

Email Received by council August 26- September 14, 2010

AUGUST 26, 2010

Dear Mayor From and Council Members--

There was discussion at the council meeting last Tuesday about whether Mr. Maxwell could retain the quality of materials if the number of condo units is reduced because the cost would be spread over fewer units. However, the amount of building and parking to be built would also be reduced, so the overall cost would be reduced, thereby reducing the cost per unit accordingly. Since Mr. Maxwell has not produced any verifiable facts that such a reduction would result in reduced quality of material or development, I think it is a presumption that should not be made. If Mr. Maxwell is sincere about his stated intent to lease to an upscale market, he could not reduce the quality and market the units to that market. Mr. Maxwell should be challenged to provide verifiable facts that the reduced number of units would reduce his profit margin to an unreasonable level. If he can in fact verify that there would not be a reasonable profit margin, then assistance from TIF funding could be applied to help provide a reasonable profit margin in order to reduce the number of units to the level of the Bauer alternative plan that is supported by half of the UH community. This would be a win, win compromise for all residents of the UH community and would bring the community back together again.

I want to add that if one has views from the top of the 6-story high-rise building, the building can be seen equally well from those directions also. Any trees would work the same both ways--if you can see out, you can see back to the building. If the high-rise building is reduced in height from 6 to 4 floors as proposed by the Bauer alternative plan, the top luxury units would not be eliminated. The Bauer alternative proposal, as Pat has stated, suggested taking out 2 middle floors and providing the same mix of unit types as before, just fewer in number, and with the luxury units still on the top floor. I don't believe having the luxury condos two floors lower in height, just 20 feet lower according to the Maxwell plans, would make the view from the top floor significantly less desirable if at all.

Sincerely,

Larry Wilson

Dear Mike,

As you know I oppose the plan Jeff Maxwell presented to develop the St. Andrews Church site. I have realized that I know nothing about his experience developing a project as large as the one he has presented to our town. I've also

learned that there are many other people in town who are also concerned about his background as a developer.

Do you and your colleagues have his resume, and if so can you share it with the rest of us please? I am really troubled about this, and about what might be in store for the people of University Heights. I haven't lived here very long, but I find UH a very pleasant place to live and I am very concerned about what could happen to our small city.

Thank you.

Nancy Barnes Kohout

AUGUST 27, 2010

Dear Mike,

Like many people in University Heights I am opposed to Jeff Maxwell's proposal to develop the St. Andrews Church property. I realize that you have supported his proposal. But I'd like to ask you how much you and the mayor and the other members of the council know about other large scale developments he has completed. In other words do you have his resume? I'd like to know what he's done before this and about the quality of his work. I think everyone in University Heights should know what his track record is.

Since I know you are the kind of person who does like to like to get a lot of information about matters that interest you – as you have done about the history of University Heights, I thought you would be the council member to ask about this.

Nancy Barnes Kohout

AUGUST 28, 2010

Dear Ms. Yeggy,

I attended the work session last night. I am sorry that I was not able to hear everything you said. I hope you will try to speak up a little more loudly, as it is difficult to understand a person's conversational speaking voice from the seats in the hall.

You mentioned something about our founding fathers' observation that from University Heights, one can see several miles around. I am not sure why that is important to the matter at hand. If it means that this view can be seen from the 6-story building, I am not sure how that benefits the citizens of our town. I was also puzzled at your statement that our town consists of 4 smaller towns with in it. I have never heard anyone make such a claim about any town under any circumstances. It seemed to be a weak rationale for building a high-density, multi-use development that ostensibly has a negative impact on only 1 of the 4 towns. This seems a very odd thing to say, especially since residents in all parts of our town are so strongly opposed to the Maxwell plan. How does the concept of 4 towns lessen the impact of this development on the citizens from all parts of University Heights? Putting forth of these issues as

ways of strengthening the argument for the Maxwell plan seems as if grasping at straws. I would like to know, instead, how this development helps our town in more concrete ways, such as increasing tax revenues and how you would propose to use that money?

I am glad that you brought up the issue of flipping. However, Maxwell's answer was unsatisfactory on its own. If he did plan on flipping the property, wouldn't he give the same answer? Surely, if he intended to flip the property, his proposal would have unanimously been denied. I ask you, and the other council members, to look into his background to see if he has flipped other properties and what impact that had on the neighbors.

I appreciate your service to University Heights.

Sincerely,

Lawrence Fritts
114 Highland Drive

SEPTEMBER 10, 2010

Dear Louise and council members,

I am writing again to express my opposition to the Maxwell proposal.

I will list the reasons why I am not in favor of it.

1. With commercial real estate as part of the proposal, some people seem to have visions of a coffee house, restaurant and specialty grocery store. I doubt whether these types of businesses could be substantially supported as we have a very acceptable variety of all this less than a mile to the east or west.
2. According to some local realtors, there is a surplus of comparable real estate (condos) for sale in town that are listed at less per square foot than what Maxwell intends to price the condos in his project.
3. Traffic, which is already heavy on Melrose during certain times of the day, could become heavier and also the street has just been narrowed.
4. Maxwell will almost certainly sell the development at some point which could present a whole new set of concerns, and also counter the tax argument if he sold to the university.

I also have the following questions.

1. Has the University Heights public been shown a resume of Maxwell's work history?
2. Can all the communiques for and against the project be made public?
3. If the church would no longer be a community meeting place, where would the new one fit in the project?

Thank you all for your service to University Heights,

Gretchen Blair

51 Prospect Place

SEPTEMBER 11, 2010

Dear Mayor From,

I have heard from my fellow UH residents that several of our city councilors have publicly mentioned in casual conversation that they have received many, many more emails in support of the Maxwell plan for development of the St. Andrew Church property than emails opposing it. I, and other curious citizens, would like to see those emails and any other written communications that you and the city council have received regarding the Maxwell zoning application by making them available to the public via posting them on the UH city website. It is my understanding that any and all correspondence is considered part of the public record surrounding this issue, and to which the public is guaranteed access by law. Is this not the case?

If so, this request for open records is based on my assumption that citizens have the right (under the Freedom of Information rules in the Iowa Code) to see these public records received by city officials via their university-heights.org email accounts or through other official routes since the 2nd Maxwell application (filed on June 24, 2010) became public record (posted on the City website on July 1, 2010). By correspondence, I mean all emails and other written communications from UH residents both in support of and in opposition to the Maxwell Plan, as well as all emails and other written communications pertaining to this matter that you and/or members of the council have received from individuals who reside outside of University Heights. I presume that it is also a legitimate "open records" request to ask to see any responses that you and the city council have sent in follow-up to any and all correspondence you have received regarding the Maxwell application, including to Mr. Maxwell, his attorney, his architect, realtors, or any others you've corresponded with in an official capacity.

I've noticed that you and city council members have been very careful to publicly report on your various meetings and conversations with the developer, his attorney, and others you've met with or spoken to along the way. I have also noticed that this accountability has not carried over to any sort of transparency concerning written communications you and/or the council have received or sent. Council members Yeggy and Haverkamp have talked to several people I know about the plethora of emails they're receiving in support of the Maxwell Plan, so now I am requesting that those emails and all others

received and sent by our city officials with regard to this issue be made available to the public as open records.

If city officials will not provide the requested documents electronically (either through email or by posting them on the city website), I would like to request paper copies of the correspondence that will then be scanned and posted on UH Place as a matter of public record. Presumably, you and city council members have been passing these communications along to the city clerk to keep as part of the public record, so there must be a compendium of them being kept somewhere (?). It shouldn't be too difficult to round up this information and post it in a very visible way on the city website.

Mayor From, I would use this opportunity to respectfully remind you and the city council that all of you are public sector employees (public servants) who serve within a public sector organization. As a public sector organization, our UH city government exists to protect and serve its citizens. Our city government is owned by the people, and all of you were elected (with the exception of one councilor) as public servants to discharge your duties in the interest of the people of University Heights. I'm sure you are aware that you are accountable to the citizenry, not to outside interests nor to personal interests. I therefore respectfully request that you demonstrate this accountability by providing the citizenry of University Heights with access to open public records.

Speaking on behalf of myself and many other active citizens of University Heights, we expect and demand an open and transparent process and, at the moment, it is pretty clear that we are not getting it. This is not a high-stakes poker game in which the cards aren't shown until they're played. What's at stake is of great concern to many of the citizens of University Heights; I'm sure you realize that.

I urge you to comply with this request to provide transparency of government through open records and would like to see action on this request occur no later than the end of the day on Monday, September 13th. Posting this information at the same time you post the agenda for the 9/14/2010 City Council meeting would be acceptable (I believe that would be no later than 7 PM on Monday, Sept. 13th). Thank you.

Sincerely,

Mary Mathew Wilson

SEPTEMBER 12, 2010

Mike

We won't be able to attend Tuesday's City Council meeting because of work commitments, but wanted to let you know that we still fully support the Maxwell proposal.

We attended the Council work session a couple of weeks ago and came away even more convinced it is the right thing to do for our city. We believe the development will add to our city in many positive ways. In addition, the retail element of the proposal will be essential to the future financial viability of University Heights.

Thanks for your service to our community.

Deb & Rich Wretman

SEPTEMBER 13, 2010

My name is Caroline Mast and I live at 111 Highland Drive in University Heights. I signed a petition against the Maxwell proposal last year when it was in front of the City Council. My main objection was the height of the proposal for the back complex. My limit at that time for the back complex was 5 stories. That has not changed. I wanted you to realize that some opposition against the density was and remains strong and not to be negotiated unless the height comes down to no more than 5 stories!

I was in support of the commercial proposal with apartments/condos above it last year. However, I do have new concerns which I think are realistic. My prior support of the commercial property was based on the feeling that it would provide a community identity to University Heights, a location to go for coffee, maybe essential groceries, maybe movies,??? but definitely a community gathering location. I am now less confident that that is what will occur with the further information that has come out. Yes, there might be a nice outside fountain and a few nice outside benches, but will University Heights be able to gather there as a community or will it be primarily for the residents of the development? I have not been assured that it will be a University Heights community. Can University Heights afford to rent some of the commercial frontage in order to guarantee community access? If so, I would consider supporting it depending on the plan. If not, then I am against having all authority of the commercial space given only to the developers and the occupants of the space.

I would imagine that the space that is now used for the Chautauqua will be sold and developed in the future. Does University Heights have plans for that site or is up to the owner? If the owner sells to a developer who builds nice single family dwellings, where will University Heights go for outdoor community gatherings or even for indoor gatherings? I would appreciate knowing if there

are plans in the making for that land and I think others in University Heights should be informed.

Unfortunately, I may not be able to attend tomorrow's meeting – I definitely will be late if I am able to attend. I also have been turned off by the somewhat disrespectful pleas from both sides, no matter how passionate and understandable they are. I hope that this email is sufficient to voice my concern and persuade you to the best action for the University Heights community!

Thank you for listening. Sincerely, Caroline Mast

SEPTEMBER 14, 2010

Dear Members of the University Heights City Council:

Tonight's meeting will be one of the most important in the history of our community. The proposed zoning amendments to the city's housing ordinance have generated a lot of interest and discussion among UH residents. I wish I could say there is a clear consensus on this issue in our community, but that's not the case.

Therefore, I urge you to defer tonight's vote on the Maxwell and Bauer proposals for the St. Andrew Church property until after the Jan. 11, 2011 special election.

The zoning amendment issue is too important to be decided by a city council that currently includes a member who was appointed and not elected by voters. "Perception is reality," as the saying goes, and delaying tonight's vote until after the special election would do much to maintain (or re-establish) the confidence that UH residents place in their elected officials.

In one sense, delaying tonight's vote would make the Jan. 11 special election a de facto referendum on the St. Andrew property. In my view, this would be a positive move. If the majority of UH residents believe the Maxwell proposal is best for the St. Andrew site, they will elect a council member who votes accordingly. I realize that some may argue that the voters "decided" the St. Andrew issue during the fall 2009 city council election. But to move ahead with tonight's consideration of the zoning amendments and placing the potentially decisive vote in the hands of a council member who was appointed, not elected, to his seat strikes me as short-sighted and a poor example of representational government.

I know this has been a long and sometimes contentious issue in our community. But I strongly feel that waiting to decide on the St. Andrew property after the special election is in UH's best interest. I agree with UH

residents who say we need to come together as a community; voting on these amendments tonight will not bring us closer to that goal.

Thanks for your consideration.

Dave Pedersen

309 Sunset St.

Thanks for your consideration.

Dear Ms From and council members,

I'm writing after having acquainted myself with Mr. Ballard's letter to you dated September 13, and I demand that this email of mine become public record ASAP. Time is of the essence, since it appears quite likely that you intend to vote on the re-zoning proposals today.

Ms. Mary Wilson's request had a specific purpose: to make evident to our community BEFORE your vote how many individuals are against Mr. Maxwell's proposal and how many are for it, given that some council members claimed without evidence that they have received many emails that favored it. The fact that you needed a lawyer's opinion before making your email correspondence with UH citizens--whom you serve--public reveals a trend (and perhaps a concealed willingness) of non-transparency that has surrounded this crucial issue since the beginning. As a matter of fact, WE HAVE NEVER HEARD A CLEARLY EXPRESSED OPINION on the issue by Ms. Yeggy, Mr. Havenkamp, Mr. Lane, and Ms. From.

I want specifically to address the case of Mr. Lane. In a situation when--given the lack of a quantifying tool--the UH community seems divided on an issue of such vital--and with irreversible long-lasting effects--importance, a radical re-zoning of the nature demanded by Mr. Maxwell *cannot and must not* be decided by the vote of a person who has not been elected to serve the community. And I'm thereby appealing to Mr. Lane's conscience. You are in a double conflict, sir: one, you are not authorized by us to represent our interests in our city government and second, your wife is on the Zoning commission and voted in favor of Mr. Maxwell's proposal.

In a more general sense, the issue at stake is not about the small print of the designs presented by Mr. Maxwell nor about the financial health of our city anymore, the issue is about accountability and the legitimacy of the council's actions. And in Ms. Wilson's letter requesting transparency--which, I repeat, is conspicuously lacking--she clearly stated: "Our city government is owned by the people, and all of you were elected (with the exception of one councilor) as public servants to discharge your duties in the interest of the people of University Heights. I'm sure you are aware that you are accountable to the

citizenry, not to outside interests nor to personal interests." No matter what PC language we use in our official statements, on a personal level, it comes down to *the honesty and conscience of our public servants*.

Besides, the time will soon come when this council has to be held accountable for things they have NOT done outside the re-zoning issue. Since the beginning of this year, we haven't heard this council to have acted on any other matter of importance except the re-zoning.

Once again, I appeal to all of you to postpone any action on the disputed re-zoning matter until after the special elections are held. And I expect Mr. Lane to recuse himself from any vote on re-zoning.

Respectfully,

ZLATKO ANGUELOV