

City of University Heights, Iowa  
 City Council Special Meeting  
 May 20, 2021  
 Meeting to be conducted electronically  
 7:00-8:00 pm.

Meeting called by Mayor Louise From

TIME	TOPIC	OWNER
7:00 Call to Order Special Meeting	Roll Call	Louise From
7:05 Administration	Public Input	<b>Public Comments</b>
<ul style="list-style-type: none"> <li>City Attorney</li> </ul>	<p style="text-align: center;"><b>Legal Report</b></p> <p>- Consideration of <b>Resolution No. 21-20</b>, approving various requirements and acknowledging satisfaction of various conditions arising from prior resolutions, agreements, and other documents related to a Certificate of Occupancy for the hotel at 901 Melrose Avenue, known as the Courtyard Iowa City University Heights.</p>	Steve Ballard
Announcements		
8:00 Adjournment		Louise From

Next Regular City Council Meeting is June 8, 2021. All future meetings will be held by Zoom until further notice. Due to the COVID-19 pandemic, the City of University Heights will hold this meeting by electronic means pursuant to Iowa Code section 21.8. If you wish to electronically participate in the meeting, please email [admin@university-heights.org](mailto:admin@university-heights.org) for instructions on how you can do so.

RESOLUTION NO. 21-20

**RESOLUTION APPROVING VARIOUS REQUIREMENTS AND  
ACKNOWLEDGING SATISFACTION OF VARIOUS CONDITIONS ARISING  
FROM PRIOR RESOLUTIONS, AGREEMENTS, AND OTHER DOCUMENTS  
RELATED TO A CERTIFICATE OF OCCUPANCY FOR THE “COURTYARD  
IOWA CITY UNIVERSITY HEIGHTS.”**

**WHEREAS**, the City Council of University Heights, Iowa, entered into a Conditional Zoning Agreement with certain parties dated as of September 12, 2017, concerning property known locally as 901 Melrose Avenue, University Heights (“the Property”); and

**WHEREAS**, the City Council previously approved the development of the Property as a hotel to be known as “Courtyard Iowa City University Heights” (“the Courtyard”); and

**WHEREAS**, the City of University Heights, Iowa, and the Courtyard developer, University Lake Partners II, LLC, entered into a PUD Development Agreement for the Courtyard dated as of June 11, 2019; and

**WHEREAS**, the Conditional Zoning Agreement and the Development Agreement were later amended, and the developer’s rights and interests in those agreements, the Property, and the Courtyard were conveyed, assigned or otherwise transferred by the developer to Hotel 901, LLC; and

**WHEREAS**, the Development Agreement and various Resolutions related to the Courtyard impose requirements and conditions to be satisfied before a Certificate of Occupancy will issue for the Courtyard; and

**WHEREAS**, Hotel 901, LLC has requested that a Certificate of Occupancy issue for the Courtyard; and

**WHEREAS**, City Staff (City Engineer, City Building Official, and City Attorney) have reviewed the Agreements, Resolutions, and other documents setting forth requirements precedent to issuance of a Certificate of Occupancy; and

**WHEREAS**, City Staff recommends that the Council approve various requirements and acknowledge satisfaction of various conditions arising from the Agreements, Resolutions, and other documents such that a Certificate of Occupancy may be issued by the City Building Official to the Courtyard developer; and

**WHEREAS**, City Staff recommends that a Certificate of Occupancy issue upon adoption of this Resolution No. 21-20 based upon the Courtyard developer’s compliance with applicable life-safety items required by various Agreements, Resolutions, and other documents setting forth requirements precedent to issuance of a Certificate of Occupancy, as well as applicable City Codes, all to the satisfaction of and with approval by of the City Building Official; and

**WHEREAS**, City Staff further recommends that the Certificate of Occupancy be subject to revocation by further Resolution of the City Council if remaining items required by various Agreements, Resolutions, and other documents, as well as applicable City Codes, have not been completed by September 1, 2021,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of University Heights, Iowa, as follows:

1. The Courtyard developer has conveyed to the City two properties on Olive Court as contemplated by the Conditional Zoning Agreement (pp. 4-5, para. 7(d)).
2. A Development Agreement has been executed and recorded with the Johnson County Recorder's Office as contemplated by the City Zoning Ordinance (Ordinance No. 79(14A)(E) and by Resolution No. 17-51(1)).
3. A Site Plan showing the location of all buildings and improvements has been approved as contemplated by the PUD Development Agreement (pp. 2, para. 2(a)(ii)).
4. Utility, storm water, drainage, and sanitary sewer easements, with appropriate plats, as contemplated by the PUD Development Agreement (pp. 2-3, para. 2(a)), have been executed and recorded with the Johnson County Recorder's Office (Book 5936, pp. 136-171).
5. A Grading Plan and a Sensitive Areas Development Plan have been approved as contemplated by the PUD Development Agreement (pp. 2, para. 2(a)(iii)), Resolution No. 17-51(2), and Resolution No. 18-25(2) (Resolution No. 18-33).
6. A Landscaping Plan was submitted and approved as contemplated by the PUD Development Agreement (pp. 2-3, para. 2(a)(iv)), Resolution No. 17-51(5) and Resolution No. 18-25(5) (Resolution No. 18-25; First Amendment to PUD Application, Sheet 7).
7. A Storm Water Management Plan was submitted and approved as contemplated by the PUD Development Agreement (pp. 2-3, para. 2(a)(v)), Ordinance No. 169, Resolution No. 17-51(3) and Resolution No. 18-25(3) and a Construction Site Runoff Permit was issued (Resolution No. 19-34).
8. A Storm Water Pollution Prevention Plan was submitted and approved as contemplated by the PUD Development Agreement (pp. 2-3, para. 2(a)(vi)), Resolution No. 17-51(4) and Resolution No. 18-25(4) and a Construction Site Runoff Permit was issued (Resolution No. 18-34).

9. Construction, access, and maintenance easements, with appropriate plats, as contemplated by the PUD Development Agreement (p. 3, para. 2(a)(viii)), have been executed and recorded with the Johnson County Recorder's Office (Book 5936, pp. 136-171).
10. The signage associated with and presently installed at the Courtyard is hereby approved as contemplated by the PUD Development Agreement (p. 5, para. 3(e)).
11. The Courtyard developer agrees to permit all University Heights residents who are at least 18 years old to use fitness facilities for \$25.00 per month; swimming pool facilities for \$30.00 per month; and both fitness and swimming pool facilities for \$50.00 per month. University Heights Police Department employees will be permitted to use fitness and swimming pool facilities without charge. All residents and UHPD employees must follow fitness and/or swimming pool facilities rules and regulations as established by the Courtyard. The City Council and City Boards, Commissions, and Committees, as well as UHPD and other City departments, may use Courtyard conference/meeting rooms without charge but subject to the City making an appropriate reservation. The provisions of this Resolution No. 21-20(12) may be set forth in a separate agreement to be signed by the City and the Courtyard developer as contemplated by PUD Development Agreement (p. 6, para. 3(q-r)).
12. Sidewalk and walkway easements, and all other easements specified and/or required in the Approved PUD Development Plan and as contemplated by the PUD Development Agreement (p. 7, para. 6), have been executed and recorded with the Johnson County Recorder's Office (Book 5936, pp. 136-171).
13. The Courtyard developer has dedicated those portions of the Property as contemplated by the PUD Development Agreement (p. 7, para. 7) and shown on the Approved PUD Plan application for dedication, and such dedication has been executed and recorded with the Johnson County Recorder's Office (Book 5936, pp. 136-171).
14. Public Street Improvements have been installed and completed as contemplated by the PUD Development Agreement (p. 7, para. 8(a-c)).
15. The deadline for substantial completion of the hotel contemplated by the PUD Development Agreement (p. 8, para. 9(c)) is hereby extended to May 20, 2021, and the Council hereby finds that the hotel is and is hereby declared substantially completed.

16. An Amended Development Agreement has been executed and recorded with the Johnson County Recorder's Office as contemplated by Resolution No. 18-25(1).
17. The Courtyard developer will comply with all the requirements of applicable City Codes including, without limitation, the International Building Code, to the satisfaction of and with approval by of the City Building Official.
18. The City Council accepts City Staff's recommendations and finds that the Courtyard developer has complied with applicable life-safety items required by various Agreements, Resolutions, and other documents setting forth requirements precedent to issuance of a Certificate of Occupancy.
19. The Courtyard developer will sign off on this Resolution No. 21-20, acknowledging that remaining items set forth in various Agreements, Resolutions, and other documents setting forth requirements precedent to issuance of a Certificate of Occupancy, as well as applicable City Codes must be completed to the satisfaction of and approved by City Staff before a Permanent Certificate of Occupancy will issue.
20. The City Building Official is hereby authorized to issue a Certificate of Occupancy upon adoption of the Resolution No. 21-20.
21. The Certificate of Occupancy issued by the City Building Official is subject to revocation by further Resolution of the City Council if remaining items required by various Agreements, Resolutions, and other documents, as well as applicable City Codes, as specified in punch lists and associated communications between the Courtyard developer and City Staff, have not been completed by September 1, 2021.

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

	AYE	NAY	ABSENT	ABSTAIN
Herbold	_____	_____	_____	_____
Moore	_____	_____	_____	_____
O'Sullivan	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Swailles	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 20<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Louise A. From, Mayor

ATTEST:

\_\_\_\_\_  
Christine M. Anderson, City Clerk  
Mike Haverkamp, Temporary City Clerk

Hotel 901, LLC, identified in this Resolution as “Courtyard developer” hereby agrees to the terms and conditions set forth in this Resolution as of this 20<sup>th</sup> day of May, 2021.

HOTEL 901, LLC

\_\_\_\_\_  
James Glasgow, Member and Manager

\_\_\_\_\_  
Greg Stiltner, Member and Manager