

# 7:00pm PUBLIC HEARING on FY 2012 Budget Amendment

## AGENDA

### City of University Heights, Iowa City Council Meeting

Tuesday, May 8, 2012

Horn School Media Center

7:00 – 9:00 P.M.

Meeting called by Mayor Louise From

Time		Topic	Owner
7:00	Call to Order Meeting	Roll Call Approval of Minutes April 12, 2012	Louise From
7:01	Call to Order <b>Public Hearing On Budget Amendment</b>	Public comments on Budget Amendment	
7:05	Return to Regular Meeting	Fiscal Year 2012 Budget Amendment -Consideration of <a href="#">Resolution No. 12-07</a> adopting the budget amendments for the fiscal year ending June 30, 2012.	Jim Lane Steve Kuhl
7:10	Public Input	Public Comments  Update and report on <a href="#">Sunset Street wide sidewalk project</a> .	Josiah Bilskemper
	<u>Administration</u>		
	-Mayor	<a href="#">Mayor's Report</a>	Louise From
	-City Attorney	<a href="#">Legal Report</a> -Consideration of <a href="#">Resolution No. 12-08</a> authorizing the execution of a Memorandum Agreement with Christian Retirement Services, Inc. (Oaknoll) and fixing a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code.	Steve Ballard
	-City Clerk	<a href="#">City Clerk Report</a>	Chris Anderson

Time	Topic	Owner	
	<u>Committee Reports:</u>		
	<u>Finance</u>	Committee Report <a href="#">Treasurer's Report/ Payment of Bills</a>	Jim Lane Lori Kimura
	<u>Community Protection</u>	Committee Report Police Chief Report Community Relations Report -Consider \$500 contribution from City for the Community Fund -Spring Clean-Up Day -Ronald McDonald Run -Bike to Work Breakfast-May 16 -Garage Sale- June 8	R. Hopson/M. Haverkamp Ron Fort Rosanne Hopson
	<u>Streets and Sidewalks</u>	Committee Report -Discussion of speed limits on city streets -Discussion of Crossing Guard process  <a href="#">Engineer Report</a> -Consideration of <a href="#">Resolution of 12-09</a> authorizing the Mayor to sign a Contract with Iowa State University-Center for Transportation Research and Education concerning assistance in the development of a local agency pavement management system. -Consideration of <a href="#">Resolution No.12-10</a> certifying Completion of Work and Final Acceptance of the Melrose and Sunset Street Patching Project (ARRA Funding) and release of retainage. -Consideration of <a href="#">Resolution No. 12- 11</a> authorizing the Mayor to sign Amendment No. 1 to the Professional Services Agreement for Sunset Street Wide Sidewalk Project with Shive-Hattery, Inc. (Consultant) to prepare and negotiate easement and acquisition agreements for three (3) properties adjacent to the proposed project improvements with additional Consultant fees of \$4,433.01.	Jan Leff  Josiah Bilskemper
	<u>Building, Zoning &amp; Sanitation</u>	Committee Report Zoning Report	Brennan McGrath Pat Bauer
	<u>e-Government</u>	<a href="#">Committee Report</a>	Mike Haverkamp
	Announcements		Anyone
10:00	Adjournment		Louise From

**Next Regular Council Meeting: Tuesday, June 12, 2012 @ St. Andrew Church**

## May 2012- Mayor Report

**April 28- Attended the MPO-TTAC** (Transportation Technical Advisory Committee) Meeting.

**April 28 -Attended EMA** (Emergency Management) Meeting. I was elected vice-chair. (Don Saxton, Oxford Mayor, was re-elected Chair).

It is important to note that when you hear the outdoor sirens, it could mean any of three different threats. It could be a possible tornado, possible winds of 70 mph or greater or possibly one inch hail. It is important that you take shelter and then find out why the siren- using your tv, radio i-phone, computer, etc. The important part to remember is to take immediate shelter.

**May 1 -Attended the MPO- RTBC** (Regional Trails and Bicycle Committee) Meeting. The committee unanimously recommended two projects for Transportation Enhancement (TE) funding. This recommendation will go to the next TTAC Meeting on May 17 for consideration and then to the next MPO- Urbanized Area Policy Board on May 23. We are also working on pro-bicycle parking ordinances for each city. I will have the first draft for Steve Ballard and the council to review in the next few weeks.

As reported in my March 2011 Mayor's Report, I asked the MPO-RTBC staff to assist with an application for University Heights to become a Bicycle Friendly Community. They had assisted Iowa City and were successful after the second attempt. Iowa City was awarded a Bronze level in 2009. Kris Ackerson and I received an e-mail last week from the League of American Bicyclists stating that University Heights is being awarded a Bicycle Friendly Community at the Bronze level. We are only the second city in Johnson County to receive this award. **It was asked that we not release a formal announcement to the public until May 14<sup>th</sup>- during the Nationwide Bike To Work Week.** I am working with the League of American Bicyclists and the MPO staff on a Press Release for May 14. Because our May council meeting was before that date, I wanted you to be aware of this wonderful news before the formal announcement.

At the June 12<sup>th</sup> council meeting, I will have Kris Ackerson, MPO staff, attend and talk about the details of this award and report on the feedback we received from the League of American Bicyclists on areas the city can improve in the next four years to reapply for a higher level of silver, gold, or platinum.

REMINDER: Bike To Work Week Breakfast will be held in front of the city office on Wed. May, 16<sup>th</sup> from 6:30am-9:00am.

As always, if you want any more details about my report feel free to contact me.

## May '12 – City Attorney's Report

### 1. Oaknoll – Conduit Financing.

- Oaknoll proposes some changes to the financing it has been discussing with the City. I am attaching an email and a letter from Oaknoll's bond counsel, David Claypool, outlining the proposal and the changes.
- Oaknoll has requested that the Council enter into a memorandum of understanding and set a public hearing on the request to issue bonds. I am attaching a proposed resolution that the Council will consider Tuesday. Again, this resolution just indicates the Council's intention to issue bonds and sets a hearing for June – adopting the resolution Tuesday does not obligate the Council to take proposed action. My point is that there will be more information provided before the Council makes that decision, and the Council will have its own bond lawyer review the proposal (at Oaknoll's expense).
- I believe representatives of Oaknoll may be present Tuesday in the event the Council has further questions.

### 2. Speed Limit Adjustment.

- I met with Council Member Leff, Police Chief Fort, Engineer Bilskemper, and Traffic Planner Yapp (MPO-JC) to discuss speed limits on City streets and the advisability of adjusting some of them.
- As I have indicated before, the Council has the authority to set speed limits “upon the basis of an engineering and traffic investigation” showing that the default speed limit in the Iowa Code (25 MPH for residential areas) is “greater than is reasonable and safe under the conditions found to exist”. Iowa Code § 321.290 (2011).
- John Yapp has prepared a sidewalk inventory map showing where sidewalks exist only on one side of the street, on both sides, or on neither side. A copy of that map is attached.
- I believe Council Member Leff will request some guidance from the Council as to its desire concerning appropriate speeds.

### 3. Rental Housing Meeting.

- I met with Norm Cate and Chris Anderson to discuss several issues related to applications and permits for rental housing, as well as enforcement of current ordinance restrictions.

- Norm had inquired about whether a home owner away on sabbatical or something similar for a year or less needed a rental permit. The answer is “yes” under our current ordinance.
  - Norm also had inquired about whether a permit is required is a property is for sale but the owners are renting it during the marketing of the home. Again, the answer is “yes” – a permit is required by our current ordinances.
  - Other questions and issues related to rental permits and applications for permits were discussed. I will follow up with Council Member McGrath with respect to these discussions.
4. **Contract with ISU for Pavement Management System.** Josiah Bilskemper discussed this issue initially in April. I am attaching the proposed contract with Iowa State University with respect to this matter. I also am attaching a proposed resolution that the Council will consider authorizing the Mayor to sign this contract.
  5. **Boy Scouts.** I am working with a local Scout Troop on the requirements for Citizenship in the Community Merit Badge. Scouts are required to attend a meeting of a public body to earn this badge. I expect that one or more Scouts may choose to attend Tuesday’s meeting to fulfill this requirement.
  6. **My availability.** I will be out of my office until shortly before Tuesday’s meeting, but call my mobile (319/430-3350) if you need to reach me.

**Subject:** University Heights letter and proceedings  
**From:** Claypool.David@dorsey.com  
**Date:** Tue, May 1, 2012 4:34 pm  
**To:** "Steve Ballard" <ballard@lefflaw.com>  
**Cc:** sroe@oaknoll.com ([more](#))  
**Priority:** Normal  
**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#)

Hi Steve. I left you a voicemail on this also. Christian Retirement Services would like to increase the amount of Bonds to be issued by University Heights to \$62,000,000 to allow for additional project costs and refunding of a portion of the Prior Bonds issued in 2004 and 2005. This would NOT increase the amount of the City's bank qualification for calendar year 2012 that the Borrower is requesting and that amount will remain at \$8,500,000 as previously requested, leaving the City \$1,500,000 for 2012 for its own purposes. The breakdown of the \$62,000,000 is as follows:

- a. \$30,000,000 Tax Exempt Bonds to refund the 2010 Prior Notes (does not count against City's BQ limit);
- b. \$7,000,000 Tax Exempt Bonds to refund the 2004/05 Prior Bonds (does not count against City's BQ limit);
- c. \$8,500,000 Tax Exempt Bonds to pay project costs (does count against City's BQ limit); and
- d. \$16,500,000 Taxable Bonds to pay project costs (does not count against City's BQ limit).

I have provided a letter that updates our letter of March 31, 2012 that reviews all of this for the Council. I have also provided proceedings for the May 8 Council meeting which includes a resolution approving a Memorandum of Agreement and sets a public hearing date on the issuance of the Bonds. Please let me know if there is any additional information that I can provide at this time and if there is anyone at the City to whom I should send these documents directly. Thanks for your help with this financing. Best Regards. Dave Claypool

We've moved from Suite 3900 to Suite 4100! Please see our new address below!

David L. Claypool

Partner  
Des Moines Office Head

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Thank you.

May 1, 2012

Mayor and Members of the City Council  
City of University Heights  
1004 Melrose Avenue  
Iowa City, Iowa 52246

Re: Christian Retirement Services, Inc.

Dear Mayor and Members of the City Council:

The purpose of this letter is to update our letter dated March 30, 2012 with respect to financings requested by Christian Retirement Services, Inc. (the "Borrower").

In December 2010, the City Council issued tax-exempt project notes in an amount of \$30,000,000 (the "Project Notes") on behalf of the Borrower to provide interim financing to finance the following: (i) acquiring land and constructing a 60 unit independent living facility and related improvements thereon (the "Project") and (ii) the costs of issuance and certain other costs associated with the issuance of the Project Notes. The Project is proceeding and the costs of the Project are now estimated to be about \$55,000,000. In addition, as part of this financing it may be beneficial for the Borrower to refund a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, 2004C and 2005B previously issued by the City (the "City Prior Bonds") and a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project, Series 2004A previously issued by the City of Iowa City, Iowa (the "Iowa City Bond" and, together with the City Prior Bonds, the "Prior Bonds"). The refunding of the Prior Bonds would be approximately \$7,000,000.

The Borrower would like the City to issue tax-exempt notes or bonds the amount of \$45,500,000 (the "Tax Exempt Bonds") on its behalf to provide permanent financing for the Project in the amount of \$38,500,000 and to provide \$7,000,000 to refund the Prior Bonds. The Borrower would also like the City to issue taxable notes or bonds in the amount of \$16,500,000 (the "Taxable Bonds" and, together with the Tax Exempt Bonds, the "Series 2012 Bonds") to provide permanent financing for the Project. Of the \$45,500,000 Tax Exempt Bonds, \$30,000,000 will be applied to refund the Project Notes, \$7,000,000 will be applied to refund the Prior Bonds and \$8,500,000 will be applied to pay additional Project costs.

The City is authorized by Section 265 of the Internal Revenue Code (the "Code") to issue up to \$10,000,000 of "bank qualified" obligations in this calendar year (the "\$10,000,000 BQ Limit") (subject to certain exceptions in the Code). It is our understanding that the City has not issued any tax exempt obligations during calendar year 2012 and has no current plans of issuing tax exempt obligations for its own purposes during calendar year 2012. None of the

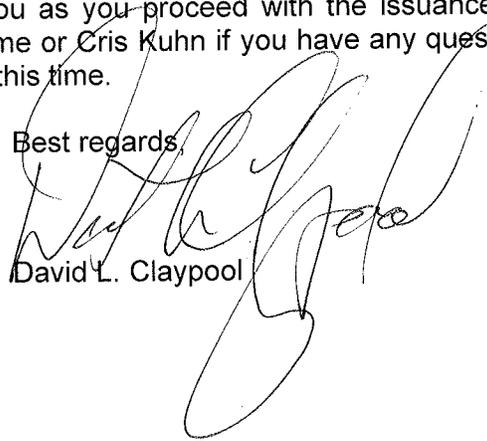
Taxable Bonds will count against the City's \$10,000,000 BQ Limit for calendar year 2012. Of the \$45,500,000 of Tax Exempt Bonds requested by the Borrower, the \$30,000,000 to be used to refund the Project Notes and the \$7,000,000 to be used to refund the Prior Bonds will NOT count against the City's \$10,000,000 BQ Limit for calendar year 2012 because of an exception in the Code; however, Tax Exempt Bonds in the amount of \$8,500,000 WILL count against the City's \$10,000,000 BQ Limit for 2012, thereby leaving the City \$1,500,000 of bank qualified capacity to use for any City projects in 2012. If the City has a need to borrow more than \$1,500,000 for its own projects in 2012 (because of unforeseen circumstances), for any amount over \$1,500,000, the City would have the option of issuing interim taxable obligations which could be refunded in 2013 with bank qualified, tax-exempt obligations. Please note that the issuance of the Series 2012 Bonds on behalf of the Borrower in calendar year 2012 will not limit the ability of the City to issue up to \$10,000,000 "bank qualified" bonds in any future calendar year.

We have prepared and enclose initial proceedings relating to the Series 2012 Bonds for the City Council's May 8 meeting which includes a Resolution approving a Memorandum of Agreement with the Borrower and setting a public hearing date on the proposal to issue the Bonds for June 12, 2012. The Memorandum of Agreement sets forth certain understandings between the City and the Borrower with respect to the Series 2012 Bonds, including the obligation of the Borrower to reimburse the City for any of its costs relating to the issuance of the Series 2012 Bonds. The notice of hearing must be published at least fifteen days prior to the hearing date.

We will provide additional proceedings to hold the public hearing for the June 12, 2012 meeting of the Council.

I hope this information will be useful to you as you proceed with the issuance of the Series 2012 Bonds for the Borrower. Please call me or Cris Kuhn if you have any questions or if there is any further information we can supply at this time.

Best regards,



David L. Claypool

cc: Steve Ballard  
Patricia Heiden  
Eric Lunde  
Steve Roe  
Robert Downer

Memorandum of Agreement and Setting Date for  
Hearing

University Heights, Iowa

May 8, 2012

The City Council of University Heights, Iowa, met in regular session on the above date at 7:00 o'clock, p.m., at Horn Elementary School in University Heights, Iowa. The meeting was called to order and there were present the Mayor and the following named Council Members:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

\*\*\*Other Business\*\*\*

Matters were discussed relative to a financing pursuant to Chapter 419 of the Iowa Code. Whereupon, Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption, seconded by Council Member \_\_\_\_\_; and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named members of the Council voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the said motion duly carried and the resolution adopted as follows:

RESOLUTION NO. \_\_\_\_\_

A Resolution authorizing the execution of a Memorandum of Agreement with Christian Retirement Services, Inc., and fixing a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code.

WHEREAS, the City of University Heights, State of Iowa (the "Issuer"), is a municipal corporation and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act; and

WHEREAS, the Issuer has been requested by Christian Retirement Services, Inc. (the "Borrower"), a Tax Exempt Organization, to issue its revenue bonds or notes, in one or more series, in an aggregate principal amount not to exceed \$62,000,000 (the "Bonds") for the purpose of: (1) financing a portion of the costs of the construction, equipping and furnishing of a building of approximately 135,000 square feet that will include approximately 60 independent living apartments and common areas (dining, recreation, meeting space, parking, etc.) and related facilities and improvements to support approximately 100 residents to be located at lots west of the Borrower's existing campus on the west side of George Street, north side of Benton Street and east side of Spring Street, all in Iowa City, Iowa (the "Project"); (2) refunding the Issuer's \$30,000,000 Senior Housing Facilities Revenue Notes, Series 2010 (Oaknoll Project) (the "Prior Notes") issued for the purpose of financing a portion of the costs of the Project; (3) refunding (a) a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, Series 2004C and Series 2005B previously issued pursuant to the Act by the Issuer (the "Issuer Prior Bonds") and (b) a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project), Series 2004A previously issued pursuant to the Act by the City of Iowa City, Iowa (the "Iowa City Bond" and, together with the Issuer Prior Bonds, the "Prior Bonds") the proceeds of which were used by the Borrower to finance capital improvements and for other purposes set forth in the Prior Bonds; and (4) paying the costs of issuance pursuant to the Act; and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Bonds and to loan the proceeds from the sale of the Bonds to the Borrower pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to provide for a portion of the financing the Project, refunding the Prior Notes, refunding the Prior Bonds and paying for costs of issuance; and

WHEREAS, the Bonds, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Bonds for such purpose; and

WHEREAS, the Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of the Bonds, all or a portion of the proceeds of which are to be used to reimburse the Borrower for Project expenditures made by the Borrower prior to the date of issuance of the Bonds, and the Regulations generally require that the Issuer make a prior declaration of its official intent for the Borrower to reimburse itself for such prior expenditures out of the proceeds of the Bonds and that the Bonds be issued and the reimbursement allocation be made from the proceeds of the Bonds within a certain period after the payment of the expenditure or the date the Project is placed in service; and

WHEREAS, the Issuer desires to comply with requirements of the Regulations with respect to the Project and the Bonds;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Mayor is hereby authorized to execute said Memorandum of Agreement and the City Clerk is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement.

Section 3. This Council shall meet on the 12th day of June, 2012, at Horn Elementary School in University Heights, Iowa, at 7:00 o'clock p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Bonds referred to in the preamble hereof.

Section 4. The Clerk is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES  
(OAKNOLL PROJECT)

The City Council of University Heights, Iowa, (the "Issuer") will meet on the 12th day of June, 2012, at 7:00 o'clock p.m., at Horn Elementary School in University Heights, Iowa, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes, in one or more series, of the Issuer in the aggregate principal amount not to exceed \$62,000,000 (the "Bonds") and to loan said amount to Christian Retirement Services, Inc., University Heights, Iowa, (the "Borrower"), for the purpose of: (1) financing a portion of the costs of the construction, equipping and furnishing of a building of approximately 135,000 square feet that will include approximately 60 independent living apartments and common areas (dining, recreation, meeting space, parking, etc.) and related facilities and improvements to support approximately 100 residents to be located at lots west of the Borrower's existing campus on the west side of George Street, north side of Benton Street and east side of Spring Street, all in Iowa City, Iowa (the "Project"); (2) refunding the Issuer's previous issue of \$30,000,000 Senior Housing Facilities Revenue Notes, Series 2010 (Oaknoll Project) (the "Prior Notes") issued for the purpose of financing a portion of the costs of the Project; (3) refunding (a) a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, Series 2004C and Series 2005B previously issued pursuant to the Act by the Issuer (the "Issuer Prior Bonds") and (b) a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project), Series 2004A previously issued pursuant to the Act by the City of Iowa City, Iowa (the "Iowa City Bond" and, together with the Issuer Prior Bonds, the "Prior Bonds") the proceeds of which were used by the Borrower to finance capital improvements and for other purposes set forth in the Prior Bonds; and (4) paying for costs of issuance pursuant to the Act. The Project will be owned and operated by the Borrower.

The Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Bonds will be payable solely and only from amounts received by the Issuer pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted to the Issuer at the City Hall, 1004 Melrose Avenue, University Heights, Iowa 52246-1925. Written comments must be received by the above hearing date.

By order of the City Council of University Heights, Iowa.

City Clerk

Section 5. The Issuer declares its intent to issue the Bonds for the Project. On the basis of representations of the Borrower, other than (i) expenditures to be paid or reimbursed from sources (including from proceeds of the Prior Notes) other than the Bonds, or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the Borrower and no expenditures will be made by the Borrower until after the date of this Resolution. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 8, 2012.

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Mayor

Attest:

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City Clerk

\*\*\*Other Business\*\*\*

On motion and vote, the meeting adjourned.

STATE OF IOWA  
COUNTY OF JOHNSON  
CITY OF UNIVERSITY HEIGHTS

SS:

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the aforementioned City and that as such I have in my possession or have access to the complete official records of said City and of its Council and officers; and that I have carefully compared the transcript hereto attached with the aforesaid official records and that said transcript hereto attached is a true, correct and complete copy of all of the official records showing the action taken by the City Council of said City to authorize the execution of a Memorandum of Agreement by and between Christian Retirement Services, Inc. and said City and to set a public hearing date as set forth therein.

WITNESS my hand and the seal of said City hereto affixed this \_\_\_\_\_ day of May, 2012.

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City Clerk

(Seal)

STATE OF IOWA  
COUNTY OF JOHNSON                   SS:  
CITY OF UNIVERSITY HEIGHTS

I, the undersigned, City Clerk of the aforementioned City, do hereby certify that I caused a notice of which the printed slip annexed to the publisher's affidavit hereto attached, is a true and complete copy, to be published in the \_\_\_\_\_, a legal newspaper, printed wholly in the English language, published in said City and of general circulation in such City as evidenced by the said affidavit.

WITNESS my hand and the seal of the aforementioned City hereto affixed this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Clerk

(Seal)

(PLEASE NOTE: This certificate must be dated as of or subsequent to the actual date of publication of the notice.)

EXHIBIT A  
MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is between the City of University Heights, Iowa, (the “Issuer”) and Christian Retirement Services, Inc. (the “Borrower”).

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The Issuer is authorized by Chapter 419 of the Code of Iowa, as amended (the “Act”) to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the “Code”) which is exempt from federal income tax under Section 501(a) of the Code (a “Tax Exempt Organization”), refunding any bonds issued pursuant to the Act and paying costs of issuance associated therewith.

(b) The Borrower, a Tax Exempt Organization, wishes to obtain satisfactory assurance from the Issuer that, subject to the public hearing required by the Act and Section 147(f) of the Code, and to due compliance with all requirements of law and the obtaining of all necessary consents and approvals and to the happening of all acts conditions and things required to exist, happen or be performed precedent to and in connection with such grievances in due time, form and manner as required by law, such bonds or notes will be issued by the Issuer in a principal amount sufficient to (1) finance a portion of the costs of the construction, equipping and furnishing of a building of approximately 135,000 square feet that will include approximately 60 independent living apartments and common areas (dining, recreation, meeting space, parking, etc.) and related facilities and improvements to support approximately 100 residents to be located at lots west of the Borrower’s existing campus on the west side of George Street, north side of Benton Street and east side of Spring Street, all in Iowa City, Iowa (the “Project”); (2) refund the Issuer’s \$30,000,000 Senior Housing Facilities Revenue Notes, Series 2010 (Oaknoll Project) (the “Prior Notes”) issued for the purpose of financing a portion of the costs of the Project; (3) refunding (a) a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, Series 2004C and Series 2005B previously issued pursuant to the Act by the Issuer (the “Issuer Prior Bonds”) and (b) a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project), Series 2004A previously issued pursuant to the Act by the City of Iowa City, Iowa (the “Iowa City Bond” and, together with the Issuer Prior Bonds, the “Prior Bonds”) the proceeds of which were used by the Borrower to finance capital improvements and for other purposes set forth in the Prior Bonds; and (4) pay costs of issuance pursuant to the Act.

2. Undertakings on the Part of the Issuer.

(a) The Issuer will begin the proceedings necessary to authorize the issuance of such revenue bonds or notes, in one or more series, in an aggregate principal amount not to exceed \$62,000,000 (the "Bonds").

(b) Subject to due compliance with all requirements of law, including the provisions of and the public hearing required by the Act, it will cooperate with the Borrower in the issuance and sale of such Bonds, and the proceeds from the issuance of such Bonds shall be loaned to the Borrower upon such terms sufficient to pay the principal of and interest and redemption premium, if any, on such Bonds, as and when the same shall become due all as shall be authorized by law and mutually satisfactory to the Borrower and the Issuer.

(c) The Issuer shall determine when, in what amount, and if the Bonds may be issued without causing the Issuer to lose its qualification as a "qualified small issuer" within the meaning of Section 265(b)(3)(C) of the Code.

3. Undertakings on the Part of the Borrower.

(a) It will use all reasonable efforts to cooperate with the Issuer and comply with the Act and all other provisions of law relating to financing of the Project, refunding the Prior Notes, refunding the Prior Bonds and the issuance and sale of such Bonds.

(b) It will enter into a Loan Agreement with the Issuer under the terms of which it will obligate itself to pay to the Issuer sums sufficient to pay the principal of and interest and redemption premium, if any, on such Bonds as and when the same shall become due and payable, such instrument to contain other provisions required by law and such other provisions as shall be mutually acceptable to the Issuer and the Borrower.

(c) It will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertaking or as it may deem appropriate in pursuance thereof.

4. General Provisions.

(a) All commitments on the part of the Issuer and the Borrower herein are subject to the condition that on or before one year from the date hereof (or such other date as shall be mutually agreed to) the Issuer and the Borrower shall have agreed to mutually acceptable terms relating to the issuance and sale of such Bonds, and mutually acceptable terms and conditions of the documents and proceedings referred to in paragraphs 2 and 3 hereof.

(b) The Borrower agrees that it will reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur at its request arising from the execution of this Agreement and the performance by the Issuer of its obligation hereunder, including, but not limited to, legal fees, printing and publication costs and filing fees arising from

the execution of this Agreement and the performance, or preparation to perform by the Issuer of its obligations hereunder, done at the request of the Borrower, whether or not such Bonds are issued.

(c) All commitments of the Issuer hereunder are further subject to the conditions that the Issuer, and its elected and appointed officials, shall in no event incur any liability for any act or omission hereunder, and that such Bonds described herein shall not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

The execution of this Memorandum of Agreement by the Issuer is not intended to nor does it create a binding commitment on the part of the Issuer to proceed with the issuance of the Bonds. It is further understood that the issuance of the Bonds is subject to further review by the City Council of the Issuer and compliance with all provisions of the Act, including the holding of a public hearing with respect thereto.

(d) The Borrower represents that the information contained in Section 5 of the initial resolution relating to the Bonds has been provided to the Issuer by the Borrower and is true and correct.

(e) Preparation of all resolutions, agreements, instruments, certificates, or other documents in final form for adoption and execution shall be the sole responsibility of Bond Counsel.

(f) In the event Sections 145 and 146 of the Code restrict the aggregate principal amount of Bonds for Tax-Exempt Organizations which the Issuer may issue in any calendar year, the Issuer may, in its discretion, rescind its commitments under Paragraph 2 hereof, without liability on the part of the Issuer.

Dated this \_\_\_\_ day of May, 2012.

CITY OF UNIVERSITY HEIGHTS, IOWA

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

(Seal)

CHRISTIAN RETIREMENT SERVICES, INC.

By: \_\_\_\_\_  
Authorized Representative

**City Clerk Report  
May 8, 2012**

- **No new rental or building permits received since the last meeting.**
- **Met with Steve and Norm to discuss rental issues. Steve will give me legal language to include on June 2012 rental letter about paying fee within a timely basis.**
- **Submitted to insurance company the city payroll figures for 4/1/11-3/30/12 for yearly "audit". (Thank you Lori!)**

**Report from Norm:**

**April saw a number of rental inspections, some zoning questions, 1 over occupancy investigation and a no rental permit investigation.**

**Rental properties inspected were:**

- **201, 202, 213, 302, 415, 505 & 506 Grandview Ct**
- **11 Glencrest**
- **20 Olive Ct**
- **1124 Melrose Ave**
- **1491 Grand Ave**
- **108 Highland (new rental)**

**A no rental permit notice was sent to the out of state owner of 1247 Melrose Ave, with a May 1 abatement date. Owner has not responded; 2nd notice sent May 3rd, both to owner and residents of 1247 Melrose.**

**An over occupancy investigation is being conducted at 1251 Melrose. A May 4th inspection of property has been scheduled.**

**Attached is a copy of correspondence with the owner of 49 Koser Ave, regarding the use of her property as a rental.**

**Spoke with the new owner of 20 Olive Ct, rental property, regarding placement of a "retaining wall." I instructed him to speak with Steve Ballard, as I'm not sure of the applicable code section that governs his intent, other than more than 4' in height will require a building permit.**

## **CITY OF UNIVERSITY HEIGHTS**

April 10, 2012

Ms. Susan K. Denham Jordt  
49 Koser Ave  
Iowa City, IA 52246

Re: 49 Koser Ave rental status

Dear Susan:

After speaking with you on Friday, April 6<sup>th</sup>, regarding your desire to rent space in your house to a roomer, as well as adding an additional electrical meter, I immediately emailed the City's mayor, staff attorney and the city councilor who oversees building/rental and zoning issues to inform them of your plans and my concerns.

As confirmed by Steve Ballard, the City's attorney, if you decide to rent to a roomer, the roomer and you must function as one single family housekeeping unit. The use of the property as anything other than a single family home would be prohibited.

If you decide you still want to rent to a roomer, please contact me and I will send you the rental permit application forms and also schedule a rental property inspection.

If you wish to discuss any aspect of this correspondence, please call me at 319-621-4731.

Sincerely,

Norm Cate  
Building/Housing Inspector  
[norm-cate@university-heights.org](mailto:norm-cate@university-heights.org)  
319-621-4731

**Treasurer's Report****April 2012**

Our total revenue for the month of April was \$223,547.31 comprised of the following amounts:

Local Option Sales Tax	\$ 9,409.49
Property Taxes	\$200,594.93
Parking fines	\$ 170.00
Traffic Fines from Clerk of Court	\$ 4,902.69
Interest on bank accounts	\$ 185.48
Road Use Funds	\$ 8,157.52
Governors Traffic Safety	\$ 127.20
Balances in the bank accounts as of 4/30/11:	

MidwestOne Bank Checking Account	\$332,004.54
Hills Bank Money Market Account	\$ 1,035.91
CD at UICCU (due 2/28/2014)	\$ 41,232.94
CD at UICCU (due 1/29/2013)	\$ 50,004.52
CD at Hills	\$ 22,500.00
Forfeiture Fund	\$ 2,294.64



## Warrants for Council Approval

April 11 through May 8, 2012

Date	Name
Apr 11 - May 8, 12	
04/11/2012	Paul J. Moore, Melrose Avenue Building
04/13/2012	City of Iowa City
04/13/2012	Beeks, Joshua W
04/13/2012	Fort, Matthew A
04/13/2012	Fort, Ronald R
04/13/2012	Strong, Donald K.
04/13/2012	Tucker, Darryl
04/13/2012	Internal Revenue Service
04/20/2012	McLeod USA/PAETEC
04/24/2012	MidAmerican Energy
04/24/2012	MidAmerican Energy
04/25/2012	MidAmerican Energy
04/25/2012	MidAmerican Energy
04/26/2012	MidAmerican Energy
04/30/2012	Beeks, Joshua W
04/30/2012	Fort, Matthew A
04/30/2012	Fort, Ronald R
04/30/2012	Strong, Donald K.
04/30/2012	Tucker, Darryl
04/30/2012	Wellmark BC/BS
04/30/2012	Anderson, Christine M.
04/30/2012	Kimura, Lori D.
04/30/2012	Leff, Janet S
04/30/2012	Internal Revenue Service
04/30/2012	IOWA PUBLIC EMPLOYEES RETIREMEN
04/30/2012	IOWA PUBLIC EMPLOYEES RETIREMEN
05/01/2012	Paul J. Moore, Melrose Avenue Building
05/08/2012	Terry Goerd
05/08/2012	Norm Cate
05/08/2012	Breese Plumbing & Heating
05/08/2012	ABC Solutions
05/08/2012	SEATS
05/08/2012	Paul J. Moore, Melrose Avenue Building
05/08/2012	City of Iowa City
05/08/2012	Iowa City Tire and Service
05/08/2012	Johnson County Refuse, Inc.
05/08/2012	Kieck's Career Apparel
05/08/2012	Mediacom
05/08/2012	Municipal Street Improvements Inc.
05/08/2012	O'Reilly Auto Parts
05/08/2012	Iowa City Press-Citizen

<b>Date</b>	<b>Name</b>
05/08/2012	Pyramid Services Inc.
05/08/2012	Racom Corporation
05/08/2012	Shive Hattery
05/08/2012	Staples
05/08/2012	VISA
05/08/2012	Westport Touchless Autowash
05/08/2012	Verizon Wireless
05/08/2012	Copyworks
05/08/2012	L.L. Pelling Co., Inc.
05/08/2012	Welt-Ambrisco Insurance

**Apr 11 - May 8, 12**

City of University Heights, Iowa  
**Warrants for Council**  
 April 11 through May 8, 2012

05/07/2012

	<u>Memo</u>	<u>Amount</u>
<b>Apr 11 - May 8, 12</b>		
	additional rent due for increase insurance prer	-162.00
	City Hall water/sewer automatic payment	-13.56
		-1,005.19
		-1,409.29
		-1,455.77
		-1,316.28
		-1,119.46
	federal payroll taxes for 42-1109342	-2,075.15
	automatic phone service payment	-139.71
	pedestrian lights at 113 Golfview	-29.50
	City Hall electricity	-70.54
	1011 Melrose stop light	-32.38
	street lights	-619.44
	1301 Melrose stop light	-33.61
		-1,103.53
		-1,501.09
		-1,591.01
		-1,464.72
		-1,088.44
	monthly insurance payment	-1,263.55
		-160.17
		-209.56
		-188.70
	42-1109342	-2,415.95
	T SYSTEM	-68.00
	T SYSTEM	-3,081.87
	City Hall Rent	-867.00
	inspection services for April	-700.00
	inspection services for April	-700.00
	annual RPZ test & certification	-209.99
	Monthly fee for city website/email service	-24.95
	Seats Payment	-703.66
	Garage rent	-35.00
	bus, fuel for police vehicles	-4,350.26
	fix flat tire	-24.30
	April recycling/March snow removal/spring cle	-2,342.44
	2 uniform shirts/2 pants	-307.85
	online service 5/3/12-6/2/12	-69.95
	street sweeping	-1,740.00
	windshield wipers	-31.98
	February March & April publications	-625.36

<u>Memo</u>	<u>Amount</u>
rpl ignition coil/spark plugs/clear codes 2009	-266.75
knob kit	-8.50
engineering services for 2/11/12-4/20/12	-9,360.90
underdesk keyboard drawer	-45.99
water cooler/postage	-67.75
April vehicle washes	-36.00
monthly wire service/cell phone for police car :	-121.86
information sheets for wide sidewalk project	-24.50
retainage/pay appl #2 for Melrose/Sunset patc	-1,240.59
workmans comp/commercial package renewa	-20,677.00

**Apr 11 - May 8, 12**

**City of University Heights, Iowa**  
**Profit & Loss Budget vs. Actual**  
 July 2011 through April 2012

12:55 PM  
 05/07/2012  
 Cash Basis

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>GENERAL PROPERTY TAXES</b>			
Emergency Levy	13,435.58	14,135.00	95.05%
Transit Levy	39,334.66	41,313.00	95.21%
Library Services Levy	21.84		
Regular Property Tax	403,723.33	424,061.00	95.2%
Debt Service Levy	30,788.46	32,336.00	95.21%
Insurance Levy	17,255.49	18,124.00	95.21%
Benefits Levies	46,890.71	49,260.00	95.19%
<b>Total GENERAL PROPERTY TAXES</b>	<b>551,450.07</b>	<b>579,229.00</b>	<b>95.2%</b>
<b>OTHER CITY TAXES</b>			
Local Option Sales Tax	105,017.06	125,000.00	84.01%
Utility Excise Tax	4,392.45	8,838.00	49.7%
<b>Total OTHER CITY TAXES</b>	<b>109,409.51</b>	<b>133,838.00</b>	<b>81.75%</b>
<b>LICENSES &amp; PERMITS</b>			
Beer/Wine/Liquor/Cig Permits	390.00	390.00	100.0%
Building/Equipment Permits	7,358.75	10,000.00	73.59%
Misc. Licenses/Permits			
Parking Permits	880.00	100.00	880.0%
Rental Permits	11,425.00	12,500.00	91.4%
<b>Total Misc. Licenses/Permits</b>	<b>12,305.00</b>	<b>12,600.00</b>	<b>97.66%</b>
<b>Total LICENSES &amp; PERMITS</b>	<b>20,053.75</b>	<b>22,990.00</b>	<b>87.23%</b>
<b>USE OF MONEY &amp; PROPERTY</b>			
Interest on Cash Investments	2,152.84	2,000.00	107.64%
<b>Total USE OF MONEY &amp; PROPERTY</b>	<b>2,152.84</b>	<b>2,000.00</b>	<b>107.64%</b>
<b>INTERGOVERNMENTAL/SHARED REVENUE</b>			
State Shared Revenues			
IDOT funds-wide sidewalk proj	30,802.93		
Road Use/Street Construction	87,237.67	90,000.00	96.93%
<b>Total State Shared Revenues</b>	<b>118,040.60</b>	<b>90,000.00</b>	<b>131.16%</b>
Other State Grants/Reimburse.			
Seatbelt Incent/Traffic Safety	19,847.18		
<b>Total Other State Grants/Reimburse.</b>	<b>19,847.18</b>		

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
<b>Total INTERGOVERNMENTAL/SHARED REVENUE</b>	137,887.78	90,000.00	153.21%
<b>CHARGES FOR SERVICES</b>			
Rental Inspection	80.00	700.00	11.43%
Police Reports	331.00		
<b>Total CHARGES FOR SERVICES</b>	<u>411.00</u>	<u>700.00</u>	<u>58.71%</u>
<b>MISCELLANEOUS REVENUES</b>			
Cable TV Franchise	9,113.39	8,000.00	113.92%
Contributions	250.00		
Fines			
Parking Fines	3,340.00	8,000.00	41.75%
Traffic Fines-Clk of Ct	39,900.71	62,500.00	63.84%
<b>Total Fines</b>	<u>43,240.71</u>	<u>70,500.00</u>	<u>61.33%</u>
Misc. Income			
Other	0.00	2,000.00	0.0%
<b>Total Misc. Income</b>	<u>0.00</u>	<u>2,000.00</u>	<u>0.0%</u>
Refunds and Reimbursements	40,435.42	1,000.00	4,043.54%
<b>Total MISCELLANEOUS REVENUES</b>	<u>93,039.52</u>	<u>81,500.00</u>	<u>114.16%</u>
<b>Total Income</b>	914,404.47	910,257.00	100.46%
<b>Expense</b>			
<b>CAPITAL PROJECTS</b>			
Wide Sidewalk Project			
Construction	10,874.17		
<b>Total Wide Sidewalk Project</b>	<u>10,874.17</u>		
<b>Total CAPITAL PROJECTS</b>	10,874.17		
<b>PUBLIC SAFETY</b>			
<b>Police</b>			
Police Gross Wages			
Holiday & Other Pay	13,634.74	15,700.00	86.85%
Police Gross Wages	178,868.63	180,898.00	98.88%
Salaries-Reserves	0.00	24.00	0.0%
<b>Total Police Gross Wages</b>	<u>192,503.37</u>	<u>196,622.00</u>	<u>97.91%</u>
Police Benefits & Costs			
Police FICA	11,656.58	12,190.00	95.62%
Police Medicare	2,726.12	2,850.00	95.65%

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
<b>Police IPERS</b>	18,750.72	19,600.00	95.67%
<b>Police Health Insurance</b>	9,545.06	13,500.00	70.7%
<b>Police Workers Compensation</b>	764.00	6,600.00	11.58%
<b>Police SUTA</b>	286.19	100.00	286.19%
<b>Total Police Benefits &amp; Costs</b>	<b>43,728.67</b>	<b>54,840.00</b>	<b>79.74%</b>
<b>Staff Development</b>			
<b>Regular Officer Training</b>			
<b>Academy Training</b>	0.00	5,500.00	0.0%
<b>Officer Training</b>	1,032.10	4,000.00	25.8%
<b>Training Supplies</b>	1,473.21	2,000.00	73.66%
<b>Total Regular Officer Training</b>	<b>2,505.31</b>	<b>11,500.00</b>	<b>21.79%</b>
<b>Total Staff Development</b>	2,505.31	11,500.00	21.79%
<b>Repair/Maint/Utilities</b>			
<b>Vehicle Operations</b>			
<b>Other</b>	0.00	500.00	0.0%
<b>Fuel</b>	11,249.32	15,000.00	75.0%
<b>Washes</b>	360.00	700.00	51.43%
<b>Total Vehicle Operations</b>	<b>11,609.32</b>	<b>16,200.00</b>	<b>71.66%</b>
<b>Vehicle Repair</b>			
<b>Bicycle Maint/Repair</b>	212.86	200.00	106.43%
<b>Car Maint/Repair</b>	9,243.04	9,000.00	102.7%
<b>Total Vehicle Repair</b>	<b>9,455.90</b>	<b>9,200.00</b>	<b>102.78%</b>
<b>Telecommunications Expense</b>			
<b>Cell Phones</b>	393.22	800.00	49.15%
<b>Verizon/Pager Fees</b>	1,045.38	1,900.00	55.02%
<b>Wireless/Racom Radio/Mediacom</b>	1,415.90	1,000.00	141.59%
<b>Total Telecommunications Expense</b>	<b>2,854.50</b>	<b>3,700.00</b>	<b>77.15%</b>
<b>Total Repair/Maint/Utilities</b>	23,919.72	29,100.00	82.2%
<b>Contractual Services</b>			
<b>Special Events Staff</b>	0.00		
<b>Police Insurance-Car/Liability</b>	0.00	4,800.00	0.0%
<b>Payments to Other Agencies</b>			
<b>Evidence testing</b>	0.00	150.00	0.0%
<b>Technology Services</b>	0.00	500.00	0.0%
<b>Sheriff/Comm. Services</b>	175.00	300.00	58.33%
<b>Total Payments to Other Agencies</b>	<b>175.00</b>	<b>950.00</b>	<b>18.42%</b>

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
Printing/Copying	0.00	1,000.00	0.0%
Garage Rental	1,100.00	1,800.00	61.11%
Prof Serv-Psych Testing-Physica	270.00	500.00	54.0%
<b>Total Contractual Services</b>	<b>1,545.00</b>	<b>9,050.00</b>	<b>17.07%</b>
<b>Commodities</b>			
Car Purchase	0.00	15,000.00	0.0%
<b>Minor Equipment</b>			
Regular Officer Uniform	5,580.98	3,000.00	186.03%
Operating Police Equipment	579.18	1,500.00	38.61%
<b>Total Minor Equipment</b>	<b>6,160.16</b>	<b>4,500.00</b>	<b>136.89%</b>
<b>Major Equipment</b>			
Other Equipment	1,849.77	1,200.00	154.15%
Car Equipment	0.00	3,000.00	0.0%
<b>Total Major Equipment</b>	<b>1,849.77</b>	<b>4,200.00</b>	<b>44.04%</b>
<b>Supplies</b>			
Office Supplies	1,131.92	3,000.00	37.73%
Operating Supplies	325.18	3,000.00	10.84%
Ammunition	3,146.61	3,500.00	89.9%
Postage/Shipping	90.94	300.00	30.31%
Other Supplies	185.95	2,000.00	9.3%
<b>Total Supplies</b>	<b>4,880.60</b>	<b>11,800.00</b>	<b>41.36%</b>
<b>Total Commodities</b>	<b>12,890.53</b>	<b>35,500.00</b>	<b>36.31%</b>
<b>Total Police</b>	<b>277,092.60</b>	<b>336,612.00</b>	<b>82.32%</b>
<b>Fire</b>			
<b>Contracts w/Other Agencies</b>			
Coralville Fire Dep't	29,718.00	30,164.00	98.52%
Hydrant Flush-City of Iowa City	3,520.00	2,000.00	176.0%
<b>Total Contracts w/Other Agencies</b>	<b>33,238.00</b>	<b>32,164.00</b>	<b>103.34%</b>
<b>Total Fire</b>	<b>33,238.00</b>	<b>32,164.00</b>	<b>103.34%</b>
Hazmat-Johnson County	262.75	256.00	102.64%
<b>Building Inspections</b>			
Building / Rental Inspection	11,200.00	15,200.00	73.68%
<b>Total Building Inspections</b>	<b>11,200.00</b>	<b>15,200.00</b>	<b>73.68%</b>
<b>Total PUBLIC SAFETY</b>	<b>321,793.35</b>	<b>384,232.00</b>	<b>83.75%</b>

	<u>Jul '11 - Apr 12</u>	<u>Budget</u>	<u>% of Budget</u>
<b>PUBLIC WORKS</b>			
<b>Roads, Bridges, &amp; Sidewalks</b>			
Storm water permit	0.00	3,500.00	0.0%
<b>Contractual Services</b>			
Engineering Fees	53,056.64	36,000.00	147.38%
<b>Repairs/Improvements</b>			
Local panel replacements	0.00	9,000.00	0.0%
Asphale patch projects	0.00	5,000.00	0.0%
Arterial panel replacements	0.00	11,000.00	0.0%
George/Koser intersection	21,472.55	32,000.00	67.1%
Traffic sign assessment/mgmt	750.00	8,500.00	8.82%
Sunset St wide sidewalk	16,151.64	37,500.00	43.07%
<b>Total Repairs/Improvements</b>	<b>38,374.19</b>	<b>103,000.00</b>	<b>37.26%</b>
<b>Striping/Curb Renumbering</b>	<b>128.35</b>	<b>5,000.00</b>	<b>2.57%</b>
<b>Total Contractual Services</b>	<b>91,559.18</b>	<b>144,000.00</b>	<b>63.58%</b>
<b>Street Lighting Electricity</b>	<b>6,434.23</b>	<b>7,700.00</b>	<b>83.56%</b>
<b>Traffic Controls and Safety</b>			
Street Signs-Commodities	616.92		
Traffic Light Electricity	664.28	800.00	83.04%
<b>Total Traffic Controls and Safety</b>	<b>1,281.20</b>	<b>800.00</b>	<b>160.15%</b>
<b>Snow Removal-Contractual</b>	<b>7,500.00</b>	<b>30,500.00</b>	<b>24.59%</b>
<b>Street Sweeping-Contractual</b>	<b>500.00</b>	<b>5,000.00</b>	<b>10.0%</b>
<b>Total Roads, Bridges, &amp; Sidewalks</b>	<b>107,274.61</b>	<b>191,500.00</b>	<b>56.02%</b>
<b>Other Public Works</b>			
<b>Contracts-Other Agencies</b>			
IC Bus Service	30,151.00	33,500.00	90.0%
SEATS Service	7,036.60	8,444.00	83.33%
<b>Total Contracts-Other Agencies</b>	<b>37,187.60</b>	<b>41,944.00</b>	<b>88.66%</b>
<b>Total Other Public Works</b>	<b>37,187.60</b>	<b>41,944.00</b>	<b>88.66%</b>
<b>Sanitation</b>			
<b>Contractual</b>			
Trash/Recycling	17,385.00	20,862.00	83.33%
Leaf Bag pick up	0.00	1,200.00	0.0%
Leaf Vacuuming	10,000.00	10,000.00	100.0%
<b>Total Contractual</b>	<b>27,385.00</b>	<b>32,062.00</b>	<b>85.41%</b>
<b>Total Sanitation</b>	<b>27,385.00</b>	<b>32,062.00</b>	<b>85.41%</b>

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
<b>Total PUBLIC WORKS</b>	171,847.21	265,506.00	64.72%
<b>CULTURE &amp; RECREATION</b>			
Library	25,167.00	37,368.00	67.35%
Parks			
Park Expenses	399.62	750.00	53.28%
<b>Total Parks</b>	<b>399.62</b>	<b>750.00</b>	<b>53.28%</b>
<b>Total CULTURE &amp; RECREATION</b>	25,566.62	38,118.00	67.07%
<b>COMMUNITY &amp; ECONOMIC DEV.</b>			
Tree Trimming/Lawn Care	800.00	5,000.00	16.0%
<b>Total COMMUNITY &amp; ECONOMIC DEV.</b>	<b>800.00</b>	<b>5,000.00</b>	<b>16.0%</b>
<b>GENERAL GOVERNMENT</b>			
<b>Mayor/Council Operations</b>			
<b>Salaries-Regular Part Time</b>			
Council	3,000.00	4,000.00	75.0%
Mayor	1,475.25	1,967.00	75.0%
<b>Total Salaries-Regular Part Time</b>	<b>4,475.25</b>	<b>5,967.00</b>	<b>75.0%</b>
<b>Employee Benefits &amp; Costs</b>			
FICA	277.46	370.00	74.99%
Medicare	64.89	87.00	74.59%
Unemployment Compensation	27.63	5.00	552.6%
<b>Total Employee Benefits &amp; Costs</b>	<b>369.98</b>	<b>462.00</b>	<b>80.08%</b>
<b>Total Mayor/Council Operations</b>	<b>4,845.23</b>	<b>6,429.00</b>	<b>75.37%</b>
<b>Clerk/Treasurer &amp; Finance Admin</b>			
<b>Salaries-Regular Part Time</b>			
Clerk, Treasuer, Historian	6,956.25	9,000.00	77.29%
<b>Total Salaries-Regular Part Time</b>	<b>6,956.25</b>	<b>9,000.00</b>	<b>77.29%</b>
<b>Employee Benefits &amp; Costs</b>			
FICA	432.77	558.00	77.56%
Medicare	101.21	131.00	77.26%
IPERS	637.00	726.00	87.74%
Unemployment Compensation	47.45	10.00	474.5%
<b>Total Employee Benefits &amp; Costs</b>	<b>1,218.43</b>	<b>1,425.00</b>	<b>85.5%</b>
<b>Staff Development</b>			
<b>Dues &amp; Memberships</b>			

	<b>Jul '11 - Apr 12</b>	<b>Budget</b>	<b>% of Budget</b>
JCOG Assessment	1,064.00	1,064.00	100.0%
IA League of Cities	555.00	555.00	100.0%
Dues and Memberships	808.38	250.00	323.35%
<b>Total Dues &amp; Memberships</b>	<b>2,427.38</b>	<b>1,869.00</b>	<b>129.88%</b>
Prof. Development	159.00		
<b>Total Staff Development</b>	<b>2,586.38</b>	<b>1,869.00</b>	<b>138.38%</b>
<b>Contractual Services</b>			
Accounting Fees	34,520.50	2,300.00	1,500.89%
Audit	7,175.00	6,200.00	115.73%
Bank/CCard Fees	40.84	60.00	68.07%
Printing/Copying	121.25	700.00	17.32%
Legal Publications	2,159.20	3,500.00	61.69%
Technology Services	339.50	1,000.00	33.95%
<b>Total Contractual Services</b>	<b>44,356.29</b>	<b>13,760.00</b>	<b>322.36%</b>
<b>Commodities</b>			
Minor Equipment/Supplies/Techno	832.62	700.00	118.95%
Office Supplies and Postage	175.99	1,000.00	17.6%
<b>Total Commodities</b>	<b>1,008.61</b>	<b>1,700.00</b>	<b>59.33%</b>
<b>Total Clerk/Treasurer &amp; Finance Admin</b>	<b>56,125.96</b>	<b>27,754.00</b>	<b>202.23%</b>
Election Expenses	0.00	1,800.00	0.0%
Legal Services	69,702.56	42,000.00	165.96%
<b>City Hall &amp; General Buildings</b>			
Salaries-Regular Part Time			
Facilities Assistant	24.00		
<b>Total Salaries-Regular Part Time</b>	<b>24.00</b>		
<b>Employee Benefits &amp; Costs</b>			
FICA	0.00		
Medicare	0.00		
IPERS	0.00		
<b>Total Employee Benefits &amp; Costs</b>	<b>0.00</b>		
<b>Repair/Maint/Utilities</b>			
Maintenance	309.95	1,000.00	31.0%
Utilities	1,053.90	1,500.00	70.26%
Telecommunications	1,400.23	1,625.00	86.17%
<b>Total Repair/Maint/Utilities</b>	<b>2,764.08</b>	<b>4,125.00</b>	<b>67.01%</b>
<b>Contractual</b>			

	<u>Jul '11 - Apr 12</u>	<u>Budget</u>	<u>% of Budget</u>
Rents & Leases	9,182.00	11,020.00	83.32%
<b>Total Contractual</b>	<b>9,182.00</b>	<b>11,020.00</b>	<b>83.32%</b>
<b>Commodities</b>			
Supplies	28.70	200.00	14.35%
<b>Total Commodities</b>	<b>28.70</b>	<b>200.00</b>	<b>14.35%</b>
<b>Total City Hall &amp; General Buildings</b>	<b>11,998.78</b>	<b>15,345.00</b>	<b>78.19%</b>
Tort Liability Insurance	133.00	7,000.00	1.9%
<b>Total GENERAL GOVERNMENT</b>	<b>142,805.53</b>	<b>100,328.00</b>	<b>142.34%</b>
<b>DEBT SERVICE</b>			
Interest	3,419.55	6,830.00	50.07%
Principal	0.00	26,000.00	0.0%
<b>Total DEBT SERVICE</b>	<b>3,419.55</b>	<b>32,830.00</b>	<b>10.42%</b>
<b>Total Expense</b>	<b>677,106.43</b>	<b>826,014.00</b>	<b>81.97%</b>
<b>Net Ordinary Income</b>	<b>237,298.04</b>	<b>84,243.00</b>	<b>281.68%</b>
<b>Net Income</b>	<b>237,298.04</b>	<b>84,243.00</b>	<b>281.68%</b>



# SIDEWALK INVENTORY



Date Prepared: May 2012



**Sidewalks**

- Both Sides of Street
- None
- One Side Only

32 Street Width

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff  
FROM: Josiah Bilskemper, P.E.  
DATE: May 7, 2012  
RE: City Engineer's Report

(1) Sunset Street Wide Sidewalk [STP-E-7855(607)—8V-52]

- a. I met with the owners of 526 Mahaska Court (Forbes) and 536 Mahaska Court (Aanestad) to review the design of the sidewalk at the south end of the project at the Benton Street intersection. These are two properties where right-of-way acquisition is proposed. The purpose of the meeting was to determine any potential revisions to the design that would minimize impact to each property, while still meeting design standards for the right-of-way improvements, and making the intersection ramp ADA compliant.

The previously submitted preliminary plans show a proposed retaining wall set-back along what would be the "25-foot vision triangle" at this corner. As noted previously, these "vision triangle" requirements do not apply to these properties along the west side of Sunset Street. However, this would be the Preferred Option #1 at this corner, in that it maximizes the available corner sight distance in accordance with city ordinance language.

The attached drawing highlights a revised sidewalk layout (in red) and retaining wall (in yellow) that attempts to minimize impact to the properties, while still meeting design standards and making the pedestrian ramp ADA compliant. The changes include:

- (1) make the ramp length 1.5-feet shorter;
- (2) transition the sidewalk width from 8-feet on Sunset to 4-feet on Benton by making the walk behind the ramp 6-feet wide instead of 8-feet wide;
- (3) move the retaining wall to within 2-feet of the walk (minimum allowed horizontal clearance) instead of 3-feet (desirable horizontal clearance), and
- (4) move the sidewalk along Sunset about 1-foot closer to the street curb.

We have submitted these proposed design changes to the DOT project manager for review and comment. We are awaiting any comments they may have on this type of design.

We do not recommend any further minimizing of the widths, slopes, and intersection geometry beyond what is proposed in the attached revised layout. Pending any comments from DOT, we think is the design that "minimizes" impact while still meeting design standards.

- b. The owners of 300 Koser Avenue (Timmerman), which is located at the southwest corner of the Melrose and Sunset intersection, have indicated they are not opposed to having the city acquire the land necessary to create the 25-foot "vision triangle" at this corner. Obviously, this would be based on negotiation details related to purchase price, removal and installation of fencing and trees at the corner. We anticipate meeting with this owner prior to the council meeting.



- c. As discussed at the April meeting, work has begun at 303 Highland Drive (Lane) to install a fence in place of the existing hedge row, which has now been removed.
- d. We anticipate meeting with the property owner at 206 Mahaska Drive (Bonfield) prior to the council meeting, as they are interested in trying to keep the existing trees in the right-of-way from having to be removed.

(2) Sunset Street Wide Sidewalk – Consultant Amendment No. 1

- a. Attached is a copy of Amendment No. 1 to the Professional Services Agreement for Sunset Street Wide Sidewalk Project with Shive-Hattery, Inc. (Consultant) to prepare and negotiate easement and acquisition agreements for three (3) properties adjacent to the proposed project improvements with additional Consultant fees of \$4,433.01.
- b. This amendment allows the Consultant to proceed with the easement and acquisition process that is necessary to construct the project. It includes the work to prepare easement and acquisition plats, coordinate with Iowa DOT, prepare land value estimates, prepare written contracts, and meet with property owners for negotiation.

(3) 2012 Pavement Management Data Collection

- a. For consideration is the 2012 contract with the Center for Transportation Research and Education (CTRE) at Iowa State University for collection of pavement data on the city's street system. A copy of the contract is attached to the attorney's report. The written contract is consistent with the quote provided, which provides the service for not more than \$1,000. This is the amount that was included in the approved budget.

(4) Melrose Avenue and Sunset Street Patching (ARRA Funds)

- a. We received notification from DOT District 6 staff that the materials and project audit is complete, and the final pay request to release retainage to the contractor is approved.
- b. For your consideration at this meeting is Resolution 12-10 to formally certify completion of the work, acceptance of the project, and release of retainage to the contractor. We recommend this resolution be approved by the council.
- c. The city was awarded \$50,000 in federal stimulus funding for this project, of which \$45,875.10 has already been issued back to the city. Once we get a copy of the deposited check, we will submit the final reimbursement request to DOT for the remaining \$4,124.90.

Please feel free to contact me if you have any questions about these or any other items.

JDB



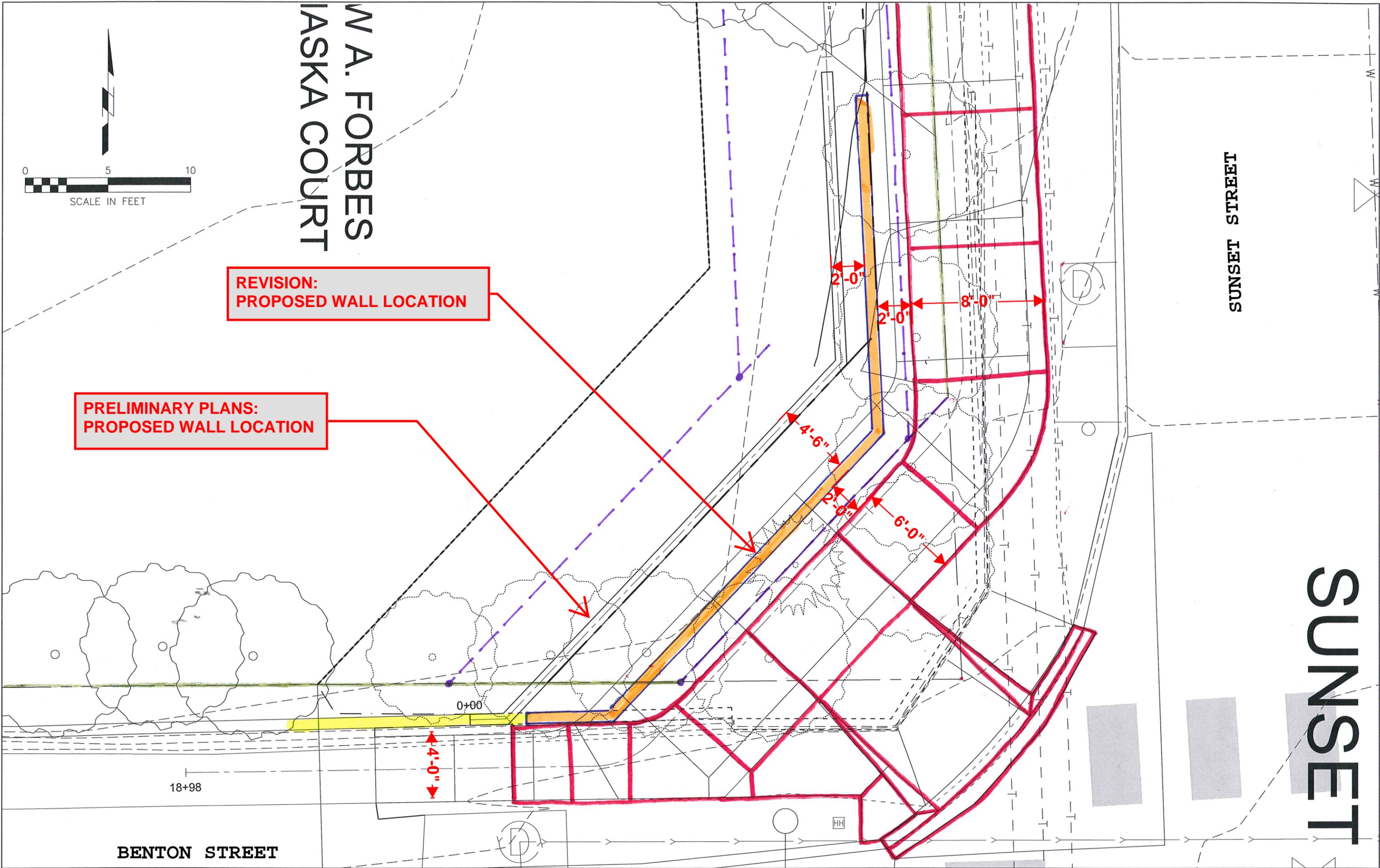
W.A. FORBES  
YASKA COURT

SUNSET STREET

SUNSET

REVISION:  
PROPOSED WALL LOCATION

PRELIMINARY PLANS:  
PROPOSED WALL LOCATION



BENTON STREET

# IOWA STATE UNIVERSITY

## Institute for Transportation

2711 S. Loop Drive, Suite 4700  
Ames, IA 50010-8664  
515-294-8103  
FAX 515-294-0467  
www.InTrans.iastate.edu

Date: April 4, 2012

To: Louise From  
Mayor  
University Heights City Hall  
1004 Melrose Avenue  
University Heights, IA 52577

RE: 2012 Pavement Management Services (CTRE)

The Center for Transportation Research and Education (CTRE) is a unit of the Institute for Transportation (InTrans) at Iowa State University. CTRE will assist the City of University Heights with the development of a local agency pavement management system as part of the Iowa Pavement Management Program (IPMP).

The following are the terms for the services to be performed in this agreement.

A. The City of University Heights will:

1. Graphically identify pavement management section extents on maps provided by them
2. Provide literal descriptions and historical information on each pavement management section according to the instructions as provided by CTRE

B. CTRE will:

1. Create and distribute system maps showing the federal-aid system and the rest of the pavement network
2. Add the additional network graphics and data to the IPMP GIS database (for the non-federal aid system as requested by the City of University Heights)
3. Add, delete, or modify the pavement history records in the IPMP GIS database to reflect the additional network
4. Contract with Roadware, Inc. for the distress data collection, and coordinate the collection process
5. Update the pavement management sections with summarized pavement condition data
6. Deliver the data to the City of University Heights in the required format

For data collection, and CTRE's management services, the City of University Heights will be billed for not more than \$1000.00. An invoice, that is payable within 45 days of receipt, will be submitted when work has been completed. If these terms are in order, please sign and return one original of this letter of agreement. For questions, please contact Omar Smadi at 515 294-8103. We look forward to working with you on this project.

Approved for CTRE,

Approved for the City of University Heights,

  
Omar Smadi Date

\_\_\_\_\_  
(Signed) Date

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

RESOLUTION NO. 12-\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONTRACT WITH IOWA STATE UNIVERSITY – INSTITUTE FOR TRANSPORTATION CONCERNING PAVEMENT MANAGEMENT SYSTEM (IN AND AMOUNT NOT MORE THAN \$1,000.00).**

**BE IT RESOLVED** by the City of University Heights, Iowa, that the Mayor is authorized to the 2012 Pavement Management Services contract with Iowa State University – Institute for Transportation – Center for Transportation Research and Education in the form attached as Exhibit “A”, to assist the City with development of a local agency pavement management system as part of the Iowa Pavement Management Program in an amount not to exceed \$1,000.00.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYES:	NAYS	ABSENT
Haverkamp	_____	_____	_____
Hopson	_____	_____	_____
Lane	_____	_____	_____
Leff	_____	_____	_____
McGrath	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 8th day of May, 2012.

\_\_\_\_\_  
Louise From, Mayor  
City of University Heights

ATTEST:

\_\_\_\_\_  
Christine M. Anderson, City Clerk

RESOLUTION NO. 12-10

**RESOLUTION CERTIFYING COMPLETION OF WORK ON THE MELROSE AVENUE AND SUNSET STREET P.C. CONCRETE PATCHING PROJECT, ACCEPTING THE WORK OF L.L. PELLING COMPANY ON THAT PROJECT, AND AUTHORIZING PAYMENT OF RETAINAGE.**

**WHEREAS**, the City of University Heights Contracted with L.L. Pelling Company for the construction of concrete street patches on Melrose Avenue and Sunset Street; and

**WHEREAS**, L.L. Pelling Company has completed its work to the satisfaction of the University Heights City Engineer and the Iowa Department of Transportation; and

**WHEREAS**, the City Engineer recommends that the City certify the project as complete, issue it final acceptance of the project, and authorize release of the contract retainage in the amount of \$1,240.59 to L.L. Pelling Company,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA** hereby certifies as complete the Melrose Avenue and Sunset Street P.C. Concrete Patching project; issues its final acceptance of the project; and authorizes the release of the contract retainage in the amount of \$1,240.59 to L.L. Pelling Company.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYES:	NAYS	ABSENT
Haverkamp	_____	_____	_____
Hopson	_____	_____	_____
Lane	_____	_____	_____
Leff	_____	_____	_____
McGrath	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 8th day of May, 2012.

\_\_\_\_\_  
Louise From, Mayor  
City of University Heights

ATTEST:

\_\_\_\_\_  
Christine M. Anderson, City Clerk

**Professional Services Agreement Amendment No. 1  
for Sunset Street Wide Sidewalk Project**

This is an **AMENDMENT** to the original Agreement, made as of the \_\_\_\_ day of \_\_\_\_ in the year \_\_\_\_\_;

by and **BETWEEN** the City of University Heights, identified as the **Owner** ;  
City of University Heights  
Ms. Louise From, Mayor  
1004 Melrose Avenue  
Iowa City, Iowa 52246

and the **Consultant** ;  
Shive-Hattery, Inc.  
2834 Northgate Drive  
Iowa City, Iowa 52245

ADD to **Attachment A. Scope of Services, Construction Document Phase:**

R. Right-of-Way Services

Prepare temporary construction easement agreements and easement exhibits for three (3) properties, and right of way acquisition agreements and exhibits for three (3) properties that are adjacent to the proposed improvements and assist the City with property owner coordination. We will revise easement agreements and easement exhibits per negotiations between the City and the property owners.

**Attachment C. Fees and Payments – Lump Sum**

**3.1.1 FEES AND PAYMENTS**

**3.1.1.1 Fees**

ADD: The lump sum amount for the scope of services included in Amendment No. 1 shall be \$4,433.01. The estimated staff hours and fees are as follows:

**Estimated Staff Hours and Fees**

	<u>Hours</u>		<u>Payroll Rate</u>		<u>Extended</u>
<b><i>Right of Way Services Phase</i></b>					
Grade 8 Professional	12	@	\$ 45.67		\$ 548.04
Grade 7 Professional	8	@	\$ 39.66		\$ 317.28
Grade 3 Professional	12	@	\$ 28.61		\$ 343.32
Two-person survey crew	4	@	\$ 53.75		\$ 215.00
Administrative Support Staff	6	@	\$ 18.25		\$ 109.50
				Labor Total	\$ 1,533.14
				Overhead 162.86%	\$ 2,496.87
				Labor + OH	\$ 4,030.01
				Profit 10%	\$ 403.00
				Total	\$ 4,433.01

This Amendment is subject to all other terms and conditions of the Original Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

**SHIVE-HATTERY, INC.**

\_\_\_\_\_  
 Kevin P. Trom, P.E.  
 Project Manager

Date: \_\_\_\_\_, \_\_\_\_\_

**CITY OF UNIVERSITY HEIGHTS**

\_\_\_\_\_  
 Louise From  
 Mayor

Date: \_\_\_\_\_, \_\_\_\_\_

**Iowa Department of Transportation**  
 Accepted for FHWA Authorization\*

By: \_\_\_\_\_  
 Craig Markley, Director  
 Office of Systems Planning  
 State of Iowa

Date: \_\_\_\_\_, \_\_\_\_\_

\* The Iowa DOT is not a party to this agreement. However, by signing this agreement, the Iowa DOT is indicating the work proposed under this Agreement is acceptable for FHWA authorization of Federal funds.

**University Heights May 2012 eGovernment Report**  
**U-H Website Updates April 1- 30, 2012**

- **April 27, 2012**
  - Updated Finance Committee Page
    - FY 2012 Amended Budget Summary
    - FY 2012 Amended Budget Worksheet
    - FY2012 Budget Hearing
- **April 26, 2012**
  - May 8<sup>th</sup> Council Meeting, Horn Elementary Library
- **April 11, 2012**
  - Street Sweeping Monday April 16th
- **April 10, 2012**
  - April 10 council meeting agenda and attachments (13)
  - March 13 Council meeting minutes
  - March 20 Informational meeting minutes
- **April 9, 2012**
  - CodeRED android app information
- **April 8, 2012**
  - April 10 Council meeting agenda
- **April 4, 2012**
  - U-Heights clean up day April 28th
- **April 3, 2012**
  - League of Women Voters Constitution Series “Immigration: America’s Mixed Message”