	Iowa Law Enforcement Academy	500.00
MidAmerican Energy	74.27	Iowa City Tire and Service	1,035.92
MidAmerican Energy	33.08	Iowa City Press-Citizen	458.35
MidAmerican Energy	29.70	Johnson County Refuse, Inc.	1,738.50
J & L Construction	193,050.23	Mediacom	69.95
MidAmerican Energy	612.05	MidAmerican Energy	30.34
Matthew Fort	1,516.08	Norm Cate	665.00
Ronald Fort	1,687.76	Pyramid Services Inc.	347.83
Lori Kimura	313.03	Racom Corporation	79.60
Benjamin Lord	882.89	Staples	46.23
Brad Reinhard	1,384.73	Terry Goerd	700.00

Attest: Christine M. Anderson, City Clerk

Approved: Louise A. From, Mayor