

AGENDA

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

Tuesday, December 11, 2012

Location: University Club- IOWA ROOM

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- November 13 -Approval of Minutes- November 19 -Approval of Minutes-November 29	Louise From
7:01	<u>Administration</u>	Public Input	
	Mayor	<u>Mayor's Report</u>	Louise From
	City Attorney	<u>Legal Report</u> -Consideration of <u>Resolution No. 12-28</u> adopting and approving a Post-Issuance Compliance Policy for Tax-Exempt Obligations. -Third Consideration of <u>Ordinance No. 181</u> 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. -Motion to approve expenditure of \$9,361.40 to <u>Aanestad</u> for property acquisition, easement acquisition, and closing costs related to the Sunset Street Wide Sidewalk Project, all in accordance with the Council's prior motion to approve this transaction. -Motion to approve expenditure of \$10,325.20 to <u>Forbes</u> for property acquisition, easement acquisition, and closing costs related to the Sunset Street Wide Sidewalk Project, all in accordance with the Council's prior motion to approve this transaction. -Motion to approve expenditure of \$5,372.20 to <u>Timmerman</u> for property acquisition and closing costs related to the Sunset Street Wide Sidewalk Project, all in accordance with the Council's prior motion to approve this transaction.	Steve Ballard
	City Clerk	<u>City Clerk Report</u>	Chris Anderson
	<u>Committee Reports:</u>		

Time		Topic	Owner
	<u>Finance</u>	Committee Report <u>Treasurer's Report/Payments</u>	Jim Lane Lori Kimura
	<u>Community Protection</u>	Committee Report Police Chief Report -Consider promotion of a current police officer to sergeant position. -Discuss policy for trash removal on lawns following home football games -Discuss parking & signs on George Street Community Relations Report -Overview for 2013 -Community Foundation donation reminder	R. Hopson/M. Haverkamp Ron Fort Rosanne Hopson
	<u>Streets and Sidewalks</u>	Committee Report -Discussion and public input regarding proposed changes to speed limits on certain city streets. <u>Engineer Report</u>	Jan Leff Josiah Bilskemper
	<u>Building, Zoning & Sanitation</u>	Committee Report Zoning Report	Brennan McGrath Pat Bauer
	<u>e-Government</u>	<u>Committee Report</u> -Discussion of videotaping council meetings and set up/tear down schedule for 2013	Mike Haverkamp
	Announcements		Anyone
9:00	Adjournment		Louise From

Next Regular Council Meeting: Tuesday, January 8, 2013 – Location: To be announced.

Mayor's Report – December 2012

Appointments: Anyone interested in serving on the Zoning Commission or Board of Adjustments, please contact me. I would like to have appointments in place by the Jan. 8th council meeting.

The Second Severson Charity Challenge is being sponsored by MPO-JC. Linda Severson was the Human Services Coordinator for the MPO-JC. Linda passed away of cancer last year and in her spirit-the City of Iowa City is challenging other municipalities and entities in JC to have a charity drive in Linda's honor. Each entity that wants to participate will designate a charity for their Holiday Charity Drive. The entity that collects the most donations (based on the ratio of full-time employees to quantity of donations), will be awarded the engraved traveling Severson Cup. City of Coralville won the first challenge. City council members and mayors can also participate. However, anyone can make donations as no donation will be turned down. Police chief, Ron Fort has chosen the charity for University Heights: **The Ronald McDonald House of Iowa City.** **I checked with the Ronald McDonald House about their "wish list" and she said they can always use paper towels, laundry detergent and cleaning supplies as well as common food items that most people like. I have listed some examples: Baking mixes, frosting mixes, variety of canned soups, canned fruits and vegetables, Sugar, flour, chocolate chips, cereal both individual and large boxes, snacks such as granola bars or fruit snacks. The collection boxes are at our city office.**

Contact me if anyone wants to donate some items so I can let you in the city office or I can pick up your donations. My phone number is 354-1433 or 321-5525. The last day will be Jan. 4, 2013.

Dec. 4th- attended the Transportation Technical Advisory Committee meeting (TTAC, MPO- JC). Highlights: Continued updates on the administration of federal transportation legislation (MAP-21) in Iowa. The state of Iowa will experience a 30-40% reduction of funding. Let me know if you want more information.

Dec. 5th – attended Emergency Management Agency (EMA) Commission meeting at JECC. The budget was reviewed and accepted for publication.

EMA commission has increased the FY14 Haz Mat per capita levy for the truck replacement and operational fund for the haz mat team. The present levy set in 1988 is no longer sustainable and will go from .25 cents to .50 cents starting in FY14 **on 7/1/13**. University Heights has been paying \$262.75 and will now be charged **\$525.50** with this .25 increase per capita.

The next MPO-JC Urbanized Area policy board meeting is Wed. Dec. 12th at 4:30
in the North Liberty council chambers.

December '12 – City Attorney's Report

1. **Post-Closing Policy – Post-Issuance Compliance Policy.** The Des Moines bond lawyer who assisted the City in reviewing the Oaknoll financing documents, recommends that the City adopt a Post-Issuance Compliance Policy for Tax-Exempt Obligations. The recommendation is consistent with direction from the Internal Revenue Service. The policy designates the City Clerk as the person responsible to maintain the City's records related to the bond documents generated in a transaction; these documents are provided to the City at the conclusion of the bond procedure. (If the City was doing the borrowing, these documents would be put together by our bond lawyers; in the recent financing, Oaknoll's bond lawyers put them together.) The Council will be considering Resolution No. 12-28, adopting a Post-Issuance Compliance Policy. A copy of the Resolution and the Policy are attached.
2. **Speed Limit Adjustment.** The proposed speed limits have been posted on the City's website for several weeks, to inform the public of the changes under consideration. At the December meeting, I have suggested that the Mayor ask for public input on this issue; ask whether Council members have received public input; and ask whether the Council has further discussion on the proposed changes. I am working with MPO-JC on a traffic and engineering study for the Council to review as it considers changes to the traffic ordinance, No. 120. The first reading of an ordinance changing the speed limits will then be in January 2013.
3. **Animal Control/Regulation – Ordinance 181.**
 - The Council will have the third consideration of Ordinance No. 181, sort of.
 - **With apologies, I will request that the Council suspend the requirement that an ordinance be considered twice previously before final passage.** The ordinance in the form adopted by the Council the past two months contained three typographical errors, which I have now corrected. (Truth is, I corrected them before, but the version I circulated for Council review did not have the corrections, which is my error.)
 - So, I will ask the Council to adopt the corrected version Ordinance No. 181 in one meeting. The minutes will and should reflect that the ordinance was actually considered twice before and only typographical errors are corrected in the final version.
 - The changes from October and November are as follows:
 - Section 4 – “simple” inserted before “misdemeanor”.
 - Section 6(f) – “seeing eye” deleted and “service animals” inserted; additional changes for context.

- Section 9 - “simple” inserted before “misdemeanor” in the last sentence.

- A copy of the corrected proposed Ordinance No. 181 is attached.

4. **Sunset Street Wide Sidewalk Project.**

- The Council already has approved acquisition of easements and property for the Sunset Street Wide Sidewalk Project. The Council will consider motions at the December meeting authorizing expenditure of funds – as previously approved. The purpose for the vote and further consideration is simply to record in the minutes the precise amount the City will pay in acquisition and closing costs and to give the Treasurer clear authority to write the checks.
- The total amount for each transaction is set forth under the heading “Checks to be Issued” in the attached “Closing Figures” documents. The motions will authorize the Treasurer to execute and the Mayor to deliver the various checks listed in the respective amounts, once the closing documents are received from the property owners. You might note that the figure for the Forbes transaction is \$7.00 more than what is set forth in the Council meeting agenda; we discovered today that an additional document needs to be recorded, and the \$7.00 represents the recording fee.
- I expect that the checks and the closing documents will be exchanged later this week.

5. **Oaknoll – Reimbursement of Fees.** Oaknoll will reimburse the City for the legal fees generated by my office and by the City’s bond lawyer in Des Moines. I will send a reimbursement request this week, and I expect the check by the end of the month.

RESOLUTION NO. 12-28

**RESOLUTION ADOPTING POST-ISSUANCE COMPLIANCE POLICY
FOR TAX-EXEMPT OBLIGATIONS**

RESOLVED, that the City of University Heights adopts and approves Post-Issuance Compliance Policy for Tax-Exempt Obligations attached hereto as Exhibit "A".

Dated this 11th day of December, 2012.

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

AYES:

NAYS:

ABSENT:

Haverkamp

Hopson

Lane

Leff

McGrath

PASSED AND APPROVED THIS 11th DAY OF DECEMBER, 2012.

CITY OF UNIVERSITY HEIGHTS, IOWA

BY: _____
Louise From, Mayor

Attest: Christine Anderson, City Clerk

EXHIBIT "A"

UNIVERSITY HEIGHTS, IOWA

POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT OBLIGATIONS

1. Compliance Coordinator:
 - a) The City Clerk ("Coordinator") shall be responsible for monitoring post-issuance compliance.
 - b) The Coordinator will maintain a copy of the transcript of proceedings in connection with the issuance of any tax-exempt obligations. Coordinator will obtain such records as are necessary to meet the requirements of this policy.
 - c) The Coordinator shall consult with bond counsel, a rebate consultant, financial advisor, IRS publications and such other resources as are necessary to understand and meet the requirements of this policy.
 - d) Training and education of Coordinator will be sought and implemented upon the occurrence of new developments and upon the hiring of new personnel to implement this policy.

2. Financing Transcripts. The Coordinator shall confirm the proper filing of an 8038 Series return, and maintain a transcript of proceedings for all tax-exempt obligations issued by the City, including but not limited to all tax-exempt bonds, notes and lease-purchase contracts. Each transcript shall be maintained until eleven (11) years after the tax-exempt obligation it documents has been retired. Said transcript shall include, at a minimum:

- a) Form 8038s;
- b) minutes, resolutions, and certificates;
- c) certifications of issue price from the underwriter;
- d) formal elections required by the IRS;
- e) trustee statements;
- f) records of refunded bonds, if applicable;
- g) correspondence relating to bond financings; and
- h) reports of any IRS examinations for bond financings.

3. Proper Use of Proceeds. The Coordinator shall review the resolution authorizing issuance for each tax-exempt obligation issued by the City, and that the Coordinator shall:

- a) obtain a computation of the yield on such issue from the City's financial advisor;
- b) create a separate Project Fund (with as many sub-funds as shall be necessary to allocate proceeds among the projects being funded by the issue) into which the proceeds of issue shall be deposited;
- c) review all requisitions, draw schedules, draw requests, invoices and bills requesting payment from the Project Fund;
- d) determine whether payment from the Project Fund is appropriate, and if so, make payment from the Project Fund (and appropriate sub-fund if applicable);
- e) maintain records of the payment requests and corresponding records showing payment;
- f) maintain records showing the earnings on, and investment of, the Project Fund;
- g) ensure that all investments acquired with proceeds are purchased at fair market value;
- h) identify bond proceeds or applicable debt service allocations that must be invested with a yield-restriction and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted;
- i) maintain records related to any investment contracts, credit enhancement transactions, and the bidding of financial products related to the proceeds;

4. Timely Expenditure and Arbitrage/Rebate Compliance. The Coordinator shall review the Tax-Exemption Certificate (or equivalent) for each tax-exempt obligation issued by the City and the expenditure records provided in Section 2 of this policy, above, and shall:

- a) monitor and ensure that proceeds of each such issue are spent within the temporary period set forth in such certificate;
- b) if the City does not meet the "small issuer" exception for said obligation, monitor and ensure that the proceeds are spent in accordance with one or more of the applicable exceptions to rebate as set forth in such certificate;
- c) not less than 60 days prior to a required expenditure date confer with bond counsel and a rebate consultant if the City will fail to meet the applicable temporary period or rebate exception expenditure requirements of the Tax-Exemption Certificate; and
- d) in the event the City fails to meet a temporary period or rebate exception:
 - i. procure a timely computation of any rebate liability and, if rebate is due, file a Form 8038-T and arrange for payment of such rebate liability;
 - ii. arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

5. Proper Use of Bond Financed Assets. The Coordinator shall:

- a) maintain appropriate records and a list of all bond financed assets. Such records shall include the actual amount of proceeds (including investment earnings) spent on each of the bond financed assets;
- b) with respect to each bond financed asset, the Coordinator will monitor and confer with bond counsel with respect to all proposed:
 - i. management contracts,
 - ii. service agreements,
 - iii. research contracts,
 - iv. naming rights contracts,
 - v. leases or sub-leases,
 - vi. joint venture, limited liability or partnership arrangements,
 - vii. sale of property; or
 - viii. any other change in use of such asset;

- c) maintain a copy of the proposed agreement, contract, lease or arrangement, together with the response by bond counsel with respect to said proposal for at least three (3) years after retirement of all tax-exempt obligations issued to fund all or any portion of bond financed assets; and
- d) In the event the City takes an action with respect to a bond financed asset, which causes the private business tests or private loan financing test to be met, the Coordinator shall contact bond counsel and ensure timely remedial action under IRS Regulation Sections 1.141-12.

6. General Project Records. For each project financed with tax-exempt obligations, the Coordinator shall maintain, until three (3) years after retirement of the tax-exempt obligations or obligations issued to refund those obligations, the following:

- a) appraisals, demand surveys or feasibility studies,
- b) applications, approvals and other documentation of grants,
- c) depreciation schedules,
- d) contracts respecting the project.

7. Advance Refundings. The Coordinator, shall be responsible for the following current, post issuance and record retention procedures with respect to advance refunding bonds:

- a) Identify and select bonds to be advance refunded with advice from internal financial personnel, and a financial advisor;
- b) The Coordinator shall identify, with advice from the financial advisor and bond counsel, any possible federal tax compliance issues prior to structuring any advance refunding;
- c) The Coordinator shall review the structure with the input of the financial advisor and bond counsel, of advance refunding issues prior to the issuance to ensure (i) that the proposed refunding is permitted pursuant to applicable federal tax requirements if there has been a prior refunding of the original bond issue; (ii) that the proposed issuance complies with federal income tax requirements which might impose restrictions on the redemption date of the refunded bonds; (iii) that the proposed issuance complies with federal income tax requirements which allow for the proceeds and replacement proceeds of an issue to be invested temporarily in higher yielding investments without causing the advance refunding bonds to become "arbitrage bonds"; and (iv) that the proposed issuance will not result in the issuer's exploitation of the difference between tax exempt and taxable interest rates to obtain a financial advantage nor overburden the tax

exempt market in a way that might be considered an abusive transaction for federal tax purposes.

- d) The Coordinator shall collect and review data related to arbitrage yield restriction and rebate requirements for advance refunding bonds. To ensure such compliance, the Coordinator shall engage a rebate consultant to prepare a verification report in connection with the advance refunding issuance. Said report shall ensure said requirements are satisfied.
- e) The Coordinator shall, whenever possible, purchase SLGS to size each advance refunding escrow. The financial advisor shall be included in the process of subscribing SLGS. To the extent SLGS are not available for purchase, the Coordinator shall, in consultation with bond counsel and the financial advisor, comply with IRS regulations.
- f) To the extent as issuer elects to the purchase a guaranteed investment contract, the Coordinator shall ensure, after input from bond counsel, compliance with any bidding requirements set forth by the IRS regulations.
- g) In determining the issue price for any advance refunding issuance, the Coordinator shall obtain and retain issue price certification by the purchasing underwriter at closing.
- h) After the issuance of an advance refunding issue, the Coordinator shall ensure timely identification of violations of any federal tax requirements and engage bond counsel in attempt to remediate same in accordance with IRS regulations.

8. Continuing Disclosure. The Coordinator shall assure compliance with each continuing disclosure certificate and annually, per continuing disclosure agreements, file audited annual financial statements and other information required by each continuing disclosure agreement. The Coordinator will monitor material events as described in each continuing disclosure agreement and assure compliance with material event disclosure. Events to be reported shall be reported promptly, but in no event not later than ten (10) Business Days after the day of the occurrence of the event. Currently, such notice shall be given in the event of:

- a) Principal and interest payment delinquencies;
- b) Non-payment related defaults, if material;
- c) Unscheduled draws on debt service reserves reflecting financial difficulties;

- d) Unscheduled draws on credit enhancements relating to the bonds reflecting financial difficulties;
- e) Substitution of credit or liquidity providers, or their failure to perform;
- f) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the bonds, or material events affecting the tax-exempt status of the bonds;
- g) Modifications to rights of Holders of the Bonds, if material;
- h) Bond calls (excluding sinking fund mandatory redemptions), if material, and tender offers;
- i) Defeasances of the bonds;
- j) Release, substitution, or sale of property securing repayment of the bonds, if material;
- k) Rating changes on the bonds;
- l) Bankruptcy, insolvency, receivership or similar event of the Issuer;
- m) The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- n) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

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 1. Repealed. That Ordinances Nos. 2, 24, and 42 are hereby repealed.

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 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.

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Deleted: 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

h. "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.

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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 animal is so trained that it will come to the owner immediately upon signal for the purpose of physical restraint when necessary.

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

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l. "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.

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

Section 3. 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.

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Section 4. Abandonment. Any person abandoning a pet animal or service animal within the City limits shall be guilty of a simple misdemeanor.

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Section 5. Nuisance. The following acts and circumstances are hereby declared to be nuisances.

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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 6. Prohibitions.

- a. Control. No dog 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.

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f. Exception. The provisions of this Section shall not apply to service animals while such animals are acting as service animals.

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Section 7. 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 8. 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

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expense of the owner.

Section 9. 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 simple misdemeanor.

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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.

CLOSING FIGURES

Closing Date: December 14, 2012
Buyers: City of University Heights, Iowa
Sellers: Christian and Jaqueline Aanestad
Attorney for Sellers: Kirsten Frey
Attorney for Buyers: Patrick Ford
Property Address: a portion of 526 Mahaska Court, University Heights, Iowa
Realtors: none

SELLERS

PURCHASE PRICE-----	\$ 9,001.00
DEDUCTIONS:	
1. 2011-2012 real estate taxes ¹	- \$ 32.45
BALANCE DUE TO SELLERS-----	\$ 8,968.55

BUYER

PURCHASE PRICE (payable to Leff Client Trust Account)-----	\$ 9,001.00
ADDITIONS:	
1. Abstractor's fee (Hawkeye Abstract)	\$ 300.00
2. Johnson County Recorder (to record deed)	\$ 17.00
3. Johnson County Recorder (to record easement agreement)	\$ 22.00
4. Johnson County Recorder (to record partial mortgage release)	\$ 7.00
5. Transfer Tax	\$ 14.40
Total additions:	\$ 360.40
	\$ 9,001.00
	+ \$ 360.40
BALANCE DUE FROM BUYER-----	\$ 9,361.40

CHECKS ISSUED:

1. To Hawkeye Abstract Company	\$ 300.00
2. To Johnson County Treasurer (for 2011-2012 RE taxes)	\$ 32.45
3. To Johnson County Recorder (recording fees)	\$ 46.00
4. To Johnson County Recorder (transfer tax)	\$ 14.40
5. To Christian and Jaqueline Aanestad	\$ 8,968.55
	<u>\$ 9,361.40</u>

¹ The entire lot is approximately 17,958 square feet (123' x 146'). The portion sold is 128 square feet. Therefore, the portion sold is 0.71277% of the total lot size. The total tax is \$4,552.00, so the tax for the portion sold is \$32.45 (\$4,552.00 x 0.71277%).

CLOSING FIGURES

Closing Date: December 14, 2012
Buyers: City of University Heights, Iowa
Sellers: Andrew and Tori Forbes
Attorney for Sellers: none
Attorney for Buyers: Patrick Ford
Property Address: a portion of 536 Mahaska Court, University Heights, Iowa
Realtors: none

SELLERS

PURCHASE PRICE-----		\$ 9,964.00
DEDUCTIONS:		
1. 2011-2012 real estate taxes ¹	-	\$ 51.95
BALANCE DUE TO SELLERS-----		\$ 9,912.05

BUYER

PURCHASE PRICE (payable to Leff Client Trust Account)-----		\$ 9,964.00
ADDITIONS:		
1. Abstractor's fee (Hawkeye Abstract)		\$ 300.00
2. Johnson County Recorder (to record deed)		\$ 17.00
3. Johnson County Recorder (to record easement agreement)		\$ 22.00
4. Johnson County Recorder (to record two partial mortgage releases)		\$ 14.00
5. Transfer Tax		\$ 15.20
	Total additions:	\$ 368.20
		\$ 9,964.00
		+ \$ 368.20
BALANCE DUE FROM BUYER-----		\$ 10,332.20

CHECKS ISSUED:

1. To Hawkeye Abstract Company		\$ 300.00
2. To Johnson County Treasurer (for 2011-2012 RE taxes)		\$ 51.95
3. To Johnson County Recorder (recording fees)		\$ 53.00
4. To Johnson County Recorder (transfer tax)		\$ 15.20
5. To Andrew and Tori Forbes		\$ 9,912.05
		<u>\$ 10,332.20</u>

¹ The entire lot is approximately 20,196 square feet (108' x 187'). The portion sold is 231 square feet. Therefore, the portion sold is 1.14379% of the total lot size. The total tax is \$4,542.00, so the tax for the portion sold is \$51.95 (\$4,542.00 x 1.14379%).

CLOSING FIGURES

Closing Date: December 14, 2012
Buyers: City of University Heights, Iowa
Sellers: Timmerman Living Trust (60%) and
Derek and Andrea Timmerman (40%)
Attorney for Sellers: none
Attorney for Buyers: Patrick Ford
Property Address: a portion of 300 Koser Avenue, University Heights, Iowa
Realtors: none

SELLERS

PURCHASE PRICE-----	\$ 5,000.00
DEDUCTIONS:	
1. 2011-2012 real estate taxes ¹	- \$ 75.75
BALANCE DUE TO SELLERS-----	\$ 4,924.25

BUYER

PURCHASE PRICE (payable to Leff Client Trust Account)-----	\$ 5,000.00
ADDITIONS:	
1. Abstractor's fee (Hawkeye Abstract)	\$ 300.00
2. Johnson County Recorder (to record deed from Derek & Andrea)	\$ 17.00
3. Johnson County Recorder (to record deed from Timmerman Trust)	\$ 17.00
4. Johnson County Recorder (to record Trustee's Affidavit)	\$ 12.00
5. Johnson County Recorder (to record Purchaser's Affidavit)	\$ 12.00
3. Johnson County Recorder (to record partial mortgage release)	\$ 7.00
4. Transfer Tax	\$ 7.20
Total additions:	\$ 372.20
	\$ 5,000.00
	+ \$ 372.20
BALANCE DUE FROM BUYER-----	\$ 5,372.20

CHECKS ISSUED:

1. To Hawkeye Abstract Company	\$ 300.00
2. To Johnson County Treasurer (for 2011-2012 RE taxes)	\$ 75.75
3. To Johnson County Recorder (recording fees)	\$ 65.00
4. To Johnson County Recorder (transfer tax)	\$ 7.20
5. To David and Joni Timmerman, as Co-Trustees of the Timmerman Living Trust dated February 12, 2003 (60% of the proceeds)	\$ 2,954.55
6. To Derek and Andrea Timmerman (40% of the proceeds)	\$ 1,969.70
	\$ 5,372.20

¹ The entire lot is approximately 19,350 square feet (129' x 150'). The portion sold is 299 square feet. Therefore, the portion sold is 1.54521% of the total lot size. The total tax is \$4,902.00, so the tax for the portion sold is \$75.75 (\$4,902.00 x 1.54521%).

**City Clerk Report
December 2012**

- **One rental permit received since the last meeting:**

614 Grandview Court

- **Two new building permits received since the last meeting:**

**305 Golfview Avenue – Single story bathroom addition
399 Mahaska Drive – Foundation repair**

Report from Norm:

Rental properties inspected in November were;

**52 Olive Ct
614 Grandview Ct
618 Grandview Ct
624 Grandview Ct.
1263 Melrose Ave
257 Koser Ave
265 Koser Ave
306 Highland Ave
19 Leamer Ave**

Properties identified as new rentals and inspected were;

**614 Grandview Ct
624 Grandview Ct
1263 Melrose Ave**

Over occupancy was re-inspected at 52 Olive Ct. and occupancy has been reduced to a family and 1 roomer.

Treasurer's Report

November 2012

Our total revenue for the month of November was \$147,474.35 comprised of the following amounts:

Property Taxes	\$117,589.23
Local Option Sales Tax	\$ 13,200.42
Parking fines	\$ 675.00
Traffic Fines from Clerk of Court	\$ 6,993.62
Interest on bank accounts	\$ 124.27
Road Use Funds	\$ 7,741.72
Building/excavation Permits	\$ 711.53
Governors Traffic Safety	\$ 438.56

Balances in the bank accounts as of 11/30/12:

MidwestOne Checking Account	\$308,913.86
Hills Bank Money Market Account	\$ 1,037.22
CD at UICCU (due 2/28/14)	\$ 41,664.05
CD at UICCU (due 5/25/14)	\$ 50,162.08
CD at UICCU (due 8/25/13)	\$ 50,107.12
CD at UICCU (due 1/29/13)	\$ 50,280.68
CD at Hills Bank (due (8/20/13)	\$ 22,613.57
Forfeiture Fund	\$ 2,297.54

I made the interest payment that was due on the loan from Hills Bank in the amount of \$2,905.52.

The bill we got for leaf vacuuming was \$10,000.00 which is what we budgeted.

Warrants for Council Approval

12/10/2012

November 14 through December 11, 2012

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Nov 14 - Dec 11, 12			
11/15/2012	Beeks, Joshua W		-1,239.98
11/16/2012	Internal Revenue Service	42-1109342	-2,833.46
11/20/2012	MidAmerican Energy	pedestrian lights at 113 Golfview	-31.46
11/20/2012	MidAmerican Energy	1301 Melrose stop light	-34.12
11/20/2012	MidAmerican Energy	1011 Melrose stop light	-34.78
11/20/2012	Windstream	automatic payment for phone service	-139.57
11/21/2012	MidAmerican Energy	street lights	-620.44
11/21/2012	MidAmerican Energy	City Hall electricity	-65.63
11/30/2012	Anderson, Christine M.		-354.58
11/30/2012	Beeks, Joshua W		-1,740.03
11/30/2012	Fort, Matthew A		-1,909.99
11/30/2012	Fort, Ronald R		-2,066.02
11/30/2012	Kimura, Lori D.		-251.29
11/30/2012	Plate, Harold,		-70.77
11/30/2012	Stenda, Jeremy P		-1,452.59
11/30/2012	Tucker, Darryl		-1,576.60
11/30/2012	Beth Ann Bitner	11/12/12-11/14/12	-75.00
11/30/2012	Hills Bank and Trust	interest payment due on capital loan note	-2,908.52
11/30/2012	Wellmark BC/BS	monthly insurance payment	-1,289.14
11/30/2012	Strong, Donald K.	final paycheck	-182.89
11/30/2012	Strong, Donald K.	unused vacation/sick/personal/comp time	-3,103.83
11/30/2012	Strong, Donald K.	reimbursement for training supplies	-117.76
11/30/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-112.05
11/30/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-3,853.96
12/01/2012	Paul J. Moore, Melrose Avenue Building	City Hall Rent	-867.00
12/01/2012	Verizon Wireless	monthly wire service/cell phone for police car	-115.86
12/11/2012	Ahlers Law Firm	Oaknoll legal services for bond	-500.00
12/11/2012	ABC Solutions	Monthly fee for city website/email service	-24.95
12/11/2012	Paul J. Moore, Melrose Avenue Building	Garage rent	-35.00

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
12/11/2012	SEATS	Seats Payment	-703.66
12/11/2012	City of Iowa City	bus, fuel for police vehicles	-4,326.56
12/11/2012	CMI, Inc.	replacement pbts	-665.68
12/11/2012	Hollywood Graphics	decals for new police car	-425.00
12/11/2012	Norm Gate	inspection services for November	-525.00
12/11/2012	Iowa City Press-Citizen	November publications	-296.59
12/11/2012	Johnson County Refuse, Inc.	October/November recycling/leaf pickup	-13,477.00
12/11/2012	Johnson County Sheriff	use of quad for football games	-300.00
12/11/2012	Leff Law Firm, L.L.P.	legal services 9/1/12-12/4/12	-23,009.00
12/11/2012	Mediacom	online service 12/3/12/1/2/13	-69.95
12/11/2012	Terry Goerd	inspection services for November	-910.00
12/11/2012	Pyramid Services Inc.	rpl battery/alternator 2010 car	-634.04
12/11/2012	Shive Hattery	engineering fees 10/27/12-11/30/12	-1,583.30
12/11/2012	Staples	dvds/ink for 2 printers/batteries/post its/calend	-355.88
12/11/2012	VISA	car charger/water & cooler rental/repair vacuu	-134.48
12/11/2012	Westport Touchless Autowash	October vehicle washes	-12.00
12/11/2012	L.L. Pelling Co., Inc.	repainting pavement markings	-1,118.00
12/11/2012	Myriah Boyer	lawn care at park/garden club area	-160.00
12/11/2012	Keasten Boyer	lawn care at park/garden club area	-80.00
12/11/2012	Russ Boyer Construction	VOID: check made out incorrectly	0.00
12/11/2012	Russ Boyer Construction	patch potholes/street sign repairs May-Nov	-521.00

Nov 14 - Dec 11, 12

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: December 10, 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 29th special meeting, formal written offers were approved and signed by the (3) property owners where right-of-way acquisition and temporary construction easements are proposed. Closing on the transactions will occur this month.
- b. Final plans will be submitted to the DOT on December 18th, in accordance with the schedule for a March 19, 2013 letting date by Iowa DOT.

(2) 2012 Pavement Markings

- a. L.L. Pelling completed all remaining pavement markings. We recommend that the remaining invoice amount (\$1,118) be paid.
- 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 4th 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.)*

(3) 2012 Street Improvements

- a. No additional request for payment received for the December meeting.
- 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.)*

(4) Golfview Drive – Storm Water Easement Fence

- a. D&N Fence has completed the fence replacement on Golfview Drive along the city's storm water easement. D&N Fence also removed and installed new fence on either



side of the easement area for the adjacent residents, which was billed directly to the residents, separate from the fence work done for the city.

- b. We received today (12/10) an invoice from D&N Fence in the amount of \$880, which is consistent with the approved quote. We recommend that the invoice amount be paid.
- c. *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. (November Mtg.)*
- d. *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. (November Mtg.)*

(5) Lot 115 – University Heights First Addition

- a. We have received a draft site plan of a new home to be built on Lot 115, which is a vacant lot located at the south end of the Highland Drive “dead-end,” bounded by the Hendrickson development on the east, and several Marietta Avenue properties to the south.
- b. Last week I met with MMS Engineering who is drafting the site and utility plans for this home. The proposal is notable in that it would remove an existing city storm sewer across the lot, and construct new storm sewer pipe around to the south side of the lot. This new storm sewer routing would become part of the city’s storm sewer system, and would require the vacation of an existing storm sewer easement across the lot, and the creation of a new storm sewer easement across the lot. It would also involve new water and sanitary sewer services to be coordinated with City of Iowa City and Johnson County Public Health, and a sensitive areas site plan due to existing and proposed slopes on the lot.
- c. Steve Ballard, Terry Goerdt and I anticipate meeting later this week to review the documents received thus far.

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

JDB

University Heights December 2012 eGovernment Report
U-H Website Updates/Statistics November 1- 30, 2012

- **November 27, 2012**
 - November 29 special meeting agenda
- **November 25, 2012**
 - Nov. 13 Council meeting web stream
- **November 19, 2012**
 - Nov. 19 special meeting agenda
 - Dec. 1 Santa Claus visit
 - Community Relations Committee report
- **November 15, 2012**
 - Proposed Ordinance Changes 181 and speed limits
- **November 14, 2012**
 - Leaf bag pick up info
- **November 13, 2012**
 - Nov. 13 Minutes and attachments (12)
- **November 12, 2012**
 - Nov. 13 Mayor's Report
 - Oct. 9 Meeting Minutes
 - Nov. 5 Special Meeting Minutes
- **November 11, 2012**
 - Sept. 13 Council meeting agenda
- **November 8**
 - FY 2014 Budget Timeline
- **November 6, 2012**
 - Election Day information
 - Nov. 13 Council Meeting

Monthly Statistics for November 2012 from Webalyzer

Total Hits	28263
Total Files	18439
Total Pages	7865
Total Visits	4612
Total KBytes	6242656
Total Unique Sites	2644
Total Unique URLs	1133
Total Unique Referrers	625
Total Unique User Agents	478
Visits per Day	153

Web Statistics from Stat Counter November 2012

	Page Loads	Unique Visits	First Time Visits	Returning Visits
Total	1,006	682	489	193
Average	34	23	16	7

Recording Council Meetings for 2013

Since we have an experienced volunteer who is still willing to record council meetings that for the 2013 council meetings I propose the following:

- John McLure as the videographer
- Myself as eGovernment chair
- Lonnett Blakley as set up assistant

Will cover **setting up** for each meeting.

Other members of council, city staff, and citizens are welcome to help with tear down after meetings as their time, abilities and physical limitations allow.

As such I would recommend that we increase Lonnett's monthly stipend to \$35.00 (currently \$30.00) beginning January 2013

We will be covering the **December 2012** meeting with Iowa City Cable Channel 4 staff. Since the Iowa Room is smaller we are going to try sharing microphones in order to minimize set up. We will likely NOT have sound reinforcement (speakers) for the audience; microphones will be for recording only.