

**7:00pm PUBLIC HEARING on the proposal to provide revenue notes of the city for the purpose of lending the proceeds to Oaknoll**

# AGENDA

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

*Tuesday, November 13, 2012*

**Location: University Club**

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- Oct. 9, 2012 -Approval of Minutes- Nov. 5, 2012	Louise From
7:01	Call to Order <b>Public Hearing</b>  Close Public Hearing and return to Regular Meeting  <u>Administration</u>	<b>Public Hearing</b> on the proposal to authorize and provide for the issuance and delivery of not to exceed \$64,010,000 aggregate principal amount of revenue notes of the city for the purpose of lending the proceeds thereof to Christian Retirement Services, Inc. (Oaknoll) and the execution of documents related thereto.  Public Input	
	Mayor  City Attorney	<b><u>Mayor's Report</u></b>  <b><u>Legal Report</u></b> -Consideration of <b><u>Resolution No. 12-26</u></b> authorizing and providing for the issuance and delivery of not to exceed \$64,010,000 aggregate principal amount of revenue notes of the city of the purpose of lending the proceeds thereof to Christian Retirement Services, Inc. (Oaknoll) and the execution of documents related thereto. -Second Consideration of <b><u>Ordinance No. 181</u></b> amending Ordinance No. 55 to provide for a fine of \$100.00 for certain pet offenses including but not limited to failing to clean up pet waste from public places and allowing pets to run at large.	Louise From  Steve Ballard
	City Clerk	<b><u>City Clerk Report</u></b>	Chris Anderson
	<u>Committee Reports:</u>		
	<u>Finance</u>	Committee Report - <b><u>Review of 2013-14 Budget Process</u></b> -Consideration of <b><u>Resolution No. 12-27</u></b> to Approve <b><u>FY12 Annual Finance Report</u></b>  <b><u>Treasurer's Report/Payments</u></b>	Jim Lane  Steve Kuhl  Lori Kimura

Time		Topic	Owner
	<u>Community Protection</u>	Committee Report -Police Chief Report Consider Hiring of Reserve Officer  Community Relations Report -Tippie Build leaf raking report - Eagle Scout project: Little Free Library follow up -2013-14 calendar	R. Hopson/M. Haverkamp  Ron Fort  Rosanne Hopson
	<u>Streets and Sidewalks</u>	Committee Report -Presentation of <u>recommended changes to speed limits</u> on certain city streets.  <u>Engineer Report</u>  -Possible Consideration of motion authorizing the mayor to sign and the clerk to attest offers to purchase real property and to acquire construction easements from property owners related to the Sunset Street Wide Sidewalk Project.	Jan Leff  Josiah Bilskemper
	<u>Building, Zoning &amp; Sanitation</u>	Committee Report  Zoning Report	Brennan McGrath  Pat Bauer
	<u>e-Government</u>	<u>Committee Report</u>	Mike Haverkamp
	Announcements		Anyone
9:00	Adjournment		Louise From

**Next Regular Council Meeting: Tuesday, December 11, 2012 @ University Club – Iowa Room**

**Mayor Report- November 2012**

**As we come to the end of the year, I will be reviewing appointments to city committees- Zoning Commission & Board of Adjustments. Citizens who are interested please contact me.**

**October 10<sup>th</sup>**- Attended Metropolitan Planning Organization of Johnson County- Urbanized Area Policy Board Meeting. We are continuing to learn more about the new federal transportation legislation known as **MAP-21** or Moving Forward for Progress in the 21<sup>st</sup> Century. US DOT and Iowa DOT are now in the rule making phase for rules and procedures associated with this legislation. At this meeting the Board made suggestions to Iowa DOT. The Board has asked that funding levels for the TA program be maintained to historic funding levels for the TE and the SRTS programs. Let me know if you want more detailed information.

**October 24<sup>th</sup>** –Attended Emergency Management Meeting (EMA). At this meeting, new By-Laws by the EMA commission were adopted. According to State law, the yearly budget meetings of the EMA must be attended by elected officials. EMA has two meetings on budget: Jan. and Feb. The EMA by-laws were last reviewed in 2001 and lacked detail and needed to be updated to reflect this change.

**November 6<sup>th</sup>**- Attended Metropolitan Planning Organization of Johnson County -Technical Transportation Advisory Committee (TTAC) This committee is also learning more about the new federal transportation legislation known as **MAP-21** or Moving Forward for Progress in the 21<sup>st</sup> Century. This committee will be making recommendations to the Urbanized Area Policy Board on the rules and procedures during the rule making phase.

## November '12 – City Attorney's Report

### 1. Oaknoll Financing.

- In June, the Council held a hearing and voted to go forward with issuing up to \$62 million in bonds or notes under Iowa Code ch. 419. The purpose was to make loans to Oaknoll for these purposes:
    - 1) financing of its new independent living facilities project;
    - 2) refunding/refinancing notes issued in 2004, 2005, and 2010 so Oaknoll could obtain a better interest rate.
  - Based on increased cost estimates, Oaknoll is now asking the City to authorize an additional \$2.01 million (that is \$2,010,000.00) for the project.
  - The Council will hold a public hearing on this request in advance of the regular meeting tomorrow, November 13, 2012.
  - Oaknoll anticipates a series of 6 of Notes, which will be sold on separate dates a certain number of days apart to comply with IRS regulations.
  - The Council will consider Resolution No. 12-26, which approves proceedings for the issuance and sale of revenue bonds or notes for Oaknoll in an amount not to exceed \$64.01 million. A copy of the Resolution is attached.
  - Oaknoll's bond counsel has prepared documents related to the financing request. The City has retained bond lawyers at the Ahlers & Cooney Law Firm in Des Moines to review these proposed documents. (Oaknoll will reimburse the City for the fees generated by Ahlers & Cooney and by my office with respect to the present request.) Steve Nadel at Ahlers & Cooney indicates the documents provided by Oaknoll's bond counsel are in suitable order.
  - Mr. Nadel also provided a link to some additional information related to these types of financing requests: <http://www.irs.gov/pub/irs-pdf/p5005.pdf>. You may find the information there useful.
  - I am attaching a letter from another lawyer at Ahlers & Cooney that was sent when the City was considering a prior financing request from Oaknoll. The information set forth in this letter is pertinent to the present request, and I thought it might be good for the Council to review.
2. Speed Limit Adjustment. Council Members Leff and Hopson met with Josiah Bilskemper and me to continue discussions about recommended changes to speed limits on certain city streets. My understanding is that Council Member Leff will be making recommendations to the Council

tomorrow in accordance with the attached map. After the Council reviews and discusses the recommendations, I believe the plan will be to post them on the City website and communicate them to citizens for their review and comment. Then, the Council will review and (perhaps) adopt changes in the coming months; the changes will require amending an ordinance, so 3 readings will be required.

3. **Animal Control/Regulation.**

- The Council will have the second consideration of Ordinance No. 181, which is attached in the form adopted in October. This ordinance amends Ordinance No. 55 in various ways. I have drafted Ordinance No. 181 by reprinting all of No. 55, then showing additions by underline and deletions by ~~strike-through~~. So, you will be able to review the proposed changes in context.
- In summary, No. 181 makes the following changes:
  - Defines “service animals”.
  - Provides that dogs may not be unleashed and that all other animals (including cats) must be under control if they are off their owners’ property.
  - Permits pets to be present at restaurants if the owners/managers of the restaurants permit them.
  - Establishes a fine of \$100.00 for violations of the ordinance, including failure to clean up pet excrement on public places.

4. **St. Andrew Presbyterian Church – Proposed Redevelopment.** In light of the Church’s reported vote to sell its property to Jeff Maxwell, Mayor From suggested that I contact Jeff Maxwell’s lawyer to inquire about his intentions to move forward with a development proposal. I spoke with Tom Gelman today, and Mr. Gelman indicated he would contact Mr. Maxwell and try to get some information to me by tomorrow’s meeting.

5. **Sunset Street Wide Sidewalk Project.** Formal offers were submitted to each property owner last week in accordance with the Council’s direction at the special meeting November 5. Kevin Trom has had some communication with each owner, and we are expecting formal counter-proposals from at least one owner. Once we have further word/proposals from the owners, the Council will be in a position to meet and discuss this matter further.

HEARING, AUTHORIZATION AND  
ISSUANCE PROCEEDINGS

University Heights, Iowa

November 13, 2012

The City Council of University Heights, Iowa, met in regular session on the above date, at 7:00 p.m., at the University Club, 1360 Melrose Avenue, in University Heights, Iowa. The meeting was called to order by the Mayor and the roll being called, there were present the Mayor and the following named Council Members:

Present: Haverkamp, Hopson, Lane, Leff, McGrath

Absent: none

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

The City Council investigated and found that notice of intention to issue revenue bonds or notes pursuant to Chapter 419 of the Code of Iowa in an aggregate principal amount not to exceed \$2,010,000, had, as directed by the City Council, been duly given according to law.

This being the time and place specified in the notice for the conduct of a public hearing on the proposal to issue such revenue bonds or notes, the Mayor announced that all local residents attending the hearing would now be given an opportunity to express their views for or against the proposal to issue the revenue bonds or notes. The following local residents attending the hearing expressed their views as follows: none.

The following local residents who had submitted written comments prior to the hearing expressed their views in such written comments as follows: none.

After all local residents who appeared at the hearing who desired to do so had expressed their views for or against the proposal to issue the revenue bonds or notes, 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 on the motion and upon the roll being called, the following named Council Members voted:

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

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

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

RESOLUTION No. 12-26

RESOLUTION RELATING TO THE HOLDING OF A PUBLIC HEARING AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF NOT TO EXCEED \$64,010,000 AGGREGATE PRINCIPAL AMOUNT OF REVENUE NOTES OF THE CITY OF UNIVERSITY HEIGHTS, IOWA, FOR THE PURPOSE OF EVIDENCING A LOAN TO THE CITY AND LENDING THE PROCEEDS THEREOF TO CHRISTIAN RETIREMENT SERVICES, INC. (THE "BORROWER"); THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AMONG THE CITY, THE BORROWER AND THE LENDER PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID NOTES AND THE SECURING OF SAID REPAYMENT OBLIGATION; THE EXECUTION OF A SERVICING AGREEMENT; AND THE EXECUTION OF OTHER DOCUMENTS RELATED THERETO.

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 "Original 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 has been proposed to finance the foregoing through the issuance of the Original Bonds and to loan the proceeds from the sale of the Original Bonds to the Borrower pursuant to one or more Loan Agreements between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Original Bonds as and when the same shall be due and payable; and

WHEREAS, notice of intention to issue the Original Bonds has, as directed by the City Council of the Issuer, been duly given in compliance with the Act and Section 147(f) of the Internal Revenue Code, and a public hearing has been held on June 12, 2012 on the proposal to issue the Original Bonds at the time and place as specified in said notice and after such hearing the Council adopted a resolution determining to proceed with the issuance of the Original Bonds; and

WHEREAS, because of increases in the cost of the Project, the Borrower has requested the Issuer to issue additional revenue bonds or notes in the principal amount of not to exceed \$2,010,000 (the “Additional Bonds” and, together with the Original Bonds, the “Bonds”) to provide for the financing of the Project, refunding the Prior Notes, refunding the Prior Bonds and paying for costs of issuance and to loan the proceeds from the sale of the Bonds to the Borrower under one or more loan agreements (the “Loan Agreements”) between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall be due and payable; and

WHEREAS, notice of intention to issue the Additional Bonds has, as directed by the City Council of the Issuer, been duly given in compliance with the Act and Section 147(f) of the Internal Revenue Code, and a public hearing has been held on November 13, 2012 on the proposal to issue the Additional Bonds at the time and place as specified in said notice, all objections or other comments relating to the issuance of the Additional Bonds have been heard and this Council deems it necessary and desirable that the Issuer proceed with the issuance of the Additional Bonds; and

WHEREAS, the Borrower has requested that the Issuer combine the Original Bonds and the Additional Bonds and issue the same as Senior Living Facility Revenue Notes, in multiple series as hereinafter provided, in an aggregate principal amount not to exceed \$64,010,000 (collectively, the “Notes”) for the purpose of financing a portion of the Project, refunding the Prior Notes, refunding a portion of the Prior Bonds and paying the costs of issuance of the Notes; and

WHEREAS, the Notes, 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 and interest and premium, if any, on the Notes shall be payable solely out of the revenues derived from the hereinafter referred to Loan Agreement or otherwise as provided therein; and

WHEREAS, the Borrower has arranged for Piper Jaffray Lending LLC (the "Lender") to make loans to the City (the "Issuer Loans") in the principal amount of each Note, each such Issuer Loan to be evidenced by a Note and the proceeds of such Issuer Loans will be used to make loans to the Borrower (the "Borrower Loans") under the Loan Agreement (the "Loan Agreement") among the Issuer, the Borrower and the Lender, pursuant to which Loan Repayments (as defined in the Loan Agreement) will be made by the Borrower in amounts sufficient to pay the principal of and interest and premium, if any, on the Notes, as and when the same shall be due;

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

Section 1. It is hereby determined that it is necessary and desirable that the Issuer proceed with the issuance of the Additional Bonds, as authorized and permitted by the Act, to combine the Original Bonds with the Additional Bonds and issue the same as the Notes in an aggregate principal amount of not to exceed \$64,010,000, and the Notes are hereby authorized and ordered to be issued by the Issuer in substantially the form as has been presented to and considered by this Council and containing substantially the terms and provisions set forth therein, in multiple series as follows:

(a) not to exceed \$8,500,000 Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012B (the "Series 2012B Note") to pay a portion of the costs of the Project and to pay costs of issuance of the Series 2012B Note;

(b) not to exceed \$5,995,000 Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012C (the "Series 2012C Note") to refund a portion of the Prior Notes;

(c) not to exceed \$10,000,000 Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012D (the "Series 2012D Note") to refund a portion of the Prior Notes;

(d) not to exceed \$24,195,000 Taxable Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012E (the "Series 2012E Note") to pay a portion of the costs of the Project, refund the Series 2004C Bond and to pay costs of issuance of the Notes;

(e) not to exceed \$9,115,000 Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012F (the “Series 2012F Note”) to refund the Series 2004A Bond and the Series 2005B Bond; and

(f) not to exceed \$6,205,000 Senior Living Facility Revenue Note (Oaknoll Retirement Residence Project), Series 2012G (the “Series 2012G Note”) to refund the Series 2004B Bond.

The Notes will bear interest at an initial rate not to exceed 6% per annum as may be determined by the Borrower and the Lender prior to the issuance thereof and as adjusted from time to time as provided in the Notes. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Notes in such amounts and rates as may be determined by the Borrower and the Lender, within the foregoing limits by and on behalf of the Issuer. The foregoing amounts and series may be modified with the approval of Special Counsel to the Issuer so long as the maximum amount of the Notes does not exceed \$64,010,000.

Section 2. The Issuer shall loan to the Borrower the proceeds of the Notes pursuant to the Loan Agreement in substantially the form as has been presented to and considered by this Council and containing substantially the terms and provisions set forth therein, and the Mayor and the City Clerk are hereby authorized and directed to execute and deliver the Loan Agreement.

Section 3. Pursuant to a Servicing and Intercreditor Agreement (the “Servicing Agreement”), to be entered into among the Issuer, the City of Hills, Iowa, the Lender and Piper Jaffray Lending, LLC (the “Servicer”) in substantially the form as has been presented to and considered by this Council and containing substantially the terms and provisions set forth therein, the Issuer will assign certain of the Issuer's rights, title and interest in and to the Loan Agreement (except certain unassigned rights identified therein), including, but not limited to, the right to receive the Loan Repayments. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver the Servicing Agreement.

Section 4. The Notes will be special limited obligations of the Issuer. The Notes shall not be payable from or a charge upon any funds other than the revenues derived from the Loan Agreement and the debt obligations of the Borrower thereunder pledged to the payment thereof, nor shall the Issuer be subject to any liability thereon. No holder of the Notes shall ever have the right to compel any exercise of the taxing power of the Issuer to pay the Notes or the interest thereon, nor to enforce payment thereof against any property of the Issuer. The Notes shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory provision or limitation and shall never constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

Section 5. The Loan Agreement, the Servicing Agreement and the Notes are hereby

made a part of this Resolution as though fully set forth herein and are hereby approved in substantially the forms presented to the City Council. The Mayor and City Clerk are authorized and directed to execute, acknowledge, and deliver said documents on behalf of the Issuer with such changes, insertions and omissions therein as the Issuer, the Borrower and the Lender may deem appropriate, subject to review by Special Counsel to the Issuer, such execution to be conclusive evidence of approval of such documents in accordance with the terms hereof.

Section 6. The Mayor and City Clerk are authorized and directed to execute and deliver all other documents which may be required under the terms of the Loan Agreement, the Servicing Agreement, or by Bond Counsel, and to take any other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof, subject to review by Special Counsel to the Issuer.

Section 7. In order to qualify the Series 2012B Note as a “qualified tax exempt obligation” within the meaning of Section 265(b)(3) of the Code, the Issuer hereby makes the following factual statements and representations:

(A) The Issuer hereby designates the Series 2012B Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;

(B) The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(c) of the Code) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during this calendar year 2012 will not exceed \$10,000,000; and

(C) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 2012 (including the Series 2012B Note) have been designated for purposes of Section 265(b)(3) of the Code.

The Issuer shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

Section 8. Based solely upon the information provided by the Borrower and the opinion of Bond Counsel, the Issuer finds, determines, and declares that for purposes of Section 265(b)(3) of the Code, the Series 2012C Note shall be treated as a “qualified tax exempt obligation” and shall not be taken into account for purposes of the \$10,000,000 limitation of tax-exempt obligations issued by a qualified small issuer in a calendar year because (i) the principal amount of the Series 2012C Note does not exceed the outstanding principal amount of the Prior Notes being refunded with the proceeds thereof; (ii) the average maturity date of the Prior Notes is three years or less; (iii) the maturity date of the Series 2012C Note is not later than the date which is 30 years after the date of the issuance of the Prior Notes being refunded with the

proceeds thereof; and (iv) the Prior Notes being refunded with the proceeds thereof were qualified tax-exempt obligations.

Section 9. Based solely upon the information provided by the Borrower and the opinion of Bond Counsel, the Issuer finds, determines, and declares that for purposes of Section 265(b)(3) of the Code, the Series 2012D Note shall be treated as a “qualified tax exempt obligation” and shall not be taken into account for purposes of the \$10,000,000 limitation of tax-exempt obligations issued by a qualified small issuer in a calendar year because (i) the principal amount of the Series 2012D Note does not exceed the outstanding principal amount of the Prior Notes being refunded with the proceeds thereof; (ii) the average maturity date of the Prior Notes is three years or less; (iii) the maturity date of the Series 2012D Note is not later than the date which is 30 years after the date of the issuance of the Prior Notes being refunded with the proceeds thereof; and (iv) the Prior Notes being refunded with the proceeds thereof were qualified tax-exempt obligations.

Section 10. Based solely upon the information provided by the Borrower and the opinion of Bond Counsel, the Issuer finds, determines, and declares that for purposes of Section 265(b)(3) of the Code, the Series 2012F Note shall be treated as a “qualified tax exempt obligation” and shall not be taken into account for purposes of the \$10,000,000 limitation of tax-exempt obligations issued by a qualified small issuer in a calendar year because (i) the principal amount of the Series 2012F Note does not exceed the outstanding principal amount of the Series 2004A Bond and the Series 2005B Bond being refunded with the proceeds thereof; (ii) the average maturity date of the Series 2012F Note is not later than the average maturity date of the Series 2004A Bond and the Series 2005B Bond being refunded with the proceeds thereof; (iii) the maturity date of the Series 2012F Note is not later than the date which is 30 years after the date of the issuance of the Series 2004A Bond and the Series 2005B Bond being refunded with the proceeds thereof; and (iv) the Series 2004A Bond and the Series 2005B Bond being refunded with the proceeds thereof were qualified tax-exempt obligations.

Section 11. Based solely upon the information provided by the Borrower and the opinion of Bond Counsel, the Issuer finds, determines, and declares that for purposes of Section 265(b)(3) of the Code, the Series 2012G Note shall be treated as a “qualified tax exempt obligation” and shall not be taken into account for purposes of the \$10,000,000 limitation of tax-exempt obligations issued by a qualified small issuer in a calendar year because (i) the principal amount of the Series 2012G Note does not exceed the outstanding principal amount of the Series 2004B Bond being refunded with the proceeds thereof; (ii) the average maturity date of the Series 2012G Note is not later than the average maturity date of the Series 2004B being refunded with the proceeds thereof; (iii) the maturity date of the Series 2012G Note is not later than the date which is 30 years after the date of the issuance of the Series 2004B Bond being refunded with the proceeds thereof; and (iv) the Series 2004B Bond being refunded with the proceeds thereof were qualified tax-exempt obligations.

Section 11. The provisions of this Resolution are hereby declared to be separable and if any action, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 12. All resolutions or parts thereof in conflict herewith are repealed, to the extent of such conflict.

Section 13. This Resolution shall become effective immediately upon its passage and approval.

Passed and approved November 13, 2012.

CITY OF UNIVERSITY HEIGHTS, IOWA

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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, being first duly sworn, do hereby depose and certify that I am the duly appointed, qualified and acting designee of the City Clerk of the aforementioned City and that as such I have in my possession, or have access to, the complete corporate records of said City and of this Council and its officers; that I have carefully compared the transcript hereto attached with the aforesaid corporate records; and that said transcript hereto attached is a true, correct and complete copy of the all the corporate records in relation to the adoption of a Resolution authorizing the issuance and sale of Senior Living Facility Revenue Notes in an aggregate principal amount not to exceed \$64,010,000.

WITNESS my hand and the corporate seal of said City hereto affixed this 13<sup>th</sup> day of November, 2012.

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City Clerk

(Seal)

# AHLERS & COONEY, P.C.

100 COURT AVENUE, SUITE 600  
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December 9, 2010

Mr. Steven E. Ballard  
Leff, Haupt, Traw & Willman, LLP  
222 South Linn Street  
Iowa City, Iowa 52244-2447

RE: Proposed \$30,000,000 City of University Heights, Iowa  
Revenue Bonds (Christian Retirement Services, Inc.)

Dear Steve:

I am writing in response to your recent request that I address several questions which have been raised in connection with the request by Christian Retirement Services, Inc. ("Borrower") that the City of University Heights, Iowa (the "City") consider issuing the above-captioned Bonds on Borrower's behalf. Those questions concern (i) the potential for liability on the part of the City arising from the authorization and issuance of the above Bonds, noting in particular the repayment obligations that the Bonds will entail and the consequences that may flow from a default in repayment of principal of and interest on the Bonds; (ii) the appropriateness of a request by the City to review Borrower's financial statements; and (iii) the appropriateness of the assessment of a fee by the City to act as issuer of the Bonds.

## City's Potential Exposure to Liability

The various documents that will govern the liabilities and responsibilities of the parties to the transaction have not yet been prepared. For this reason, the following observations must be treated as general ones and subject to modification by the terms of those documents as finally drafted and negotiated.

As currently proposed, the City is being asked to issue the Bonds and thereafter to loan the Bond proceeds to Borrower for the purpose of constructing and equipping, among other things, new independent living apartments. The loan of the Bond proceeds will be made under the terms of a Loan Agreement between the City and Borrower. The Loan Agreement generally will obligate Borrower to repay the loan, together with interest thereon, in amounts and at times scheduled to be sufficient to pay the principal of and interest on the Bonds as the same becomes due. At the time of closing, the City will assign to a corporate trustee, under the terms of an Indenture of Trust, all of its rights, title and interest in and to the Loan Agreement (other than its right to receive certain payments or reimbursements for expenses and fees for indemnification) in order to secure the payment of amounts due on the Bonds. As a result, Borrower will make its payments directly to the trustee, who thereafter will make principal and interest payments directly to bondholders. The payment of principal of and interest on the Bonds also may be secured by a first mortgage lien on and security interest in the Project and certain additional real

December 9, 2010

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estate and interests therein granted by Borrower to the trustee. Borrower also may create a debt service reserve fund with the trustee to further secure the Bonds.

The City thus will serve as a "conduit" in the financing and will have no continuing obligation with respect to repayment of the Bonds following the closing. The Bonds are intended to be limited obligations of the City and to be payable solely from and secured by a pledge and assignment of payments made by Borrower pursuant to the Loan Agreement, and may perhaps be further secured by a mortgage and a debt service reserve fund. The Bonds will not constitute general obligations of the City or a charge against the general credit or taxing powers of the City, and no bondholder will have any right to demand payment of the principal or interest on the Bonds from any funds raised by taxation. In the event of a default on the part of Borrower in making debt service payments, the trustee will be empowered under the Indenture to take a number of steps on behalf of the bondholders, typically including the right to foreclose on any mortgage granted to the trustee, to sell the property securing the Bonds and to use the proceeds derived therefrom to pay bondholders, but the trustee may not look to the City for repayment of the Bonds.

Having said that, however, participating as an issuer in a conduit financing should not be viewed as something that could never be a problem for the City if the Bonds don't get paid. Two things come to mind here. First, the City has only one good name, and in the event of default on the Bonds it will be the City's name that gets remembered. Because the Bonds are special obligations of the City, any subsequent default should have no effect on the City's ability to issue general obligation bonds in the future, but the story nonetheless may have to be told and it is possible that a significant default would be regarded as an indicator of economic conditions in the area. I also should note that (although it has not occurred in Iowa) at least one state has enacted legislation requiring issuers of defaulted conduit bonds to register their future municipal bond offerings with state securities officials. Second, again assuming a worse-case scenario (in other words, that a default would occur), a securities law action may be brought by the bondholders and, if so brought, such an action may include the City as a defendant. For this reason, it would be typical for the City to obtain rights to indemnification from Borrower in the Loan Agreement. The value of those indemnification rights, however, may be limited or even worthless to the City if Borrower is financially unable to assume them if the need arises. Under those circumstances, the City could be left as a defendant in a securities law action brought by the bondholders and thus forced to defend the action without any prospects of being indemnified for those costs. For these reasons, whether and to what extent the City participates in any conduit financing ultimately is a question of policy, with the Council being asked to determine whether the benefits of the financing (here, the construction and equipping of the new independent living apartments and the benefits therefrom) outweigh the risks (however remote) that may be present.

### Request to Review Financial Statements

The foregoing concerns might lead one to the conclusion that the City should always review a borrower's financial statements. Iowa Code Chapter 419, the statute which gives the City the authority to issue revenue bonds for certain eligible projects such as this, is entitled "Municipal Support of Projects." The City has discretion as to what projects, if any, it chooses to support in this fashion. In making that decision, I suspect most cities, to one degree or another, consider the type of project, the nature of the borrower and its financial strength to undertake the financing, and the impact the project may have on the community. The extent to which the project will generate taxable valuation may be a consideration as well. Review and consideration of a potential borrower's financial statements could provide certain information and insight into the borrower that may be relevant to the Council in determining whether it should assist that borrower in financing the project. In addition, review of a potential borrower's financial statements might also shed some light on the borrower's actual ability to meet its obligations to indemnify the City, as discussed above, in the event it ever became necessary to do so.

Having said that, the custom and practice of most municipal issuers in a conduit financing under Chapter 419 is to not review the financial statements of the conduit borrower, and the City clearly has no legal obligation to do so. To the extent the City receives documents from a potential conduit borrower, they become "public records" under Iowa law, so there is some balancing of interests required (i.e., the interests of the City in having the information and the interests of a private borrower in maintaining the confidentiality of its records). For that reason, an "ad hoc" approach to the subject leaves something to be desired. The better approach, if the Council concludes that it would like to review a borrower's financial statements, would be to establish a policy on the subject that would apply to Borrower and any future potential borrowers as well. As a practical matter, such a policy would require the City to determine whether it would review such materials internally, or if it would need to hire a financial advisor to review such information on the City's behalf. Although those costs could presumably be passed on to the borrower, it should be recognized that such additional costs would make it less attractive for potential borrowers to pursue conduit financing through the City.

### Assessment of a Fee to Act as Issuer

Most municipal issuers do not charge a fee to act as issuer in a conduit financing, although I understand a few do, including the City of Des Moines. The Iowa Finance Authority, which also may issue conduit bonds under Chapter 419, also charges a fee at closing of ten basis points (.1%) on the first \$10 million in principal amount of bonds issued, and a fee on bonds in excess of such amount based on a sliding scale.

While not common, charging such a fee would be lawful. As with the review of financial statements, if the City desires to charge a fee to act as issuer it should consider adoption of a written policy or guideline on the subject that would apply to future potential borrowers as well.

December 9, 2010

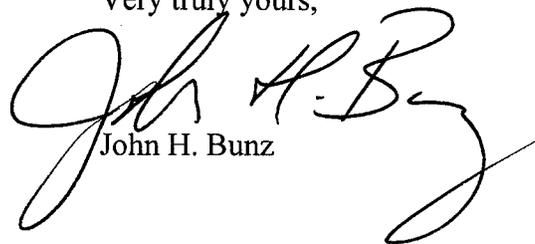
Page 4

Bear in mind, however, that additional issuance costs to be incurred by a borrower such as issuer fees reduce the advantage between tax-exempt and taxable financing for the borrower, and could discourage future potential borrowers from seeking this method of financing.

Ultimately, of course, we are talking here (and in the case of reviewing borrower financial statements) about matters that are more Council policy than legal issues. For some cities, Chapter 419 is viewed as an economic development tool that the city can and should use to its benefit. Other cities, for whatever reason, prefer not to be a part of such financings unless certain factors are present or conditions met. In the end, I don't think you can be too critical of either approach.

I hope this is useful. If you have any questions, or if we can provide you with further information on these subjects, please don't hesitate contact me.

Very truly yours,



John H. Bunz

JHB:ej

NJACKSON# 677883.1 \19608006

ORDINANCE NO. 181

AN ORDINANCE AMENDING ORDINANCE NO.55 TO PROVIDE A PENALTY PROVISION FOR VIOLATIONS OF ORDINANCE NO. 55 IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

University Heights Ordinance No. 55 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

\*\*\*\*

Section 2. Definitions. The following definitions shall apply when used in this Ordinance unless the context indicates otherwise:

a. "Defilement" shall mean to foul, to dirty, to pollute or to make filthy; either by the pet animal's body or wastes or by the animal carrying or dragging any foul material.

b. "Kennel" or "cattery" shall mean a place maintained for the business of boarding, raising, rearing, training or sale of dogs and cats.

c. "Molest" shall include not only biting and scratching; but also any annoyance, interference with, or meddling with any person so as to trouble or harm him.

d. "Municipal pound" shall mean any public or municipal animal shelter or pound established or maintained by the City of University Heights which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.

e. "Owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a pet animal.

f. "Pet animals" shall include all warm-blooded animals, animals of the equine species and those raised for food purposes within the City limits. However, it shall not include birds all animals kept as pets; it shall not include service animals.

g. "Private property" shall mean all buildings and other property owned by a private person, firm or corporation. It shall include buildings. Yards and service and parking areas.

h. "~~public~~ Public property" shall mean buildings and other property owned or dedicated to the use of the City of University Heights, the State of Iowa, Johnson County, Iowa or the United States Government, wherein the authorized representative thereof has granted the City of University Heights jurisdiction. Such property shall include but not be limited to buildings, grounds,

yards, street right-of-way, walks, bicycle paths, easements, parks, service areas, open areas, athletic and recreational areas, parking areas, street islands and any other real estate owned by a governmental unit.

i. "Service Animals" shall mean animals that are individually trained to do work or perform tasks for people with disabilities.

± j. "Under control" shall mean that the ~~pet~~ animal is so trained that it will come to the owner immediately upon signal for the purpose of physical restraint when necessary.

jk. "Veterinarian" shall mean a person duly licensed in the State of Iowa to practice veterinary medicine.

kl. "Veterinary hospital" shall mean an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases of and injuries to animals and which may board animals.

Section J. Vaccination. All pet animals and service animals over six (6) months old in the City of University Heights shall be vaccinated against rabies.

Section 43. Owner's responsibility. The owner of an animal shall be responsible for the feeding of any animal owned by him as defined in Section 2. The owner shall be prima facie responsible for any violation of this Ordinance by any animal owned by him.

Section 54. Abandonment. Any person abandoning a pet animal or service animal within the City limits shall be guilty of a misdemeanor.

Section 65. Nuisance. The following acts and circumstances are hereby declared to be nuisances.

a. The keeping of animals on private property in such number or in such a manner that allows for the accumulation of solid waste of said animal or animals which becomes a detriment to or menace to health.

b. Allowing an animal to make excessive noise to the disturbance of persons in the area.

c. Allowing an animal to cause any damage or defilement to public or private property.

d. Allowing an animal to molest any person on public or private property who has a legitimate reason to be thereon.

e. Leaving an animal impounded, confined or tied in any place and failing to provide or supply said animal with sufficient food, water and/or shelter.

Section 76. Prohibitions.

a. Control. No dog ~~or cat~~ shall be taken, allowed or permitted off the property of its owner without being on a leash. No other pet animal or service animal shall

be taken, allowed or permitted off the property of its owner without being under control. For the purpose of this Section, leash shall mean a rope, line, thong or chain of sufficient strength of hold the animal in check.

b. Private property. No pet animal shall be taken, allowed or permitted on private property not owned by the owner of the animal without the permission of the person, firm or corporation owning said property or the person in charge thereof.

c. Food establishments. No pet animal shall be allowed, taken or permitted on or in any building, restaurant, or outdoor seating area where food or food products are sold, prepared, or dispensed to people other than the owners thereof, unless the owners or managers of the building, restaurant, or outdoor seating area consent to allowing pet animals.

d. Animal tied. No pet animal shall be tied by any person to a utility pole, parking sign, building, fence, sign, tree, shrub, bush or other object on public property or tied on private property without the consent of the owner or person in charge thereof.

e. Solid waste removal. Any person who shall walk a pet animal on public property shall provide for the disposal of the solid waste material by immediate removal of the waste. f. Exception. The provisions of this Section shall not apply to seeing eye dogs while said dogs are acting in said capacity.

Section 87. Confinement of vicious animals. No pet animal of known fierce, dangerous or vicious characteristics shall be permitted off the premises of the owner except while such animal is confined in a boarding kennel, veterinary hospital or while being transported to such boarding kennel or veterinary hospital. If any pet animal of known fierce, dangerous, or vicious characteristics is permitted off the premises of the owner and bites or annoys any person or other animal, the City Council may set a public hearing on the destruction of said animal and; pending said public hearing, the animal shall be impounded in the Municipal Pound or, upon request by the owner, at a veterinary hospital at the owner's expense.

The Council shall, when setting the public hearing, give notice to the owner of said animal, if known, not less than seven (7) days prior to said hearing. If the Council determines that the animal is fierce, dangerous or vicious and that the owner has failed to restrain said animal on his premises reasonably and that it is in the public interest to destroy said animal, it shall enact a resolution to that effect and direct that the animal be destroyed in a humane manner.

Section 98. Impoundment. Any pet animal found in violation of the provisions of this Ordinance may be impounded in the municipal pound. Further, the municipal pound may impound and place in isolation under quarantine for observation for a minimum period of fourteen (14) days any animal suspected of

being infected with rabies or other diseases communicable to humans. Every owner or person having possession, custody or control of an animal infected with rabies or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and shall have such animal placed in isolation and quarantine as directed by the City and at the expense of the owner.

Section ~~109~~. Releasing or molesting animals. Any person except the owner of an animal or his authorized agent who willfully opens any door or gate on any private or public premises for the purpose of enticing or enabling any animal to leave such private or public premises shall be guilty of a simple misdemeanor. Any person who willfully molests, teases, provokes or mistreats a pet animal or service animal shall be guilty of a misdemeanor.

Section 10. PENALTY. Any person violating the provisions of this ordinance shall be guilty of a simple misdemeanor punishable by a fine of one hundred dollars (\$100.00). The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred, notwithstanding the provisions of Chapter 907 of the Code of Iowa, as amended, or any other provision of statute.

This ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**City Clerk Report  
November 2012**

- **Two rental permits received since the last meeting:**
  - 115 Grandview Court**
  - 513 Grandview Court**
- **No new building permits received since the last meeting.**
- **Met with Norm to go over outstanding rental permits and possible permits at Grandview Court.**

**Report from Norm:**

**October rental inspection conducted at:**

**411 & 512 Grandview Ct  
10 1/2 & 257 Koser  
240 Marietta  
36 & 52 Olive Ct**

**Complaint inspections conducted at:**

**14 Leamer Ct  
52 Olive Ct**

**I spoke with Mike Karr, the owner of 14 Leamer Ct, regarding the continual parking of a car/s on the front lawn on November 1st. He advised me he had already spoken to his tenants. I then went and spoke to the tenants the next day to make sure they understood that parking on the grass is prohibited.**

**On 9-24-12, I inspected 52 Olive Ct for over occupancy with Brock Shymansky, the owner. The inspection revealed that a married couple was sharing the house with two roommates. I advised Brock that he/they must reduce the occupancy to the married couple and one roommate by the beginning of November. I re-inspected the property with Brock on 11-5-12 and I confirmed with him and his tenants that the additional roomer had moved out.**

## University Heights Budget Timeline

The 2013-2014 budget for University Heights needs to be submitted to the State by March 15, 2013.

Here is our basic timeline:

- January 8 Council Meeting- Budgets for all departments are submitted to Steve Kuhl.
- February 12 Council Meeting- Steve presents preliminary budget to the Council for input and changes.
- March 12 Council Meeting- Steve presents final budget and council makes any final changes and approves the budget.

## Budget Responsibilities-

Each of us has responsibilities for our specific departments and I just list those to make sure we are in agreement. I have also listed some individual items that we will make sure someone is responsible to get the information.

1. Public Safety- Rosanne and Ron- Ron handles the police budget. Rosanne will need to get a budget estimate from the Coralville Fire Department and Hydrant Flush service from City of Iowa City.
2. Public Works- Jan, Brennan and Josiah-Jan and Josiah will provide budget for roads, bridges and sidewalks. You will also need to provide Tree Trimming/Management Budget. Josiah will provide engineering fees budget. Jan will need to get cost for Iowa City Bus Service and Johnson County Seats Service. Brennan and Josiah will provide budget for Sanitation. Will we include Grandview Recycling this year?
3. Culture and Recreation- I will get cost of library services from Iowa City Public Library. Rosanne- Will we have any community support projects to budget?
4. General Government- I plan to work with the mayor to review salaries of all non-police personnel. This has not been done for several years and we should look at this on a periodic basis. If any other council member would like to join us let me know.

Steve Ballard to look at Legal Services budget and insure we have right estimate.

Mike Haverkamp to report on E-government budget

Mayor to get MPOJC assessment figure and IA League of Cities fees.

Rosanne to get Chamber of Commerce fees.

Steve Kuhl and Lori will be looking at expenditures in the 2012-2013 budget to see if any areas are not tracking properly.

Chris to look at rental inspection fees and building permits to determine if there is anything different from historical averages.

I think this gets most of the major items. Would appreciate any input at our November 13 meeting on any items that need to be addressed or upcoming changes.

Jim Lane

**RESOLUTION NO. 12-27**

**RESOLUTION APPROVING FY2012 ANNUAL FINANCE REPORT**

**RESOLVED**, that the City of University Heights approves the FY 2012 Finance Report attached hereto as Exhibit "A".

Dated this 13<sup>th</sup> day of November, 2012.

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

AYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

\_\_\_\_\_ Haverkamp  
\_\_\_\_\_ Hopson  
\_\_\_\_\_ Lane  
\_\_\_\_\_ Leff  
\_\_\_\_\_ McGrath

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF NOVEMBER, 2012.**

CITY OF UNIVERSITY HEIGHTS, IOWA

BY: \_\_\_\_\_  
Louise From, Mayor

\_\_\_\_\_  
Attest: Christine Anderson, City Clerk

**STATE OF IOWA**  
**2012**  
**FINANCIAL REPORT**  
**FISCAL YEAR ENDED**  
**JUNE 30, 2012**

16205201000000  
City Clerk  
1004 Melrose Avenue  
Iowa City, IA 52246

**CITY OF UNIVERSITY HEIGHTS, IOWA**  
**DUE: December 1, 2012**

*(Please correct any error in name, address, and ZIP Code)*

**WHEN COMPLETED, PLEASE RETURN TO** David A. Vaudt, CPA  
Auditor of State  
State Capitol Building  
Des Moines, IA 50319-0004

NOTE - The information supplied in this report will be shared by the Iowa State Auditor's Office, the U.S. Census Bureau, various public interest groups, and State and federal agencies.

ALL FUNDS				
Item description	Governmental (a)	Proprietary (b)	Total actual (c)	Budget (d)
<b>Revenues and Other Financing Sources</b>				
Taxes levied on property	579,295		579,295	579,230
Less: Uncollected property taxes-levy year	0		0	0
<b>Net current property taxes</b>	579,295		579,295	579,230
Delinquent property taxes	0		0	0
TIF revenues	0		0	0
Other city taxes	133,352	0	133,352	133,838
Licenses and permits	21,200	0	21,200	23,790
Use of money and property	2,932	0	2,932	2,600
Intergovernmental	150,719	0	150,719	154,803
Charges for fees and service	461	0	461	700
Special assessments	0	0	0	0
Miscellaneous	183,284	0	183,284	102,513
Other financing sources	123,585	0	123,585	0
<b>Total revenues and other sources</b>	1,194,828	0	1,194,828	997,474
<b>Expenditures and Other Financing Uses</b>				
Public safety	408,414	0	408,414	420,576
Public works	169,862	0	169,862	225,639
Health and social services	0	0	0	0
Culture and recreation	34,303	0	34,303	38,118
Community and economic development	1,350	0	1,350	5,000
General government	178,613	0	178,613	179,158
Debt service	32,833	0	32,833	32,830
Capital projects	37,823	0	37,823	35,374
<b>Total governmental activities expenditures</b>	863,198	0	863,198	936,695
Business type activities	0	0	0	0
<b>Total ALL expenditures</b>	863,198	0	863,198	936,695
Other financing uses, including transfers out	123,585	0	123,585	0
<b>Total ALL expenditures/And other financing uses</b>	986,783	0	986,783	936,695
<b>Excess revenues and other sources over (Under) Expenditures/And other financing uses</b>	208,045	0	208,045	60,779
Beginning fund balance July 1, 2011	290,189	0	290,189	290,189
Ending fund balance June 30, 2012	498,234	0	498,234	350,968
Note - These balances do not include \$ 0 held in non-budgeted internal service funds; \$ 0 held in Pension Trust Funds; \$ 0 held in Private Purpose Trust funds and \$ 0 held in agency funds which were not budgeted and are not available for city operations.				

Indebtedness at June 30, 2012	Amount - Omit cents	Indebtedness at June 30, 2012	Amount - Omit cents
General obligation debt	\$ 144,000	Other long-term debt	\$ 0
Revenue debt	\$ 0	Short-term debt	\$ 0
TIF Revenue debt	\$ 0		
		General obligation debt limit	\$ 5,274,246

**CERTIFICATION**

THE FOREGOING REPORT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Signature of city clerk		Date Published/Posted	Mark (x) one <input checked="" type="checkbox"/> Date Published <input type="checkbox"/> Date Posted
Printed name of city clerk Christine Anderson	Telephone →	Area Code 319	Number 337-6900 Extension
Signature of Mayor of other City official (Name and Title)		Date signed	

**PLEASE PUBLISH THIS PAGE ONLY**

## Treasurer's Report

October 2012

Our total revenue for the month of October was \$162,143.51 comprised of the following amounts:

Property Taxes	\$134,396.18
Parking fines	\$ 1,410.00
Traffic Fines from Clerk of Court	\$ 6,904.92
Interest on bank accounts	\$ 115.19
Road Use Funds	\$ 8,119.13
Rental permits	\$ 800.00
Parking permits	\$ 180.00
Local Option Sales Tax	\$ 9,828.09
City's share of Stella liquor license	\$ 390.00

Balances in the bank accounts as of 10/31/12:

MidwestOne Bank Checking Account	\$274,935.37
Hills Bank Money Market Account	\$ 1,037.22
CD at UICCU (due 2/28/2014)	\$ 41,664.05
Forfeiture Fund	\$ 2,297.54
CD at Hills Bank (due 8/20/2013)	\$ 22,613.57
CD at UICCU (due 1/29/13)	\$ 50,280.68
CD at UICCU (due 8/25/13)	\$ 50,107.12
CD at UICCU (due 5/25/14)	\$ 50,162.08
CD at UICCU (due 2/28/14)	\$ 41,664.05

Steve Kuhl has finished the Annual Financial Report for the FY11-12 which ended June 30, 2012. There were a few reclassifications that had to be made but all is done. I have printed off copies of the revised reports and put them in the financial book. If anyone wants copies of those reports let me know.



### Proposed Posted Speed Limits

<span style="color: red;">█</span>	25 MPH
<span style="color: blue;">█</span>	20 MPH
<span style="color: green;">█</span>	10 MPH
<span style="color: lightblue;">█</span>	No Sign

OLIVE

LEAMER

KOSER

HIGHLAND

MARIETTA

GEORGE

GEORGE

GOLFVIEW

GRAND

GLENCREST

SUNSET

SUNSET

KOSER

HIGHLAND

MARIETTA

SUNBELT

BIRKDALE

KOSER

HIGHLAND

MONROE

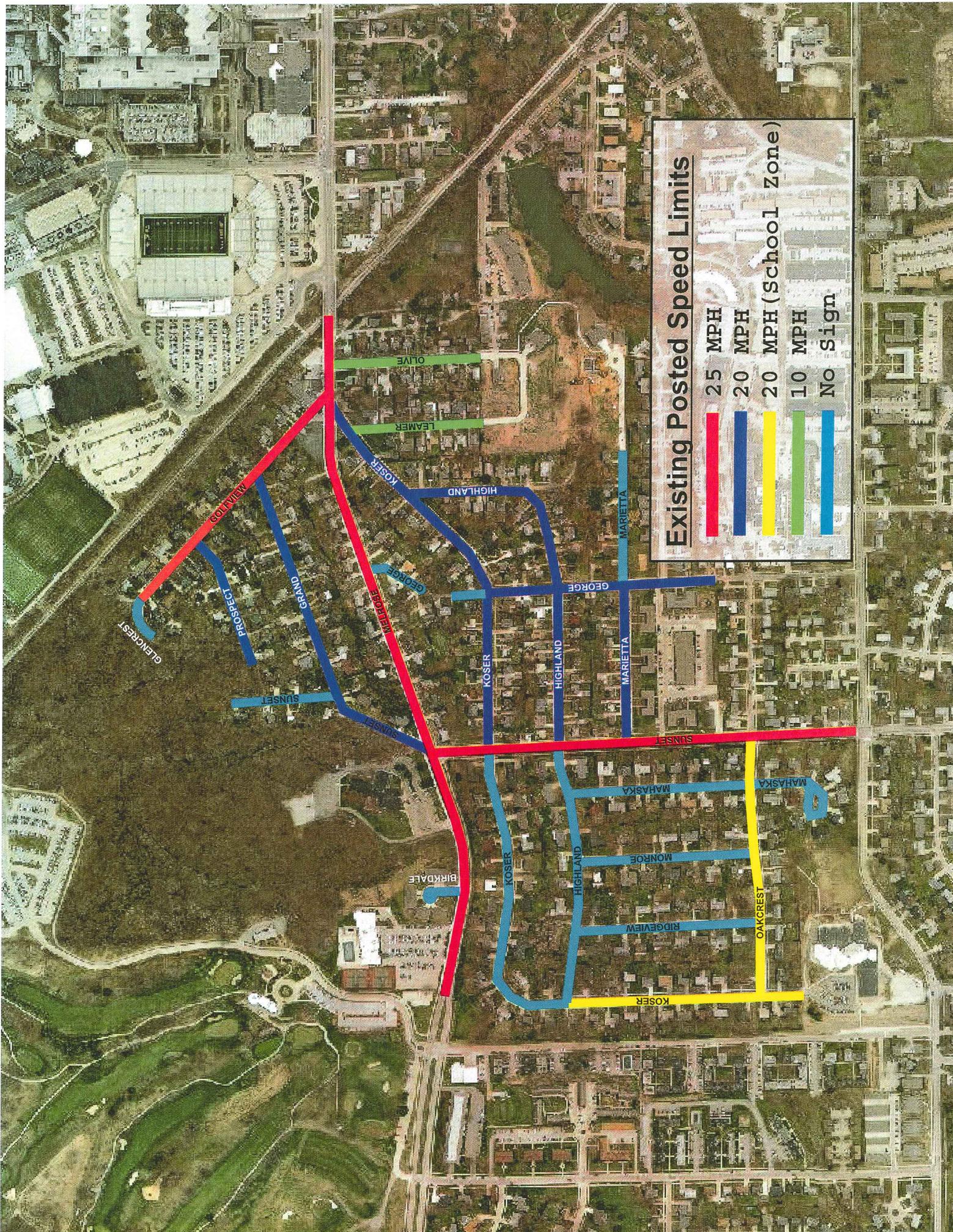
MAHASKA

RIDGEVIEW

OAKCREST

KOSER

MAHASKA



### Existing Posted Speed Limits

<span style="color: red;">█</span>	25 MPH
<span style="color: blue;">█</span>	20 MPH
<span style="color: yellow;">█</span>	20 MPH (School Zone)
<span style="color: green;">█</span>	10 MPH
<span style="color: lightblue;">█</span>	No Sign

GOLFVIEW  
PROSPER  
GRAND  
SUNSET  
SUNSET  
LEAMER  
OLIVE  
KOSER  
HIGHLAND  
GEORGE  
KOSER  
HIGHLAND  
GEORGE  
MARIETTA  
SUNSET  
MAHASKA  
MAHASKA  
MONROE  
RIDGEVIEW  
OAKCREST  
KOSER  
BIRKDALE

**Warrants for Council Approval**

11/12/2012

October 10 through November 13, 2012

	<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>Oct 10 - Nov 13, 12</b>				
	10/11/2012	MidwestOne Bank	autopymt to Deluxe Business for checks	-298.54
	10/12/2012	City of Iowa City	City Hall water/sewer automatic payment	-13.56
	10/15/2012	Beeks, Joshua W		-1,146.56
	10/15/2012	Fort, Matthew A		-1,401.98
	10/15/2012	Fort, Ronald R		-1,323.10
	10/15/2012	Plate, Harold,		-237.46
	10/15/2012	Stenda, Jeremy P		-1,125.20
	10/15/2012	Strong, Donald K.		-1,335.81
	10/15/2012	Tucker, Darryl		-1,205.38
	10/15/2012	Internal Revenue Service	federal payroll taxes for 42-1109342	-2,609.30
	10/21/2012	Windstream	automatic payment for phone service	-136.63
	10/22/2012	MidAmerican Energy	pedestrian lights at 113 Golfview	-27.90
	10/22/2012	MidAmerican Energy	1301 Melrose stop light	-33.37
	10/22/2012	MidAmerican Energy	1011 Melrose stop light	-33.78
	10/22/2012	MidAmerican Energy	City Hall electricity	-91.03
	10/23/2012	MidAmerican Energy	street lights	-620.19
	10/30/2012	Anderson, Christine M.		-280.18
	10/30/2012	Beeks, Joshua W		-1,526.03
	10/30/2012	Fort, Matthew A		-1,781.35
	10/30/2012	Fort, Ronald R		-1,510.58
	10/30/2012	Kimura, Lori D.		-273.21
	10/30/2012	Stenda, Jeremy P		-1,040.11
	10/30/2012	Strong, Donald K.		-1,503.71
	10/30/2012	Tucker, Darryl		-1,594.15
	10/30/2012	Plate, Harold,		-237.46
	10/30/2012	Wellmark BC/BS	monthly insurance payment	-1,289.14
	10/31/2012	Internal Revenue Service	42-1109342	-3,563.14
	10/31/2012	Internal Revenue Service	42-1109342	-160.73
	10/31/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-103.49

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
10/31/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-3,563.10
11/01/2012	Paul J. Moore, Melrose Avenue Building	City Hall Rent	-867.00
11/01/2012	Verizon Wireless	monthly wire service/cell phone for police car	-115.88
11/09/2012	City of Iowa City	City Hall water/sewer automatic payment	-14.26
11/13/2012	ABC Solutions	Monthly fee for city website/email service	-24.95
11/13/2012	SEATS	Seats Payment	-703.66
11/13/2012	Paul J. Moore, Melrose Avenue Building	Garage rent	-35.00
11/13/2012	Welt-Ambrisco Insurance	car insurance to add new car	-51.00
11/13/2012	Breese Plumbing & Heating	remove RPZ & meter/winterize park fountain	-113.15
11/13/2012	Copyworks	inspection forms for city inspectors	-125.00
11/13/2012	Greenwood and Crim, P.C.	prepare streets report/annual report	-1,200.00
11/13/2012	Iowa City Tire and Service	8 new tires/mounted & balanced	-1,079.04
11/13/2012	Iowa Paper & Chemical	paper towels for city office	-28.70
11/13/2012	Iowa Law Enforcement Academy	training for Beeks	-5,335.00
11/13/2012	Junge Automotive Group	2013 Ford Explorer	-24,126.00
11/13/2012	Junge Automotive Group	18 keys for 2013 Explorer	-56.00
11/13/2012	Mediacom	online service 11/3/12-12/2/12	-69.95
11/13/2012	Iowa City Press-Citizen	September/October publications	-321.91
11/13/2012	Racom Corporation	police computer access fee	-159.20
11/13/2012	Kieck's Career Apparel	shirts/pants	-229.63
11/13/2012	NeoComputers Inc	portable hard drive to back up lap tops/office c	-91.98
11/13/2012	Norm Cate	inspection services for October	-560.00
11/13/2012	Terry Goerd	inspection services for October	-525.00
11/13/2012	O'Reilly Auto Parts	floor mats for unit #1	-39.99
11/13/2012	Shive Hattery	services for wide sidewalk project	-20,407.34
11/13/2012	Staples	box of paper and pens	-64.78
11/13/2012	Westport Touchless Autowash	September vehicle washes	-60.00
11/13/2012	VISA	binder/stamps for treasurer/water cooler/gas	-190.49
11/13/2012	City of Iowa City	bus/fuel/library services/park water	-12,933.53
11/13/2012	Lonnett Blakley	helping video set up before November meeting	-30.00
11/13/2012	Shive Hattery	engineering fees 9/1/12-10/26/12	-10,755.05

Oct 10 - Nov 13, 12

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff  
FROM: Josiah Bilskemper, P.E.  
DATE: November 12, 2012  
RE: City Engineer's Report

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

- a. In accordance with the amounts approved at the November 5<sup>th</sup> special meeting, formal written offers were provided on November 8<sup>th</sup> to each of the (3) property owners where right-of-way acquisition and temporary construction easements are proposed. The offers included a 10-day acceptance period, which is 5pm on November 18<sup>th</sup>.
- b. As noted in the November legal report, once we receive response on how each owner would like to proceed, the Council will be in a position to meet and discuss the matter.
- c. *At the September 2012 meeting, council approved the "8-6-4" sidewalk transition width around the northwest corner of the Benton-Sunset intersection. Design for the corner is underway, which includes the retaining wall design, and new curb ramp. (October Mtg.)*
- d. *Once completed, official offers for acquisition and temporary construction easement will be prepared by the city attorney. Once completed, they will need to be presented for council approval prior to being delivered to the property owners. (October Mtg.)*

**(2) Sunset Street Wide Sidewalk – Street Trees**

- a. We are still waiting to hear back from 5 or 6 property owners on how they would like to proceed. Will follow up in the next week to get these finalized.
- b. *Some existing trees require removal for the sidewalk project, and a number of other existing trees were recommended for removal. Property owners were given the option to keep existing trees that were "recommended" for removal if that was their preference. They were also given the option to whether or not they wanted the proposed new trees (per the Sunset Street Tree Master Plan) to be included in the sidewalk project. (October Mtg.)*
- c. *We have specific direction from about half of the residents on how they would like to proceed, and the other half are still making that decision. (October Mtg.)*

**(3) 2012 Pavement Markings**

- a. L.L. Pelling completed the remaining pavement markings with the exception of the handicap parking stall symbol. An amount of \$250 is being withheld until that work is done, which may yet be completed this fall during a warmer day.
- b. *L.L. Pelling has completed the majority of pavement markings, but there are still a few areas yet to be repainted. We conducted a field review on October 4<sup>th</sup> to confirm the*



*status of areas completed. Council will be considering the first pay application from L.L. Pelling for the pavement markings in the amount of \$4,304. (October Mtg.)*

- c. For your consideration, L.L. Pelling has provided a quote of \$5,422 for repainting of pavement markings. The FY12/13 budget has \$5,000 allocated to pavement markings. (September Mtg.)*

**(4) 2012 Street Improvements**

- a. No additional request for payment received this month.
- b. *Eggleston Concrete Contractors has completed storm sewer work on Oakcrest Avenue. Council will be considering the second pay application for the 2012 Streets Improvement project in the amount of \$20,748. Retainage in the amount of 5% (\$4,100) will be withheld until all final paperwork and maintenance bonds have been submitted. (October Mtg.)*
- c. *Pay Application #1 (\$56,973.86) has been submitted based on field measurements, and we have recommended approval for the September meeting. (September Mtg.)*

**(5) Golfview Drive – Storm Water Easement Fence**

- a. D&N Fence will be replacing the existing black vinyl chain link fence that runs along the east sidewalk of Golfview Drive between 136 and 204 Golfview Fence. The existing fence beams are bent in a number of locations, a few fence posts are loose, and the fencing fabric has been pushed out such that there is an appreciable open gap at the bottom of the walk near the slope.
- b. Approximately 50 linear feet of new 48" height black vinyl chain link fence, with bottom rail, will be installed to re-establish this barrier between sidewalk and slope. This section of fence spans the city drainage easement which runs east-west across a portion of these two properties. The quote from D&N Fence is \$880.

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

JDB

**University Heights November 2012 eGovernment Report**  
**U-H Website Updates/Statistics October 1- 31, 2012**

- **October 31, 2012**
  - City Council 11/5 meeting and agenda
- **October 30, 2012**
  - Additional Leaf Vacuum/Bag Pickup information
- **October 29, 2012**
  - Little Free Library Project
- **October 28, 2012**
  - Zoning Commission Meeting 10/30/12 and agenda
- **October 26, 2012**
  - City Council 10/9 meeting webcast
  - Leaf Raking Fundraiser notice
- **October 18, 2012**
  - Community Relations update
- **October 10, 2012**
  - November and December council meetings to be held at University Club
- **October 8, 2012**
  - Oct. 9 Council meeting agenda & attachments (13)
  - Oct. 9 Mayor's Report
  - Sept. 11 Council meeting minutes
- **October 7, 2012**
  - October Council Meeting AGENDA
- **October 3, 2012**
  - Fall leaf pickup schedule

**Monthly Statistics for October 2012 from Webalyzer**

<b>Total Hits</b>	28550
<b>Total Files</b>	16788
<b>Total Pages</b>	7516
<b>Total Visits</b>	4983
<b>Total KBytes</b>	5229024
<b>Total Unique Sites</b>	2467
<b>Total Unique URLs</b>	1094
<b>Total Unique Referrers</b>	646
<b>Total Unique User Agents</b>	473

**Web Statistics from Stat Counter October 2012**

	<b>Page Loads</b>	<b>Unique Visits</b>	<b>First Time Visits</b>	<b>Returning Visits</b>
<b>Total</b>	1,268	961	705	256
<b>Average</b>	41	31	23	8