

April 12, 2011

Proceedings of the City Council of University Heights, Iowa, held at Horn School, 600 Koser Ave., subject to approval by the Council at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

**PUBLIC HEARING ON PROPOSED ORDINANCE No. 181**

Mayor From called the public hearing on the proposed Ordinance No. 181, amending the zoning ordinance to require that a developer submitting a Multiple-Family Commercial PUD application must be the owner of the property identified in the application, to order at 7:05 p.m.

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

- |   |                                     |
|---|-------------------------------------|
| Chris Luzzie–338 Koser Avenue–For       | Alice Haugen–1483 Grand Avenue–For  |
| Mary Mathew Wilson–308 Koser Avenue–For | Pat Bauer–338 Koser Avenue–For      |
| Jane Swails–333 Koser Avenue–For        | Larry Wilson–308 Koser Avenue–For   |
| Jerry Zimmerman–1434 Grand Avenue–For   | Jim Lane–303 Highland Drive–Against |

Mayor From adjourned the public hearing at 7:35 p.m.

**REGULAR MEETING**

Mayor From called the April 12, 2011 meeting of the University Heights City Council to order at 7:36 p.m.

Present: Mayor From. Council Members Mike Haverkamp, Rosanne Hopson, Stan Laverman, Brennan McGrath and Pat Yeggy. Staff present: Engineer Bilskemper, Attorney Ballard, Police Chief Fort, Treasurer Kimura, and Clerk Anderson. Also present were Nancy Barnes-Kahout, Pat Bauer, June Braverman, Patrick Campbell, Paul De Young, Andy Dudler, Ann Dudler, Linda Fincham, Steven Ford, Elizabeth Goetzman, Ann Grossheim, Gloria Hanson, Alice Haugen, Chris Hedlund, Jim Lane, Chris Luzzie, Mike Mesch, Kevin Monson, Dwayne Musser, Art Nowak, Tim Oswald, Dell Richard, Karl Robertson, Della Ruppert, Robert Ruppert, Rich Schmidt, Jane Swails, Jinx Tracy, Roger Tracy, Larry Wilson, Mary Mathew Wilson, John Yapp, and Ken Yeggy.

The minutes of the March 8, 2011 meeting of the Council were presented and approved by **unanimous consent**.

**Formal Discussion of Ordinance No. 181:** Attorney Ballard stated that he was informed, by Tom Gelman, lawyer for Jeff Maxwell, that Maxwell intends to submit is PUD application on or about April 22, 2011. Once the PUD is received, it will be circulated to the Mayor, Council and City staff for review and will be posted to the city website.

The city has also received a document from St. Andrew Church, as owners of the property, that states the church consents to the PUD submittal. Council member McGrath inquired who had signed the document; Dell Richard, attorney for the church, responded that the Session President signed the document and was authorized to do so on behalf of the church. Richard also stated that the congregation will vote on the issue of whether to sell the property.

McGrath’s personal view is this document should not be perceived as a “sweeping vote” in favor of the sale. The Session has endorsed this sale from the beginning and McGrath inquired if the document was really representative of the entire church congregation. McGrath expressed his personal opinion that the church is also considering remodeling and adding on to the current site and his understanding is that the Session has hired Neumann Monson to prepare plans.

Council member Laverman asked if the city agreed to Maxwell’s PUD, would the church be able to remodel/add-on to the current site. Attorney Ballard responded that if the church remodeled within the terms of the R-1 zoning restrictions or within the terms of the PUD, they could remodel. If the remodeling does not conform to the R-1 zoning restrictions or to the PUD, the church would need to submit its own PUD for consideration. Ballard also stated that they perhaps would not need a PUD, depending on what was planned for the site and if those plans were consistent with the R-1 zoning restrictions.

Council member Laverman stated he had no interest in changing the ordinance and felt that the church was in favor of the PUD submittal. Council member Hopson stated she has a strong interest in voting on the amendment and reiterated that the city does not need to rush a decision; the city should take its time and not further divide the city with a rushed decision. Council member Haverkamp respectfully disagreed; he commented that a great deal of time has been spent on this issue and slowing down or stopping the process would not be helpful in bringing the community together as knowing specifics. He believes the city needs to keep moving forward by looking at the specifics of the PUD.

Council member McGrath stated that the timing of the vote could impact the November election. It was McGrath's opinion that if the church votes not to sell their property, the city will look stupid for rushing this process. Council member Yeggy said she felt that the signed church document indicates that the owner is in favor of the development and she is not in favor of changing this amendment.

**MOTION** by Hopson, seconded by McGrath, to put the first consideration of the amendment to Ordinance No. 181, on the agenda for next month's city council meeting. **Not Carried.**

Haverkamp - No	McGrath - Aye
Hopson - Aye	Yeggy - No
Laverman - No	

**Presentation of Maxwell site plan:** Kevin Monson, of Neumann Monson Architects, presented a site plan of the development to the mayor, council, staff and public. The site plan will be posted on the city website.

There are two buildings that conform to the zoning ordinance in regard to height and number of stories. There are 50 parking spaces available behind the front building, fewer than the maximum stated in the ordinance. There are 80 condo units and Monson feels that there will be less than that as some buyers will purchase more than one unit in order to have more square footage.

Sunset Street will be re-aligned to give provide better traffic flow and safety for pedestrians. Monson stated that the city's traffic engineer said that the intersection will perform better with the development than it does now. There will be an exit-only side street onto Sunset Street. There will be a small retaining wall by the ravine, but it will not infringe on the sensitive slopes. An oak tree will need to be removed from the property currently owned by Jeff Maxwell.

The back building will have a driveway under a canopy entrance to the building. The front building will have front and back entrances to the commercial areas. A bus lane and shelter will be located on Melrose Avenue.

Mr. Monson answered several questions from the public about the site plan.

John Yapp, Executive Director of MPO-JC, stated that once the PUD is received by the city, the information will be posted on the website and copies will be available at city hall and MPO-JC. Written comments can be mailed or e-mailed to the city clerk or the MPO-JC office; Yapp asks that any verbal comments to officials also be written or e-mailed so there is no mis-representation of the verbal comments. Yapp stated that representatives for the police and fire departments will review the plans, as well as Engineer Bilskemper and Attorney Ballard. Steve Smith, of Johnson County Refuse, will also review the plan for snow removal issues.

Yapp also stated that he would send a flyer to each household in University Heights outlining how citizens can comment, and will include an explanation about the development and the PUD.

**MOTION** by McGrath, seconded by Hopson, for MPO-JC to compile all comments regarding the PUD application, by no later than June 6, 2011 for the June 14, 2011 council meeting.

**MOTION** by Laverman, seconded by Hopson, to amend that all comments regarding the PUD application be submitted no later than May 31, 2011 and that MPO-JC compile and distribute the comments to council members and the website by June 7, 2011. **Amendment carried.**

Haverkamp - Aye	McGrath - Aye
Hopson - Aye	Yeggy - Aye

Laverman – Aye

**VOTE ON MAIN MOTION** that all comments to be submitted no later than May 31, 2011, and for MPO-IC to compile all comments and distribute to council members and the public by June 7, 2011. **Carried.**

Haverkamp - Aye	McGrath - Aye
Hopson - Aye	Yeggy - Aye
Laverman – Aye	

**Presentations by financial consultants:** Representatives from Terry, Lockridge & Dunn and Piper Jaffray addressed the council regarding financial services they could provide the city.

Mike Mesch stated that Terry, Lockridge and Dunn is a local firm that has been in business for 33 years. The firm has expertise in tax and investment strategic planning, business planning and consultation and bookkeeping. Mesch has experience working with attorneys and the valuation of companies for divorce cases. Mesch has worked on annual budgets and can disseminate financial information for the layperson.

Mayor From inquired if Mesch had any Tax Incremental Financing (TIF) experience and if he had reviewed the city's financial records. Mesch replied that Timothy Terry, founder of the firm, has TIF experience and would be available for any TIF issues. He also stated he had not reviewed any of the city's financial records.

Tim Oswald, of the Des Moines office of Piper Jaffray, stated he has been with Piper Jaffray for 22 years and has assisted cities with debt and financing issues. Oswald distributed a handout to the council that covered current financial information about the city, and information regarding tax increment financing.

Regarding the General Fund, he said a significant amount of the budget is dedicated to public safety. He stated that data can be analyzed and projections made about specific items. Oswald said he has worked on the Coralville Iowa River Landing area and with local school districts. He has experience analyzing financial needs for cities. He identified Riverdale, Iowa as a city he has assisted.

The council would like to see an estimation of hours and cost for the next meeting. Mayor From and Council member McGrath will contact the two firms for this information.

**Public Input:** Mary Mathew Wilson inquired if it was legal for citizens to have chickens in University Heights, specifically in backyards. Council member Laverman stated he would research this item for the council.

**Mayor's Report:** A written report was presented. Mayor From stated that 6<sup>th</sup> Annual University Heights Chautauqua will be held on August 28, 2011. Citizens who wish to volunteer should contact her.

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

**MOTION** by Haverkamp, seconded by Yeggy, to approve an agreement for Maxwell Construction to reimburse city for professional fees, including legal and engineering fees, related to consideration of tax increment financing (TIF) and Multiple-Family Commercial Planned Unit Development. **Carried.**

Haverkamp - Aye	McGrath - Aye
Hopson - Aye	Yeggy - Aye
Laverman – Aye	

**Clerk's Report:** A written report was presented. Two rental permits were received since the last meeting. Norm Cate, Rental Housing Inspector inspected seven properties and re-inspected five properties for compliance in March.

**Finance Report:** A written report was presented. Council member McGrath is researching how the Local Option Sales Tax (LOST) funds have been spent. He plans to have information ready for the May council meeting.

McGrath spoke about the marker at Sunset Street and Koser Avenue. The marker was rumored to be the highest point in Johnson County but is actually a survey marker, a benchmark that surveyors used prior to GPS.



The city will need to interview 3 engineering consultants as the next step in the Sunset Wide-Sidewalk project.

A citizen had asked about adding sidewalks to streets that do not have them. Upon inspection, it appears that it would not be difficult on Mahaska, Monroe, Ridgeview, Mahaska Court, Highland or Leamer Court. It would be more difficult to install sidewalks on Marietta and Golfview and very problematic on Prospect, Sunset and Grand.

To date, \$23,775 has been spent for snow removal, which is approximately \$1,500 under budget.

Engineer Bilskemper stated the IDOT staff has done their final walkthrough for the Melrose Wide Sidewalk project. There are some objects that are in the clear zone, which is the area two feet outside the sidewalk. The IDOT requested white paint marks and/or reflective tape be added by these objects, and then the retained funds will be released. The staff noted that the shrubs on the Melrose Avenue side of 104 Sunset Street are too close to the sidewalk; Bilskemper will follow up on this.

The patch repair project on Melrose Avenue and Sunset Street has had its FHWA audit and the report came back satisfactorily. All that remains is a DOT materials audit.

Pavement markings will be repainted; the council agreed to wait until fall to repaint the parking lines on Marietta. Pothole patching will begin as the weather warms up.

**Building, Zoning & Sanitation:** Council member Laverman will research the issue of keeping chickens in the backyards of properties.

**E-Government:** Council member Haverkamp is updating the virus protection on the city computers.

**Metropolitan Planning Organization (MPOJC):** A written report was submitted. The next meetings are May 17<sup>th</sup> and 25<sup>th</sup>.

**Announcements:** Council member Laverman announced that on April 23, 2011, work will begin on a community garden in conjunction with Kirkwood Elementary school, 9:00 am until noon.

The meeting was adjourned by **unanimous consent at 11:00 p.m.**

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

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**Approved: Louise From, Mayor**