

**December 14, 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.**

**PUBLIC HEARING ON THE PROPOSAL TO ISSUE NOT TO EXCEED \$30,000,000 SENIOR LIVING FACILITIES REVENUE NOTE, SERIES 2010 (OAKNOLL PROJECT)**

Mayor From called the public hearing to order at 7:00 p.m. on the proposal to issue not to exceed \$30,000,000 Senior Living Facilities Revenue Note, Series 2010 (Oaknoll Project)

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: 52 other persons (see attached sign-in sheets).

Robert Downer, counsel for Christian Retirement Services, Inc. (DBA "Oaknoll") introduced Oaknoll representatives Patricia Heiden, Steve Roe, Virginia Clemens and Tom Bender. Christian Retirement Services, Inc. is locally based and its only business is the operation of Oaknoll; it is a non-profit corporation. During its 44 years in operation, it has expanded its main structure from 54 to 170 independent living units and 32 to 48 licensed healthcare beds. In addition, 35 assisted living units have been constructed and eight single family and eight duplex units have become acquired. Oaknoll currently has a waiting list of over 100 names.

Federal economic stimulus funding allows non-profit organizations to utilize, up to \$30 million, in federally tax-exempt financing for capital projects, if the financing is authorized by a local government issuer and closes by December 31, 2010. Issuance of these bonds will have no impact on the city for future financing the city may contemplate. The city is not obligated for payment of the bonds.

**Public Input:** Jerry Zimmerman stated that Oaknoll has been very good to his family and has been an excellent neighbor to University Heights. Zimmerman asked if they would consider the St. Andrew property as a site for expansion. Alice Haugen encouraged the council to vote in favor of the bond issuance.

**The mayor adjourned the public hearing at 7:11 p.m.**

**REGULAR MEETING**

Mayor From called the December 2010 meeting of the University Heights City Council to order at 7:12 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: 52 other persons (see attached sign-in sheets).

The minutes of the November 9, 2010 meeting of the Council were presented and approved by **unanimous consent**.

**MOTION** by McGrath, seconded by Haverkamp, to adopt Resolution No. 10-24 authorizing the execution of a memorandum of agreement with Christian Retirement Services, Inc. (Oaknoll) (the "Borrower"), authorizing and providing for the issuance of not to exceed \$30,000,000.00 aggregate principal amount of senior housing facilities revenue notes of the City of University Heights, Iowa, and the execution of documents related thereto. **Carried.**

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

**Public Input:**

20 members of the public spoke for or against the proposal for the St. Andrew property as follows:

Bill Gay-307 Mahaska Drive-For                      Greg Prickman-321 Koser Avenue-Against  
Lawrence Fritts-114 Highland Drive-Against                      Rick Hopson-205 Golfview Avenue-Against

Joseph Frankel–323 Koser Avenue–For  
Carolyn Brown–1434 Grande Avenue–Against  
Larry Wilson–308 Koser Avenue–Against  
Rosanne Hopson–205 Golfview Avenue–Against  
Mary Mathew Wilson–308 Koser Avenue–Against  
Kathie Belgum–104 Sunset Street–Against  
Al Leff–215 Sunset Street–Against  
Jerry Zimmerman–1434 Grand Avenue–Against

Chris Luzzie–338 Koser Avenue–Against  
Jane Swails–333 Koser Avenue–Against  
Alice Haugen–1483 Grand Avenue–Against  
Pat Bauer–338 Koser Avenue–Against  
Rich Schmidt–207 Mahaska Drive–Against  
Carl Orgren–330 Golfview Avenue–For  
Warren Tunwall–100 Koser Avenue–For  
Wally Heitman–262 Highland Drive–Against

Correspondence against the Maxwell Proposal from June Braverman was read by Mary Mathew Wilson and from Harold Black read by Jane Swails. Clerk Anderson read correspondence from Yon Schoenmaker against the Maxwell proposal. In addition, Anderson read an e-mail from Terri Larson, Broker Associate with Blank & McCune, concerning the preservation of the ravine.

Mayor From asked the council to disclose any communication with the developers, council members or other interested parties. Council member Lane spoke with Chris O'Brien, Iowa City Parking official, Kent Ralston of JCCOG, Brian Wilham, Jeff Maxwell and other council members. Council member McGrath spoke with Pat Bauer, Chris Luzzie and council member Haverkamp. Council member Laverman spoke with council member Haverkamp. Council member Yeggy spoke with council members Haverkamp and Lane. Council member Haverkamp spoke with all councilors, Jeff Maxwell and Dell Richard. Mayor From spoke with Jeff Maxwell several times.

**St. Andrew response to deadline extension:** Council members Haverkamp and McGrath sent a letter to the clerk of the Session at St. Andrew Church requesting an extension of Jeff Maxwell's deadline to February 15, 2011. Haverkamp reported the church felt it was not the city's right to ask for the extension and that they had an agreement in place with the developer which they did not want to amend. The city attorney also heard from Tom Gelman, the developer's attorney, and he concurred with the church's opinion. Haverkamp stated he was disappointed with the response but he understood their position; the two parties felt their agreement was in place and they were not interested in extending the deadlines.

**MOTION** by Yeggy, seconded by Haverkamp, to approve third consideration 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 table the vote on the third consideration of Ordinance No. 180 until after the February 2011 special election. Motion died for lack of a second.

**MOTION** by McGrath, seconded by Laverman, to amend Ordinance No 180 to strike the phrase "...and adjacent to..." from the introductory paragraph under "Findings" in the ordinance. **Not carried.**

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

Council member Laverman agreed that the ravine should be protected but felt there were other ways to accomplish it.

Council member Yeggy read a letter St. Andrew Church sent to the city in 2009 which stated that the church informally agreed to notify the University of Iowa (UI) of any proposed sale of the church. The church did speak with the UI, at the time of the Maxwell offer, but it declined to match the offer. Yeggy noted that the letter indicates the church's discussion with UI predates the acquisition of the Athletic Club by UI and the floods of June 2008. Council member McGrath commented that he did not believe the letter represents what the church would do now and said he was upset at the use of fear-based information. Yeggy asked McGrath if he was representing the church and if she was fear-mongering. McGrath replied he is not speaking for the church and does feel Yeggy is using fear-based information to support her position.

Council member Lane commented that a gentleman's agreement is still in place with the UI and the church would still need to obtain first refusal from it. McGrath stated he felt the UI was being used as a red-herring and council member Laverman agreed. Laverman stated either the proposal stands on its own merits or it does not and that is what should be considered.

Council member Haverkamp reiterated that the decision is not about a particular project but rather a zoning issue for the property. He feels that changing the zoning is the correct action and that the project will be bound by the rules of Ordinance No. 180. There are financial advantages with this project and the city is "consistently cutting it close" financially. Lane commented that the council will control this project and everyone will have input. He commented he supports protecting the ravine too. **Vote on Third Consideration of Ordinance No. 180 - Carried.**

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

**Mayor's Report:** No written report. Mayor From stated she had secured a \$250 grant from MidAmerican Energy for the city.

**Legal Report:** A written report was presented.

**MOTION** by Yeggy, seconded by Laverman, to set the hours for the special election, to be held on January 11, 2011, from 7:00 am to 8:00 p.m. **Carried.**

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

**MOTION** by Yeggy, seconded by Laverman, to adopt Resolution No. 10-25 authorizing the Mayor to sign and the Clerk to attest an Agreement Regarding Dedication of Lot 426, University Heights Third Subdivision as a public street serving Lytham Condominiums. **Carried.**

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

**MOTION** by Haverkamp, seconded by McGrath, to dismiss parking ticket #20006 and direct the property owners involved to meet with the city attorney and housing inspector. **Carried.**

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

**MOTION** by Laverman, seconded by McGrath, for the City to pay \$1,500.00 as its insurance deductible for the property claim submitted by Ryan O'Leary. **Carried.**

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

**Clerk's Report:** A written report was presented. Eight new rental permits have been received since the last council meeting. A written report from Norm Cate, Rental Inspector, was also presented.

**Finance Report:** No report.

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

**Warrants**  
**November 10, 2010 through December 14, 2010**



UNIVERSITY HEIGHTS CITY COUNCIL  
December 14, 2010

MEETING

ATTENDEES

Please sign or print legibly

<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
LARRY T. WILSON	308 KOSE AVE	YES ✓
Liesa MOORE	220 Koser	
DAN MOORE	" "	
Stella Ruppert	314 Koser Ave	
Melared Puchta	719 George St IC	
Carolyn Brown	1434 Grand Ave, IC	YES ✓
Jerry Zimmermann	" "	yes ✓
Jeff Maxwell	Maxwell Pev.	
Joe Frankel	323 Koser Ave	Yes ✓
Kathleen Belfer	104 Sausat	maybe ✓
Lawrence Fritts	114 Highland Dr.	yes ✓
Adam Zimmermann	1434 Grand Ave	
Rosanne Hopson	205 Golfview	YES ✓
Mary Schmidt	207 Mahaska Dr	
Ane Wallace	307 Mahaska Dr	NO
Sue Hettmanperger	114 Highland Dr.	NO

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<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Ann Dudler	205 Koser	
ANDY DUDLER	205 KOSER	
Sue Braell	124 Koser	
Carl Orgren	330 Golfview Ave	✓ yes
Mont Rabin	Jacoby	
Russ & Eunice Humphreys	1456 Grand Av.	
MARCO EMMONS	719 GEORGE ST	
Steve Roe	2127 Abbey Lane	
Wanda Robertson	406 Ridgeview	
Karl Robertson	406 Ridgeview	
[Signature]	305 Ridgeview	
PAT Heidein	1 Oakroll Ct	
JOHN O'LEARY	PRESS-CITIZEN	
Tom Bender	4182 Westcott Dr NE (Oakroll)	

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<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Bill Haugen	209 Oakview	Yes ✓
Alice Haugen	1483 Grand Ave	Yes ✓
Linda Finchan	1475 Grand Ave.	No
Tom Haugen	1483 Grand Ave	No
RICH SCHMIDT	207 MAHASKA DR	? Yes ✓
PAT BAUER	338 TW,	Yes ✓

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<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Dell Richard	849 Runy Rd #304 Carroll	no
Greg Friedman	321 Koser	yes ✓
Rachel Stewart	1327 Oakcrest Ave	
Bill Wittig	not a resident <u>SAR</u>	no
Bill Gray	307 Mahaska	yes ✓
Jane Swails	333 Koser Ave	yes ✓
Kip Sheldon	316 Mahaska	no
Chris Hedlund	1490 Grand Ave	no
Steve Hedlund	"	

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December 14, 2010

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<u>Name</u>	<u>Address (or) Representing</u>	<u>Wish to Speak</u>
Mary Mathew Wilson	UH Place	X ✓
Jane Braverman	Koser Ave	X ✓
Chris Luzzie	338 KOSER	X ✓
Kay Burke	1309 OAKCROST ST	
Hunny Clemons	518 Woodrudge Ave SE.	

UNIVERSITY HEIGHTS CITY COUNCIL  
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MEETING

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Please sign or print legibly

Name

Address (or) Representing

Wish to Speak

Kevin Monson

Neumann Monson