

June 9, 2009

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 PROPOSED ZONING AMENDMENT

Mayor From called the public hearing to order at 7:05 pm for the purpose of discussion of the proposed amendments to the city Zoning Ordinance No. 79 to create a multiple-family commercial zone and establish a procedure to consider an application for St. Andrew Presbyterian Church property to be redeveloped as a mixed-use commercial and residential development comprising no more than 2 buildings, 93 dwelling units and 20,000 square feet of commercial space among other limitations and restrictions.

Present: Mayor From. Council Members Andrew Dudler, David Giese, Stan Laverman, Brennan McGrath and Amy Moore. Staff present: Engineer Bilskemper, Attorney Ballard, Treasurer Kimura, Police Chief Fort and Clerk Anderson. Also attending: 77 other persons (see attached sign-in sheets).

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

Richard Schmidt –207 Mahaska Drive–Against
Carl Ogren–330 Golfview Avenue–For
Larry Wilson–308 Koser Avenue–Against
Yon Schoenmaker –27 Leamer Court–Against
David Pedersen–309 Sunset Street–Against
Pat Yeggy–305 Ridgeview–For
Carolyn Schnell–1409 Grand Avenue–Against
Renee Goethe–103 Highland Drive–For
Marge Ebert–30 Prospect Place–Against
Roger Tracy–105 Birkdale Court–Against
Bill Olin–426 Mahaska Drive–Against

Mary Matthew Wilson–308 Koser Avenue–Against
Al Leff–215 Sunset Street–Against
Mike Haverkamp–315 Golfview Avenue–For
Alice Haugen–1483 Grand Avenue–Against
Kathy Belgum–104 Sunset Street–Against
Judith Crossett–1504 Grand Avenue–Against
Paul Moore–1002 Melrose & 116 Golfview –For
Jane Boyd–1465 Grand Avenue–Against
Jacinda Pedersen–309 Sunset Street–Against
Della Rupert–314 Koser Avenue–Against
Warren Tunwall–100 Koser Avenue–For

The mayor adjourned the public hearing at 8:00 pm.

REGULAR MEETING

Mayor From called the June, 2009 meeting of the University Heights City Council to order at 8:10 p.m.

Present: Mayor From. Council Members Andrew Dudler, David Giese, Stan Laverman, Brennan McGrath and Amy Moore. Staff present: Engineer Bilskemper, Attorney Ballard, Treasurer Kimura, Police Chief Fort and Clerk Anderson. Also present were Pat Bauer, Doug Moore, Christian Prochaska, Kent Ralston and John Yapp.

Zoning Commission Majority Report:

Pat Bauer, chair of the Zoning Commission, stated that citizens are not opposed to development in University Heights but are opposed to this development because the proposal is too big and will negatively impact its neighbors. Bauer stated that the proposal is basically the same design as what had been proposed at the beginning of this proposal; he had hoped the developers would listen to input and reduce the project by at least half.

By accepting the proposal, this would set a precedent that the city could not reject future developments of this size and scope. Bauer respectfully asked the council to follow the current ordinance and vote against this proposal.

Zoning Commission Minority Report:

Catherine Lane, Zoning Commission member, stated that she is in favor of this proposal for a variety of reasons: alternative housing, a place for citizens to gather, and additional source of tax revenue. Lane stated that if the Church votes to move, the land will be developed. She stated that the University of Iowa is very interested in this parcel as they already own the 10 acres north of St. Andrew property as well as the University Athletic Club. If the

UI would develop the St. Andrew property the city would have no control over the zoning and would probably lose all potential tax benefit to the city.

Lane asked the council to show leadership and be responsible to the citizens of University Heights and vote in favor of this amendment.

City Council Discussion and Consideration:

MOTION by Giese, seconded by Laverman to adopt first consideration of Ordinance No. 172 amending the city’s zone ordinance (No. 79) to create a multiple-Family Commercial Zone and establish a procedure to consider an application for St. Andrew Presbyterian Church property to be redeveloped as a mixed-use commercial and resident development comprising no more than 2 buildings, 93 dwelling units and 20,000 square feet of commercial space, among other limitations and restrictions.

Council member Giese stated his decision is based on what is best for the city 20-25 years in the future. He has talked with the developers and with officials in other cities and these types of developments are occurring elsewhere. If any development happens on the property, the Melrose/Sunset intersection should be redesigned and brought up to current standards.

Council member Laverman said that at the beginning of this process, he was not in favor of the project. Laverman is concerned about the city’s financial viability and while the local option sales tax helps ease the cash flow situation, it would be prudent to build-up our cash reserves. Laverman stated the city would need to determine specific restrictions for this development to control what commercial enterprises are allowed.

Council member Moore stated that she felt her decision was informed based on all of the correspondence, e-mails and phone calls that were received. She went to the site and used helium balloons to determine what the elevations looked like in comparison to Melrose Court. Moore questioned the contention that 85% of the citizens were against the development; citizens complained to her that they thought they were signing-off on something different.

Council member McGrath stated he felt beholden to the people who elected him in forming his decision. While the city has fallen on difficult times, we should not look for an “easy way out”. McGrath stated he appreciated all the information from the developers but he feels they did not value the core values that have been outlined.

Mayor From asked council member Dudler if he desired to make any comment; he declined.

MOTION rejected.

Dudler - No	McGrath - No
Giese – Yes	Moore – Yes
Laverman – Yes	

The minutes of the May12 and May 18, 2009 meetings of the Council were presented and approved by **unanimous consent**.

Public Input: Input during public meeting.

Mayor’s Report: The Mayor’s written report was presented.

Legal Report:

MOTION by Moore, seconded by McGrath, to temporarily lower speed limits on Olive and Leamer Court to 10 mph during construction on the former Neuzil property. **Carried.**

Dudler - Yes	McGrath - Yes
Giese – Yes	Moore – Yes
Laverman – Yes	

MOTION by Laverman, seconded by Moore, to adopt resolution No. 09-07 to approve a 28E agreement with Johnson County SEATS for services for FY2010. **Carried.**

Dudler - Yes McGrath - Yes
 Giese - Yes Moore - Yes
 Laverman - Yes

MOTION by Laverman, seconded by Giese, to adopt resolution No. 09-08 amending fees for building permits; up to \$750 is a \$25 fee and above \$750 follows the code plus \$100. **Carried.**

Dudler - Yes McGrath - Yes
 Giese - Yes Moore - Yes
 Laverman - Yes

MOTION by Laverman, seconded by Moore, to refund \$65 to Mike Riley for overpayment of building permit fee . **Carried.**

Dudler - Yes McGrath - Yes
 Giese - Yes Moore - Yes
 Laverman - Yes

Clerk's Report:

MOTION by Laverman, seconded by McGrath, to approve a cigarette permit for Taste on Melrose. **Carried.**

Dudler - Yes McGrath - Yes
 Giese - No Moore - No
 Laverman - Yes

Rental permit letters will be sent out in June; the city attorney has reviewed all information that will be sent to the property owners.

Finance Report: None

Treasurer's Report: All bills, including a payment for 2007 street repairs, presented were approved by **unanimous consent.**

**Warrants
 May 13, 2009 through June 9, 2009**

Name	Amount	Name	Amount
Matthew Fort	1,331.58	IPERS	65.05
Ronald Fort	868.87	IPERS	2,009.67
Benjamin Fort	767.07	Paul J. Moore	750.00
Brad Reinhard	1,254.31	Breese Plumbing & Heating	169.90
Donald Strong	1,218.14	Communications Engineering	50.00
McLeod USA/PAETEC	123.84	City of Iowa City	2,982.63
MidAmerican Energy	36.60	Johnson County Refuse, Inc.	2,119.86
MidAmerican Energy	25.20	Pyramid Services, Inc.	91.84
MidAmerican Energy	66.72	Racom Corporation	79.60
MidAmerican Energy	611.11	Verizon Wireless	90.02
Christine Anderson	290.50	Westport Touchless Autowash	84.00
Matthew Fort	1,147.44	VISA	956.06
Ronald Fort	827.93	Paul J. Moore	950.70
Lori Kimura	178.86	ABC Solutions	14.41
Benjamin Ford	681.39	SEATS	689.86
Brad Reinhard	1,254.78	Leff Law Firm, L.L.P.	29,654.29

Donald Strong	1,155.19	Shive Hattery	12,321.35
Wellmark BC/BS	1,024.74	Fesler's Inc.	345.00
Hills Bank and Trust	26,792.67	Welt-Ambrisco Insurance	16,138.00
MidwestOne Bank	3,313.32	City of Iowa City	500.00

Total Receipts **\$31,899.81** **Total Warrants** **\$ 113,032.50**

Community Protection: Discussion for purchase of the new squad car will happen at the July council meeting.

Streets and Sidewalks: Council member Giese commented that street sweeping will begin on June 10th. The water meter will be put on the fire hydrant on Marietta. Most of the street signs have been replaced in the city but there are a few more remaining; potholes are being filled.

Engineer Bilskemper stated that a draft agreement, for the Melrose wide-sidewalk project, was sent to the Iowa DOT for their review; they brought it to our attention that the construction-engineering services were not included in the scope of services. Council member Giese followed-up with the four consultants who were previously approached about the project and their responses are being sent to the Iowa DOT.

Bilskemper had follow-up regarding the sidewalk on Melrose Avenue for switching the right of way to make the sidewalk more uniform with the rest of the city. Bilskemper handed out a drawing showing where the city would convert approximately 700 square feet to city right-of-way and the property owners would obtain approximately 700 square feet.

Building, Zoning & Sanitation: No report.

E-Government: Mayor From thanked Council member Dudler for posting all the development information onto the city website so quickly.

JCCOG: The mayor gave a written report.

Announcements: 4th Annual Chautauqua and Baking Contest on Sunday, June 14, 2009 from 1:30-4:00; details will be listed on the city website.

Council member Giese stated that there would be an American flag retirement ceremony after the Chautauqua Flags can be left at St. Andrew Church, city hall or people can contact Giese.

The meeting was adjourned by **unanimous consent at 9:40 p.m.**

Attest: Christine M. Anderson, City Clerk

Approved: Louise A. From, Mayor