

7:00pm Public Hearing on proposal to award construction contract for Sunset Street Wide Sidewalk Project, including plans, specifications, and form of contract, in the approximate amount of \$161,000.00

AGENDA

City of University Heights, Iowa

City Council Meeting

Tuesday, April 9, 2013

Location: University Club- east entrance

7:00 – 9:00 P.M.

Meeting called by Mayor Louise From

Time		Topic	Owner
7:00	Call to Order Meeting Open the Public Hearing Close Public Hearing Return to Regular Meeting Public Input <u>Administration</u>	Roll Call -Approval of Minutes-March 12, 2013 Public Hearing on proposal to award construction contract for Sunset Street Wide Sidewalk Project, including plans, specifications, and form of contract, in the approximate amount of \$161,000.00 Public Comments	Louise From
	Mayor City Attorney City Clerk	<u>Mayor's Report</u> <u>Legal Report</u> -Second Consideration of <u>Ordinance No. 183</u> amending Ordinance No. 79 to restrict paving and parking of motor vehicles on lots adjacent to Olive Court to the east. -Second Consideration of <u>Ordinance No. 184</u> amending Ordinance No. 105 to include retaining walls among the items restricted as to placement, height, and construction. <u>City Clerk Report</u>	Louise From Steve Ballard Chris Anderson
	<u>Committee Reports:</u>		
	<u>Finance</u>	Committee Report <u>Treasurer's Report/Payments of Bills</u>	Jim Lane Lori Kimura

Time		Topic	Owner
	<u>Community Protection</u>	Committee Report Police Chief Report Community Relations Committee updates: -summary of committee meeting -upcoming events: Spring Clean Up Day, Water Station for Ronald McDonald Run, BWW breakfast, Garage Sale -Review updates to City Resident Guide -ICCSO Facilities Master Planning committee	R. Hopson/M. Haverkamp Ron Fort Rosanne Hopson
	<u>Streets and Sidewalks</u>	Committee Report -Discussion and approval of 2013 Street Sweeping <u>Engineer Report</u> -Consideration of <u>Resolution No. 13-06</u> awarding the construction contract for the Project No. STP-E-7855(607)-8V-52, a federally funded project to construct the Sunset Street Wide Sidewalk and authorizing the Mayor to sign the proposed contract. -Update on the MPOJC 2013 funding application process for street signs, etc.	Jan Leff Josiah Bilskemper
	<u>Building, Zoning & Sanitation</u>	Committee Report <u>Zoning Commission Report</u>	Brennan McGrath Pat Bauer
	<u>e-Government</u>	<u>eGovernment Report</u>	Mike Haverkamp
	Announcements		Anyone
9:00	Adjournment		Louise From

Next Regular Council Meeting: Tuesday, May 14, 2013 – Location: To Be Announced.

April 2013- Mayor's Report

I have continued to track bill HF#184 introduced by the Judiciary Committee in the Iowa House of Representatives Feb. 12 that prohibits cities from enforcing residential rental property occupancy restrictions. I know some of the council and the city attorney, Steve Ballard are tracking this bill also. This is the latest email that I received April 8th from Rep. Sally Stutsman, "I think this bill is dead. I suppose it could be brought up by leadership but I do not hear any interest to do so. I will check with Baltimore to see what his plans are. I know Hogg is the Senate said it is not on the Judicial calendar in the Senate. I will keep you posted." The latest email received April 8th from Rep. Mary Mascher states, "The bill is most likely dead for the session but we could see it attached to one of the budget bills. That has happened before. The closer we get to adjournment the less likely that is to occur." We can discuss further at Tuesday's meeting.

UH Farmer's Market update: I am continuing to research the possibility of a Farmer's Market once a month in University Heights. I have talked to the managers of Iowa City and Coralville farmer markets and they have been very helpful. I am also researching insurance and public health issues that will have to be addressed. I am hopeful that I can secure a location so our first market will be scheduled to open June 4th -the first Tuesday in June and continue to be held every first Tuesday during the summer months into the fall. Please contact me directly if you are interested in being a vendor or volunteer for a farmer's market in University Heights. (354-1433 or louise-from@university-heights.org)

March 12th – I attended the MPO-TTAC (Transportation Technical Advisory Committee). Highlights: The Transportation Alternative Program (TAP) and Surface Transportation Program (STP) scoring process recommendations were approved. The transit replacement plan for Coralville, Iowa City transit and UI Cambus recommendations were approved. Administration gave updates of the federal transportation legislation-MAP 21 in Iowa.

March 27th- I attended the MPO-UAPB (Urbanized Area Policy Board). Highlights: There was discussion and review of the 2009 Affordable Housing Subcommittee report in case the elected officials on the ICCSD facilities master planning committee would request information. All the recommendations from TTAC were approved.

April 2nd - I sent an email to council, city clerk and city attorney about a possible date for a **joint meeting with Johnson County Board of Supervisors**. The supervisors do this with other cities in Johnson County and don't want to leave University Heights out. The date that we can use the University Club is April 23rd at 5:30pm. I have heard from several of you, but not all, let me know before or at Tuesday's meeting if that date will work for you. This meeting can be a special council meeting or a work session.

The 2013 Metro Area Trails maps have not arrived at the city office yet. I will plan to bring some to the May meeting.

April '13 – City Attorney's Report

1. **Zoning Ordinance Amendment – Paving of and Parking on Rear Yards.**

The Zoning Commission considered and recommended changes to the Zoning Ordinance to address paving of and parking on rear yards along the east side of Olive Court. I am attaching the entire version of Ordinance No. 79 showing the amendments, simply for context. Then we have the second consideration of Ordinance No. 183. **(The rest of this section of the legal report repeats from last month just for ready reference; nothing new.)**

- The amendment recognizes that lots along the east side of Olive Court generally do not have parking or access to the front, but rather off the unnamed alley in the rear. Thus, while the Zoning Ordinance generally provides that required parking may be located in a front yard, that provision does little good for the Olive Court lots.
- The amendment identifies the “front” of the Olive Court lots as that side facing Olive Court, even though few have access to Olive Court. (Sec. 3(15)).
- **Paving restrictions**
 - The amendment provides that terraces, patios, and concrete slabs may be placed in a front or rear yard, but only if they do not make up an area that is more than one-third of the required yard. This provision applies to lots other than those along Olive Court. (Sec. 8(D)).
 - The amendment also provides that terraces, patios, and concrete slabs, when combined with any parking spaces and driveways, may not make up an area that is more than one-third of the required yard. (Sec. 8(D)).
- The point of 8(D) is to say that a lot owner may only pave an area equal to one-third of the required yard, whether the pavement is 1) patio, 2) parking or driveway, or 3) some combination of both.
- **Parking restrictions**
 - The amendment provides that lots on the east side of Olive Court may locate required parking in their rear yards, so long as two-thirds of the required yard is kept free of parking. (Sec. 10(D)(1)).
 - This part of the amendment lets the Olive Court lot owners have the same opportunity to locate parking in a yard, just as other lot owners have the opportunity to locate parking in their front yards.

- The amendment does not permit Olive Court lot owners to locate required parking in both the front and rear yards.
- **Nonconforming Uses – “Grandfathering”**
 - Existing terraces, patios, or concrete slabs in Olive Court rear yards may continue even if they make up more than one-third of the required yard, but only if 1) the area is not used for parking and 2) the area is constructed of permanent, dust-free material. (Sec. 16(D)(10)(A)).
 - If existing terraces, patios or concrete slabs combined with existing parking spaces or driveways make up more than one-third of the required yard, then the terraces may continue, but only if 1) they are not used for parking, 2) they are constructed of permanent material, and 3) there is some line (or concrete stamping or staining or something) to tell where parking is and is not permitted. (Sec. 16(D)(10)(B)).
 - No terraces making up more than one-third of a required yard or terraces which combined with parking make up more than one-third of a required yard may be expanded or enlarged.
2. **Including Retaining Walls in the Fence Ordinance.** The Council will consider the second reading of Ordinance No. 184 to add “retaining walls” to the structures governed by Ordinance No. 105, which currently concerns location, height, and composition of fences, hedges, and other plantings. A copy of the proposed ordinance is attached.
 3. **Sunset Wide Sidewalk Project – Considering Bids and Awarding Contract.** The Council will be considering bids received by Shive-Hattery, Inc. for construction of the Sunset Street Wide Sidewalk Project. After a public hearing regarding this matter, the Council will consider Resolution No. 13-06 (attached) that awards the construction contract to the bidder selected by the Council; the proposed contract is also attached. The attached contract awards the construction project to Vieth Construction Corporation of Cedar Falls, the bidder Shive-Hattery recommends based upon Vieth being the lowest responsible bidder.
 4. **Legislation Prohibiting Occupancy Restrictions.** As communicated recently by Mike Haverkamp, the proposed legislation (HF 184) that prohibits Cities from restricting occupancy based upon “familial or nonfamilial relationships between the occupants” could still be brought up as a “leadership bill”, even though it has not survived the second legislative funnel. The Iowa League of Cities indicates that it would be helpful to have the Mayor and/or Council Members write to local legislators indicating the effect of the Bill on the City.

ORDINANCE NUMBER 183 (amending Ordinance Number 79)

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, USE OF BUILDINGS AND STRUCTURES, AND THE USE OF LAND IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

Be It Enacted by the Council of the City of University Heights, Iowa:

Section 1. Short title. This ordinance shall be known and may be cited as "The City of University Heights, Iowa, Zoning Ordinance".

Section 2 Purpose. The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid concentration of population, to regulate the use of land and to promote the health, morals, safety and general welfare in the City of University Heights, Iowa.

Section 3. Definitions. For the purpose of this ordinance certain terms of words used herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes individuals, partnerships, associations and corporations.
4. The word "lot" shall mean a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. The term "shall" is always mandatory.
6. The word "used" or "occupies", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".
7. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, chattels or property.
8. "Dwelling" is a building or portion thereof which is designed or used for a residential purpose.
9. "Single Family Dwelling" is a dwelling that contains only one living unit.
10. "Multiple-family Dwelling" is a dwelling that contains more than one living unit.
11. "Living Unit" is a room or rooms occupied by a family, provided that a living unit must have a kitchen.
12. "Family" is defined as one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
13. "Yard" shall mean an open space on the same lot with a building remaining unoccupied and unobstructed by any structure. Yard width or depth is measured by the minimum horizontal distance between the lot line and any overhang or projection of the main building.
14. "Front Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the front of the main building and the front lot line adjacent to the street right-of-way. On corner lots, the front yard may face either street; provided, however, that the front yard for Horn Elementary School faces both

Benton Street and Emerald Street such that the areas to the north and to the east of the school building are rear yards (with a required minimum depth of 30 feet) and not side yards. The front lot line of lots adjacent to the east side of Olive Court shall be on the west side of said lots, adjacent to Olive Court. The front lot line of Lots "A", "B", "C" and "D" as depicted in the survey recorded in Plat Book 4, Page 106 of the records of the Johnson County Recorder's office, shall be on the west side of said lots, adjacent to the unnamed alley immediately west of said lots.

15. "Rear Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the rear of the main building and the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.
16. "Side Yard" is the area from the front yard line to the rear yard line, and from any overhang or projection of the main building to the side lot line.
17. "Front Yard Line" is a line drawn parallel to and as far back from the front lot line adjacent to the street right-of-way as is necessary to provide for the minimum required front yard.
18. "Rear Yard Line" is a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the minimum rear yard.
19. "Private Garage" is an accessory building housing motor driven vehicles owned and used by the occupants of the main building.
20. "Structural Alterations" are any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, height, or volume of the building.
21. "Temporary Structures" are trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.
22. "Home Occupations" are an accessory use consisting of any occupation or profession carried on by a member of the family residing on the premises; provided that in connection with such occupation or profession, no sign other than one non-illuminated sign, no larger than one square foot in area is used, which sign is attached to the building; that nothing is done to make the building or premises appear in any way as anything but a dwelling; that no products are sold except those prepared on the premises; that no one is employed from outside the family residing on the premises; and that no mechanical equipment is used other than that which is permissible for purely domestic or household purposes.
23. "Cul-de-sac" means a local street that terminates in a turn-around.

Section 4. General Effect of Zoning Ordinance.

- A. The use of premises and buildings in the City shall be in accordance with the minimum standards hereinafter set forth.
- B. No building or structure shall be erected, converted, enlarged, re-constructed, structurally altered, or placed upon any property located in the City except in conformity with the provisions of this Zoning Ordinance unless otherwise hereinafter provided.

Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use

of lot areas, and to regulate and determine the area of yards and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into Six (6) zones, to-wit:

1. R-1 Single-family residential.
 2. R-3 Multiple-family residential.
 3. B Business.
 4. C Commercial.
 5. PUD Planned Unit Development.
 6. Multiple-Family Commercial.
- B. The boundaries of each zone are shown upon the map entitled "Zoning Map of the City of University Heights, Iowa", which map is on file with the City Clerk of University Heights, Iowa, and which map by this Ordinance is hereby adopted and made a part of and incorporated into this ordinance. All amendments to this Ordinance changing the boundaries of the Zones shall be noted by the City Clerk on the original map to be kept on file with the City Clerk.
- C. Whenever any street, alley or other public way is vacated by official action of the Council, the zone adjoining each side of said street, alley or other public way shall automatically extend to the center of such vacated area and all area included therein shall thenceforth be subject to all appropriate regulations of the extended zone.

Section 6. Uses. Use of property in the City of University Heights shall be limited to those uses set forth as follows:

- A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:
1. One single-family dwelling per lot.
 2. Public schools, public libraries, public parks and public playgrounds.
 3. Churches and places of worship and parochial schools.
 4. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such accessory buildings shall not be used for human occupancy or living.
 5. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.
 6. Home occupations.
- B. Property in an R-3 Multiple-Family Residential Zone shall be used for the following purposes only:
1. All uses which are allowed in an R-1 Single-Family Residential Zone.
 2. Multiple dwellings containing two (2) or more separate family living units.
 3. As provided in the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Planned Unit Development (PUD) regulations and requirements set forth in Section 12 of this Ordinance. When development occurs pursuant to a Multiple-Family PUD, provisions

of this Ordinance regarding height restrictions, yard regulations, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 12 and the Development Agreement between the City and Developer.

- C. Property in a B Business Zone shall be used for the following purposes only:
1. All uses which are allowed in an R-1 Single-Family Residential Zone, and an R-3 Multiple-Family Residential Zone.
 2. Professional offices.
 3. Bakeries.
 4. Drug Stores.
 5. Grocery Stores.
 6. Barber shop or Beauty shop.
 7. Contractor's Offices, and shops and storage uses incidental thereto.
 8. Catering businesses.
 9. Restaurants.
- D. Property in a C Commercial Zone shall be used for the following purposes only:
1. All uses which are allowed in an R-1 Single Family Residential Zone.
 2. Restaurants, tea rooms, cafes, taverns, and similar establishments.
 3. Private clubs and accessory facilities, such as tennis courts, swimming pools, and athletic facilities.
- E. Property in a PUD Planned Unit Development Zone shall be used as provided in the Development Agreement between the City of University Heights and the Developer pursuant to the PUD regulations and requirements set forth in Section 11 of this Ordinance. Provisions of this ordinance regarding yard regulations, lot regulations, and off-street parking (Sections 8, 9, and 10) are superseded in the PUD Zone by the provisions of Section 11 and the Development Agreement between the City and Developer.
- F. Property in a Multiple-Family Commercial zone shall be used for the following purposes only:
1. All uses which are allowed in an R-1 Single-Family Residential Zone, subject to the height restrictions, yard regulations, lot regulations, and off-street parking regulations specified for the R-1 Single-Family Residential Zone in Sections 7, 8, 9, and 10 or this Ordinance.
 2. As provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.
 - a. When development occurs pursuant to a Multiple-Family Commercial PUD, the provisions of this Ordinance regarding height restrictions, yard

regulations, lot regulations, and off-street parking regulations (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 13 and the Development Agreement between the City and Developer.

- b. When development occurs pursuant to a Multiple-Family Commercial PUD, the following uses of the commercial space portion of the PUD are permitted:
1. Professional offices.
 2. Bakeries.
 3. Drug Store.
 4. Grocery Stores.
 5. Barber shops or beauty shops.
 6. Catering Businesses.
 7. Restaurants, tea rooms, cafés, coffee shops, or similar establishments but not including bars, saloons, taverns, or drinking establishments.
 8. Retail shops but not including liquor stores.
 9. Art galleries.
 10. Personal fitness centers.
 11. Such other and further uses as provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.

Section 7. Height Restrictions. No building in any zone shall exceed 35 feet in height. Height for this purpose shall be the vertical distance from the highest point of the finished grade of any street on which said property abuts to the highest point of the roof or coping. Radio or TV towers, spires, steeples, and chimneys are exempt from these height restrictions, but only to the extent such towers, spires, steeples and chimneys are appended to a building for the purpose of serving only that building.

Section 8. Yard Regulations.

- A. The following minimum yards shall be provided for each building, as follows:

<u>ZONE</u>	<u>ONE FRONT YARD HAVING A DEPTH OF</u>	<u>TWO SIDE YARDS HAVING A DEPTH OF</u>	<u>ONE REAR YARD HAVING A DEPTH OF</u>
R-1	25 ft.	5 ft.	30 ft.
R-3	25 ft.	10 ft.	30 ft.
B	10 ft.	0 ft.	20 ft.
C	30 ft.	15 ft.	20 ft.

- B. On corner lots, there shall be a set back from each street to the main building equal to the minimum front yard depth.
- C. If a garage is detached from the primary dwelling structure, the garage may be located in the rear yard, provided, however, that it is not less than 60 feet from the front lot line, in which event there shall be a minimum distance of 2 feet from any overhang or projection of the garage to any lot line.
- D. Open terraces, patios, or concrete slabs (collectively "projections") that do not extend above the level of ground may project into a required front or rear yard, provided these projections remain at least 2 feet from the adjacent lot line, and provided further that the terraces, patios, or concrete slabs shall not exceed one-third (1/3) the size of the required front or rear yard where the projection is located, and shall not be used for parking of motor vehicles. However, no such projections may be located in any front yard or rear yard unless the sum of the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard does not exceed one-third (1/3) of the required yard where they are located.
- E. Concrete slabs for air-conditioning units shall be placed in the rear yard at least 5 feet from the adjacent lot line.

Section 9. Lot Regulations.

- A. Except as otherwise herein provided, there shall be a minimum lot frontage, minimum lot width, minimum lot area, and minimum lot area per family, as shown in the following table:

LOT REGULATIONS

<u>ZONE</u>	<u>FRONTAGE (FEET)</u>	<u>WIDTH (FEET)</u>	<u>AREA (SQ.FT.)</u>	<u>AREA PER FAMILY (SQ.FT.)</u>	
				<u>SINGLE FAMILY</u>	<u>MULTI- FAMILY</u>
R-1	50	75	7,500	7,500	*
R-3	50	75	5,000	5,000	2,600
B	30	40	10,000	5,000	3,000
C	30	40	10,000	5,000	3,000

- B. For purposes of the above regulations, lot frontage is the distance of a lot measured along a street, and lot width is the width of a lot at the front yard line.

Section 10. Off-street Parking Regulations. At any time any building is erected or structurally altered or any change in use is made, unless otherwise provided in this ordinance, off-street parking spaces shall be provided in accordance with the following requirements.

- A. Minimum Required Off-street Spaces:

<u>USE</u>	<u>SPACE REQUIREMENTS</u>
Single-family dwellings	2 spaces per family living unit.
Multiple-family dwellings	1-1/2 spaces per family living unit.
Churches	1 space for each 4 seats in the sanctuary or main auditorium. Where pews are used for seating purposes, each 20 inches shall constitute one seat.
Restaurants and private	1 space for each 150 square feet of

clubs floor area.

All uses not specifically mentioned above 1 space for each 200 square feet of floor area.

B. Parking Space:

Off-street parking spaces shall be constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free material suitable for off-street parking of motor vehicles. Such spaces shall not be constructed of the following:

1. Dirt or loose gravel, rock, or stone; or
2. Compacted dirt, gravel, rock, or stone; or
3. Crushed rock or chip seal surfaces.

Parking spaces shall be at least nine (9) feet wide and twenty (20) feet long (except as otherwise provided). Parking spaces shall be designed to permit ingress and egress of the vehicle without moving any other vehicle parked adjacent to the parking space. For single-family dwellings, when located pursuant to the requirements of this chapter, one space may be behind another.

C. Computing Off-street Parking:

In computing the number of off-street parking spaces required, the following rules govern:

1. "Floor area" means the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required is the next largest whole number.
3. Whenever a building erected or established after the effective date of this ordinance is enlarged in floor area, number of employees number of dwelling units, seating capacity or otherwise to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
4. Whenever a building existing prior to the effective date of this ordinance is enlarged to the extent of less than 50% in floor area, the said addition or enlargement shall comply with the parking requirements set forth herein.
5. Whenever a building existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in the floor area or in the area used, by one or more enlargements, the original building and any enlargements or uses shall then and thereafter comply with the parking requirements set forth herein.
6. Whenever a building existing prior to the effective date of this ordinance is converted to any other use, said structure shall then and thereafter comply with the parking requirements set forth herein.
7. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

D. Location of Parking Spaces:

All yards shall remain open space free of parking and driveways unless otherwise provided as follows:

1. In single-family residential (R-1) zones - required parking spaces may be located in the front yard provided that a minimum of two-thirds (2/3rds) of the required front yard area shall remain open space, free of parking spaces and driveways. However, for lots adjacent to the east side of Olive Court, required parking spaces may be located in the rear yard, provided that a minimum of two-thirds (2/3rds) of the required rear yard shall remain open space, free of parking spaces and driveways. If required parking spaces for a lot adjacent to the east side of Olive Court are located in the rear yard, then required spaces may not also be located in the front yard of that lot.
2. In Multiple-family residential (R-3) zones - parking may be allowed in the required minimum rear yard but not closer than 10 feet to the rear lot line. Driveways may be located in the required minimum front or side yards, provided a minimum of 50% of the required front and side yards shall remain in open space free of driveways.
3. In Business (B) zones - parking spaces may be located in any required yard.
4. In Commercial (C) zones - parking spaces may be located in any required yard provided, however, no parking shall be located within 15 feet of any adjoining property located in a residential zone.

Section 11. Planned Unit Development (PUD).

- A. Intention. The PUD Zone is intended to accommodate projects for which the specific design of individual buildings and elements may be determined. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.
- B. Development Regulations and Restrictions. Property in the PUD Zone may be developed pursuant to the following regulations and restrictions:
 1. No more than six (6) single-family dwelling units may be constructed.
 2. All buildings must be no more than one (1) story.
 3. No more than one person not a member of the family as defined herein may occupy each dwelling unit as part of the individual housekeeping unit.
 4. No parking shall be permitted upon the public cul de sac now known as Birkdale Court.
 5. The sanitary sewer lift station, the force mains and the gravity-flow sanitary sewer serving the PUD Zone and located generally between Lots 2 and 3, University Athletic Club Subdivision, shall not be maintained nor repaired by the City of University Heights.
 6. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing a project in the PUD Zone shall submit a PUD Plan Application setting forth all the information specified in Section 11(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.
4. No building permit shall issue for property within the PUD Zone until the University Heights City Council has approved a Plan Application pursuant to Section 11(D) and the Council and Developer have executed a Development Agreement pursuant to Section 11(E) of this ordinance.
5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

D. PUD Plan Application Requirements. A PUD Plan Application must set forth or otherwise include all of the following:

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan.
4. Front, side, and rear yard setbacks.
5. Existing topography at two-foot intervals.
6. Grading plan at one-foot contours.
7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
8. Sensitive areas site plan, including erosion control plans.
9. Proposed type of development, e.g., condominium, single-family dwelling, two-family dwelling, etc.
10. Location and size of buildings or building footprints.
11. Design elevations showing all sides of every building and perimeter fences.
12. Description of materials for all exterior building surfaces and perimeter fences.
13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
14. Maximum height of proposed structures and perimeter fences.
15. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
16. Preliminary Plat.

17. Final Plat.
 18. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property, providing for maintenance and repair of the sanitary sewer lift station that serves the property, and controlling the type of construction or development activities of future residents.
 19. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.
- E. Development Agreement. The PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:
1. Design standards applicable to the project.
 2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of any lot in the approved PUD Plan and providing for maintenance and repair of the sanitary sewer lift station serving the PUD Zone.
 3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.
 4. Timing of commencement and completion of construction of buildings and improvements pursuant to the PUD Plan.
 5. Payment of the Developer of the costs and fees, including engineering and legal fees, incurred by the City of University Heights in considering the PUD Plan.

Section 12. Multiple-Family Planned Unit Development (PUD).

- A. Intention. The Multiple-Family PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.
- B. Development Options - Density, Height, Parking, and Green Space Restrictions. Property may be developed as a Multiple-Family PUD in the following alternatives pursuant to the respective regulations and restrictions provided:
1. Alternative 1 - Vertical Concept.
 - a. No more than one hundred forty-four (144) single-family dwelling units may be constructed.
 - b. No building may exceed fifty-five (55) feet in height as defined in Section 7 of this Ordinance.
 - c. A minimum of two hundred fifty-two (252) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.
 - d. A minimum of one hundred twenty thousand seven hundred sixteen (120,716) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

g. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

2. Alternative 2 - Horizontal Concept.

a. No more than one hundred thirty-three (133) single-family dwelling units may be constructed.

b. No building may exceed thirty-nine (39) feet in height as defined in Section 7 of this Ordinance.

c. A minimum of two hundred (200) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.

d. A minimum of eighty-seven thousand nine hundred seventy-six (87,976) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

g. The University Heights City Council may approve a Multiple-Family PUD application that includes parking spaces 18 feet in length and includes parking spaces in required minimum yards notwithstanding the provisions of Section 10 of this ordinance.

h. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Additional Development Regulations and Restrictions. The following regulations and restrictions apply to property developed as a Multiple-Family PUD under either alternative:

1. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.
2. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.
3. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

D. Procedure.

1. Any person or entity proposing a project in the Multiple-Family PUD Zone shall submit fifteen (15) copies of a Multiple-Family

PUD Plan Application setting forth all the information specified in Section 12(D) of this Ordinance.

2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
 3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.
 4. No building permit shall issue for development of any property pursuant to a Multiple-Family PUD until the University Heights City Council has approved a Plan Application pursuant to Section 12(D) and the Council and Developer have executed a Development Agreement pursuant to Section 12(E) of this Ordinance.
 5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
 6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.
- E. Multiple-Family PUD Plan Application Requirements. A Multiple-Family PUD Plan Application must set forth or otherwise include all of the following:
1. Location, size, and legal description of the site.
 2. Location and area of land uses.
 3. Detailed site plan showing all existing or proposed easements.
 4. Front, side, and rear yard setbacks.
 5. Existing topography at two-foot intervals.
 6. Grading plan at one-foot contours.
 7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
 8. Erosion control plan.
 9. Proposed type of development, e.g., condominium, multiple-family dwelling, etc.
 10. Location and size of buildings or building footprints.
 11. Design elevations showing all sides of every building, roofline, and perimeter fences.
 12. Description of materials for all exterior building surfaces and perimeter fences.
 13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
 14. Maximum height of proposed structures and perimeter fences.
 15. Floor plans showing square footage of each dwelling unit.
 16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.

17. Preliminary Plat.
 18. Final Plat.
 19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.
 20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.
- F. Development Agreement. The Multiple-Family PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:
1. Design standard applicable to the project.
 2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family PUD.
 3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.
 4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family PUD Plan.
 5. Payment by the Developer of the costs and fees, including engineering, legal, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

Section 13. Multiple-Family Commercial PUD.

- A. Intention. The Multiple-Family commercial PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.
- B. Development Regulations and Restrictions. Property may be developed as a Multiple-Family Commercial PUD Zone pursuant to the following regulations and restrictions:
 1. No more than two (2) buildings may be constructed with combined footprints of no more than forty-five thousand (45,000) square feet.
 2. No more than eighty (80) dwelling units may be constructed.
 3. No more than twenty thousand (20,000) square feet of commercial space may be constructed.
 4. No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.
 5. The front building of the development (closest to Melrose Avenue) shall not exceed thirty-eight (38) feet in height, and the rear building shall not exceed seventy-six (76) feet in height. "Height" is defined in Section 7 of this Ordinance.

6. A minimum of one hundred eighty-five (185) off-street parking spaces, of which no more than fifty-five (55) may be above ground, shall be provided for commercial and residential uses. "Parking space" is defined in Section 10 of this Ordinance.
7. The eaves or building projections, including screened porches or walls, of the front building shall not be less than thirty three (33) feet from the lot line along Melrose Avenue; the eaves or building projections, including screened porches or walls, of any other building or portion thereof shall not be less than twenty (20) feet from any lot line.
8. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing development as a Multiple-Family Commercial PUD shall submit fifteen (15) copies of a Multiple-Family Commercial PUD Plan Application setting forth all the information specified in Section 13(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
3. The University Heights City Council in its sole discretion may approve, deny, or approve on condition any such Plan Application or any part thereof.
4. No building permit shall issue for development of any property pursuant to a Multiple-Family Commercial PUD until the University Heights City Council has approved a Plan Application pursuant to Section 13(D) and the Council and Developer have executed a Development Agreement pursuant to Section 13(E) of this Ordinance.
5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

D. Multiple-Family Commercial PUD Plan Application Requirements. A Multiple-Family Commercial PUD Plan Application must set forth or otherwise include all of the following:

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan showing all existing or proposed easements.
4. Front, side, and rear yard setbacks.
5. Existing topography at two-foot intervals.
6. Grading plan at one-foot contours.

7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
 8. Erosion control plan.
 9. Proposed type or types of development, e.g., commercial, multiple-family dwelling, etc.
 10. Location and size of buildings or building footprints.
 11. Design elevations showing all sides of every building, roofline, and perimeter fences.
 12. Description of materials for all exterior building surfaces and perimeter fences.
 13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
 14. Maximum height of proposed structures and perimeter fences.
 15. Floor plans showing square footage of each commercial and each dwelling unit.
 16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
 17. Preliminary Plat, if applicable.
 18. Final Plat, if applicable.
 19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.
 20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.
- E. Development Agreement. The Multiple-Family Commercial PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:
1. Design standards applicable to the project.
 2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family Commercial PUD. Restrictions may also include the types of businesses and hours of operation of businesses located in the commercial space portion of the Multiple-Family Commercial PUD and whether and on what conditions some or all dwelling units may be leased.
 3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.
 4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family Commercial PUD Plan.
 5. Payment by the Developer of the costs and fees, including engineering, legal, administrative, publication and recording

fees, incurred by the City of University Heights in considering the PUD Plan.

Section 14. Building Permits. No building shall hereafter be erected or structurally altered until a building permit is issued by the Building Inspector in accordance with the provisions of this ordinance and of the Building Code.

Section 15. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five members, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. The Board shall elect a chairman from its membership, and appoint a secretary. The procedures, duties and powers of the Board shall be as follows:

1. Meetings.
 - a) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
 - b) All meetings of the Board shall be open to the public.
 - c) Minutes shall be kept of each meeting or proceeding of the Board showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, which minutes shall be filed with the City Clerk and shall be a public record.
 - d) A majority of the Board shall constitute a quorum.
 - e) The Board may adopt such additional rules of procedure that are not in conflict with this ordinance or the Statutes of the State of Iowa.
2. Appeals and Applications to the Board.
 - a) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of University Heights affected by any decisions of the Building Inspector based on the provisions of this ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing a notice of appeal with the City Clerk, specifying the grounds thereof. The City Clerk shall transmit a copy of said notice to the Building Inspector and to the Board of Adjustment. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
 - b) Any person may make application to the Board for an exception or variance to this ordinance by filing a written application with the City Clerk, who shall promptly notify the chairman of the Board of Adjustment of said application.
 - c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings, shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or

notice to the officer from whom the appeal is taken and on due cause shown.

- d) The Board shall fix a reasonable time for a hearing of any application or appeal and shall give notice of said hearing by one publication of a notice of the hearing in a newspaper with general circulation in the City of University Heights and by written notice by Certified U.S. Mail to the parties in interest not less than 15 days nor more than 30 days prior to the day of the hearing.
- e) The concurring vote of three members of the Board shall be necessary to revise any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any exception or variation to this ordinance.
- f) A filing fee of \$50.00 shall be paid with the filing of any application or appeal provided for herein.

3. Powers. The Board shall have the following powers:

- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this ordinance.
- b) To hear and decide the following special exceptions to the terms of this ordinance:
 - 1) Reconstruction of or alterations or additions to non-conforming buildings that would otherwise be prohibited under the provisions of this ordinance.
 - 2) Use of premises for public utility purposes.
- c) To authorize upon appeal in the following specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done:
 - 1) Vary the yard, height or lot area regulations where there is an exceptional or unusual dimensional configuration or physical condition of the lot not generally prevalent in the neighborhood and which condition when related to the regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
 - 2) Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Chapter but providing that such a reduction not be more than 50 percent of the usual requirement.
- d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.

4. No order of the Board permitting any construction of or to a building shall be valid for a period longer than one (1) year unless a building permit is obtained within such period.

Section 16. Non-conforming Uses and Buildings.

- A. Intent. It is the intent of this ordinance to restrict and eventually eliminate non-conforming uses because they have been found to be incompatible with permitted uses in the zone involved. Non-conforming buildings shall be regulated to prevent an increase in the degree of non-conformity. The lawful use of any building or land existing on the effective date of this ordinance may continue although such use does not conform with the provisions of this ordinance, subject to the conditions contained herein.
- B. General Provisions.
1. Construction Approved Prior to Ordinance. Nothing in this ordinance shall require any change in plans, construction or designated use of a building or structure for which substantial construction has lawfully begun prior to the effective date of this ordinance. Substantial construction shall be deemed to include excavation and demolition of existing buildings.
 2. Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for the continuance of the use of a structure or land in violation of the zoning regulation in effect prior to the enactment of this ordinance.
- C. Non-conforming Lots of Record.
1. In an R-1 or B zone, a building may be erected for any use permitted in the zone on any lot of record on the effective date of this ordinance notwithstanding the lot's failure to meet the requirements of the zone for frontage and width. In any zone in which single-family dwellings are permitted, a single-family dwelling and accessory buildings may be erected on any lot of record on the effective date of this ordinance notwithstanding its failure to meet the requirements of the zone for area.
 2. A single-family dwelling on a non-conforming lot may be repaired, reconstructed or structurally altered provided the structural alteration does not increase the degree of non-conformity with yard and area requirements. A multi-family building located on a non-conforming lot which does not meet the area requirements may be repaired and may be remodeled to a lesser number of units but shall not be reconstructed or structurally altered.
 3. If two (2) or more contiguous non-conforming lots or portions thereof become owned by a common owner, the land involved shall be deemed a single parcel for the purposes of this ordinance and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements.
- D. Non-conforming Use.
1. No existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall be enlarged, reconstructed, moved or structurally altered as provided herein.
 2. No non-conforming use may be extended through additional parts of a building nor to occupy any land outside such building.
 3. A non-conforming use may be changed only to a use permitted in the same or higher zone. For the purposes of this section, the same zone means the most restrictive zone in which the non-conforming use is a permitted use; a higher zone means a zone which is more restrictive than the most restrictive zone in which the non-conforming use is a permitted use. If it is

changed to a higher or conforming use, it may not resume the prior non-conforming use.

4. Any structure devoted to a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of fifty percent (50%) or more of its value, shall thereafter conform to the provisions of this ordinance. Where the damage is less than fifty percent (50%), such structure may be restored to the same non-conforming use as existed before such damage.
5. Any non-conforming use of land may not be extended to occupy a greater area of land than was owned on the effective date of the ordinance nor may additional structures be erected in connection with such non-conforming use of land.
6. Any non-conforming use of land or buildings which has ceased by discontinuance or abandonment for a period of three months shall thereafter conform to the provisions of this ordinance.
7. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise more than one-third (1/3) of the required front yard may continue to be used if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged.
8. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise one-third (1/3) or less of the required front yard may continue to be used if they are constructed of loose gravel, rock, or stone; or compacted gravel, rock, or stone; or crushed rock or chip seal surfaces. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged.
9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a rear yard may continue to be used if they lead to or provide access to a garage with a door or opening large enough to admit automobiles; and if the door or opening faces the rear yard; and if the door or opening was in place as of December 1, 2008; and if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced, but they may not be enlarged. In the event the garage door or opening that faces the rear yard is ever closed off or otherwise abandoned, the non-conforming driveways, parking spaces, or parking areas must be removed and the rear yard shall thereafter conform to the provisions of this ordinance.

10. Any open terrace, patio, or concrete slab (collectively "projection") permitted by Section 8(D) to be located in the rear yard of a lot adjacent to the east side of Olive Court that is in place and in use as of February 1, 2013, may continue to be used only as follows:

A. If the projection itself comprises more than one-third (1/3) of the required rear yard, it may continue to be used only under the following conditions:

i) it is not used for parking motor vehicles; and

ii) it is constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material.

B. If the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard comprise more than one-third (1/3) of the required rear yard, the projection may continue to be used only under the following conditions:

i) it is not used for parking motor vehicles;

ii) it is constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material; and

iii) the line between it and the parking spaces and/or driveway must be marked or otherwise demarcated to designate clearly the area where parking is not permitted.

C. Such non-conforming terraces, patios, or concrete slabs may be repaired or replaced with like material, but they may not be enlarged.

E. Non-conforming Buildings.

1. Any building, which contains a conforming use, but could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, may continue subject to the following conditions:
 - a) Any non-conforming building which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to any extent may be restored to the same degree of non-conformity as existed before such damage.
 - b) No building may be structurally altered in a way which increases or extends its non-conformity; however, it may be structurally altered in a way which will not affect or which will decrease its non-conformity.

Section 17. Abandonment. Whenever a non-conforming use has been abandoned or discontinued for a period of at least Three months, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this ordinance.

Section 18. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, or repealed by the City Council from time to time, either upon its own motion, or upon a petition therefore, or upon recommendation of the Zoning Commission as hereinafter provided:

1. Any petition for a proposed amendment, supplement, change, modification or repeal of any section of this zoning ordinance shall be filed with the City Clerk with four (4) duplicate copies and the Clerk shall deliver the same to the Zoning Commission for its recommendations and report. If the Zoning Commission makes no report within 45 days from the date of filing of the petition, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change.

2. The Zoning Commission shall file its recommendations and report to the City Clerk and the Council shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving at least 15 days notice of the time and place of such hearing, which notice shall be published in a newspaper having a general circulation in the City of University Heights, Iowa.
3. If the Zoning Commission recommends against, or if a protest against such proposal, amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment, supplement, change, modifications or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of the members of the Council.

Section 19. Penalty. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding One Hundred Dollars (\$100.00). Each day that a violation is permitted to exist after proper notice shall constitute a separate offense.

Section 20. Repealer. Ordinances Numbers 35, 54, and 62, and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

Section 21. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 22. Building Fees and Uniform Building Code. Nothing in this Ordinance is to be construed as invalidating anything in the Building Fees and Uniform Building Code Ordinance.

Section 23. Effective Date. This Ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council on January 12, 1982, and approved January 12, 1982.

s/Chan F. Coulter, MAYOR

Attest: s/Lloyd A. Knowles, CITY CLERK

Published in the Iowa City Press Citizen January 20, 1982.

*The signed original ordinance is on file with the University Heights City Attorney.

Amendment adding Section 3(23) and Section 9(C) passed and approved March 10, 1998, and published in the Iowa City Press Citizen on March 24, 1998. See attached amendment following this amended version.

Amendment adding Section 6(C)(8) passed and approved June 9, 1998, and published in the Iowa City Press Citizen on June 9, 1998. Amendment provided as follows:

Catering businesses. These businesses are permitted to sell products for off-premises consumption. They also are permitted to have seating for no more than 20 persons and to sell products for on-premises consumption to this limited extent.

Ordinance No. 113, amending Section 6(C)(8) and Section 7 and adding Section 6(C)(9) was passed and approved October 10, 2000, and published in the Iowa City Press-Citizen on January 12, 2001. The amendment deleted text following "Catering businesses" (Section 6(C)(8)), added Section 6(C)(9), and added language to the height restrictions (Section 7).

Ordinance No. 130, amending Section 5(A)(5), Section 6(E), and Section 11, and deleting Section 9(C), was passed and approved on June 10, 2003, and published June 26, 2003. The amendment added an additional zone, the PUD Planned Unit Development Zone and specified uses for that zone. The amendment removed prior lot regulations regarding the University Athletic Club Subdivision. The amendment also created a Planned Unit Development regulations for that property, and renumbered former sections 11-19 to be known as sections 12-20.

Ordinance No. 133, amending Section 6(B) and Section 12 Multiple-Family Planned Unit Development, was passed and approved March 9, 2004, and published in the Iowa City Press-Citizen on April 17, 2004. The Amendment added an additional use for property in the R-3 Multiple-Family Residential Zone (Section 6(B)(3)) and created Multiple-Family Planned Unit Development regulations (Section 12). It also renumbered former Sections 12-20.

Ordinance No. 134, amending Section 12(B)(5) and Section 12(B)(6), was passed and approved May 11, 2004, and published in the Iowa City Press-Citizen on May 25, 2004. The amendment revised green space and set back requirements for Multiple-Family Planned Unit Development projects.

Ordinance No. 146, amending Section 12(B) and adding Section 12(C), was passed and approved April 12, 2005, and published in the Iowa City Press-Citizen on May 6, 2005. The amendment reorganized Section 12 (B) into (1) Alternative 1 - Vertical Concept and (2) Alternative 2 - Horizontal Concept. It renumbered former Sections 12(B)(5), 12(B)(6) and 12(B)(7) as Sections 12(C)(1), 12(C)(2) and 12(C)(3). Zoning Ordinance Subsections 12(C) to 12(E) will be renumbered as Subsections 12(D) to 12(F). The amendment added zoning guidelines for multiple family Planned Unit Development.

Ordinance No. 150, amending Section 12 (B)(1) and 12 (B)(2), was passed and approved June 14, 2005 and published in the Iowa City Press-Citizen on January 29, 2005. The amendment renumbered former Sections 12 (C)(1), (2) and (3) to be known as Section 12 (B)(1)(E), (F) and (G). It added Sections 12 (B)(2)(E), (F) and (G). The amendment also renumbered former Section 12 (C)(3) as Section 12(B)(2)(h). The amendment added eave and building projection limitations on lot lines along Marietta Avenue, George and Sunset Streets, and parking spaces for multi-family planned unit development projects.

Ordinance No. 152 amending Section 12 (B)(2), was passed and approved August 9, 2005 and published in the Iowa City Press-Citizen on July 22, 2005. The amendment changed the building height for multiple-family planned unit development projects from 35 to 39 feet in height.

Ordinance No. 156 amending Section 3 (14), was passed and approved on March 13, 2007 and published in the Iowa City Press Citizen on May 12, 2007. The amendment adds language defining the front yard for Horn Elementary School.

Ordinance No. 171 amending Section 8 (D), Section 10(B) and (D), and Section 11 (B)(4) and adding Section 14 (3)(d), Section 15 (D)(7) and 15 (D)(8), was passed and approved on March 10, 2009 and published in the Iowa City Press-Citizen on March 18, 2009. Ordinance No. 171 amended Section 8(d) to provide that terraces, patios, and concrete slabs projecting into required yards may not be used for parking of motor vehicles. It amended Section 10(b) to provide that off-street parking spaces must be constructed of asphalt, cement, or another permanent, dust-free material but not constructed of dirt, gravel, rock, or stone. It amended Section 10(D) to provide that two-thirds of required front yards in the R-1 zone must remain free of parking. It amended Section 11(b)(4) to change the name of "Quarterback Court" to "Birkdale Court". It amended Section 14(3)(d) to empower the Board of Adjustment to hear appeals concerning fences as provided in Ordinance No. 105. Finally, it added Section 15(d)(7) and (8) to provide for certain non-conforming driveways, parking spaces, or parking areas.

Ordinance No. 173 adding Section 15(D)(9), was passed and approved on December 8, 2009 and published in the Iowa City Press-Citizen on December 17, 2009. The amendment adds language regarding driveways, parking spaces, or parking areas that project into a rear yard.

Ordinance No. 180 amending Section 5(A)(6), adding Section 6(F), and a new Section 13 - Multiple-Family Commercial PUD, was passed and approved on December 14, 2010 and published in the Iowa City Press-Citizen on March 4, 2011. The amendment created the "Multiple-Family Commercial" zoning district, defined the permitted uses in that district, and provided a process for considering a Multiple-Family Commercial PUD application. It renumbered former sections 13 - 22 as sections 14 - 23.

Steve/UH/UHOrdinances/Ordinance 079 Amended by 146,150,152,156,171,173, 180

ORDINANCE NO. 184

AN ORDINANCE AMENDING ORDINANCE NO. 105
(REGULATING FENCES, HEDGES, AND OTHER PLANTINGS)

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

University Heights Ordinance No. 105 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

SECTION:

2: FENCE AND HEDGE LOCATION AND HEIGHT REQUIREMENTS:

- B. Fences, retaining walls, hedges or other plantings shall be located so no part thereof is within two feet (2') of any alley or a street right-of-way line.
- C. At street intersections, no fence, retaining wall, hedge, or other planting more than three feet (3') in height above the curb level shall be located within a triangular area, two (2) of its sides twenty-five feet (25') in length and measured along the right-of-way lines from the point of intersection. Any fence, retaining wall, hedge, or other planting in existence upon adoption of this ordinance or any respective amendment to this ordinance and not in compliance with this subsection (2(c)) shall be brought into conformance within thirty (30) days of publication of the ordinance or respective amendment. Provided, however, that this subsection 2(c) shall not apply to the following:
1. Fences, retaining walls, hedges, or other plantings that presently are situated upon or near the lot lines of properties abutting the west right-of-way line of Sunset Street south of Melrose Avenue provided such structures are parallel to the right-of-way line or approximately so.
 2. Fences or retaining walls erected or hedges or other plantings planted to replace those existing upon enactment of the ordinance as identified in subsection 2(c) (1) herein.

Provided further that a fence otherwise subject to this subsection 2(c) is not in violation so long as it is no more than ten percent (10%) solid.

SAVING CLAUSE.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

EFFECTIVE DATE.

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

REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this ____ day of _____, 2013, and approved this ____ day of _____, 2013.

Louise From, Mayor

(SEAL)

ATTEST:

Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this _____ day of _____, 2013, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise From and Christine Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the _____ day of _____, 2013.

Christine Anderson, City Clerk

Signed and sworn to before me on the _____ day of _____, 2013, by Christine Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa

**University Heights
Building Permits
January 1, 2013 - April 4, 2013**

Permit #	Building Address	Date Issued	Fee	Building Valuation
BLD13-003	23 George Street	1/29/2013	\$374.40	
BLD13-004	1456 Grand Avenue	2/14/2013	\$398.53	
BLD13-006	23 Leamer Court	3/12/2013	\$451.50	
BLD13-007	307 Monroe Street	1/15/2013	\$573.02	

Total \$1,797.45 \$0.00

**City Clerk Report
April 2013**

- **Three rental permits received since the last meeting:**

**128 Koser Avenue
368 Koser Avenue
20 Olive Court**

- **One new building permit received since the last meeting:**

23 Leamer Court – Kitchen remodel

- **Yearly EMC payroll audit information sent into representative. At this time, the representative thinks everything is complete. Thank you Lori for your help!**
- **Building permit spreadsheet (through 4/4/13) sent into Assessor's Office. They request this 3-4 a year.**

Norm's report:

Rental properties inspected in March were:

**1000 Melrose Ave
1007 Melrose
1009 Melrose
1132 Melrose
1212 Melrose
1215 Melrose
1251 Melrose
210 Koser Ave
23 Olive Ct
24 Olive
59.5 Olive**

New rental properties added to the rental rolls and inspected in March were:

**128 Koser Ave
368 Koser Ave
1208 Melrose Ave**

Rental properties re-inspected in March to insure compliance were:

**1219 Melrose
1247 Melrose**

Concerns were raised regarding possible over occupancies at 128 Koser and 368 Koser, two of this month's newly added rental properties. I have met with the owners (and one of the tenants) and have verified that both properties are legally occupied at this time, with 128 Koser having one tenant and 368 Koser having two tenants.

Treasurer's Report

March 2013

Our total revenue for the month of March was \$70,064.14 comprised of the following amounts:

Property Taxes	\$ 22,770.04
Local Option Sales Tax	\$ 8,927.19
Traffic Fines from Clerk of Court	\$ 7,119.28
Interest on bank accounts	\$ 106.40
Road Use Funds	\$ 11,033.85
Police Reports	\$ 7.00
Rental permits	\$ 400.00
Parking fines	\$ 125.00
Rental Inspection	\$ 80.00
Building permits	\$ 451.50
IDOT Funds for wide sidewalk project	\$ 19,043.88

Balances in the bank accounts as of 3/31/2013:

MidwestOne Checking Account	\$175,567.03
Hills Bank Money Market Account	\$ 1,038.29
CD at UICCU (due 2/28/14)	\$ 41,882.48
CD at UICCU (due 5/25/14)	\$ 50,382.08
CD at UICCU (due 8/25/13)	\$ 50,252.36
CD at UICCU (due 10/29/14)	\$ 50,481.17
CD at UICCU (due 8/25/14)	\$ 75,000.00
CD at Hills Bank (due (8/20/13)	\$ 22,725.84
Forfeiture Fund	\$ 2,299.91

Steve Kuhl will be working on amending the current budget. I'll drop off a current copy of Quick Books to him next week after he's done working on income taxes.

Kurt Hiatt from IPERS will be in town on Friday morning to complete an IPERS Compliance Review. I think they do these every few years. I will meet him at the city office and answer any and all questions that he has.

Warrants for Council Approval

04/08/2013

March 13 through April 9, 2013

Mar 13 - Apr 9, 13

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
03/15/2013	City of Iowa City	City Hall water/sewer automatic payment	-13.56
03/15/2013	Beeks, Joshua W		-849.24
03/15/2013	Fort, Matthew A		-1,364.60
03/15/2013	Fort, Ronald R		-1,032.49
03/15/2013	Plate, Harold,		-152.61
03/15/2013	Stenda, Jeremy P		-1,276.58
03/15/2013	Tucker, Darryl		-1,515.86
03/15/2013	Internal Revenue Service	42-1109342	-2,488.64
03/22/2013	Windstream	automatic payment for phone service	-143.71
03/25/2013	MidAmerican Energy	pedestrian lights at 113 Golfview	-31.57
03/25/2013	MidAmerican Energy	1301 Melrose stop light	-33.67
03/25/2013	MidAmerican Energy	1011 Melrose stop light	-49.76
03/25/2013	MidAmerican Energy	City Hall electricity	-75.32
03/28/2013	MidAmerican Energy	street lights	-624.99
03/29/2013	Anderson, Christine M.		-285.93
03/29/2013	Beeks, Joshua W		-792.53
03/29/2013	Fort, Matthew A		-1,692.18
03/29/2013	Fort, Ronald R		-1,199.88
03/29/2013	Plate, Harold,		-112.44
03/29/2013	Stenda, Jeremy P		-1,533.09
03/29/2013	Tucker, Darryl		-1,727.40
03/29/2013	From, Louise A.		-454.13
03/29/2013	Haverkamp, Michael J		-173.14
03/29/2013	Hopson, Rosanne C		-184.70
03/29/2013	Lane, James		-184.70
03/29/2013	Leff, Janet S		-184.70
03/29/2013	McGrath, Brennan		-184.70
03/29/2013	Wellmark BC/BS	monthly insurance payment	-428.87
03/29/2013	Kimura, Lori D.		-230.39

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
03/31/2013	Internal Revenue Service	42-1109342	-3,447.10
03/31/2013	IOWA WORKFORCE DEVELOPMENT	107319-6	-751.38
03/31/2013	TREASURER STATE OF IOWA	42-1109342-001	-2,610.00
03/31/2013	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-128.60
03/31/2013	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-3,277.71
04/01/2013	Paul J. Moore, Melrose Avenue Building	City Hall Rent	-867.00
04/01/2013	Verizon Wireless	monthly wire service/cell phone for police car	-114.01
04/09/2013	City of Iowa City	deposit for spring street sweeping	-500.00
04/09/2013	ABC Solutions	Monthly fee for city website/email service	-24.95
04/09/2013	Paul J. Moore, Melrose Avenue Building	Garage rent	-35.00
04/09/2013	SEATS	Seats Payment	-703.66
04/09/2013	City of Iowa City	Mar bus service/Feb fuel	-3,803.31
04/09/2013	Eastern Iowa Community College	training class for Pfiffner	-65.00
04/09/2013	Iowa City Press-Citizen	March publications	-71.77
04/09/2013	Johnson County Refuse, Inc.	March recycling/Feb-March snow removal	-12,663.50
04/09/2013	Iowa City Tire and Service	1 used tire/mount & balance 2 tires	-104.50
04/09/2013	Winkel, Parker & Foster, CPA PC	prepare budget for FY 2013-14	-950.00
04/09/2013	Mediacom	online service 4/3/12-5/2/13	-69.95
04/09/2013	O'Reilly Auto Parts	oil for squad cars	-30.32
04/09/2013	Pyramid Services Inc.	oil change	-44.32
04/09/2013	Shive Hattery	engineering services 3/2/1-3/29/13	-2,379.60
04/09/2013	Terry Goerd	inspection services for March	-385.00
04/09/2013	Norm Cate	inspection services for March	-840.00
04/09/2013	VISA	caps for officers/stamps for inspectors/water	-237.24
04/09/2013	Staples	envelopes/toner cartridges	-352.50
04/09/2013	University Lake Suites	Woodside Drive garage rental 7/12-12/12	-600.00
04/09/2013		VOID:wrong paper	0.00

Mar 13 - Apr 9, 13

RESIDENT GUIDE SUPPLEMENT

UNIVERSITY HEIGHTS—ESTABLISHED IN 1935



GUIDE INFORMATION

The University Heights Resident Guide is published in its entirety in even-numbered years. Updates to the Guide are published in odd-numbered years. If you would like a complete guide, please contact Rosanne Hopson.

Issued April 2013

Editors: Rosanne Hopson and Rachel Stewart

Contact

Rosanne Hopson
Community Relations Chair
321-4163
rosanne-hopson@university-heights.org

Dear Neighbors,

It is a pleasure to work with the members of the University Heights City Council as we continue to improve our quality of life. Be sure and check out the projects listed inside this guide that the City Community Relations Committee is currently planning: Spring Clean-Up Day, UH Water Station for the Ronald McDonald House Run, Bike to Work Week Breakfast, the city-wide Garage Sale, and the City picnic.

I also want to mention two exciting projects that are progressing forward in the next few months:

The Sunset Street Wide Sidewalk Project is continuing to move forward toward construction starting in late May/early June. This project will expand the Melrose Avenue Wide Sidewalk Project that was completed in 2010. The Sunset Street wide sidewalk project will remove the existing 4-foot width sidewalk along the west side of Sunset Street from Melrose Avenue to Benton Street, and replace it with an 8-foot wide sidewalk. All existing curb ramps on the west side of Sunset Street will be rebuilt to current ADA standards, drainage intakes will be installed at low points along the walk to correct drainage, and the Melrose Ave. and Benton St. corners will be reconstructed. Specific details are at www.university-heights.org.

I am very excited to be working on establishing a **Farmer's Market in University Heights** at a location along Melrose Avenue. It is still too early to make this a formal announcement; I am still working out the details. However, I am hopeful our first market will **open June 4 (the first Tuesday in June)** and be held every first Tuesday during the summer months and into the fall. **Please feel free to contact me directly** with any of your questions or concerns. Also **let me know if you want to participate** in our Farmer's Market as a volunteer or a vendor. My contact information is below.

I am honored and privileged to serve University Heights as your Mayor. The city council and I will continue to seek new and innovative ways to make University Heights an even better place to live.

Sincerely,

Louise From, Mayor

University Heights City Council



Mayor

Louise From
207 Monroe Street
354-1433
louise-from@university-heights.org



Chair, eGOVERNMENT

Mike Haverkamp
315 Golfview Avenue
337-7180
mike-haverkamp@university-heights.org



Mayor Pro Tem/Chair, Community Relations/Community Protection

Rosanne Hopson
205 Golfview Avenue
321-4163
rosanne-hopson@university-heights.org



Chair, Streets and Sidewalks

Jan Leff
215 Sunset Street
337-4418
jan-leff@university-heights.org



Chair, Finance

Jim Lane
300 Highland Street
338-4963
jim-lane@university-heights.org



Chair, Building, Zoning, and Sanitation

Brennan McGrath
327 Koser Avenue
339-1176
brennan-mcgrath@university-heights.org

General Community Information

You are invited to attend University Heights city council meetings on the second Tuesday of each month at 7:00 p.m.; meetings are usually held at the University Club. If you are a person with a disability who requires accommodation in order for you to attend, please contact the City in advance at 337-6900; leave a message and your call will be returned. You may also contact the city clerk, Chris Anderson, at 338-0527.

An agenda with meeting location is posted at City Hall and the meeting site as well as the City website 24 hours before each meeting. Minutes of all meetings are published in the Press-Citizen and posted in the window of the city office and on the city website. If you have questions or concerns about city business or activities, please call and leave a descriptive message with your name and phone number, and your call will be returned.

Members of the city council are interested in maintaining an open, responsive council that follows consistent policies while serving the needs of the community. The council would like to call your attention to the following entities, services, and regulations.

Board of Adjustment

The Board of Adjustment is appointed by the mayor and hears appeals of the University Heights Zoning Ordinance.

Thomas Breese, Chair - thomas-breese@university-heights.org (term ends 12/31/17)

Margaret Donnelly - margaret-donnelly@university-heights.org (term ends 12/31/15)

Ann Dudler - ann-dudler@university-heights.org (term ends 12/31/16)

Michael Flaum - michael-flaum@university-heights.org (term ends 12/31/13)

Rachel Stewart - rachel-stewart@university-heights.org (term ends 12/31/14)

Zoning Commission

Patrick Bauer, Chair - pat-bauer@university-heights.org

Kris McLure - kris-mclure@university-heights.org (term ends 12/31/14)

Silvia Quezada - silvia-quezada@university-heights.org (term ends 12/31/15)

Alice Haugen - alice-haugen@university-heights.org (term ends 12/31/16)

Larry Wilson - larry-wilson@university-heights.org (term ends 12/31/17)

University Heights eGovernment Services

The city of University Heights uses its website and electronic communication to encourage citizen participation and involvement in all municipal affairs.

University Heights city website: **www.university-heights.org**

City Council Information

Council's email and other contact information

www.university-heights.org/council/mayor_council.html

Upcoming Council meetings and Public hearings

www.university-heights.org/council/13/13minutes.html

Community Services

An alphabetical guide with contact information

www.university-heights.org/Links/Services.html

City Staff

A list of city employees with contact information

www.university-heights.org/city_staff.html

City Departments

Building and rental inspection contacts, rental spreadsheet, garbage and recycling information

www.university-heights.org/BuildZoneSanit

Police Department

www.uhpolice.org

Neighborhood information and community relations

www.university-heights.org/CommunityProtect

Website policies:

www.university-heights.org/eGovt

City Budget information:

www.university-heights.org/Finances

Street construction, sewer, sidewalk, and bicycle information

www.university-heights.org/Streets

Subscribe to UH website updates: feeds.feedburner.com/University-heightsWeb

Yard Waste, Recycled Materials and Household Garbage Collection

Service	Pick-up	Cost	Steps or Conditions
Tree branches *	Every Tuesday	Yard waste (green) sticker \$1.50	Cut tree branches into pieces no longer than 3' x 3' in diameter. Bundles no larger than 48" around. Place sticker around the string holding the bundle together. (Each residence will be allowed one free
Leaf vacuuming	November 7, 2013	Paid by City	Please note: It takes most of the day to cover the entire city.
Leaf pick-up	November 21, 2013	Paid by City	Place leaves in plastic bags, garbage cans, or other suitable containers. Please do not fill little bags and then put them into a large bag; plastic does not compost and the hauler must empty each bag. Leaves must be at the curbside by 7:00 a.m. on the morning of pick-up
Christmas Tree Pick up	January 7, 2014 and January 14, 2014	Paid by City	For pick-up at any other time, attach 2 yard waste stickers. Trees must be at the curbside by 7:00 a.m. on the morning of pick-up.
Other bulky rubbish	Call 665-4498	Paid by resident	You can make special arrangements for removal of appliances, tires, and excessive amounts of yard waste or tree clippings by calling Steve Smith at Johnson Co Refuse.

* Residents may take yard waste to the Iowa City Landfill at no charge.

Community Events: April 2013-February 2014

SAVE THE DATES!

The Community Relations Committee oversees the following events. Participating on the committee is a great way to get involved with University Heights! Get to know your neighbors, volunteer, and have fun all at the same time. We are always open to new ideas and new projects. If you have an idea and/or would like to get involved, please contact committee chair Rosanne Hopson at 319-321-4163 or hopsonrc@gmail.com.

COMMUNITY WIDE CLEAN UP DAY

Saturday, April 27, 9:00 a.m. to noon

(By Grandview Court Condominiums on Marietta Street)

HOST WATER STATION FOR RONALD MCDONALD HOUSE RUN

Sunday, May 5

(At Finkbine parking lot on Melrose Avenue)

BIKE TO WORK WEEK BREAKFAST

Wednesday, May 15, 7:30 to 9:30 a.m.

(In front of City Hall on Melrose Avenue)

COMMUNITY WIDE GARAGE SALE

Saturday, June 8, 8:00 a.m. to noon

CITY-WIDE "PICNIC WITH A PURPOSE"

Sunday, September 8, 4:00 - 6:00 p.m.

(Location to be determined)

LEAF-RAKING EVENT WITH TIPPIE BUILD STUDENTS

Sunday, November 3

BREAKFAST WITH SANTA

Saturday, December 7

(Time and location to be determined)

VALENTINE CARD-MAKING EVENT

February 2014

(Time and location to be determined)

You will receive more information on each of these events in fliers delivered to your door and/or on the UH website (www.university-heights.org). Please check the website often for updates on community events!

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: April 8, 2013
RE: City Engineer's Report

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

- a. This project received good interest by contractors (8 bids were received by Iowa DOT on March 19th) and this led to competitive bids that came in well below the construction cost estimate (see attached bid results). After review and certification of the results, the DOT issued correspondence to the city the last week of March that the lowest responsive bid was submitted by Vieth Construction from Cedar Falls, Iowa in the amount of \$160,775.60.
- b. The 3 lowest bids were very competitive (separated by less than \$4,000), and the next 3 bids were closely grouped around the construction cost estimate. I think this is a good indicator that the project and the scope of work required to complete the construction was well understood by many different contractors reviewing the plans.
- c. The DOT offers the city two options: reject all the bids, or award the construction contract to the lowest responsive bidder. If a city were to choose to reject all bids on a project, they have to provide written justification to the DOT for the reason. Typically this is seen when bids are well over the estimate, and the project is held for re-bidding at a later date. In this case, given the excellent bids, our recommendation is that council award the construction contract to Vieth Construction based on their lowest responsive bid, as reviewed and approved by Iowa DOT. While I do not recall any past work done by Vieth Construction in University Heights, they do have a continual presence on many projects in and around Johnson County.
- d. If the construction contract is awarded, we will send notification to the contractor, who will then need to submit copies of the signed contract, bond forms, certificates of insurance, and subcontractor listing. As always, once collected, all these are then sent to Iowa DOT for final review and approval. Once authorized, Shive-Hattery will notify the contractor and begin the construction phase by coordinating a pre-construction meeting. The planned construction schedule will at this time be presented by the contractor.
- e. At the March meeting, the council approved the amendment submitted by Kevin Trom with Shive-Hattery to provide engineering services during the construction phase of the project. Per the guidelines, the fully signed amendment was submitted to DOT/FHWA for review and notification was received on April 2nd officially indicating that federal authorization had been granted for construction phase engineering services.



- f. Reimbursement Payment #2 from the DOT (\$19,043.88) was automatically deposited into the city bank account in March.
- g. *The DOT has determined the contractor will be given 45 working days to complete the project, and has identified June 3, 2013 as the "late start date" for this project. This means the contractor can begin work earlier, but must commence no later than June 3rd (please note there are specific requirements for the south portion of the project between Benton and Oakcrest that this work must occur only after the last day of school). (March Mtg.)*
- h. Reimbursement Payment #1 from the DOT (\$29,247.18) was automatically deposited into the city bank account on January 29th. (February Mtg.)

(2) STP/TAP Funding Application Process

- a. At the end of March, the MPOJC provided the schedule for submitting funding applications for STP or TAP funding of projects. Applications are to be submitted to MPOJC on Tuesday, April 23rd. The applications then go through the regular process of being reviewed, scored, and discussed by the various committees (Regional Trails and Bicycle Committee - RTBC, Transportation Technical Advisory Committee – TTAC, and the overall MPOJC Board) as well as issued for the public comment period. Based on their current schedule, they show approving final funding decisions on July 10th.
- b. We are beginning to put together a project estimate for a project to replace all of the existing street signage (including new posts as needed) in University Heights with the correct types, sizes, installation heights, and reflective materials as specified by the current MUTCD sign standards. This proposed project would also include removing and replacing sign posts as necessary. The project would not include signs that are already new or in excellent condition.
- c. The city's Sign Maintenance Plan already addresses some of the worst signs in the next two years. Therefore, this proposed project would address the remaining signs beyond that date, and would also include many of the other "non-regulatory" signs throughout the city such as the "No Parking" signage.

(3) Pavement Markings – Golfview Avenue

- a. A second driveway was constructed at 120 Golfview on the north side of the property. This driveway apron connects to Golfview where existing on-street parking spaces are marked out by white pavement markings. This has created a conflict as there is an on-street parking space marked out directly in front of the new driveway. We will need to have some of the existing markings removed, determine the remaining space available, and decide if the same number of stalls can be provided. Most likely only one space would be eliminated.

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

JDB

RESOLUTION NO. 13-06

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE SUNSET STREET WIDE SIDEWALK PROJECT (PROJECT NO. STP-E-7855(607)-8V-52, A FEDERALLY FUNDED PROJECT) TO VIETH CONSTRUCTION CORPORATION OF CEDAR FALLS AND AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH VIETH CONSTRUCTION IN THE PRINCIPLE AMOUNT OF \$160,775.60 FOR THIS PROJECT.

WHEREAS, the University Heights City Council previously retained Shive-Hattery, Inc. ("Consultant") for consulting services associated with City's Sunset Street Wide Sidewalk Project ("the Project"); and

WHEREAS, the Iowa Department of Transportation ("IDOT") previously let the Project for construction bids; and

WHEREAS, Consultant received eight construction bids for the Project; and

WHEREAS, Vieth Construction Corporation of Cedar Falls submitted a bid for construction of the Project in the principle amount of \$160,775.60; and

WHEREAS, Consultant has determined that Vieth is the lowest responsive, responsible bidder and recommends that the City award the construction contract for the project to Vieth; and

WHEREAS, the City held a public hearing April 8, 2013, pursuant to published notice, on the proposed awarding of a construction contract, including plans, specifications, and form of contract, for the Project;

NOW, THEREFORE, BE IT RESOLVED by the City of University Heights, Iowa, that the City determines and concludes that Vieth is the lowest responsive, responsible bidder; the City awards the construction contract for the Project to Vieth; and the Mayor is authorized to sign the Contract with Vieth in the principle amount of \$160,775.60, in the form attached as Exhibit "A".

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

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

Upon Roll Call thus recorded, the Resolution is declared adopted this 9th day of April, 2013.

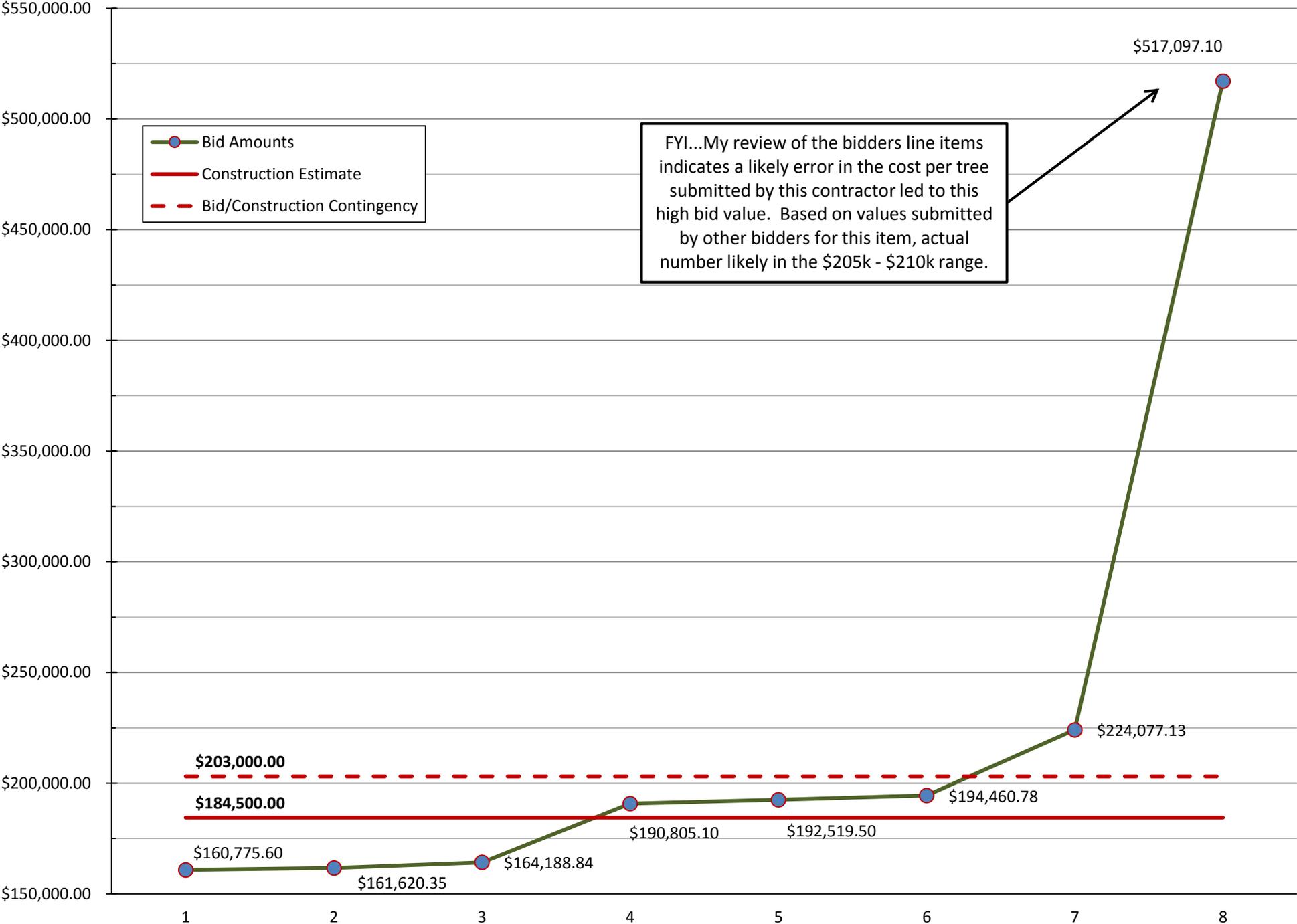
Louise From, Mayor
City of University Heights

ATTEST:

Christine M. Anderson, City Clerk

Steve/UH Resolutions/Resolution 13-06 authorizing execution of Sunset Sidewalk contract 040913

Sunset Wide Sidewalk Bidding Results (March 19, 2013)



CONTRACT

FA96 (Form 650019)
05-12

Letting Date: March 19, 2013 Contract ID: 52-7855-607 Bid Order No.: 106
County: JOHNSON Project Engineer: CITY OF UNIVERSITY HEIGHTS
Cost Center: 849300 Object Code: 890 DBE Commitment: \$0.00
Contract Work Type: PCC SIDEWALK/TRAIL

This agreement made and entered by and between the CITY OF UNIVERSITY HEIGHTS CONTRACTING AUTHORITY, AND VIETH CONSTRUCTION CORPORATION OF CEDAR FALLS, IA, (VI035), CONTRACTOR

It is agreed that the notice and instructions to bidders, the proposal filed by the Contractor, the specifications, the plan, if any, for project(s) listed below, together with Contractor's performance bond, are made a part hereof and together with this instrument constitute the contract. This contract contains all of the terms and conditions agreed upon by the parties hereto. A true copy of said plan is now on file in the office of the Contracting Authority under date of 03/14/2013.

PROJECT: STP-E-7855(607)--8V-52	COUNTY: JOHNSON
WORK TYPE: PCC SIDEWALK/TRAIL	ACCOUNTING ID: 30538
ROUTE: SUNSET STREET	LENGTH (MILES): 0.36
LOCATION: IN THE CITY OF UNIVERSITY HEIGHTS	
ALONG SUNSET FROM MELROSE TO BENTON	
FEDERAL AID - PREDETERMINED WAGES ARE IN EFFECT	

The specifications consist of the Standard Specifications for Highway and Bridge Construction, Series 2012 of the Iowa Department of Transportation plus the following Supplemental Specifications, Special Provisions, and addendums: FHWA-1273.05, GS-12001, IA13-1.0, SS-12005, ADDENDUMS: 19MAR106.A01

Contractor, for and in considerations of \$160,775.60 payable as set forth in the specifications constituting a part of this contract, agrees to construct various items of work and/or provide various materials or supplies in accordance with the plans and specifications therefore, and in the locations designated in the Notice to Bidders.

Contractor certifies by signature on this contract, under pain of penalties for false certification, that the Contractor has complied with Iowa Code Section 452A.17(8) as amended, if applicable, and Iowa Code Section 91C.5 (Public Registration Number), if applicable.

In consideration of the foregoing, Contracting authority hereby agrees to pay the Contractor promptly and according to the requirements of the specifications the amounts set forth, subject to the conditions as set forth in the specifications.

It is further understood and agreed that the above work shall also be commenced or completed in accordance with Page 1B of this Contract and assigned Proposal Notes.

To accomplish the purpose herein expressed, the Contracting authority and Contractor have signed this and one other identical instrument.

By _____, _____
Contractor Contractor (if joint venture)

By _____
Contracting Authority Contract Award Date

Iowa DOT Concurrence _____
For Local Agency Contracts Concurrence Date

Letting Date: March 19, 2013 Contract ID: 52-7855-607

Bid Order No. : 106

It is further understood and agreed that the above work shall be commenced or completed in accordance with the following schedule:

SITE NUMBER	CONTRACT PERIOD /SITE DESCRIPTION	LIQUIDATED DAMAGES
	CONTRACT LATE START DATE 06/03/2013 45 WORKING DAYS	\$1,000.00

CONTRACT NOTES

CONTRACT SCHEDULE OF PRICES

Vendor No.: VI035
 Contract ID No.: 52-7855-607
 Primary Work Type: PCC SIDEWALK/TRAIL
 Primary County: JOHNSON

Bid Order No.: 106
 Letting Date: March 19, 2013
 10:00 A.M.

Line No	Item Number Item Description	Item Quantity and Unit	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
SECTION 0001 SIDEWALK ITEMS						
0010	2101-0850002 CLEARING AND GRUBBING	225.000 UNIT	22.000000		4,950.00	
0020	2102-2710070 EXCAVATION, CLASS 10, ROADWAY AND BORROW	229.000 CY	40.000000		9,160.00	
0030	2105-8425015 TOPSOIL, STRIP, SALVAGE AND SPREAD	436.000 CY	14.000000		6,104.00	
0040	2109-8225100 SPECIAL COMPACTION OF SUBGRADE	18.000 STA	325.000000		5,850.00	
0050	2115-0100000 MODIFIED SUBBASE	7.700 CY	75.000000		577.50	
0060	2301-1033080 STANDARD OR SLIP FORM PORTLAND CEMENT CONCRETE PAVEMENT, CLASS C, CLASS 3 DURABILITY, 8 IN.	40.900 SY	44.000000		1,799.60	
0070	2401-7207030 REMOVAL OF CONCRETE	LUMP	LUMP		2,600.00	
0080	2431-0000100 SEGMENTAL BLOCK RETAINING WALL	210.000 SF	27.000000		5,670.00	
0090	2435-0600010 MANHOLE ADJUSTMENT, MINOR	2.000 EACH	600.000000		1,200.00	
0100	2435-0700010 CONNECTION TO EXISTING MANHOLE ; PIPE	1.000 EACH	900.000000		900.00	

CONTRACT SCHEDULE OF PRICES

Vendor No.: VI035 Bid Order No.: 106
 Contract ID No.: 52-7855-607 Letting Date: March 19, 2013
 Primary Work Type: PCC SIDEWALK/TRAIL 10:00 A.M.
 Primary County: JOHNSON

Line No	Item Number Item Description	Item Quantity and Unit	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
0110	2502-8212406 SUBDRAIN, STANDARD, NON-PERFORATED, 6 IN., AS PER PLAN	76.000 LF	43.00000		3,268.00	
0120	2502-8220193 SUBDRAIN OUTLET (RF-19C)	1.000 EACH	175.00000		175.00	
0130	2503-0114218 STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 18 IN.	83.000 LF	68.00000		5,644.00	
0140	2503-0200036 REMOVE STORM SEWER PIPE LESS THAN OR EQUAL TO 36 IN.	83.000 LF	11.00000		913.00	
0150	2510-6745850 REMOVAL OF PAVEMENT , 8 IN.	40.900 SY	65.00000		2,658.50	
0160	2511-6745900 REMOVAL OF SIDEWALK , 4 IN.	839.000 SY	8.50000		7,131.50	
0170	2511-7526006 SIDEWALK, P. C. CONCRETE, 6 IN.	1,687.000 SY	29.00000		48,923.00	
0180	2511-7528101 DETECTABLE WARNINGS	192.000 SF	20.00000		3,840.00	
0190	2519-3300700 FENCE, TEMPORARY CONSTRUCTION	135.000 LF	4.50000		607.50	
0200	2519-4200190 REMOVAL OF FENCE, WOOD	75.000 LF	8.00000		600.00	

CONTRACT SCHEDULE OF PRICES

Vendor No.: VI035 Bid Order No.: 106
 Contract ID No.: 52-7855-607 Letting Date: March 19, 2013
 Primary Work Type: PCC SIDEWALK/TRAIL 10:00 A.M.
 Primary County: JOHNSON

Line No	Item Number Item Description	Item Quantity and Unit	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
0210	2524-6765010 REMOVE AND REINSTALL SIGN AS PER PLAN	1.000 EACH	165.00000		165.00	
0220	2524-9276010 PERFORATED SQUARE STEEL TUBE POSTS	56.000 LF	10.00000		560.00	
0230	2524-9325001 TYPE A SIGNS, SHEET ALUMINUM	22.750 SF	26.00000		591.50	
0240	2526-8285000 CONSTRUCTION SURVEY	LUMP	LUMP		3,600.00	
0250	2527-9263109 PAINTED PAVEMENT MARKING, WATERBORNE OR SOLVENT-BASED	13.500 STA	65.00000		877.50	
0260	2528-8445110 TRAFFIC CONTROL	LUMP	LUMP		1,100.00	
0270	2533-4980005 MOBILIZATION	LUMP	LUMP		7,500.00	
0280	2554-0210201 FIRE HYDRANT ASSEMBLY, WM-201	2.000 EACH	1,925.00000		3,850.00	
0290	2599-9999005 ('EACH' ITEM) INTAKE, 8 IN.	6.000 EACH	1,550.00000		9,300.00	
0300	2601-2639010 SODDING	160.000 SQ	44.00000		7,040.00	
0310	2601-2643110 WATERING FOR SOD, SPECIAL DITCH CONTROL, OR SLOPE PROTECTION	29.000 MGAL	60.00000		1,740.00	

CONTRACT SCHEDULE OF PRICES

Vendor No.: VI035 Bid Order No.: 106
 Contract ID No.: 52-7855-607 Letting Date: March 19, 2013
 Primary Work Type: PCC SIDEWALK/TRAIL 10:00 A.M.
 Primary County: JOHNSON

Line No	Item Number Item Description	Item Quantity and Unit	Unit Price		Bid Amount	
			Dollars	Cts	Dollars	Cts
0320	2601-2643300 MOBILIZATION FOR WATERING	 6.000 EACH	 350.00000		 2,100.00	
0330	2610-0000400 WATERING FOR PLANTS (TREES)	 1.600 MGAL	 375.00000		 600.00	
0340	2611-0000200 TREES, FURNISHED AND INSTALLED (WITH WARRANTY)	 27.000 EACH	 340.00000		 9,180.00	
TOTAL BID					 160,775.60	

A d d e n d u m

Iowa Department of Transportation
Office of Contracts

Date of Letting: March 19, 2013
Date of Addendum: March 12, 2013

B.O.	Proposal ID	Proposal Work Type	County	Project Number	Addendum
106	52-7855-607	PCC SIDEWALK/TRAIL	JOHNSON	STP-E-7855(607)-8V-52	19MAR106.A01

Notice: Only the bid proposal holders receive this addendum and responsibility for notifying any potential subcontractors or suppliers remains with the proposal holder.

Make the following changes to the PROPOSAL SCHEDULE OF PRICES:

Change Proposal Line No. 0010 2101-0850002 CLEARING AND GRUBBING:
From: 203.000 UNIT
To: 225.000 UNIT

Change Proposal Line No. 0280:
From: 2554-0214000 FIRE HYDRANT ADJUSTMENT; RELOCATE
To: 2554-0210201 FIRE HYDRANT ASSEMBLY

Change Proposal Line No. 0340 2611-0000200 TREES, FURNISHED AND INSTALLED
(WITH WARRANTY):
From: 26.000 EACH
To: 27.000 EACH

If the above changes are not made, they will be made as shown here.

Make the following change to Plan Sheet C.02:

Replace the reference note with the following notes for the item 2519-3300700 FENCE,
TEMPORARY CONSTRUCTION:

Refer to tab 2519.1 on the 'C' sheets for tabulations of quantity and 'D' Sheets for removal limits of wall. Item to include the installation of temporary fencing along the construction easement. Fencing shall have a top and bottom rail, and be secured at all times, and installed per detail on the 'B' sheets. Item shall be measured on a linear foot basis at the bottom of the fence fabric. Payment shall be per linear foot and include all materials and labor for the installation, maintenance, removal, and disposal of the fence per detail on 'B' sheets.

Replace the reference note with the following notes for the item 2524-6765010 REMOVE AND REINSTALL SIGN AS PER PLAN:

Refer to tab 2425.1 on the 'C' Sheets for tabulations of quantity and 'D' sheets for location. Item shall be measured by each sign removed and replaced. Payment shall be each and include compensation for the materials and labor necessary to remove, protect,

store, and reinstall signs on post as indicated in the plans. Contractor required to store signs offsite prior to reinstallation.

Replace the reference note with the following notes for the item 2524-9325001 TYPE A SIGNS, SHEET ALUMINUM:

Refer to tab 2425.1 on the 'C' Sheets for tabulations of quantity. Item include all materials and labor obtain, install, and erect new signs and posts. Item shall also include the materials and labor to remove and dispose of existing signs. New signs shall be per Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the department per 761 of the Iowa Administrative code (IAC), chapter 30.

Replace the reference note with the following notes for the item 2554-0210201 FIRE HYDRANT ASSEMBLY:

Refer to tab 2435.1 on the 'C' sheets for tabulations of quantity and 'D' sheets for locations. Item shall include the removal of the fire hydrant and any water main, installation of new hydrant, 6" D.I. water main, and all appurtenance as shown in the detail on the 'B' sheets. Existing hydrant shall be returned to City of Iowa City. Contractor to coordinate work/shutdowns with City of Iowa City water department.

Replace the reference note with the following notes for the item 2599-9999005 INTAKE 8 IN:

Refer to tab 2503.1 on the 'C' Sheets for tabulations of quantity. Item shall be measured by each intake installed. Basis of payment shall include excavation, intake with appurtenances, installation, and castings as specified in the detail on 'B' sheets.

Make the following change to the Plan Sheet C.03:

Tab. 2101.1 CLEAR AND GRUBBING:

Add the following: 11+67.50 - 24" Hackberry - 22.0 - Remove Tree

Make the following change to the Plan Sheet C.04:

Delete Plan Sheet C.04 and replace with the attached Plan Sheet C.04.

Make the following change to the Plan Sheet D.04:

Delete Plan Sheet D.04 and replace with the attached Plan Sheet D.04.

TABULATION OF PAVEMENT MARKINGS

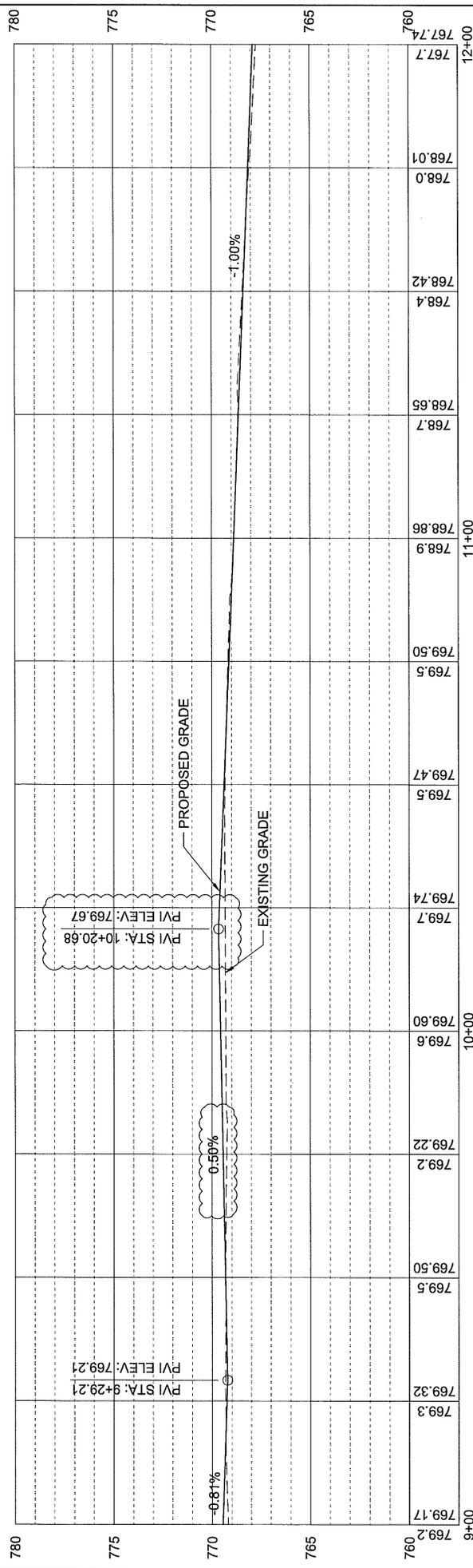
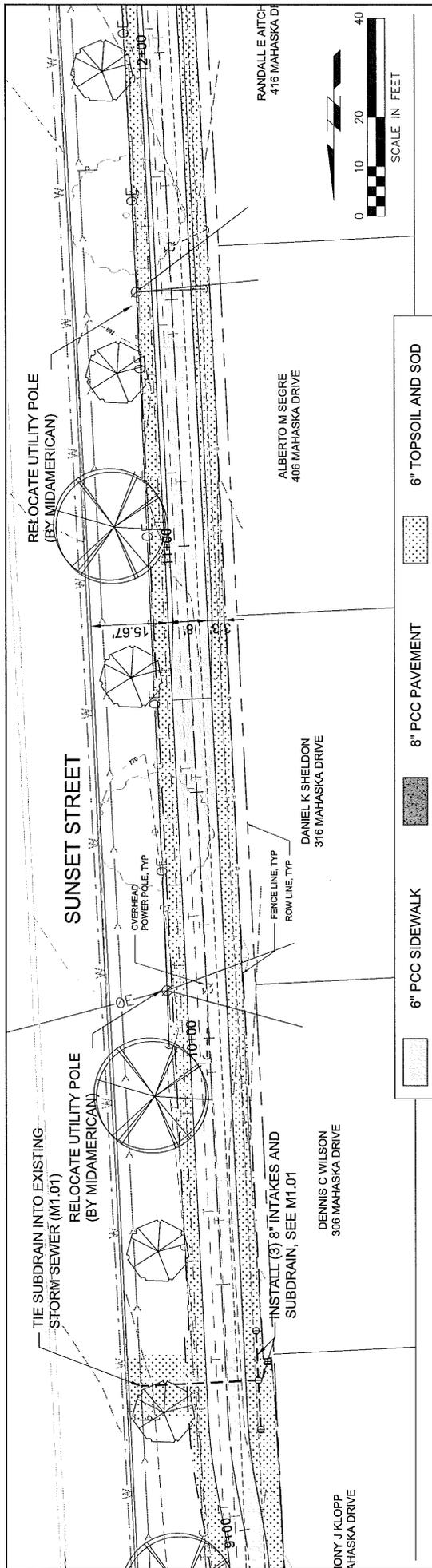
Road Identification	Station to Station	Length (in Stations)		Remarks
		L	R	
KOSER AVE	2+11.23 - 2+38.23	40		(5) 36" MARKINGS
HIGHLAND DR	5+21.21 - 5+48.22	40		(5) 36" MARKINGS
DAKCREST AVE	13+82.23 - 14+09.23	40		(5) 36" MARKINGS
LENGTH SUBTOTALS		45	120	
QUANTITY FACTORS		6	9	
TOTALS		270	1050	TOTAL = 1350 LF (13.5 STA.)

LANDSCAPING

No.	Location Station	Offset	Size of Tree	Adjustment
1	1+46.72	10.0' L	MIN 2" DIA	SNOWCLOUD SERVICEBERRY (AMELANCHIER LAEVIS 'SNOWCLOUD')
2	2+72.15	12.0' L	MIN 2" DIA	CHINA SNOW PEKING LILAC (SYRINGA PEKINENSIS 'MORTON')
3	6+50.00	14.0' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
4	6+82.00	12.0' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
5	7+10.00	13.0' L	MIN 2" DIA	SHADEMASTER HONEYLOCUST (GLEDTISIA T.L.)
6	7+16.33	12.5' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
7	7+36.33	12.5' L	MIN 2" DIA	WINTER KING HAWTHORN (CRATEAGUS VIRIDIS 'M.K.')
8	7+50.00	13.0' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
9	7+56.33	12.5' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
10	7+89.00	14.0' L	MIN 2" DIA	SHADEMASTER HONEYLOCUST (GLEDTISIA T.L.)
11	8+26.26	14.0' L	MIN 2" DIA	SHADEMASTER HONEYLOCUST (GLEDTISIA T.L.)
12	8+88.20	14.0' L	MIN 2" DIA	QUERCUS RUBRA (NORTHERN RED OAK)
13	9+24.71	12.9' L	MIN 2" DIA	WINTER KING HAWTHORN (CRATEAGUS VIRIDIS 'M.K.')
14	9+50.00	12.0' L	MIN 2" DIA	QUERCUS RUBRA (NORTHERN RED OAK)
15	9+86.00	12.0' L	MIN 2" DIA	QUERCUS RUBRA (NORTHERN RED OAK)
16	10+73.68	12.1' L	MIN 2" DIA	EASTERN REDBUD (GERGIS CANADENSIS)
17	11+04.56	13.9' L	MIN 2" DIA	AMERICAN HORSEBEAM (CARPINUS CAROLINIA)
18	11+35.61	11.8' L	MIN 2" DIA	EASTERN REDBUD (GERGIS CANADENSIS)
19	11+70.00	11.0' L	MIN 2" DIA	SHADEMASTER HONEYLOCUST (GLEDTISIA T.L.)
20	12+63.00	12.0' L	MIN 2" DIA	EASTERN REDBUD (GERGIS CANADENSIS)
21	12+74.53	12.2' L	MIN 2" DIA	AMERICAN HORSEBEAM (CARPINUS CAROLINIA)
22	12+85.14	12.4' L	MIN 2" DIA	WINTER KING HAWTHORN (CRATEAGUS VIRIDIS 'M.K.')
23	12+85.15	11.9' L	MIN 2" DIA	QUERCUS RUBRA (NORTHERN RED OAK)
24	13+17.22	12.2' L	MIN 2" DIA	QUERCUS RUBRA (NORTHERN RED OAK)
25	14+92.56	13.6' L	MIN 2" DIA	AUTUMN BLAZE MAPLE (ACER x FREEMANII)
26	16+87.84	12.7' L	MIN 2" DIA	CHINA SNOW PEKING LILAC (SYRINGA PEKINENSIS 'MORTON')
27	17+17.82	11.3' L	MIN 2" DIA	SNOWCLOUD SERVICEBERRY (AMELANCHIER LAEVIS 'SNOWCLOUD')
TOTALS			27 TREES	

TABULATION OF EARTHWORK

STATION	FILL Cu. Yds.	CUT Cu. Yds.	STATION	FILL Cu. Yds.	CUT Cu. Yds.
0+00	2.81	0.70	14+11	1.65	0.00
0+52	0.76	0.0	14+27	0.49	0.34
0+75	3.11	0.0	14+50	1.64	0.42
1+00	3.24	0.0	14+75	3.69	0.04
1+25	2.84	0.04	15+00	6.06	0.00
1+50	1.97	0.21	15+25	4.27	0.00
1+75	1.63	0.17	15+50	3.58	0.00
1+94	1.25	0.10	16+00	2.27	0.22
			16+25	2.27	0.22
			16+50	3.94	0.00
			16+75	4.62	0.01
			17+00	3.98	0.01
			17+25	4.00	0.06
			17+50	5.75	0.05
			18+00	10.02	0.00
			18+25	6.32	0.00
			18+50	0.50	0.00
			18+75	0.35	0.00
			19+00	2.67	0.00
			19+25	2.27	0.22
			19+50	3.94	0.00
			19+75	4.62	0.01
			20+00	3.98	0.01
			20+25	4.00	0.06
			20+50	5.75	0.05
			20+75	10.02	0.00
			21+00	6.32	0.00
			21+25	0.50	0.00
			21+50	0.35	0.00
			21+75	2.67	0.00
			22+00	2.27	0.22
			22+25	3.94	0.00
			22+50	4.62	0.01
			22+75	3.98	0.01
			23+00	4.00	0.06
			23+25	5.75	0.05
			23+50	10.02	0.00
			23+75	6.32	0.00
			24+00	0.50	0.00
			24+25	0.35	0.00
			24+50	2.67	0.00
			24+75	2.27	0.22
			25+00	3.94	0.00
			25+25	4.62	0.01
			25+50	3.98	0.01
			25+75	4.00	0.06
			26+00	5.75	0.05
			26+25	10.02	0.00
			26+50	6.32	0.00
			26+75	0.50	0.00
			27+00	0.35	0.00
			27+25	2.67	0.00
			27+50	2.27	0.22
			27+75	3.94	0.00
			28+00	4.62	0.01
			28+25	3.98	0.01
			28+50	4.00	0.06
			28+75	5.75	0.05
			29+00	10.02	0.00
			29+25	6.32	0.00
			29+50	0.50	0.00
			29+75	0.35	0.00
			30+00	2.67	0.00
			30+25	2.27	0.22
			30+50	3.94	0.00
			30+75	4.62	0.01
			31+00	3.98	0.01
			31+25	4.00	0.06
			31+50	5.75	0.05
			31+75	10.02	0.00
			32+00	6.32	0.00
			32+25	0.50	0.00
			32+50	0.35	0.00
			32+75	2.67	0.00
			33+00	2.27	0.22
			33+25	3.94	0.00
			33+50	4.62	0.01
			33+75	3.98	0.01
			34+00	4.00	0.06
			34+25	5.75	0.05
			34+50	10.02	0.00
			34+75	6.32	0.00
			35+00	0.50	0.00
			35+25	0.35	0.00
			35+50	2.67	0.00
			35+75	2.27	0.22
			36+00	3.94	0.00
			36+25	4.62	0.01
			36+50	3.98	0.01
			36+75	4.00	0.06
			37+00	5.75	0.05
			37+25	10.02	0.00
			37+50	6.32	0.00
			37+75	0.50	0.00
			38+00	0.35	0.00
			38+25	2.67	0.00
			38+50	2.27	0.22
			38+75	3.94	0.00
			39+00	4.62	0.01
			39+25	3.98	0.01
			39+50	4.00	0.06
			39+75	5.75	0.05
			40+00	10.02	0.00
			40+25	6.32	0.00
			40+50	0.50	0.00
			40+75	0.35	0.00
			41+00	2.67	0.00
			41+25	2.27	0.22
			41+50	3.94	0.00
			41+75	4.62	0.01
			42+00	3.98	0.01
			42+25	4.00	0.06
			42+50	5.75	0.05
			42+75	10.02	0.00
			43+00	6.32	0.00
			43+25	0.50	0.00
			43+50	0.35	0.00
			43+75	2.67	0.00
			44+00	2.27	0.22
			44+25	3.94	0.00
			44+50	4.62	0.01
			44+75	3.98	0.01
			45+00	4.00	0.06
			45+25	5.75	0.05
			45+50	10.02	0.00
			45+75	6.32	0.00
			46+00	0.50	0.00
			46+25	0.35	0.00
			46+50	2.67	0.00
			46+75	2.27	0.22
			47+00	3.94	0.00
			47+25	4.62	0.01
			47+50	3.98	0.01
			47+75	4.00	0.06
			48+00	5.75	0.05
			48+25	10.02	0.00
			48+50	6.32	0.00
			48+75	0.50	0.00
			49+00	0.35	0.00
			49+25	2.67	0.00
			49+50	2.27	0.22
			49+75	3.94	0.00
			50+00	4.62	0.01
			50+25	3.98	0.01
			50+50	4.00	0.06
			50+75	5.75	0.05
			51+00	10.02	0.00
			51+25	6.32	0.00
			51+50	0.50	0.00
			51+75	0.35	0.00
			52+00	2.67	0.00
			52+25	2.27	0.22
			52+50	3.94	0.00
			52+75	4.62	0.01
			53+00	3.98	0.01
			53+25	4.00	0.06
			53+50	5.75	0.05
			53+75	10.02	0.00
			54+00	6.32	0.00
			54+25	0.50	0.00
			54+50	0.35	0.00
			54+75	2.67	0.00
			55+00	2.27	0.22
			55+25	3.94	0.00
			55+50	4.62	0.01
			55+75	3.98	0.01
			56+00	4.00	0.06
			56+25	5.75	0.05
			56+50	10.02	0.00
			56+75	6.32	0.00
			57+00	0.50	0.00
			57+25	0.35	0.00
			57+50	2.67	0.00
			57+75	2.27	0.22
			58+00	3.94	0.00
			58+25	4.62	0.01
			58+50	3.98	0.01
			58+75	4.00	0.06
			59+00	5.75	0.05
			59+25	10.02	0.00
			59+50	6.32	0.00
			59+75	0.50	0.00
			60+00	0.35	0.00
			60+25	2.67	0.00
			60+50	2.27	0.22
			60+75	3.94	0.00
			61+00	4.62	0.01
			61+25	3.98	0.01
			61+50	4.00	0.06
			61+75	5.75	0.05
			62+00	10.02	0.00
			62+25	6.32	0.00
			62+50	0.50	0.00
			62+75	0.35	0.00
			63+00	2.67	0.00
			63+25	2.27	0.22
			63+50	3.94	0.00
			63+75	4.62	0.01
			64+00	3.98	0.01
			64+25	4.00	0.06
			64+50	5.75	0.05
			64+75	10.02	0.00
			65+00	6.32	0.00
			65+25	0.50	0.00
			65+50	0.35	0.00
			65+75	2.67	0.00
			66+00	2.27	0.22
			66+25	3.94	0.00
			66+50	4.62	0.01
			66+75	3.98	0.01
			67+00	4.00	0.06
			67+25	5.75	0.05
			67+50	10.02	0.00
			67+		



769.3	769.32	769.5	769.50	769.2	769.22	769.6	769.60	769.7	769.74	769.5	769.47	769.5	769.50	768.9	768.86	768.7	768.65	768.4	768.42	768.0	768.01	767.74	767.7	767.74
9+00						10+00								11+00									12+00	

SHIVE-HATTERY
 Cedar Rapids, IA • Inver City, IA • One-Stop, IA
 2024 Northpark Drive, Iowa City, Iowa 52245
 319.334-2467 • Fax: 319.334-2461

SHIVE-HATTERY, INC. 2024 Northpark Drive, Iowa City, Iowa 52245
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DRAWN BY: C.H. DATE: 12-18-2012
 CHECKED BY: RPT. DATE: 12-18-2012

PROJECT NUMBER: STP-E-7855607--8V-52
 COUNTY: JOHNSON

STATE: IOWA
 FUND: 87
 YEAR: 2012

SHEET NO. 47 OF 47
 SHEET TITLE: SUNSET SIDEWALK PLAN AND PROFILE
 DRAWING NO.: D-04-RW

**REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

PREDETERMINED WAGE RATE

IA 13 - 1.0

General Decision Number: IA130001 01/04/13 IA1

Superseded General Decision Number: IA20120001

State: Iowa

Construction Types: Heavy and Highway

Counties: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth and Wright Counties in Iowa.

STATEWIDE EXCEPT SCOTT COUNTY HEAVY CONSTRUCTION PROJECTS (Does not include work on or pertaining to the Mississippi or Missouri Rivers or on Water and Sewage Treatment Plants), AND HIGHWAY PROJECTS (does not include building structures in rest areas)

Modification Number	Publication Date
0	01/04/2013

SUIA2002-003 02/28/2012

CARPENTERS AND PILEDRIVERMEN:	Rates	Fringes
ZONE 1	23.92	9.28
ZONE 2	21.83	9.28
ZONE 3	21.83	9.28
ZONE 4	20.80	7.50
ZONE 5**	20.25	6.10

CONCRETE FINISHER:	Rates	Fringes
ZONE 1	21.77	6.50
ZONE 2	21.77	6.50
ZONE 3	21.77	6.50
ZONE 4	19.55	4.95
ZONE 5	17.95	5.50

PREDETERMINED WAGE RATE

IA 13 - 1.0

ELECTRICIANS: (STREET AND HIGHWAY LIGHTING AND TRAFFIC SIGNALS)

ZONE 1, ZONE 2, AND ZONE 3	20.55	5.20
ZONE 4	19.25	5.20
ZONE 5	17.00	5.20

IRONWORKERS: (SETTING OF STRUCTURAL STEEL)

ZONES 1 AND 2	25.05	7.45
ZONE 3	24.75	7.75
ZONE 4	20.65	6.60
ZONE 5**	20.25	6.10

LABORERS:

	Rates	Fringes
ZONE 1 AND ZONE 2		
GROUP AA	20.56	7.60
GROUP A	19.76	7.60
GROUP B	17.88	7.60
GROUP C	14.65	7.60
ZONE 3		
GROUP AA	20.56	7.60
GROUP A	19.76	7.60
GROUP B	17.88	7.60
GROUP C	14.65	7.60
ZONE 4		
GROUP A	16.90	7.60
GROUP B	15.58	7.60
GROUP C	12.70	7.60
ZONE 5		
GROUP A	17.55	5.90
GROUP B	14.80	5.90
GROUP C	14.20	5.90

POWER EQUIPMENT OPERATORS:

ZONE 1		
GROUP A	26.30	12.90
GROUP B	24.70	12.90
GROUP C	22.20	12.90
GROUP D	22.20	12.90
ZONE 2		
GROUP A	25.55	12.90
GROUP B	23.95	12.90
GROUP C	21.40	12.90
GROUP D	21.40	12.90
ZONE 3		
GROUP A	26.70	14.20
GROUP B	24.90	14.20
GROUP C	23.90	14.20
GROUP D	23.90	14.20

PREDETERMINED WAGE RATE

IA 13 - 1.0

ZONE 4		
GROUP A	25.50	7.85
GROUP B	24.36	7.85
GROUP C	22.28	7.85
GROUP D	22.28	7.85
ZONE 5		
GROUP A	22.07	6.20
GROUP B	21.03	6.20
GROUP C	19.70	6.20
GROUP D	18.70	6.20
TRUCK DRIVER (AND PAVEMENT MARKING DRIVER/SWITCHPERSON)		
ZONE 1	19.25	9.50
ZONE 2	19.25	9.50
ZONE 3	19.25	9.50
ZONE 4	19.30	5.20
ZONE 5	17.35	5.20

ZONE DEFINITIONS

- ZONE 1 The Counties of Polk, Warren and Dallas for all Crafts, and Linn County Carpenters only.
- ZONE 2 The Counties of Dubuque for all Crafts and Linn County for all Crafts except Carpenters.
- ZONE 3 The Cities of Burlington, Clinton, Fort Madison, Keokuk, and Muscatine (and abutting municipalities of any such cities).
- ZONE 4 Story, Black Hawk, Cedar, Jasper, Jones, Jackson, Louisa, Madison, and Marion Counties; Clinton County (except the City of Clinton), Johnson County, Muscatine County (except the City of Muscatine), the City of Council Bluffs, Lee County and Des Moines County.
- ZONE 5 All areas of the state not listed above.

LABORER CLASSIFICATIONS - ALL ZONES

GROUP AA - Skilled pipelayer (sewer, water and conduits) and tunnel laborers (zones 1, 2 and 3).

GROUP A - Carpenter tender on bridges and box culverts; curb machine (without a seat); deck hand; diamond & core drills; drill operator on air tracs, wagon drills and similar drills; form setter/stringman on paving work; gunnite nozzleman; joint sealer kettleman; laser operator; pipelayer (sewer, water, and conduits) Zone 4 & 5; powderman tender; powderman/blaster; saw operator; tunnel laborer (zones 4 and 5).

GROUP B - Air, gas, electric tool operator; barco hammer; carpenter tender; caulker; chain sawman; compressor (under 400 cfm); concrete finisher tender; concrete processing materials and monitors; cutting torch on demolition; drill tender; dumpmen; electric drills; fence erectors; form line expansion joint assembler; form tamper; general laborer; grade checker; handling and placing metal mesh, dowel bars, reinforcing bars and chairs; hot asphalt laborer; installing temporary traffic control devices; jackhammerman; mechanical grouter; painter (all except stripers); paving breaker; planting trees, shrubs and flowers; power broom (not self-propelled); power buggyman; rakers; rodman (tying reinforcing steel); sandblaster; seeding and mulching; sewer utility topman/bottom man; spaders; stressor or stretcherman on pre or post tensioned concrete; stringman on re/surfacing/no grade control; swinging stage, tagline, or block and tackle; tampers; timberman; tool room men and checkers; tree climber; tree groundman; underpinning and shoring caissons over twelve feet deep; vibrators; walk behind trencher; walk behind paint stripers; walk behind vibrating compactor; water pumps (under three inch); work from bosun chair.

GROUP C - Scale weigh person; traffic control/flagger, surveillance or monitor; water carrier.

POWER EQUIPMENT OPERATOR CLASSIFICATIONS - ALL ZONES

GROUP A - All terrain (off road) forklift, Asphalt breakdown roller (vibratory); Asphalt laydown machine; asphalt plant; Asphalt screed; bulldozer (finish); central mix plant; concrete pump; crane; crawler tractor pulling scraper; directional drill (60,000 (lbs) pullback and above); dragline and power shovel; dredge engineer; excavator (over ½ cu. yd.); front end loader (4 cy and over); horizontal boring machine; master mechanic; milling machine (over 350 hp); motor grader (finish); push cat; rubber tired backhoe (over ½ cu. yd.); scraper (12 cu. yd. and over or finish); Self-propelled rotary mixer/road reclaimer; sidebroom tractor; slipform portland concrete paver; tow or push boat; trenching machine (Cleveland 80 or similar).

GROUP B - Articulated off road hauler, asphalt heater/planer; asphalt material transfer vehicle; Asphalt roller; belt loader or similar loader; bulldozer (rough); churn or rotary drill; concrete curb machine; crawler tractor pulling ripper, disk or roller; deck hand/oiler; directional drill (less than 60,000 (lbs) pullback); distributor; excavator (1/2 cu. yd. and under); form riding concrete paver; front end loader (2 to less than 4 cu. yd.); group equipment greaser; mechanic; milling machine (350 hp. and less); paving breaker; portland concrete dry batch plant; rubber tired backhoe (1/2 cu. yd. and under); scraper (under 12 cu. yd.); screening, washing and crushing plant (mobile, portable or stationary); shoulder machine; skid loader (1 cu. yd. and over); subgrader or trimmer; trenching machine; water wagon on compaction.

GROUP C - Boom & winch truck; concrete spreader/belt placer; deep wells for dewatering; farm type tractor (over 75 hp.) pulling disc or roller; forklift; front end loader (under 2 cu. yd.); motor grader (rough); pile hammer power unit; pump (greater than three inch diameter); pumps on well points; safety boat; self-propelled roller (other than asphalt); self-propelled sand blaster or shot blaster, water blaster or stripping grinder/remover; skid loader (under 1 cu. yd.); truck mounted post driver.

PREDETERMINED WAGE RATE

IA 13 - 1.0

GROUP D - Boiler; compressor; cure and texture machine; dow box; farm type or utility tractor (under 75 hp.) pulling disk, roller or other attachments; group greaser tender; light plants; mechanic tender; mechanical broom; mechanical heaters; oiler; pumps (under three inch diameter); tree chipping machine; truck crane driver/oiler.

****CARPENTERS AND PILEDRIVERMEN, or IRONWORKERS (ZONE 5)**

Setting of structural steel; any welding incidental to bridge or culvert construction; setting concrete beams.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

PREDETERMINED WAGE RATE

IA 13 - 1.0

- 2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

- 3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

- 4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION

University Heights April 2013 eGovernment Report

U-H Website Updates/Statistics March 1- 31, 2013

- **March 28, 2013**
 - Board of Adjustment Meeting 4/22/13
 - Zoning Commission Meeting 4/30/13
- **March 19, 2013**
 - March 12, 2013 City Council Meeting View web stream
 - Community Relations Committee Meeting 3/26/13
 - April 27 City Clean Up Day
 - May 15 Bike to Work Week Breakfast
- **March 11, 2013**
 - March 12 Council Meeting Agenda & attachments (18)
 - Mayor’s Report, 2/12/13 minutes
- **March 11, 2013**
 - Read about U-Heights artist, Jennifer Black-Reinhardt’s latest work Adventures of South Pole Pig
- **March 10, 2013**
 - March 12 Council meeting Agenda
 - Public Hearing FY2014 Budget
 - Public Hearing Proposed Ordinance 183
- **March 8, 2013**
 - Johnson County Empowerment Board 3/14 Agenda
 - Safe Kids Day May 4, 2013

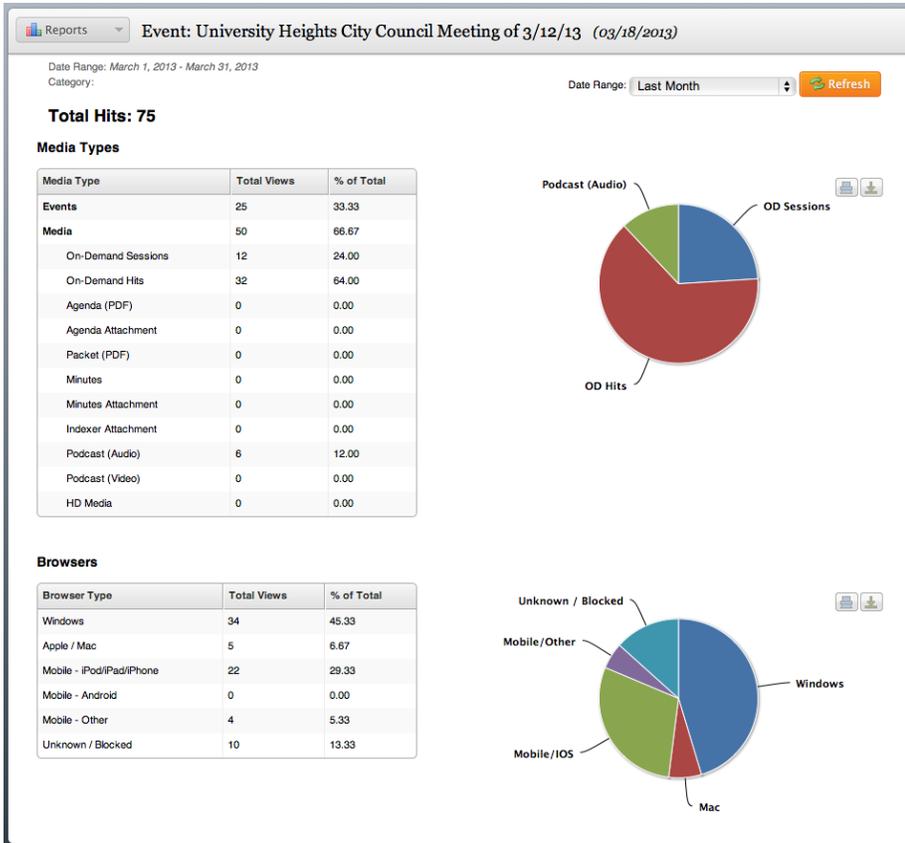
Monthly Statistics from Stat Counter

Page Loads	Unique Visits	1st Time Visits	Returning Visits	
777	498	383	115	Total
25	16	12	4	Average

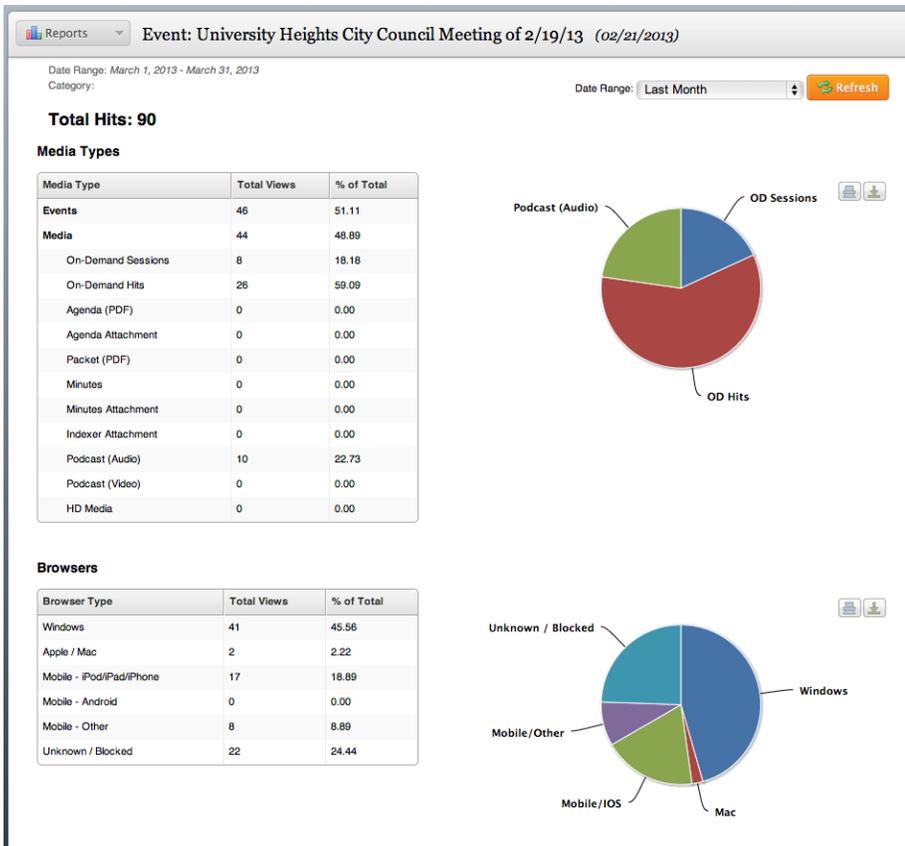
Monthly Statistics from Webalyzer

Total Hits	31159
Total Files	18739
Total Pages	8929
Total Visits	4739
Total KBytes	4989758
Total Unique Sites	2402
Total Unique URLs	1247
Total Unique Referrers	1162
Total Unique User Agents	774
Average Visits Per Day	152

University Heights City Council Meeting Webcasts Viewing Statistics From EarthChannel



**March Council Meeting statistics
from 3/18/13 to 3/31/13**



**February Council Meeting
statistics from 2/21/13 to 3/31/13**

March Hits 90
Feb. Hits 40
Total 130