We would like to extend our congratulations to all those who completed the candidates' position surveys (pages 6-11). We believe it is vitally important to communicate views and positions on the critical issues facing Davenport, especially with this many candidates.

The only exception was mayoral candidate Alderman Bill Sherwood, who refused to participate in this most important process. But many of us who worked so hard to get him elected last term are hardly surprised. This man completely betrayed every significant issue we mistakenly thought he stood for. Is it any surprise that Mr. Sherwood would opt out of disclosing any pertinent information this time around when he so blatantly reneged on his last campaign platform? Alderman Sherwood has very little credibility left, which renders him unfit to serve in any elected capacity, let alone as mayor of Davenport.

53rd Street Ad Hoc Committee Wants Updated Plan

As for the surveys themselves, I would like to clear up some of the misinformation in several of the candidates' responses relative to the city-owned property at 53rd Street and Eastern Avenue. From "a variety of different committees" to "a new committee could come to consensus," the candidates are clearly uninformed about the process that occurred relative to the property, the results of the work done by the ad hoc committee (of which I was a member that met for nearly a year), and the current status of the property. I feel obliged to correct this information.

There was only one committee formed at the request of Mayor Yerington, which reviewed six land-use options and submitted the rough concepts to the city council in October 2000. Two public meetings were held prior to the final report, at which citizens voted for the land-use option they most desired. Option F, where sustainable growth principles and ordinances were put in place to better govern development and provide for a high standard of development, won by a nearly 2-1 vote.

Because the committee could not achieve consensus on a single use, all six land-use options were presented, along with an agreement by the committee to advise the council to wait for an updated comprehensive land use plan before making any decisions about the property. Several problems in the process prevented consensus from the beginning. The first problem was that committee members already had their individual agendas for the land. John Caffrey, who is a Park Board Commissioner, wanted parks. Alderman McGivern, who is a special interest advocate for developers, still promoted the golf course. Michelle Magyar, the spokesperson for Citizens United for Responsible Expenditures (CURV), wanted to see responsible development with new ordinances and policies that would bring the greatest return to Davenport taxpayers. Alderman Caldwell wanted to sell all the land to recoup any costs because there was no provision in the budget to carry the debt for the land sitting vacant. With so many diverse opinions about the best land-use, and with such strong personal agendas in place, consensus was an impossibility. Recognizing this, Michelle Magyar and John Gardner, with the express direction from Alderman McGivern and the rest of the committee, agreed to draft a document that advocated holding on to the valuable property for at least two more years until a comprehensive land use plan could be completed. The two years was an estimate from Economic Development Director Clayton Lloyd on the time needed to complete an update of the

citywide Comprehensive Land Use Plan (CLUP). The entire committee agreed to this parameter, and it was presented to the city council in October 2000, along with the work product of the committee that included the six land-use options.

The second problem was the dereliction of duty by our ad hoc committee chairman, Alderman Tom Englemann. He put together a rough draft of the financial data associated with each plan that was woefully inadequate and skewed to favor certain plans over others. When asked to correct these problems within the financial data sheet before the public meetings, he flatly refused. He was willing to release this misinformation to the public, and did so at both public meetings. Michelle Magyar and I, with the help of City Finance Director Kent Kolway, were able to refine the data and bring a more balanced overview of the various costs and benefits as they related to each land-use option. With this lack of leadership and willingness to mislead the public about the merits or lack thereof about certain land-use options, the committee was faced with serious weaknesses within its ranks. Regardless, consensus was achieved among committee members to wait for a new CLUP before doing anything with the property—a wise decision in retrospect relative to the myriad of disappointing development that is occurring along 53rd Street at an unprecedented rate thanks to this current council.

Since then, Aldermen Moritz, McGivern, and Sherwood have each tried to manipulate circumstances surrounding the 53rd Street property for their own political gain for the upcoming election. They attempted to approve a resolution that would designate approximately 85% of the land for parks and public purposes without an updated CLUP, or any meaningful cost/benefit analysis, or any comparisons to the other land-use options originally presented, or without the promised outreach to the entire community to ascertain its wishes. Recognizing this posturing, to their credit, the rest of the council saw fit to stop these shenanigans and wait for the CLUP as originally agreed upon. But don't take your eyes off these aldermen because they do most of their manipulating behind the scenes.

Real Estate Interests Prevail at City Hall

Speaking of manipulating, if the citizens of Davenport ever doubted that Alderman McGivern is nothing but a special interest advocate for developers, realtors, and those involved in real estate transactions, at the consistent expense of Davenport residents, last week's Community Development committee meeting (9/27/01), which Alderman McGivern chairs, demonstrated it perfectly. He accused the council of "strong-arming" two contract sellers into an Agreement of Understanding to allow for voluntary inspections of any properties they sell on contract for a period of one year.

This agreement reflects a compromise reached between the City of Davenport, Oak Helm Partners, and First Financial (the area's two largest contract sellers). For two years the city's housing department did an exhaustive study on contract sales in Davenport. (See issues #339-9/05/01 and #340-9/12/01 for a two-part story on contract sales.) This activity has been consistent with a nationwide effort to ascertain the problems within communities over predatory lending, poor or substandard housing stock linked to contract sales, and consumer protection. The two primary issues are the condition of the properties when sold, and the terms under which they are sold. Both situations have raised red flags. Many properties sold through

contract sales are not subject to inspections of any kind. In a traditional financing transaction, the realtors inspect the properties, the banks require appraisals, and the state requires a seller's disclosure statement about any problems associated with the property to be sold. None of these checks are mandatory in a contract sale. Furthermore, several of First Financial's contracts resemble leases rather than sales agreements. For instance, in some cases, the buyer is not able to deduct the interest on his contract from his/her taxes. Other cases show that when the loan balloons (usually in two years), the seller (First Financial) raises the selling price.

These practices are ethically questionable, but there is no legal recourse against them. Iowa's attorney general recently wrote an opinion that upheld the city's authority to require inspections of contract sale properties, giving the city some oversight of these transactions and mitigating potential financial abuse of consumers. But Alderman McGivern did not think it fit to do so. He danced around the issue using scare tactics, including possible discrimination, negative economic fallout, or potential liability, but never articulated once how these things might occur. In fact, the city's Director of Civil Rights stated discrimination should not be an issue within the structure of such ordinances or policies because there is no discriminatory intent. Housing Director Greg Hoover stated that the city would assume "no more or no less liability" than is already assumed with current rental inspections by the city. As for economic fallout, Mr. McGivern couldn't have been more vague, evidencing the spin of it all. He deliberately misconstrued the concept of property rights as being violated should such a "voluntary" policy be implemented. If this is the case, then property rights are also being violated with rental inspections, house inspections, real estate appraisals required by banks, and disclosure statements. Is Alderman McGivern advocating the abandonment of these practices as well?

But don't confuse Alderman McGivern with the facts because his allegiance is steadfast in favor of First Financial. Even Oak Helm has consistently agreed to all the voluntary terms with no objections. But First Financial hired public relations professional Steve Grubbs to lobby against such policies and ordinances that would bring accountability to these predatory practices.

In the final analysis, this is just another crystal clear example of Alderman McGivern manipulating his position to favor one individual organization over the best interests of an entire community. He removed the one-year proposal for voluntary inspections of contract sales from the council agenda. How many more people would have benefited from such a voluntary program, or from any ordinances that would help to better govern these kinds of transactions, over the solitary interests of a company that would not? Davenport needs to recognize this special interest advocate who uses his position as an alderman to further the agendas of a specific few involved in the real estate industry over the needs of Davenport taxpayers. Remember at the polls that Alderman Bob McGivern's livelihood is dependent on those in the real estate industry because he is a real estate appraiser by trade. But don't just take my word for it—his mission is borne out by his voting record. This underpinning of conflict of interest has been going on for too long on the Davenport City Council. It is time to put a stop to this undo influence that favors the real estate community above all others. At a minimum, if agenda items have to do with anything remotely related to real estate, Alderman McGivern should not be allowed to vote.

It needs to be acknowledged that Alderman McGivern could not achieve his agendas alone. It takes the support of fellow aldermen like Moritz and, in this particular case, Ahrens. In an unusual departure from the voting clique of four, Brown and Sherwood actually wanted stronger action in the form of an ordinance to be passed rather than just a voluntary effort by two contract sellers. Both expressed concerns about removing the whole issue from the agenda. Alderman Ahrens, on the other hand, tried to circumvent his lack of concern for the public *at large*
by blustering about the real issue being consumer protection, not rental inspection. Meanwhile, Moritz fell in line like the good little McGivern soldier she is, marching to McGivern's drumbeat per usual. It would be refreshing if just once she would have an original thought or opinion. (It should be noted that 5th Ward candidate Bill Holgerson weighed in also favoring abandoning the voluntary program for inspections of these contract sales, citing the lack of enforcement of the current rental inspection standards, some of which are unfair in his estimation, and could ultimately be imposed on all home sales.)

The contract sale issue was killed at Monday night's Committee of the Whole meeting, when the voluntary inspection program was voted down 5-5 with the mayor breaking the tie. The five aldermen that wanted to see it implemented thought they had the necessary six votes to pass it in spite of Alderman McGivern's removing it from the agenda at the committee level, but Alderman Nickolas and Ambrose both abdicated the public trust, at the eleventh hour. The final vote was Aldermen Sherwood, Brown, Englemann, Caldwell, and Hean for, and Aldermen McGivern, Moritz, Ahrens, Ambrose, and Nickolas against.