

AGENDA

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

Tuesday, June 11, 2013

Location:

**University Club- east entrance
1360 Melrose Ave.**

7:00 – 9:00 P.M.

Meeting called by Mayor Louise From

Time		Topic	Owner
7:00	Call to Order Meeting	Roll Call Approval of Minutes May 14, 2013	Louise From
7:05	Public Input	Public Comments	
7:30			
	<u>Administration</u>		
	-Mayor	<u>Mayor's Report</u> -Farmers Market report	Louise From
	-City Attorney	<u>Legal Report</u>	Steve Ballard
	-City Clerk	<u>City Clerk Report</u>	Chris Anderson
	<u>Committee Reports:</u>		
	<u>Finance</u>	Committee Report -University Heights Future Discussion	Jim Lane
		<u>Treasurer's Report/ Payment of Bills</u>	Lori Kimura
	<u>Community Protection</u>	Committee Report Police Chief Report -Hire new reserve officer Community Relations Report -City wide Garage Sale report -City wide Picnic with a Purpose, Sept. 8 -Community Fund Board Meeting report - Vision One: Facilities Master Planning Committee report TIF and OUP -Generally discuss TIF and OUP and get councilor opinions as well as the public input on the matter.	R. Hopson/M. Haverkamp Ron Fort Rosanne Hopson
	<u>Streets and Sidewalks</u>	Committee Report -Discuss limiting the length of council meetings in light of increased interest in the	Jan Leff

Time		Topic	Owner
9:00	Announcements Adjournment	proposed development (at St. Andrew Church). Propose that no council meeting last longer than 3 hours.	Anyone Louise From
	<u>Building, Zoning & Sanitation</u>	<p data-bbox="699 306 899 327"><u>Engineer Report</u></p> <p data-bbox="699 331 1146 415">-Consideration of Payment Application #1 from Vieth Construction for the Sunset Street Wide Sidewalk project.</p> <p data-bbox="699 426 894 447">Committee Report</p> <p data-bbox="699 485 854 506">Zoning Report</p>	<p data-bbox="1208 306 1395 327">Josiah Bilskemper</p> <p data-bbox="1208 426 1395 447">Brennan McGrath</p> <p data-bbox="1208 485 1313 506">Pat Bauer</p>
	<u>e-Government</u>	<u>Committee Report</u>	Mike Haverkamp

Next Regular Council Meeting: Tuesday, July 9th, 2013 – Location to be announced.

Mayor's Report- June 2013

June 4th- The first Farmer's Market at St. Andrew Church front parking lot started from 5:00-7:00pm. The weather was cloudy with light sprinkles at times, but 13 vendors arrived (3 didn't show), 4 vendors were University Heights residents and lots of people showed up too. It was a wonderful atmosphere with the vendors having tents in the market area and then tables & chairs to sit a while and enjoy some food & music. All the food vendors were approved by the Johnson County Public Health Dept. and a specialist from that department came to the market to check on the food prep, health conditions, etc.

Thanks to Mike Haverkamp for organizing the music and serving as market manager. Thanks to Rosanne Hopson for her assistance. Thanks also to Ron Fort and UHPD for their assistance with vendors and traffic. I've heard from about 5-6 new vendors who are interested in future markets. The next market is: **Tues. July 2, 5:00-7:00pm**. I will be on vacation. Mike Haverkamp will be managing the July 2 market. I will give Mike a list of the vendors that are scheduled for the July 2 market.

Expenses: After researching pricing at area farmers markets, I decided to charge a minimal amount to vendors to get the market "on its feet" \$5/each market or all 5 markets for \$20 and no charge to University Heights residents. The start-up costs I have are for farmer market signs (a one-time cost of \$124) and some chair rentals for each market for \$20. I received \$75 in vendor fees to date.

My goal is to have the farmers market be no cost to the City.

I am attending all Johnson County Emergency Management daily situation reports concerning the FLOOD. Meetings have been daily starting on May 28th scheduled to finish this Wed. June 12. I attended as representative of University Heights and as vice chair of the commission.

May 21 Meeting- Transportation Technical Advisory Committee (TTAC, MPO-JC)- voted to recommend Transportation Alternative Program Funding to UAPB (also recommended by RTBC) for Coralville Clear Creek Trail Phase VI \$235,000, local pledge 58%, Coralville Clear Creek Trail Phase VII, \$470,078 local pledge 26.6 and Tiffin Trail from Tiffin Park to Ireland Ave. to link to Kent Park, \$148,922, local match 61%.

Voted to recommend to UAPB, for Surface Transportation Program Funds, the following projects: Coralville, 1st Avenue Improvements- Phase 3. \$3,598,673, local match 39.4%, Iowa City and University of Iowa, Burlington St. median project, from Riverside Dr. to Capitol St., \$1,011,360, local match, 54.8%, North Liberty, Highway 965 phase 3, from reconstruction from Zeller to W. Penn St. \$1,947,096 local match 60.1%, Tiffin-reconstruct Roberts Ferry Rd. from Hwy 6 to Goldfinch Dr. 313,871, local match 61%.

May 29th Meeting -Urbanized Area Policy Board- UAPB, MPO-JC -Approved the above recommendations.

Special Thanks to Paul Moore for purchasing 2 Bicycle racks, one in front area of the city office which holds 10 bikes and one in his east parking lot, which holds 4. The total cost with shipping was \$1500.

June '13 – City Attorney's Report

1. **20 Olive Court – Parking and Gravel.** Several inquiries have been made about placement of gravel and parking to the rear of the home at 20 Olive Court. I have spoken with Mike Ritchie, who has been my principal contact for the property owner, Olive Court Holdings, LLC.
 - Mr. Ritchie indicates the pavement at this address will be marked this weekend to indicate where parking is permitted (within the deck posts) and where parking is not permitted (everywhere else). Mr. Ritchie will remind the tenants about the parking restrictions. I will speak with Chief Fort about enforcement.

2. **St. Andrew Presbyterian Church – Proposed Redevelopment.** I met with Jeff Maxwell and his lawyer, Tom Gelman. As indicated in my prior email, Mr. Maxwell's time and energies have been consumed by flood preparations. Thus, he was not in a position to submit development materials to the Council a week in advance of the June meeting as requested. He intends to submit materials in advance of and to appear at the July Council meeting.

3. **Open Meetings Questions.**
 - I have received a couple of inquiries regarding Iowa's Open Meetings Law and its application to Council members attending citizen gatherings where community issues are discussed.

 - Iowa's Open Meetings Law provides that if a "governmental body" holds a "meeting", then the meeting must be preceded by no less than 24-hour notice and posting of a tentative agenda where the meeting will be held. The meeting must be open to the public and minutes of the meeting must be kept.

 - The University Heights City Council clearly is a "governmental body".

 - "Meeting" is defined as "a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties". Iowa Code § 21.2(2) (emphasis supplied).

 - If University Heights Council members will be deliberating – participating in discussions, debating, etc. – at a particular citizen meeting, then only two members may be present at one time. The law permits Council member A and B to attend such a meeting and deliberate for a period, then for A to leave and B and C to attend and deliberate for another period. But A, B, and C cannot attend and deliberate together – at the citizen meeting or on their own before or after the citizen meeting, etc.

 - I should point out that different elected officials, lawyers, and media personnel take different views of whether less than a majority (for example, Council members meeting in successive pairs, as suggested above) abides by the law or purposely circumvents it if the

Council members deliberately do not meet as a majority, but do discuss matters of policy in smaller numbers.

- Some take the view that Council members meeting in pairs is expressly permitted by Iowa law – that if the Iowa Legislature wanted every discussion of Council members (even a minority of members) about every policy item to be a public meeting, then the Legislature surely would have said so. In other words, the argument goes, the Legislature specifically intended that not all discussions by Council members would or should occur in public, so private discussions are not just “technically legal” but perfectly appropriate.
 - Others take the view that the point of the Open Meetings Law is to require that the public’s business – all of it – be done in public, so Council members should not meet and discuss policy matters privately, even if doing so does not constitute a direct violation of the law.
 - Both views comport with Iowa law. So, whether a Council member views a private meeting with one other Council member as appropriate or not is an individual decision for the Council member to make.
- The subject-matter portion of the law (deliberation on “any matter within the scope of the governmental body’s policy-making duties”) extends both to at least two discrete types of citizen-meeting discussions:
 - Discussions geared toward persuading the Council to take action on particular policy items (for example, whether to widen a street or buy land for a park); and
 - Campaign discussions focused on persuading voters to elect certain candidates based upon their stance on particular policy items (for example, “vote for A, B, and C because they want to widen the street or buy land for a park”).

**City Clerk Report
June 2013**

- **Received complaint about the “noise pollution’ generated by the Sunset Street Wide-Sidewalk project. I passed the information onto Jan to return the gentleman’s call.**
- **One rental permit received since the last meeting:**
 - 14 George Street – This will be for FY14 and will be reflected in next month’s spreadsheet.**
- **Steve is updating the rental brochure and making language changes to the renewal letter. Once the brochure is updated, I will take to Copyworks to be printed.**

Norm’s report:

15 rental properties were inspected in May. They were as follows.

**127 Grandview Ct
201 Grandview Ct
202 Grandview Ct
212 Grandview Ct
213 Grandview Ct
302 Grandview Ct
415 Grandview Ct
504 Grandview Ct
505 Grandview Ct
506 Grandview Ct
620 Grandview Ct
247 Koser Ave
368 Koser Ave
900 Melrose Ave
1202 Melrose Ave**

127 Grandview Ct, 247 Koser Ave and 368 Koser Ave are new rentals.

Responded to tall grass complaints at 217 Mahaska Dr., 1236, 1247 & 1251 Melrose Ave.

Responded to a complaint regarding new gravel installed between 24 & 20 Olive Ct. rear yards. It appears to me that the area in question is new. I have notified Steve Ballard of my findings.

I will be preparing a yearly report for next week's council meeting.

Dear Mayor From and Members of the University Heights City Council;

I was asked to provide a summary report for FY 2013 that would catalog the number of inspections conducted, the major violations found during inspections, as well as inspections done due to complaints from citizens. In addition, I was asked to provide any recommendations for improving city processes.

In FY 2013, 108 rental inspections were conducted. Of those 108 inspections, 14 were new rentals, and 18 were re-inspections to correct cited violations.

The most common violations cited in FY 2013 were of the fire-safety/life-safety category. Inoperable, improperly located, missing or old smoke alarms, as well as missing or improperly sized fire extinguisher, and improper storage of combustible materials were the most commonly cited fire-safety violations. Life-safety items such as improperly vented water heaters, furnaces and dryers, missing or unsecured handrails and guardrails, improperly grounded or inoperable electrical receptacles and tripping hazards were also cited.

Some of these violations were corrected as the inspection was being conducted. If not, then a follow up inspection was scheduled to assure compliance. No more than a few of these re-inspections required more than 1 visit.

Complaint inspections were mostly about tall grass or over occupancy and those complaints were usually forwarded to me through city council, the mayor, or the city clerk.

There were 9 over occupancy complaint inspections conducted in FY13. 8 were complaint generated and 1 was observed during an inspection. Follow up investigations revealed that 1 property was over occupied and that occupancy was reduced within 21 days. 2 other properties gave written statements testifying to the familial relationships of the tenants. 5 of the other properties were in found to be in compliance. There was insufficient evidence to pursue legal action at 1 property.

There were 7 tall grass complaints that were inspected and compliance was achieved.

I was also asked, as part of the yearly report, to provide input into what areas of improvement I think would benefit city government. One area of improvement I would suggest would be to purchase a basic web-based, property data software system that would track, catalog and cross reference any and all property records electronically; i.e. building permits, electrical permits, plumbing permits, rental permits, complaint notices, zoning board decisions, etc. This system would thereby establish a historical archive, a track record if you will, for each property in University Heights, which I believe is an essential component for zoning, building and rental enforcement. As the city grows and moves forward, the need for historical archiving such as this will become indispensable, in my opinion.

Thank you for your time and I look forward to serving the community in the upcoming fiscal year.

Norm Cate
Housing/Building inspector

Treasurer's Report

May 2013

Our total revenue for the month of May was \$44,697.84 comprised of the following amounts:

Property Taxes	\$22,664.39
Parking fines	\$ 60.00
Traffic Fines from Clerk of Court	\$ 6,559.94
Interest on bank accounts	\$ 96.23
Road Use Funds	\$ 4,758.08
Local Option Sales Tax funds	\$ 8,927.20
Police Reports	\$ 25.00
Governors Traffic Safety	\$ 1,008.90
Rental Permits	\$ 100.00
Building Permits	\$ 473.10
Variance application	\$ 50.00

Balances in the bank accounts as of 5/31/13:

MidwestOne Checking Account	\$308,584.38
Hills Bank Money Market Account	\$ 1,038.50
CD at UICCU (due 2/22/14)	\$ 75,163.05
CD at UICCU (due 5/25/14)	\$ 50,598.24
CD at UICCU (due 8/25/13)	\$ 50,394.86
CD at UICCU (due 2/28/14)	\$ 42,097.29
CD at UICCU (due 9/8/14)	\$ 50,606.31
CD at Hills Bank (due (8/20/13)	\$ 22,725.84
Forfeiture Fund	\$ 2,300.39

The amended budget is recorded in QuickBooks so these reports reflect the new amounts.

I made the payment for the capital loan from Hills Bank that the city took out for streets projects during 2008-09. I believe the balance due on the loan after this payment is approximately \$120,000.

City of University Heights, Iowa
Warrants for Council Approval
 May 15 through June 11, 2013

Date	Name	Memo	Amount
May 15 - Jun 11, 13			
5/15/2013	Beeks, Joshua W	VOID:payroll update not done for check	0.00
5/15/2013	Fort, Matthew A	VOID:paryoll update not done for check	0.00
5/15/2013	Fort, Ronald R	VOID:payroll update not done for check	0.00
5/15/2013	Stenda, Jeremy P	VOID:payroll update not done for check	0.00
5/15/2013	Tucker, Darryl	VOID:payroll update not done for check	0.00
5/15/2013	Plate, Harold,	VOID:payroll update not done for check	0.00
5/15/2013	Beeks, Joshua W		-826.97
5/15/2013	Fort, Matthew A		-1,530.73
5/15/2013	Fort, Ronald R		-1,184.31
5/15/2013	Stenda, Jeremy P		-1,405.34
5/15/2013	Tucker, Darryl		-1,259.64
5/15/2013	Plate, Harold,		-219.07
5/15/2013	Internal Revenue Service	42-1109342	-2,594.80
5/20/2013	Windstream	automatic payment for phone service	-141.90
5/23/2013	MidAmerican Energy	pedestrian lights at 113 Golfview	-27.41
5/23/2013	MidAmerican Energy	1301 Melrose stop light	-32.46
5/23/2013	MidAmerican Energy	1011 Melrose stop light	-48.35
5/23/2013	MidAmerican Energy	City Hall electricity	-61.42
5/24/2013	MidAmerican Energy	street lights	-621.36
5/30/2013	Anderson, Christine M.		-240.48
5/30/2013	Beeks, Joshua W		-968.78
5/30/2013	Fort, Matthew A		-1,558.86
5/30/2013	Fort, Ronald R		-1,213.48
5/30/2013	Kimura, Lori D.		-316.10
5/30/2013	Plate, Harold,		-209.25
5/30/2013	Stenda, Jeremy P		-1,402.16
5/30/2013	Tucker, Darryl		-1,296.54
5/30/2013	Beth Ann Bitner	crossing guard 1 afternoon	-12.50
5/30/2013	Wellmark BC/BS	monthly insurance payment	-744.75
5/30/2013	Hills Bank and Trust	payment & interest due on capital loan note #8...	-29,875.60
5/31/2013	Internal Revenue Service	42-1109342	-2,873.00
5/31/2013	IOWA PUBLIC EMPLOYEES ...		-3,162.43
5/31/2013	IOWA PUBLIC EMPLOYEES ...		-184.09
6/1/2013	Paul J. Moore, Melrose Aven...	City Hall Rent	-867.00
6/7/2013	City of Iowa City	City Hall water/sewer automatic payment	-13.56
6/8/2013	Verizon Wireless	monthly wire service/cell phone for police car a...	-113.96
6/11/2013	Internet Navigator	monthly fee for city website/email service	-24.95
6/11/2013	Paul J. Moore, Melrose Aven...	Garage rent	-35.00
6/11/2013	City of Iowa City	bus, fuel for police vehicles, water for street sw...	-4,202.34
6/11/2013	Breese Plumbing & Heating	annual RPZ test & certification	-173.88
6/11/2013	Eastern Iowa Community Coll...	training class for Pffifner	-65.00
6/11/2013	Hawkeye Community College	training classes for Jones	-85.00
6/11/2013	Louise From	reimburse for Farmers Market signs	-123.99

06/10/13

City of University Heights, Iowa
Warrants for Council Approval
May 15 through June 11, 2013

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
6/11/2013	Johnson County Refuse, Inc.	May recycling	-1,738.50
6/11/2013	Terry Goerd	inspection services for May	-630.00
6/11/2013	Norm Cate	inspection services for May	-560.00
6/11/2013	Iowa City Press-Citizen	April & May publications	-584.75
6/11/2013	Winkel, Parker & Foster, CPA...	prepare amended budget for FY 2012-13	-610.00
6/11/2013	Pyramid Services Inc.	rpl brakes/rotors/diff overhaul 2010 car	-1,958.17
6/11/2013	Iowa Law Enforcement Acade...	firearms instructor school Tucker	-440.00
6/11/2013	Leff Law Firm, L.L.P.	legal services 3/8/13-6/7/13	-21,623.61
6/11/2013	Shive Hattery	engineering services 4/27/13-5/31/13	-3,649.50
6/11/2013	Ultramax	ammo for firearms training school	-732.00
6/11/2013	Westport Touchless Autowash	April vehicle washes	-18.00
6/11/2013	SEATS	Seats Payment	-703.74
6/11/2013	Vieth Construction	Sunset Wide Sidewalk pay application #1	-38,165.47
6/11/2013	Model Tree/Brad Logan	Grand Ave tree removal-emergency after storm	-2,321.25
6/11/2013	Shive Hattery	Wide Sidewalk Construction-prof services agre...	-9,142.84
6/11/2013	Hopson, Rosanne C	reimburse for speed limit flyers/garage sale/far...	-196.67
6/11/2013	Mediacom	online service 6/3/13-7/2/13	-101.95
6/11/2013	John McLure	partial pymt towards amplifier for meetings	-250.00

May 15 - Jun 11, 13

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: June 10, 2013
RE: City Engineer's Report

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

- a. Construction continues along the full length of the project at this time (with the exception of the Melrose intersection corner). To date, portions of new sidewalk, curbs, and curb ramps have been constructed north of Highland Drive. The contract time to complete the project is 45 "working days". Through June 7th, the contractor has been charged 16 working days, or roughly 1/3 of their allotted time. Weekly update e-mails continue to be sent out each Monday to council, staff, and the adjacent property owners.
- b. The contractor has submitted their first pay application, in the amount of \$38,165.47 (see attached). This pay application covers work completed from the start of the project through June 7th, and represents about 25% of their contract amount. There is a standard (Iowa DOT) 3% retainage withheld until completion of the project. The pay item quantities reflect daily construction records taken during that time. We recommend approval of this pay application based on the work already completed.
- c. Once we have copies of deposited checks from the contractor payment, the first reimbursement request for construction costs will be submitted to the DOT.
- d. You may recall that as part of the property acquisition/easement payment process, there was a need to issue about 17 smaller value checks associated with various abstractor, recorder, and transfer tax fees. These checks total about \$1,100. Each month Lori and I check in with each other on these, and as of last week, they still had not made their way through the system to get cashed. Once these get deposited and Lori receives copies of the checks, we will also get them submitted for reimbursement.
- e. *The pre-construction meeting was held on Monday, May 6th and the contractor (Vieth Construction) began work on Tuesday, May 7th. There have been two project update e-mails sent out to council, staff, and the adjacent property owners. Eric Munchel from Shive-Hattery is handling the daily construction duties for observation, documentation, and record keeping. (May Mtg.)*

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

JDB



Unit Price Contract

Contractor's Application for Payment No. 1

Project:	University Heights Sidewalk	From (Contractor):	Vieth Construction Corporation	Application Date:	6/7/2013
To (Owner):	Iowa DOT	Owner's Project No.:	STP-E-7855(607)--8V-52	Period From:	Start
Via :	Shive-Hattery			Period To:	6/7/2013

Approved Change Order Summary:			
No.	Date Approved	Additions	Deductions
TOTALS			
NET CHANGE BY CHANGE ORDERS			

1. ORIGINAL CONTRACT PRICE.....	\$	160,775.60
2. Net change by Change Orders.....	\$	
3. Current Contract Price (Line 1 + 2).....	\$	160,775.60
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$	39,345.85
5. RETAINAGE:		
a. 3% X \$39,345.85 Work Completed.....	\$	1,180.38
b. 5% X _____ Stored Material.....	\$	
c. Less Total Retainage Released Early.....	\$	
d. Total Retainage (Line 5a + Line 5b - Line 5c).....	\$	1,180.38
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	38,165.47
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	
8. AMOUNT DUE THIS APPLICATION.....	\$	38,165.47
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$	122,610.13

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Tony Veith/Pres. Date: 6/7/13

38,165.47

Payment of \$ _____
(Line 8 or other - attach explanation of the other amount)

is recommended by: *Gene Mombul* 6/7/13
(Engineer) (Date)

Payment of \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____
(Owner) (Date)

University Heights June 2013 eGovernment Report

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

- **May 31, 2013**
 - City wide garage sale June 8th
- **May 28, 2013**
 - Sunset Sidewalk Update #4
- **May 25, 2013**
 - Farmer's Market vendor application forms
- **May 23, 2013**
 - Johnson County Emergency Siren Guide
- **May 20 2013**
 - Sunset Sidewalk Update #3
- **May 19, 2013**
 - May Council meeting webstream
- **May 16, 2013**
 - Adopoted ordinances 183, 184, 185
- **May 14, 2013**
 - May 14 council meeting agenda & attachments, April council meeting minutes
- **May 13, 2013**
 - Sunset Sidewalk Update #2, complete set of Sunset Sidewalk Plans
- **May 12, 2013**
 - May 14 council meeting agenda
- **May 10, 2013**
 - Proposed ordinance 185, bike to work breakfast
- **May 7, 2013**
 - Sunset Sidewalk Update #1
- **May 3, 2013**
 - Spring Clean Up Day thank you
- **May 2, 2013**
 - Audio recordings of 4/9 and 4/23 council meetings
- **May 1, 2013**
 - Famers Market announcement

Monthly Statistics from Stat Counter

Page Loads	Unique Visits	1st Time Visits	Returning Visits	
1,041	647	439	208	Total
34	21	14	7	Average

Monthly Statistics from Webalyzer

Total Hits	42555
Total Files	19735
Total Pages	8166
Total Visits	4757
Total KBytes	9335869
Total Unique Sites	2422
Total Unique URLs	1309
Total Unique Referrers	486
Total Unique User Agents	790
Average Visits Per Day	153