

Consent Agenda



Minutes
North Liberty City Council
October 11, 2011

Call to order. At 7:00 p.m., Mayor Salm called the October 11, 2011 regular session of the North Liberty City Council to order. Council members present: Chipman, Donahue, Hoffman, Kuhl, Wayson.

Others present: Ryan Heiar, Tracey Mulcahey, Scott Peterson, Kevin Trom, Dean Wheatley, Erika Harper and other interested parties.

Approval of the Agenda. Kuhl moved, Chipman seconded to approve the agenda. The vote was: ayes – Hoffman, Wayson, Kuhl, Donahue, Chipman; nays –none. Motion carried.

Consent Agenda. Hoffman moved, Kuhl seconded to approve the Consent Agenda including City Council Minutes from the Regular Meeting on September 27, 2011; the attached list of Claims; Pay Application Number 5 for the Penn Street Project to Metro Pavers in the amount of \$404,509.36; Pay Application Number 4 for the Jones Boulevard Project to Horsfield Construction in the amount of \$475,361.50; Change Order Number 6 for the Jones Boulevard Project to Horsfield Construction in the amount of \$62,590.84; Pay Application Number 4 for the Golfview Drive Project to Iowa Bridge and Culvert in the amount of \$224,295.00; and Pay Application Number 1 for the City Council Chambers Remodel Project to Woodruff Construction in the amount of \$77,411.00. The vote was: ayes – Donahue, Kuhl, Chipman, Wayson, Hoffman; nays –none. Motion carried.

Public Comment. No public comment was offered.

City Attorney Report. City Attorney Peterson reported that two real estate matters will be on next agenda relating to Autumn Ridge Subdivision including a property transfer to the subdivision and an easement for MidAmerican Energy.

City Engineer Report. City Engineer Trom reported on City construction projects. Jones Boulevard has been paved in phases two through four in the last week to the church driveway. After the driveways are poured, the street will be opened to local traffic. Median landscaping will be happening soon.

The Penn Street Project is complete with a final punch list. The Dubuque Street Trail is essentially complete with the final walk through on Friday morning. The Golfview Drive connection is getting close to completion.

City Administrator Report. City Administrator Heiar updated Council on the Economic Development strategy. He plans to get preliminary information out soon. He requested that Council review the proposed plan and provide feedback. The plan includes a revolving loan/grant program with the John Pappajohn Center and mentoring.

Heiar reported that the City received two proposals for the Economic Development guide.

At the Iowa League of Cities' conference, Heiar attended a session regarding construction management. He is proposing to hire a construction manager to serve as the general on the project. An RFP will be used to fill the position.

The Dubuque Street Trail project ribbon cutting is scheduled for Friday at 4:00 p.m.

Two upcoming forums are planned. On October 20, the forum will focus on the ward election. On October 26, the League of Women voters will hold a council candidate forum.

Mayor Report. Mayor Salm reported on the candidate forum held last night.

Mayor Salm proclaimed October 9 to 15 as Fire Prevention Week in North Liberty. Captain Craig Voparil of the North Liberty Fire Department presented information about the department's activities this fire prevention week.

Annexation Agreement. At 7:24 p.m., Mayor Salm opened the public hearing regarding proposed Annexation Agreement with the City of Coralville. City Planner Wheatley presented a brief overview of the agreement.

Gary Weinman, 3115 12th Avenue, stated that he associates himself with North Liberty. He read an email from Mary K. Mitchell regarding the annexation agreement.

Barbara Beaumont, 2898 Naples Avenue, spoke regarding traffic concerns with the proposed development. The traffic study is incomplete. She requested that Council wait for the traffic study to be complete and that the Beaumont and Weiman properties be excluded from the Coralville area.

Daryl Granner, 3808 Stony Point Lane, stated that the Citizens for Sensible Development has met with the Board of Supervisors, North Liberty council, Iowa City council, and JCCOG regarding their concerns with Coralville and that the system has failed them. He presented additional history in this matter. He requested that Council defer action on this item until the traffic analyses on Dubuque Street and North Liberty Road are complete. Mayor Salm stated that this is a boundary agreement and does not relate to any specific development.

David Sheff, 3832 County Down Lane, provided the location of his property. He wants the development to be in North Liberty. He wants to see a development that would be a place he would like to live in and does not want overwhelming traffic and commercial development.

Jan Wessels, 3831 Cedar Drive, stated that the group never heard back about the annexation proposal. They closely identify with North Liberty and don't see the rush for this.

Trom reported that the MPOJC is waiting to complete the traffic study until the growth area boundaries are defined to see what is planned with densities and boundaries for a better assessment. The City of North Liberty reviews every development in conjunction with the city's transportation plan.

Kurt Hamman, 2898 Naples Avenue, suggested the option of moving the lines on the map in the agreement to leave the Weinman and Beaumont properties out of the agreement.

Jonathan Sabin, 2340 High Valley Drive, consider themselves as North Liberty residents. He expressed strong opposition to this agreement. He lives in a fully operational subdivision with amenities. If annexed by Coralville, the City would put in utilities for services they already have and assess it back to the property owners. He expressed concerns about the inequity of the voluntary annexation 80/20 rule. He recommends leaving Area C out of the agreement.

Peterson responded to the question raised about voluntary annexation in the agreement and the 80/20 rule with areas B & C combined.

Douglas Paul, 3810 Peterson Place, spoke on behalf of Herb Loops, who lives in the middle of the Scanlon Farm. He does not want to be part of Coralville. He stated that the City of North Liberty has abandoned voluntary annexation application. He offered his issues with the agreement.

Mayor Salm stated that ten years is the longest legal term the agreement can have. He stated that the concern about the county residents has been an issue from the beginning. The City of North Liberty tried to find a way to protect the county residents from the beginning.

Weinman asked for clarification on the traffic study. Trom offered the information requested. Weinman wants to see the study done before anything happens. He stated that everyone here doesn't feel like they are being represented. They want to be a part of North Liberty and are being abandoned.

David Brown, 3784 Sunaura Road, stated that he is part of a nine lot subdivision in area C. The development has their own private road, community well, and septic system. He would prefer to be annexed to North Liberty. He asked the council to vote against or defer before the agreement is considered. He expressed concerns about the wording in the agreement, the term "voluntary" annexation, and notification of property owners in the areas being discussed.

Beaumont stated that as with zoning changes notices are sent to adjacent owners and should be with this type of process.

At 8:06 p.m., the public hearing was closed.

Wheatley presented responses to concerns regarding roadway capacities and development and other concerns raised during the public hearing.

Council discussed the history of the agreement and the process to arrive at where we are tonight.

Hoffman moved, Chipman seconded to approve Resolution Number 11-114, A Resolution approving the Annexation Agreement between the City of North Liberty and the City of Coralville that sets forth the terms and conditions of annexation and development. After discussion, the vote was: ayes – Wayson, Chipman, Hoffman; nays – Kuhl, Donahue. Motion carried.

Highway 965 project for FY 2012.

Heiar presented information regarding potential proposed Highway 965 projects. Heiar sought guidance from the City Council. Kevin Bailey presented information about the proposed phases and projects. Council discussed the proposed projects. The consensus was to move ahead with the extension of Pheasant Lane now to be prepared for Phase 2 of the Highway 965 project. Pheasant Lane will be extended through to Highway 965. The developer will reimburse the City for 100% of the costs as determined in an agreement.

Employer Support for the Guard and Reserves.

Mayor Salm read the statement of support for the Guard and Reserves. Donahue moved, Chipman seconded to approve Resolution Number 11-115, A Resolution to authorize approval of the statement of support for the Guard and Reserve. The vote was: ayes – Kuhl, Wayson, Donahue, Chipman, Hoffman; nays – none. Motion carried.

Golf Cart Ordinance.

Donahue moved, Kuhl seconded to remove the Golf Cart Ordinance from the table. The vote was: ayes – Hoffman, Kuhl, Donahue; nays – Wayson, Chipman. Motion carried.

Kuhl moved, Donahue seconded to approve the second consideration of Ordinance Number 11-11, An Ordinance amending the Code of Ordinances of the City of North Liberty, Iowa, by adding a new chapter pertaining to the operation of golf carts on city streets with a city issued permit. Chipman moved, Kuhl seconded to amend the ordinance to raise the minimum age to 18, change wording to be consistent with other ordinances regarding alcoholic beverages, limit speed to 20 mph and remove all street restrictions except Penn Street, Dubuque Street, and Highway 965. After discussion, the vote on the amendment was: ayes – Hoffman, Donahue, Kuhl, Chipman; nays – Wayson. Motion carried. After further discussion, the vote on the second consideration of the ordinance was: ayes – Donahue, Kuhl, Chipman; nays – Hoffman, Wayson. Motion carried.

Alcohol Consumption Ordinance.

Kuhl moved, Wayson seconded to approve the third consideration and adoption of Ordinance Number 11-12, An Ordinance amending sections of the Code of Ordinances of the City of North Liberty, Iowa, 2011, by amending provisions pertaining to alcohol consumption and intoxication. After discussion, the vote was: ayes – Kuhl, Chipman, Wayson, Donahue, Hoffman; nays – none. Motion carried.

Cameron Way Partners Rezoning.

Donahue moved, Hoffman seconded to approve the second consideration of Ordinance Number 11-13, an Ordinance amending the Zoning Ordinance to change the use regulations on property owned by Jeff Mekota located in North Liberty, Iowa to those set forth in the North Liberty Municipal Code for the C-2-A Planned Area Development District. The vote was: ayes – Donahue, Wayson, Chipman, Hoffman; nays – Kuhl. Motion carried.

Moore Rezoning.

Donahue moved, Hoffman seconded to approve the second consideration of Ordinance Number 11-14, an Ordinance amending the Zoning Ordinance to change the use regulations on property owned by Dean Moore located in North Liberty, Iowa to those set forth in the North Liberty Municipal Code for the RM-12 Multifamily and RD-10 Duplex Residential Districts. The vote was: ayes – Wayson, Chipman, Hoffman, Donahue; nays – Kuhl. Motion carried.

Land Use Plan Map Update.

Donahue moved, Chipman seconded to approve Resolution Number 11-116, A Resolution approving the Land Use Map for the City of North Liberty, Iowa. After discussion, the vote was: ayes – Donahue, Wayson, Hoffman, Kuhl, Chipman; nays – none. Motion carried.

Library Expansion Project.

Chipman moved, Wayson seconded to approve Resolution Number 11-117, A Resolution approving the Services Agreement between the City of North Liberty and McClure Engineering for services relating to the Library Expansion Project, North Liberty, Iowa. After discussion, the vote was: ayes – Chipman, Kuhl, Donahue, Hoffman, Wayson; nays – none. Motion carried.

Wastewater Facilities Plan.

Hoffman moved, Kuhl seconded to approve Resolution Number 11-118, A Resolution approving the Services Agreement between the City of North Liberty and Fox Engineering for services relating to the Wastewater Facilities Plan, North Liberty, Iowa. After discussion, the vote was: ayes – Hoffman, Kuhl, Wayson, Chipman, Donahue; nays – none. Motion carried.

TIF Ordinance.

Hoffman moved, Chipman seconded to approve the first consideration of Ordinance Number 11-15, An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2010 Addition to the North Liberty Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.” The vote was: ayes – Kuhl, Chipman, Donahue, Wayson, Hoffman; nays – none. Motion carried.

Lien Filing Authority.

Kuhl moved, Wayson seconded to approve Resolution Number 11-119, A Resolution establishing the authority for certification of unpaid charges for sewer, water, storm water and solid waste services for the City of North Liberty, Iowa. After discussion, the vote was: ayes – Wayson, Chipman, Hoffman, Donahue, Kuhl; nays – none. Motion carried.

Adjournment.

At 9:49 p.m., Donahue moved, Wayson seconded to adjourn. All ayes. Meeting adjourned.
CITY OF NORTH LIBERTY

By: _____
Thomas A. Salm, Mayor

Attest:

Tracey Mulcahey, City Clerk

SEPTEMBER 30TH, 2011

	MONTH-TO-DATE BALANCE	YEAR-TO-DATE BALANCE
010-GENERAL FUND	417,289.30	1,076,472.79
011-FIRE EQUIPMENT CAPITA	0.00	0.00
012-LIBRARY CAPITAL FUND	0.00	0.00
013-RECREATION CAPITAL FU	0.00	0.00
014-POLICE CAPITAL FUND	0.00	3,570.00
015-TRANSPORTATION IMPACT	0.00	0.00
016-STORMWATER IMPACT FEE	0.00	0.00
017-TREE PROGRAM	0.00	0.00
018-PARK CAPITAL FUND	0.00	92,722.00
019-YOUTH SPORTS SCHOLARS	1,294.05	3,381.66
020-EQUIPMENT REVOLVING	736.83	7,600.52
021-TELECOMMUNICATIONS EQ	2,000.00	2,000.00
022-LIBRARY TAG	0.00	0.00
023-LIBRARY ENDOWMENT	0.00	0.00
024-DRUG TASK FORCE	0.00	222.70
025-POLICE SEIZED FUNDS	0.00	397.00
060-ROAD USE TAX FUND	0.00	237,711.13
061-STREET CAPITAL PROJEC	0.00	0.00
090-TIF FUND	231,317.32	272,426.44
110-DEBT SERVICE FUND	6,560,754.02	6,633,776.02
210-TRUST AND AGENCY	41,159.80	48,809.69
280-CUSTOMER DEPOSITS	10,320.00	55,580.00
310-COMMUNITY CENTER II C	0.00	0.00
311-FRONT STREET RECONSTR	0.00	0.00
312-CHERRY STREET RECONST	0.00	0.00
313-TIF PROJECTS	0.00	0.00
314-ENTRYWAY DEVELOPMENT	0.00	0.00
315-HIGHWAY 965 IMPROVEME	2,017.00	2,017.00
316-COMMUNITY CENTER PHAS	0.00	0.00
317-TRAIL PROJECTS	0.00	0.00
318-EC DEVELOPMENT PROJEC	0.00	0.00
319-PENN STREET IMPROVEME	0.00	0.00
320-LIBERTY CENTER PROJEC	0.00	0.00
321-LAND/FACILITIES	0.00	2,117.65
322-LIBRARY BUILDING FUND	5,879.80	15,558.25
323-LIBERTY CENTRE BLUES/	0.00	0.00
324-RANSHAW HOUSE PROJECT	2.01	6.03
510-WATER FUND	211,563.41	606,750.34
511-WATER CAPITAL RESERVE	4,541.67	13,625.01
512-WATER SINKING FUND	60,157.08	180,471.24
513-WATER BOND RESERVE	0.00	0.00
514-WATER CAPITAL PROJECT	0.00	0.00
520-SEWER FUND	230,088.14	675,750.28
521-SEWER CAPITAL RESERVE	12,083.33	36,249.99
522-SEWER SINKING FUND	86,905.25	260,715.75
523-WASTEWATER TREATMENT	0.00	2,500.00
524-SEWER TRUNK AND I&I	0.00	0.00
525-SEWER DEBT SERVICE RE	0.00	0.00
530-STORMWATER MANAGEMENT	13,266.00	40,168.86
532-STORMWATER SINKING FU	0.00	0.00
GRAND TOTAL REVENUE	7,891,375.01	10,270,600.35

License Application (LE0001589)

Applicant

Name of Applicant:	<u>Fareway Stores, Inc.</u>		
Name of Business (DBA):	<u>Fareway Stores, Inc. #993</u>		
Address of Premises:	<u>615 Westwood Drive</u>		
City: <u>North Liberty</u>	County: <u>Johnson</u>	Zip: <u>52317</u>	
Business Phone:	<u>(319) 626-3798</u>		
Mailing Address:	<u>2300 E. 8th Street</u>		
City: <u>Boone</u>	State: <u>IA</u>	Zip: <u>50036</u>	

Contact Person

Name:	<u>Tracey Wilson (Ext 196)</u>		
Phone:	<u>(515) 432-2623</u>	Email Address:	<u>twilson@farewaystores.com</u>

Classification: Class E Liquor License (LE)

Term: 12 months

Effective Date: 11/16/2011

Expiration Date: 11/15/2012

Privileges:

Class B Wine Permit (Carryout Wine)

Class C Beer Permit (Carryout Beer)

Class E Liquor License (LE)

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>253</u>	Federal Employer ID #	<u>42-0240920</u>

Ownership

Fred E. Vitt TrustFirst Name: Fred E.Last Name: Vitt TrustCity: BooneState: IowaZip: 50036Position Trust% of Ownership 10.78 %

U.S. Citizen

Frederick GreinerFirst Name: FrederickLast Name: GreinerCity: BooneState: IowaZip: 50036Position President% of Ownership 0.00 %

U.S. Citizen

Paul S. Beckwith TrustFirst Name: Paul S.Last Name: Beckwith TrustCity: BooneState: IowaZip: 50036Position Trust% of Ownership 55.41 %

U.S. Citizen

Various Individuals & Trust eaFirst Name: Various Individuals & TrusLast Name: each holding less than 5%City: UnknownState: IowaZip: 55555Position Stockholders% of Ownership 33.81 %

U.S. Citizen

Insurance Company InformationInsurance Company: Merchants Bonding CompanyPolicy Effective Date: 11/16/2011Policy Expiration Date: 01/01/1900Bond Effective Continuously: 2

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

LLA2011-

Post-It® Fax Note	7671	Date	# of pages ▶
To	Trudy	From	Kim
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	626-3288	Fax #	

City of North Liberty
Inspection Report for Alcohol
Chapter 15.04 of the Code

License Type Class Beer/Liquor Sunday Sales New/Renewal/Amended

Legal Name of Applicant: Fareway Stores, Inc.

Name of Business (DBA): Fareway Stores, Inc. # 993

Address of Business: 615 Westwood Dr.
North Liberty IA 52317

Business Phone No. (319) 626-3798

Section 5.04.100 of the Municipal Code requires approval from the following City and County Departments.

City of North Liberty Inspection Department:

The above mentioned property is located within a zoning district permitting the sale or consumption of alcoholic beverage.

[Signature]

9-9-11

Code Official

Date

An inspection was performed at the above referenced property to verify fire extinguisher maintenance program and exit requirements.

Designated Fire Inspector

Date

Johnson County Health Department:

The above mentioned food facility at the listed address is: (check one)

- Currently licensed in accordance with the Iowa Food Code.
- In process of becoming licensed in accordance with the Iowa Food Code.

[Signature]

9/12/11

Johnson County Health Official

Date



Police Department

5 East Cherry Street • P.O. Box 77 • North Liberty, Iowa • 52317 • (319) 626-5724/FAX -5743

www.northliberty.org

Liquor License Check;

09-13-2011

Applicant: Fareway Stores

A records check of the applicant shows no incidents or concerns in the past year with the North Liberty Police Department that could affect the liquor license. The Police Department does not have any concerns with the renewal of the liquor license.

Chief James Warkentin

North Liberty Police Department

License Application (LC0036492)

Applicant

Name of Applicant:	<u>J & A Tap Inc</u>				
Name of Business (DBA):	<u>J & A Tap</u>				
Address of Premises:	<u>440 N Dubuque Street North</u>				
City:	<u>North Liberty</u>	County:	<u>Iowa</u>	Zip:	<u>52317</u>
Business Phone:	<u>(319) 626-3033</u>				
Mailing Address:	<u>PO Box 555</u>				
City:	<u>North Liberty</u>	State:	<u>IA</u>	Zip:	<u>52317</u>

Contact Person

Name:	<u>John Hruby</u>				
Phone:	<u>(319) 626-6187</u>	Email Address:	<u>lynnaf22@yahoo.com</u>		

Classification: Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 11/01/2011

Expiration Date: 10/31/2012

Privileges:

Class C Liquor License (LC) (Commercial)
Sunday Sales

Status of Business

BusinessType:	<u>Privately Held Corporation</u>				
Corporate ID Number:	<u>372348</u>	Federal Employer ID #			

Ownership

Amanda Lynn-Hruby

First Name: Amanda

Last Name: Lynn-Hruby

City:

State: Iowa

Zip: 52317

Position Owner

% of Ownership 50.00 %

U.S. Citizen

John Hruby

First Name: John

Last Name: Hruby

City:

State: Iowa

Zip: 52317

Position Owner

% of Ownership 50.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: Liberty Surplus Insurance Corporation

Policy Effective Date: 11/01/2011

Policy Expiration Date: 11/01/2012

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

10/24/11 Agenda
9/1/11 email - Tracy - Jim - Bryan
LC0036492 Expires 10/31/11

City of North Liberty
Inspection Report for Alcoholic Beverage and Beer Control
Chapter 15.04 of the Municipal Code

License Type Class C Beer Liquor Sunday Sales Yes New Renewal / Amended

Legal Name of Applicant: J + A Tap, Inc.

Name of Business (DBA): J + A Tap

Address of Business: 440 N Dubuque St.
North Liberty Ia 52317

Business Phone No. 319-626-3033

Section 5.04.100 of the Municipal Code requires approval from the following City and County Departments.

City of North Liberty Inspection Department:

The above mentioned property is located within a zoning district permitting the sale or consumption of alcoholic beverage.



Code Official

9-1-11

Date

An inspection was performed at the above referenced property to verify fire extinguisher maintenance program and exit requirements.

Designated Fire Inspector

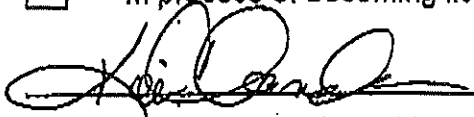
Date

Johnson County Health Department:

The above mentioned food facility at the listed address is: (check one)

Currently licensed in accordance with the Iowa Food Code.

In process of becoming licensed in accordance with the Iowa Food Code.



Johnson County Health Official

9/1/11

Date

Post-It* Fax Note	Date	From		Phone #	Fax #
	7671	To	Co.		
		To: <u>Tracy</u>		Phone #	Fax #
		Co./Dept.			
		Phone #			
		Fax #		<u>3516-16044</u>	



Police Department

5 East Cherry Street • P.O. Box 77 • North Liberty, Iowa • 52317 • (319) 626-5724/FAX -5743

www.northliberty.org

Liquor License Check;

09-2-2011

Applicant: J & A Tap

A records check of the applicant shows no incidents or concerns in the past year with the North Liberty Police Department that could affect the liquor license. The Police Department does not have any concerns with the renewal of the liquor license.

Chief James Warkentin

North Liberty Police Department