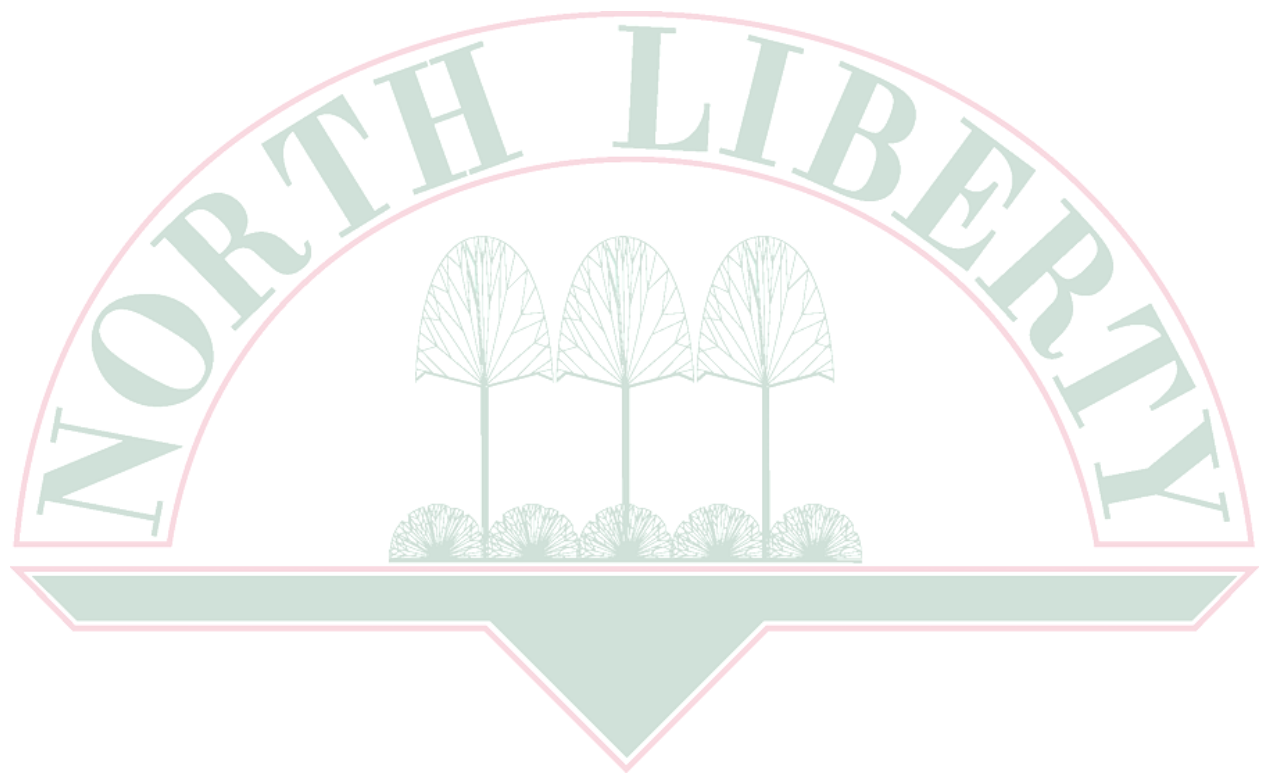




North Liberty City Council  
Regular Session  
December 21, 2017

# City Administrator Memo





# City Council Memo

for December 21, 2017

from the desk of Ryan C. Heiar

## Meetings & Events

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**Thursday, Dec 21 at 6:30p.m.**  
City Council

**Monday, Dec 25**  
Christmas Holiday – City  
Offices Closed

**Tuesday, Dec 26**  
Christmas Holiday – City  
Offices Closed

**Monday, Jan 1**  
New Year Holiday – City  
Offices Closed

**Tuesday, Jan 2**  
New Year Holiday – City  
Offices Closed

**Thursday, Jan 4 at 7:00p.m.**  
Parks & Recreation  
Commission

**Tuesday, Jan 9 at 6:30p.m.**  
City Council

## Consent Agenda

The following items are on the consent agenda and included in your packet:

- City Council Minutes (12/12/17)
- Claims
- November Revenues
- Liquor License Renewal – Red's
- Pay Application #2; Phase 1 Water System Improvements Division II – Water Mains; Ricklefs Excavating; \$174,515
- Pay Application #10; North Liberty Road Improvements Project; Metro Pavers, Inc.; \$22,840.65
- Change Order # 7, North Liberty Road Improvements Project; Metro Pavers, Inc.; \$20,000.00

## Zoning Ordinance, Rental Occupancy Limits – 3<sup>rd</sup> Reading

Staff has undertaken the difficult task of drafting new code provisions to protect North Liberty from potential results of a state law that will become effective January 1. The new law changes the way cities in Iowa have historically regulated the number of persons living in all types of rental housing units, by banning the reference to and use of family relationships to achieve that end. The family relationship regulations go to the very essence of life and neighborhood in America, and will be impossible to replicate with some new system; however, our goals are to come as close as possible to maintaining our current density and quality of life while minimizing impacts on current and future rental property owners and their tenants. Included in your packet is a proposed ordinance that includes provisions discussed at the previous Council meetings and staff is recommending approval of the 3<sup>rd</sup> reading. At their December meeting, the planning Commission voted 6-1 to recommend approval of the ordinance.

## Living Word Church Rezoning Request – 3<sup>rd</sup> Reading

This is a request from Living Word Community Church to approve a rezoning from I-1 to C-2-A for a lot located at the northwestern corner of W Penn Street and Meade Drive. A Good Neighbor meeting was held on September 28 to allow any interested party an opportunity to comment

## Ryan C. Heiar, City Administrator

rheiar@northlibertyiowa.org • office (319) 626-5700 • fax (319) 626-3288 • cell (319) 541-8404

on this rezoning prior to submission, and no one attended. This rezoning would permit a wide variety of commercial uses on the 1.11 acre lot, which currently contains the Living Word Church in a building constructed in 2001. The property is being rezoned consistent with that of the vacant lot immediately to the north, so that the two can be further developed as one zoning lot. The proposal straightens a currently-irregular zoning district line and provides for commercial zoning in an area zoned and developed for commercial uses. It is more compatible with existing uses and with surrounding zoning than the current zoning, and was recommended for approval by the Planning Commission at their meeting on November 7.

### **ICCSD School Property Rezoning**

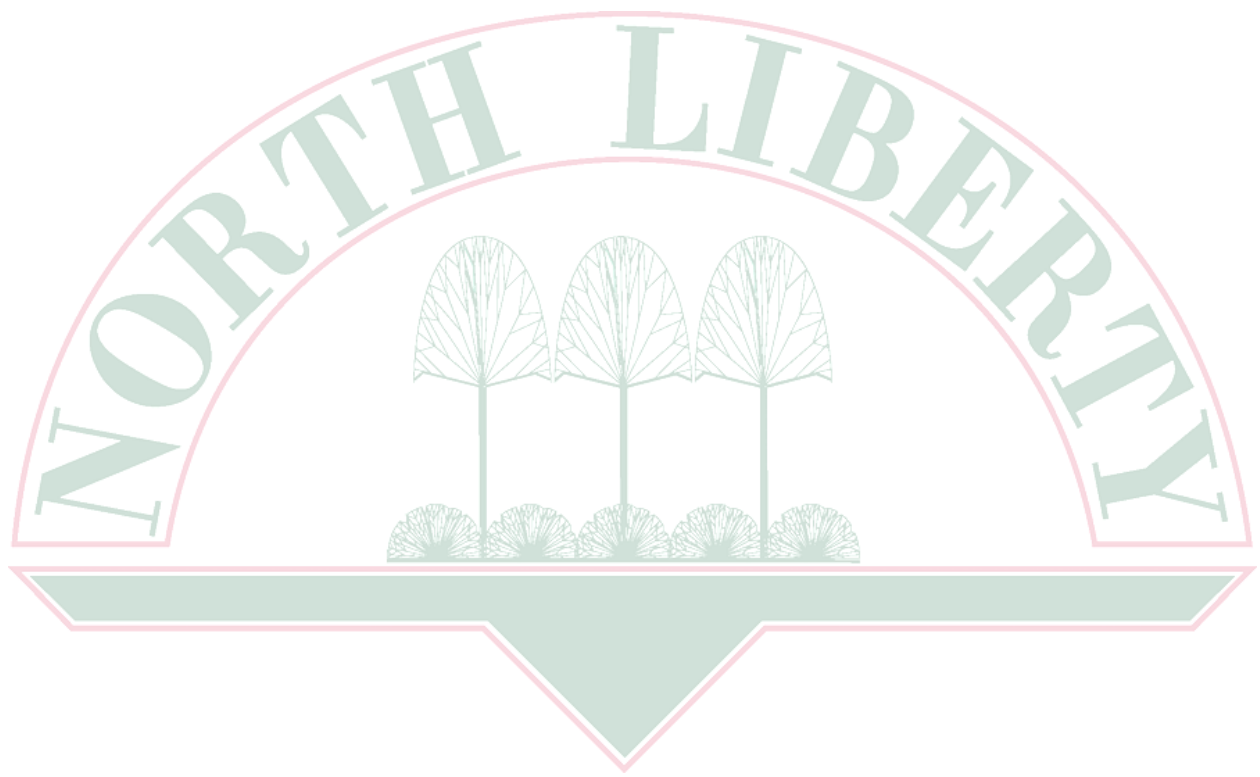
This is a request from the Iowa City Community School District to approve a rezoning from I-1 Industrial to Public for land located between CENTRO manufacturing and N Front Street. A Good Neighbor meeting was held on October 26 to allow any interested party an opportunity to comment on this rezoning prior to submission, and eight people attended. Most were interested in plans and will be notified when a site plan is submitted. Bob and Mary Burns, as well as Jesse Burns, strongly advocated for the extension of North Bend Drive to not curve as shown on the preliminary site plan but to extend straight east to N Front Street. Chuck Deisbach of South Slope also had concerns related to difficulty they have entering and exiting the South Slope driveway, which is where City staff has directed the future alignment of North Bend Drive to terminate. These issues will be addressed during review of the site plan.

This rezoning will provide the correct zoning for an elementary school on the approximately 21.59 acre area, which is currently undeveloped. The nature of the rezoning, for the school, is consistent with the growing need for elementary classroom space close to Cedar Springs, Fox Run, Aspen Ridge, and other neighborhoods in the area. It is recommended for approval by staff and by the Planning Commission.

### **Trail Connection Project – Easements and Acquisitions**

Staff is recommending approval of an acquisition agreement with Harold Cameron, a public access easement with Restaurant Concepts, Inc. (Arby's) and a temporary construction easement with MAJ Properties, all related to the Trails Connection Project slated for this summer. The acquisition of the Cameron property is for approximately 703 sq. ft. with a price tag of \$900 and there is no cost for the permanent and temporary easements. There are still two easements needed for this project and it is anticipated they will be on the January 9 Council agenda.

# Agenda





## **AGENDA**

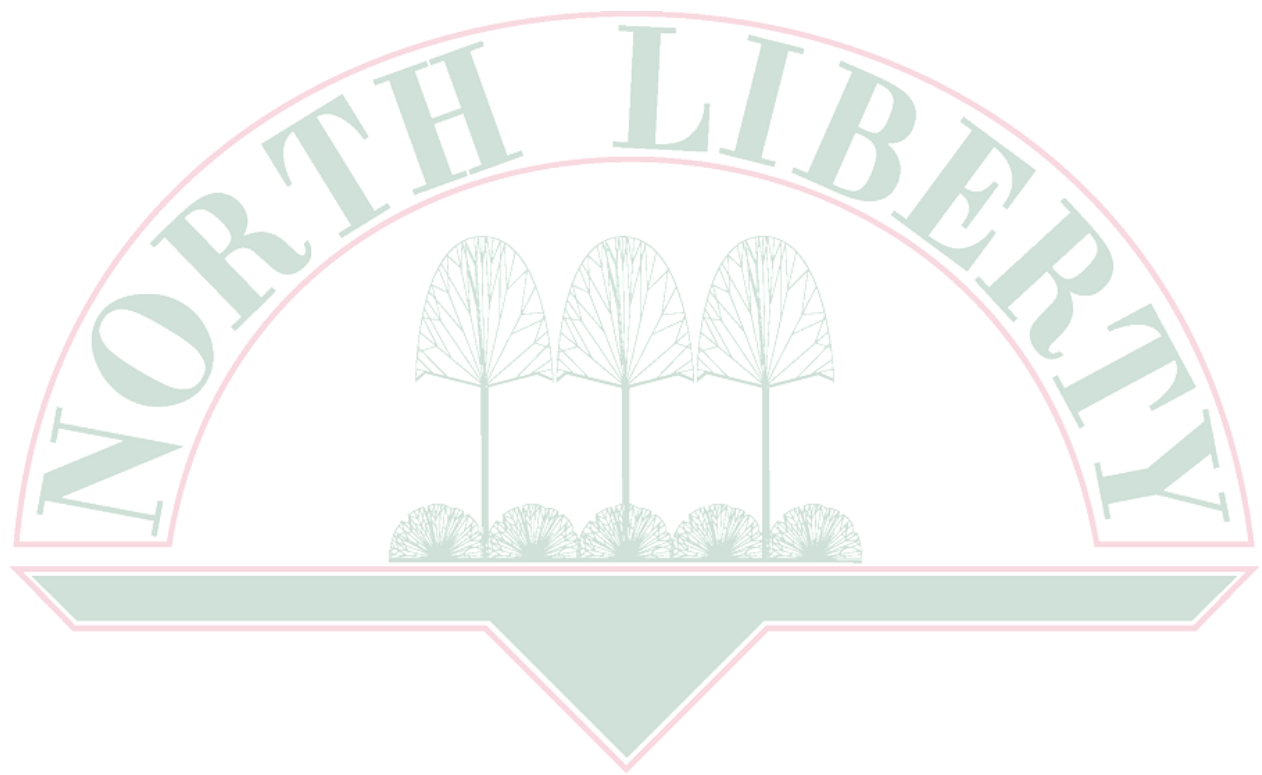
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North Liberty City Council  
**THURSDAY, DECEMBER 21, 2017**  
Regular Session  
6:30 p.m.  
City Council Chambers  
1 Quail Creek Circle

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Consent Agenda
  - A. City Council Minutes, Regular Session, December 12, 2017
  - B. Claims
  - C. November Revenues
  - D. November Treasurer Report
  - E. Red's Alehouse Liquor License Renewal; Class C Liquor License with Outdoor Service and Sunday Sales endorsements
  - F. Phase I Water System Improvements Division II Water Mains, Pay Application Number 2, Ricklefs Excavating, \$174,515.00
  - G. North Liberty Road Improvements Project, Pay Application Number 10, Metro Pavers, Inc., \$22,840.65
  - H. North Liberty Road Improvements Project, Change Order Number 7, Metro Pavers, Inc., \$20,000.00
5. Public Comment
6. City Planner Report
7. City Engineer Report
8. City Attorney Report

9. Assistant City Administrator Report
10. City Administrator Report
11. Mayor Report
12. Zoning Ordinance – Rental/Family
  - A. Public Hearing on proposed ordinance amendment
  - B. Third consideration and adoption Ordinance Number 2017-11, An Ordinance amending various sections of Chapters 165 to 173 of the North Liberty Code of Ordinances to implement changes related to limiting the number of adults permitted to inhabit any rental dwelling unit
13. Living Word Church
  - A. Third consideration and adoption of Ordinance Number 2017-12, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property owned by FIJC, LLC located in North Liberty, Iowa to those set forth in the Municipal Code for the C-2-A Commercial Zoning District
14. ICCSD School Property Rezoning
  - A. Public Hearing regarding proposed rezoning
  - B. First consideration of Ordinance Number 2017-13, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property owned by the Iowa City Community School District located in North Liberty, Iowa to those set forth in the Municipal Code for the P-Public Zoning District
15. Trail Connection Project
  - A. Resolution Number 2017-143, A Resolution approving the Memorandum of Agreement between Harold W. Cameron and the City of North Liberty
  - B. Resolution Number 2017-144, A Resolution approving the Permanent Public Use Access Easement Agreement between Restaurant Concepts, Inc. and the City of North Liberty
  - C. Resolution Number 2017-145, A Resolution approving the Temporary Construction Easement between MAJ Properties I LLC and the City of North Liberty
16. Old Business
17. New Business
18. Adjournment

# Consent Agenda







## **Minutes (Not official until approved by City Council)**

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North Liberty City Council  
December 12, 2017  
Regular Session  
City Council Chambers  
1 Quail Creek Circle

### **Call to order**

Mayor Terry Donahue called the December 12, 2017 Regular Session of the North Liberty City Council to order at 6:31 p.m. Councilors present: Chris Hoffman, Annie Pollock, and Brian Wayson; absent – Sarah Madsen and Jim Sayre.

Others present: Ryan Heiar, Tracey Mulcahey, Scott Peterson, Kevin Trom, Dean Wheatley, Evan Runkle, Jennifer Goings, Drew Lammers, Josh McKnight and other interested parties.

### **Approval of the Agenda**

Hoffman moved, Pollock seconded to approve the agenda. The vote was all ayes. Agenda approved.

### **Consent Agenda**

Hoffman moved, Wayson seconded to approve the Consent Agenda including City Council Minutes from the Regular Session on November 28, 2017; City Council Minutes from the Special Session-Budget Goal Setting on November 29, 2017; the attached list of Claims; the Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Johncy's Liquor Store, Inc.; the Liquor License Application for Johncy's Liquor Store, Inc., Class E Liquor License with Sunday Sales endorsement; the Liquor License Renewal for Café Muse, Class C Liquor License with Sunday Sales and Outdoor Service endorsements; Pay Application Number 14 for the Phase I Water System Improvements to Portzen Construction in the amount of \$1,080,470.90; Change Order Number 9 for the Phase I Water System Improvements to Portzen Construction in the amount of \$5,385.00; Change Order Number 1 for the Brine & Water Storage Building to Garling Construction in the amount of \$3,647.45; and Pay Application Number 27 for the Phase II WWTP Improvements to Tricon Construction Group in the amount of \$3,760.26. The vote was all ayes. Consent agenda approved.

### **Public Comment**

Andrew Brown, Molly Drive, asked about the possibility of a firework ban discussion. Heiar responded that sales are allowed, but use is not.

#### **City Planner Report**

City Planner Dean Wheatley reported on the ICCSD has hired a third-party firm to evaluate population forecasting for future school planning.

#### **City Engineer Report**

City Engineer Kevin Trom reported on the progress of the water plant construction. The raw water main contractor is still moving along. The contractor has installed a long run under the railroad and is currently installing on the north side of Zeller. Comments were received and responded to for the Highway 965, Phase 3 project. The final plans for the trail network updates will be presented to staff before the holiday. The Front Street design work has started. Council discussed the report with Trom.

#### **City Attorney Report**

City Attorney Scott Peterson reported on Forevergreen Road project, the land swap and other project updates. Council discussed the speed limit on North Liberty Road with staff.

#### **Assistant City Administrator Report**

Assistant City Administrator Tracey Mulcahey provided a Ranshaw Project update. Council discussed the report with Mulcahey.

#### **City Administrator Report**

City Administrator Ryan Heiar reported on the Ranshaw Way/Coral Ridge project regarding cost estimates increasing. Heiar reported on the video of project for Ranshaw Way. Council's goal setting lists are due tomorrow. The second Council meeting of December will be December 21 at 6:30 p.m. with a brief agenda.

#### **Mayor Report**

Mayor Terry Donahue reported on the ICCVB banquet. Nick Bergus received the Bravo award. Donahue offered an update on the Emergency Management meeting.

#### **Alliant Energy Presentation**

Josh McKnight, Alliant Energy, provided an update to Council on Alliant's year.

#### **Swearing in of newly elected and reelected officials**

Mulcahey swore in newly elected Councilor Jennifer Goings, reelected Councilor Annie Pollock and reelected Mayor Terry Donahue. Mayor Donahue thanked outgoing Councilor Brian Wayson for his service to the City of North Liberty.

#### **Wastewater Superintendent Appointment**

Heiar presented information on the appointment of Drew Lammers. Hoffman moved, Pollock seconded to approve the appointment of Drew Lammers as the Wastewater Superintendent. After discussion, the vote was all ayes. Motion carried.

### **Zoning Ordinance – Rental/Family**

At 7:00 p.m., Mayor Donahue opened the Public Hearing on proposed ordinance amendment. No oral or written comments were received. The public hearing was closed.

Hoffman moved, Wayson seconded to approve the second consideration Ordinance Number 2017-11, An Ordinance amending various sections of Chapters 165 to 173 of the North Liberty Code of Ordinances to implement changes related to limiting the number of adults permitted to inhabit any rental dwelling unit. After discussion, the vote was: ayes – Wayson, Pollock, Hoffman; nays – none. Motion carried.

### **Living Word Church**

Wayson moved, Hoffman seconded to approve the second consideration of Ordinance Number 2017-12, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property owned by FIJC, LLC located in North Liberty, Iowa to those set forth in the Municipal Code for the C-2-A Commercial Zoning District. The vote was: ayes – Wayson, Hoffman, Pollock; nays – none. Motion carried.

### **Iowa Income Offset Program**

Mulcahey presented information on the program. Pollock moved, Hoffman seconded to approve Resolution Number 2017-138, A Resolution approving the Memorandum of Understanding between the Iowa Department of Administrative Services State Accounting Enterprise and the City of North Liberty, Iowa for participation in the Income Offset Program. After discussion, the vote was: ayes – Hoffman, Wayson, Pollock; nays -none. Motion carried.

Hoffman moved, Wayson seconded to approve Resolution Number 2017-139, A Resolution approving the Income Offset Program Appeals Process. The vote was: ayes –Wayson, Pollock, Hoffman; nays – none. Motion carried.

### **Forevergreen Road Project**

Heiar presented information regarding this agreement. Wayson moved, Hoffman seconded to approve Resolution Number 2017-140, A Resolution approving the Purchase Agreement for the Forevergreen Road Project (Project: IMN-380-6(344)2—OE-52). The vote was: ayes – Pollock, Wayson, Hoffman; nays – none. Motion carried.

### **Alliant Easement**

Hoffman moved, Pollock seconded to approve Resolution Number 2017-141, A Resolution approving the Underground Electric Line Easement Agreement between Interstate Power and Light Company and the City of North Liberty, Iowa. The vote was: ayes – Pollock, Hoffman, Wayson; nays – none. Motion carried.

### **Mickelson First Addition**

Hoffman moved, Pollock seconded to approve Resolution Number 2017-142, A Resolution approving the Stormwater Management Facility Maintenance Agreement and Easement between the City of North Liberty and Hodge Construction Company that establishes the terms and conditions under which stormwater management facilities will be maintained in

Mickelson First Addition in the City of North Liberty, Iowa. After discussion, the vote was: ayes – Pollock, Hoffman, Wayson; nays – none. Motion carried.

**Crisis Intervention Training**

Mayor Donahue led the discussion regarding Crisis Intervention Training facility and programming. The consensus of the Council was that the program is a good concept, but more information is needed, particularly financially, before committing City funds for construction and/or operations.

**Old Business**

Councilor Pollock reported on Breakfast with Santa; the Kiwanis ginger bread house event, Nick Bergus receiving Bravo award; Councilor Hoffman for serving on the CVB board; and Heiar presenting at CLP government day. She attended the Livable Communities board.

**New Business**

Councilor Wayson reported on the Emergency Management budget proposal being fairly flat.

**Adjournment**

At 7:32 p.m., Mayor Donahue adjourned the meeting.

**CITY OF NORTH LIBERTY**

By: \_\_\_\_\_  
Terry L. Donahue, Mayor

Attest:

\_\_\_\_\_  
Tracey Mulcahey, City Clerk

NOVEMBER 30TH, 2017

	MONTH-TO-DATE BALANCE	YEAR-TO-DATE BALANCE
010-GENERAL FUND	644,219.96	5,184,313.13
011-FIRE EQUIPMENT CAPITA	371.07	34,823.05
012-LIBRARY CAPITAL FUND	164.03	6,005.02
013-RECREATION CAPITAL FU	0.00	0.00
014-POLICE CAPITAL FUND	1,530.00	7,742.06
015-TRANSPORTATION IMPACT	0.00	170,059.33
016-STORMWATER IMPACT FEE	0.00	0.00
017-TREE PROGRAM	0.00	0.00
018-PARK CAPITAL FUND	32,785.00	33,185.00
019-YOUTH SPORTS SCHOLARS	1,911.14	5,649.27
020-EQUIPMENT REVOLVING	97.68	12,590.65
021-TELECOMMUNICATIONS EQ	0.00	341.25
022-LIBRARY TAG	0.00	0.00
023-LIBRARY ENDOWMENT	0.00	0.00
024-DRUG TASK FORCE	0.00	563.76
025-POLICE SEIZED FUNDS	0.00	17.03
060-ROAD USE TAX FUND	211,361.67	1,089,996.04
061-STREET CAPITAL PROJEC	0.00	567,035.00
062-IJOBS STREETS	0.00	0.00
090-TIF FUND	667,218.25	2,030,710.51
110-DEBT SERVICE FUND	57,079.54	441,860.82
210-TRUST AND AGENCY	82,805.28	864,787.88
280-CUSTOMER DEPOSITS	10,250.00	91,800.00
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	0.00	0.00
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	20,400.00
320-LIBERTY CENTER PROJEC	0.00	0.00
321-LAND/FACILITIES	0.00	0.00
322-LIBRARY BUILDING FUND	10.50	8,052.53
323-LIBERTY CENTRE BLUES/	0.00	0.00
324-RANSHAW HOUSE PROJECT	0.00	0.00
510-WATER FUND	290,424.25	1,592,728.28
511-WATER CAPITAL RESERVE	0.00	0.00
512-WATER SINKING FUND	101,095.58	505,477.90
513-WATER BOND RESERVE	0.00	0.00
514-WATER CAPITAL PROJECT	0.00	4,266,175.85
520-SEWER FUND	357,879.49	1,893,047.82
521-SEWER CAPITAL RESERVE	17,125.00	116,479.10
522-SEWER SINKING FUND	183,967.75	919,838.75
523-WASTEWATER TREATMENT	0.00	675,431.73
524-SEWER TRUNK AND I&I	0.00	262,421.00
525-SEWER DEBT SERVICE RE	0.00	0.00
530-STORMWATER MANAGEMENT	16,836.01	85,359.91
532-STORMWATER SINKING FU	0.00	0.00
GRAND TOTAL REVENUE	2,677,132.20	20,886,892.67

CITY OF NORTH LIBERTY				
TREASURER'S REPORT				
November 30, 2017				
FUNDS	BALANCE FORWARD	REVENUE	EXPENSE	BALANCE ENDING
	11/01/2017			11/30/2017
GENERAL	7,049,790.16	677,944.97	-1,038,888.88	6,688,846.25
SPECIAL REVENUE	5,417,790.79	961,385.20	-107,295.82	6,271,880.17
DEBT SERVICE	793,668.45	57,079.54	-43,669.50	807,078.49
CAPITAL PROJECTS	-2,958,146.00	10.50	-336,984.88	-3,295,120.38
WATER ENTERPRISE	4,612,224.65	419,024.97	-1,630,725.49	3,400,524.13
WASTEWATER ENTERPRISE	5,788,376.63	562,006.57	-414,313.27	5,936,069.93
STORM WATER ENTERPRISE	195,577.51	16,129.22	-55,520.99	156,185.74
<b>TOTAL</b>	<b>20,899,282.19</b>	<b>2,693,580.97</b>	<b>-3,627,398.83</b>	<b>19,965,464.33</b>

**Applicant License Application ( LC0036590 )**

<b>Name of Applicant:</b> <u>Chrisma, Inc</u>		
<b>Name of Business (DBA):</b> <u>Reds Alehouse</u>		
<b>Address of Premises:</b> <u>405 N. Dubuque</u>		
<b>City</b> <u>North Liberty</u>	<b>County:</b> <u>Johnson</u>	<b>Zip:</b> <u>52317</u>
<b>Business</b> <u>(319) 626-2100</u>		
<b>Mailing</b> <u>18 Fairview Knoll</u>		
<b>City</b> <u>Iowa City</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>52240</u>

**Contact Person**

<b>Name</b> <u>Faye Swift</u>	
<b>Phone:</b> <u>(319) 331-7418</u>	<b>Email</b> <u>fpswiftia@gmail.com</u>

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

**Term:**12 months

**Effective Date:** 01/05/2018

**Expiration Date:** 01/04/2019

**Privileges:**

Class C Liquor License (LC) (Commercial)

Outdoor Service

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>	
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u>	<b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**

**Faye Swift**

<b>First Name:</b> <u>Faye</u>	<b>Last Name:</b> <u>Swift</u>	
<b>City:</b> <u>Coralville</u>	<b>State:</b> <u>Iowa</u>	<b>Zip:</b> <u>52241</u>
<b>Position:</b> <u>President</u>		
<b>% of Ownership:</b> <u>63.00%</u>	<b>U.S. Citizen:</b> <u>Yes</u>	

**Matthew Swift**

<b>First Name:</b> <u>Matthew</u>	<b>Last Name:</b> <u>Swift</u>	
<b>City:</b> <u>Iowa City</u>	<b>State:</b> <u>Iowa</u>	<b>Zip:</b> <u>52240</u>
<b>Position:</b> <u>Secretary</u>		
<b>% of Ownership:</b> <u>37.00%</u>	<b>U.S. Citizen:</b> <u>Yes</u>	

**Insurance Company Information**

<b>Insurance Company:</b> <u>Selective Insurance Company of America</u>
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**Insurance Company:** Selective Insurance Company of America

**Policy Effective Date:** 01/05/2018

**Policy Expiration** 01/04/2019

**Bond Effective**

**Dram Cancel Date:**

**Outdoor Service Effective**

**Outdoor Service Expiration**

**Temp Transfer Effective**

**Temp Transfer Expiration Date:**



**City of North Liberty  
Alcoholic Beverage Permit  
Chapter 120 of the Municipal Code**

The Municipal Code requires approval from the following City and County Departments.

**Legal Name of Applicant:** Red's Alehouse

**Name of Business (DBA):** \_\_\_\_\_

**Address of Business:** 405 N. Dubuque Street N. Liberty Ia

**Business Phone & Email:** 319-626-2100 fpswiftia@gmail.com

**City of North Liberty:**

The above referenced property is located within a zoning district that permits the sale or consumption of alcoholic beverage.

**City Official**

\_\_\_\_\_

**North Liberty Fire Department:**

The above referenced property currently complies with International Fire Code. .

**Fire Inspector**

\_\_\_\_\_

**Johnson County Health Department:**

✓ The above referenced property currently complies with Johnson County Public Health requirements.

**Johnson County Public Health Official**

 12/6/17

State of Iowa ABD License: \_\_\_\_\_ North Liberty Permit: \_\_\_\_\_ License Expiration Date: \_\_\_\_\_

**City of North Liberty  
Alcoholic Beverage Permit  
Chapter 120 of the Municipal Code**

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**Business Phone & Email:** 319-626-2100 fpswiftia@gmail.com

**City of North Liberty:**

The above referenced property is located within a zoning district that permits the sale or consumption of alcoholic beverage.

**City Official** **Tom Palmer**

Digitally signed by Tom Palmer  
DN: cn=Tom Palmer, o=City of North Liberty,  
ou=Building Safety, email=tpalmer@ci.north-liberty.ia.us, c=US  
Date: 2017.12.06 11:15:07 -06'00'

**North Liberty Fire Department:**

The above referenced property currently complies with International Fire Code. .

**Fire Inspector**

**Johnson County Health Department:**

The above referenced property currently complies with Johnson County Public Health requirements.

**Johnson County Public Health Official**

State of Iowa ABD License: \_\_\_\_\_ North Liberty Permit: \_\_\_\_\_ License Expiration Date: \_\_\_\_\_



## North Liberty Police Department

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5 E Cherry St•PO Box 77•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

December 11, 2017

### Liquor License Check

Business: Red's Alehouse  
405 N. Dubuque Street  
North Liberty, IA 52317

Owners:       Matthew Swift       (DOB: 1982)  
                  Faye Swift         (DOB: 1952)

A record check of the above business shows contact with the North Liberty Police Department by the business name and the business address (from December 1<sup>st</sup>, 2016 until the above date).

Listed below are other calls:

Assault/Fight – 1  
Intoxication – 2

The above contacts with the business and patrons do not seem to be out of line for the type of business and the number of customers frequenting the establishment.

I would recommend the council renew the liquor license permit.

Completed by Sergeant Chris Shine



# North Liberty Fire Department

Occupancy: **Red's Ale House**

Address: **405 N Dubuque ST Building #612411001**

**North Liberty IA 52317**

Inspection Type: **Liquor License Inspection**

Inspection Date: **12/15/2017**

By: **Hardin, Bryan E (01-1022)**

Time In: **10:42**

Time Out: **11:47**

Authorized Date: **Not Author**

By:

Form: General Fire

Inspection Checklist 1.0

## Inspection Description:

### ORDER TO COMPLY:

You must correct the violations noted upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on or after 30 days from the date of inspection.

This initial and the first re-inspection are at no charge. If subsequent re-inspections are needed to ensure compliance, you will be charged the current fee schedule.

If you fail to comply with this notice, you may be liable for the penalties provided for by law for such violations.

## Inspection Topics:

### Fire Extinguishers

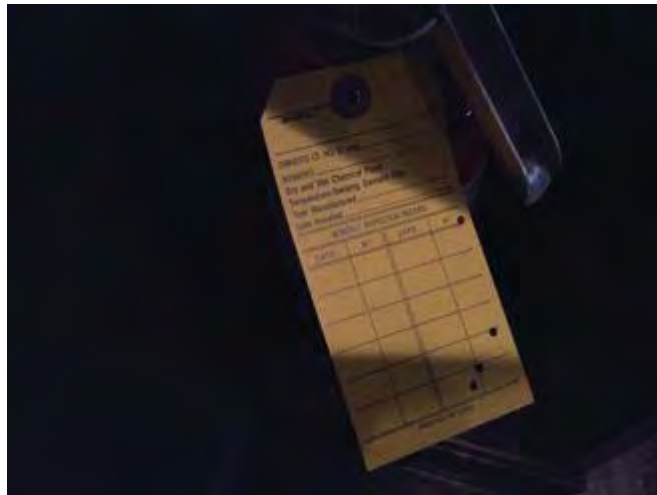
#### Fire Extinguisher Monthly Inspection - Initial & Date Tag

NFPA 10: Standard for Portable Fire Extinguishers, 2013 Edition, Section 7.2.1.2 Fire extinguishers and Class D extinguishing agents shall be visually inspected at intervals not exceeding 31 days. Documentation of the visual inspection shall be recorded on the backside of the inspection tag (Date & Initials) or on a log book.

**Status:** **FAIL**

**Notes:** **Complete monthly inspections.**

**Billable Amount:**



## Electrical Rooms / Electrical Wiring

### Electrical Equipment - 3 Feet Clearance in Front of Panel

605.3 Working space and clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall be not less than the width of the equipment. Storage of materials shall not be located within the designated working space.

**Status:** FAIL

**Notes:** Basement west wall. Remove storage 3 feet in front of and below both panels.

**Billable Amount:**



### Electrical Panels, Junction Boxes & Outlet Boxes - No Openings or Exposed Wiring

605.6 Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

**Status:** FAIL

**Notes:** Replace missing cover on outlet box.

**Billable Amount:**





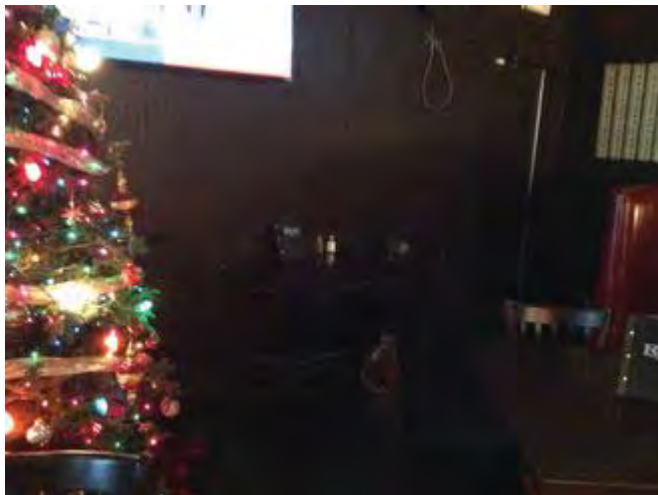
## No Extension Cords

605.5 Extension cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

**Status:** FAIL

**Notes:** Remove extension cord to Christmas tree and replace with surge protector.

**Billable Amount:**



## Surge Protector - Proper Installation

605.4.1 Power tap design. Relocatable power taps shall be of the polarized or grounded type, equipped with overcurrent protection, and shall be listed in accordance with UL 1363. 605.4.2 Power supply. Relocatable power taps shall be directly connected to a permanently installed receptacle. 605.4.3 Installation. Relocatable power tap cords shall not extend through walls, ceilings, floors, under doors or floor coverings, or be subject to environmental or physical damage.

**Status:** FAIL

**Notes:** Basement, secure/mount surge protector above both sump pump.

Basement, secure junction box back to conduit.

**Billable Amount:**



## Kitchen Hood System

### Kitchen Hood and Duct Cleaned- Current Inspection Tag on Hood

609.3.3.1 Inspection. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 609.3.3.1 or as approved by the fire code official. Inspections shall be completed by qualified individuals.

**Status:** FAIL

**Notes:** Prep hood past due, needs to be completed annually.  
Pizza oven hood past due, needs to be completed bi-annually.

**Billable Amount:**



### Cooking Equipment with Casters in Approved Floor Mounted Restraining Device

Section 609.4 Movement of new and existing cooking appliances with caster(s) under a Type I hood shall be limited by an approved floor mounted restraining device and flexible gas connector installed in accordance with the connector and appliance manufacturer's instructions.

**Status:** FAIL

**Notes:** Fire dept to send email with additional information.

**Billable Amount:**



## Means of Egress & Corridors

### Means of Egress Unobstructed

1003.6 Means of egress continuity. The path of egress travel along a means of egress shall not be interrupted by a building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component except projections permitted by this chapter. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.

**Status:** FAIL

**Notes:** South exit, remove chair.

**Billable Amount:**



## Combustible, General & Outside Storage

### Oily Rags Stored in Approved Containers

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container. Contents of such containers shall be removed and disposed of daily.

**Status:** FAIL

**Notes:** Put metal lid back on.

**Billable Amount:**





## Compressed Gas Cylinders / LPG

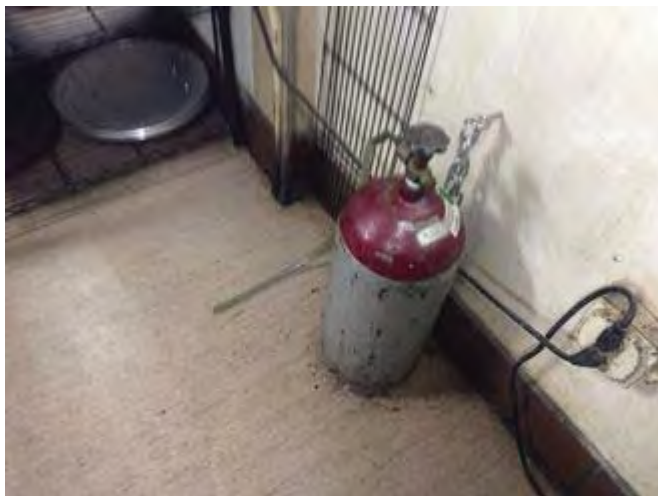
### Compressed Gas Cylinders Secured or Chained

5303.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods: 1. Securing containers, cylinders and tanks to a fixed object with one or more restraints. 2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks. 3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in sellers' warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress. 4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use. Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

**Status:** FAIL

**Notes:** Kitchen.

**Billable Amount:**



### Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
<b>Notes:</b> No Additional time recorded		

**Total Additional Time: 0 minutes**

**Inspection Time: 65 minutes**

**Total Time: 65 minutes**

### Summary:

**Overall Result:** Correction Notice Issued

**Inspector Notes:**

### Closing Notes:

Above is the results of your Fire Inspection conducted by the North Liberty Fire Department Department. If you have any questions, please feel free to contact Fire Marshal Bryan Hardin at (319) 626-5709. If you had any violations, please reply back when all corrections are made so we may close out your inspection. Thank you for your time and attention.

## Inspector:

Name: Hardin, Bryan E  
Rank: Assistant Chief  
Work Phone(s): None on file  
Email(s): bhardin@northlibertyiowa.org  
Hardin, Bryan E:



Signed on: 12/15/2017 11:48

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

## Representative Signature:

Signature of: Stephanie breitbach on 12/15/2017 11:49



\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**Contractor's Application for Payment No. 2**

Application Period: Nov-17		Application Date: 12/12/2017
To (Owner): City of North Liberty	From (Contractor): Ricklefs Excavating, LTD.	Via (Engineer): Fox Engineering, Inc.
Project: Phase I Water System Improvements Division II Water Mains	Contract:	
Owner's Contract No.:	Contractor's Project No.: 17007	Engineer's Project No.: 3373-15A

**Application For Payment  
Change Order Summary**

Approved Change Orders			1. ORIGINAL CONTRACT PRICE.....	\$ 1,089,000.00
Number	Additions	Deductions	2. Net change by Change Orders.....	\$
			3. Current Contract Price (Line 1 ± 2).....	\$ 1,089,000.00
			4. TOTAL COMPLETED AND STORED TO DATE	
			(Column F total on Progress Estimates).....	\$ 296,045.00
			5. RETAINAGE:	
			a. 5% X \$296,045.00 Work Completed.....	\$ 14,802.25
			b. 5% X Stored Material.....	\$
			c. Total Retainage (Line 5.a + Line 5.b).....	\$ 14,802.25
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 281,242.75
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 106,727.75
			8. AMOUNT DUE THIS APPLICATION.....	\$ 174,515.00
			9. BALANCE TO FINISH, PLUS RETAINAGE	
			(Column G total on Progress Estimates + Line 5.c above).....	\$ 807,757.25
TOTALS				
NET CHANGE BY				
CHANGE ORDERS				

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:  
 (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 the Work covered by prior Applications for Payment;  
 (2) Title to 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 the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

**Contractor Signature**

By:  Date: 12/12/2017

Payment of: \$ **174,515.00**  
 (Line 8 or other - attach explanation of the other amount)

is recommended by: Taylor Stapper **12/17/2017**  
 (Engineer) (Date)

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

is approved by: \_\_\_\_\_  
 (Owner) (Date)

Approved by: \_\_\_\_\_  
 Funding or Financing Entity (if applicable) (Date)



ITEM #	ITEM NAME	QTY	UNIT	UNIT PRICE	EXTENSION	PREVIOUS QTY	CURRENT QTY	CURRENT AMOUNT	%	JTD QTY	JTD AMOUNT	JTD %
1	Clearing and Grubbing	1,518	UNIT	\$ 16.25	\$ 24,672.38	1611.5		\$ -	0%	1611.5	\$ 26,186.88	106%
2	Excavation, Class 10, Roadway and Borrow	83,331	CY	\$ 2.33	\$ 194,161.23	83346		\$ -	0%	83346	\$ 194,196.18	100%
3	Topsoil, Strip, Salvage and Spread	20,127	CY	\$ 2.88	\$ 57,965.76	20127		\$ -	0%	20127	\$ 57,965.76	100%
4	Subgrade Stabilization	23,015	SY	\$ 8.39	\$ 193,095.85	23954.78		\$ -	0%	23954.78	\$ 200,980.60	104%
5	Modified Subbase	4,240	CY	\$ 28.00	\$ 118,720.00	4240		\$ -	0%	4240	\$ 118,720.00	100%
6	Shoulder Finishing, Earth	6.5	STA	\$ 260.00	\$ 1,690.00	6.5		\$ -	0%	6.5	\$ 1,690.00	100%
7	Macadam Stone Base	455	TON	\$ 19.85	\$ 9,031.75	273.73		\$ -	0%	273.73	\$ 5,433.54	60%
8	Relocation of Mail Boxes	9	EA	\$ 250.00	\$ 2,250.00	9		\$ -	0%	9	\$ 2,250.00	100%
9	STD or Slip Form PCC Pavement, CL C, CL 3I Durability, 7 In.	115	SY	\$ 39.00	\$ 4,485.00	100		\$ -	0%	100	\$ 3,900.00	87%
10	STD or Slip Form PCC Pavement, CL C, CL 3I Durability, 9 In.	19,420	SY	\$ 35.80	\$ 695,236.00	19422	39.24	\$ 1,404.79	0%	19461.24	\$ 699,712.39	100%
11	Surfacing, Driveway, Class A Crushed Stone	455	TON	\$ 21.15	\$ 9,623.25	388.78		\$ -	0%	388.78	\$ 8,222.70	85%
12	Removal of Sign	4	EA	\$ 50.00	\$ 200.00	4		\$ -	0%	4	\$ 200.00	100%
13	Removals, As Per Plan	1	LS	\$ 3,500.00	\$ 3,500.00	1		\$ -	0%	1	\$ 3,500.00	100%
14	Aprons, Concrete, 15 In. Dia.	3	EA	\$ 650.00	\$ 1,950.00	3		\$ -	0%	3	\$ 1,950.00	100%
15	Aprons, Concrete, 18 In. Dia.	6	EA	\$ 700.00	\$ 4,200.00	8		\$ -	0%	8	\$ 5,600.00	133%
16	Aprons, Concrete, 24 In. Dia.	1	EA	\$ 825.00	\$ 825.00	1		\$ -	0%	1	\$ 825.00	100%
17	Aprons, Concrete, 48 In. Dia.	1	EA	\$ 1,600.00	\$ 1,600.00	1		\$ -	0%	1	\$ 1,600.00	100%
18	Aprons, Concrete, 54 In. Dia.	2	EA	\$ 1,700.00	\$ 3,400.00	2		\$ -	0%	2	\$ 3,400.00	100%
19	Aprons, Concrete, 60 In. Dia.	2	EA	\$ 2,250.00	\$ 4,500.00	2		\$ -	0%	2	\$ 4,500.00	100%
20	Apron, Low Clearance Concrete, Equivalent Diameter 24 In.	20	EA	\$ 800.00	\$ 16,000.00	20		\$ -	0%	20	\$ 16,000.00	100%
21	Manhole, Storm Sewer, SW-401, 60 In.	2	EA	\$ 3,650.00	\$ 7,300.00	2		\$ -	0%	2	\$ 7,300.00	100%
22	Manhole, Storm Sewer, SW-401, 108 In.	1	EA	\$ 16,200.00	\$ 16,200.00	1		\$ -	0%	1	\$ 16,200.00	100%
23	Intake, SW-509	3	EA	\$ 3,800.00	\$ 11,400.00	3		\$ -	0%	3	\$ 11,400.00	100%
24	Intake, SW-512, 24 In.	2	EA	\$ 1,600.00	\$ 3,200.00	2		\$ -	0%	2	\$ 3,200.00	100%
25	Intake, SW-512, 36 In.	1	EA	\$ 5,000.00	\$ 5,000.00	1		\$ -	0%	1	\$ 5,000.00	100%
26	Intake, SW-513 - 36"x48"	1	EA	\$ 3,400.00	\$ 3,400.00	1		\$ -	0%	1	\$ 3,400.00	100%
27	Intake, SW-513 - 36"x42"	1	EA	\$ 3,400.00	\$ 3,400.00	1		\$ -	0%	1	\$ 3,400.00	100%
28	Intake, SW-513 - 48"x48"	1	EA	\$ 3,800.00	\$ 3,800.00	1		\$ -	0%	1	\$ 3,800.00	100%
29	Intake, SW-513 - 60"x72"	2	EA	\$ 4,400.00	\$ 8,800.00	2		\$ -	0%	2	\$ 8,800.00	100%
30	Intake, SW-513 - 60"x84"	2	EA	\$ 5,400.00	\$ 10,800.00	2		\$ -	0%	2	\$ 10,800.00	100%
31	Subdrain, Longitudinal, (Backslope) 6 In. Dia.	1,910	LF	\$ 9.00	\$ 17,190.00	920		\$ -	0%	920	\$ 8,280.00	48%
32	Subdrain, Longitudinal, (Shoulder) 4 In. Dia.	200	LF	\$ 6.00	\$ 1,200.00	200		\$ -	0%	200	\$ 1,200.00	100%
33	Subdrain Outlet, DR-303	4	EA	\$ 100.00	\$ 400.00	3		\$ -	0%	3	\$ 300.00	75%
34	Subdrain Outlet, DR-304	4	EA	\$ 300.00	\$ 1,200.00	1		\$ -	0%	1	\$ 300.00	25%
35	Special Pipe Connection- Type PC-1	3	EA	\$ 875.00	\$ 2,625.00	2		\$ -	0%	2	\$ 1,750.00	67%
36	Subdrain Cleanout, 6 In., As Per Plan	5	EA	\$ 400.00	\$ 2,000.00	1		\$ -	0%	1	\$ 400.00	20%
37	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 12 In.	17	LF	\$ 30.00	\$ 510.00	0		\$ -	0%	0	\$ -	0%
38	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 15 In.	268	LF	\$ 35.00	\$ 9,380.00	285		\$ -	0%	285	\$ 9,975.00	106%
39	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 18 In.	390	LF	\$ 38.00	\$ 14,820.00	410		\$ -	0%	410	\$ 15,580.00	105%
40	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 24 In.	180	LF	\$ 45.00	\$ 8,100.00	180		\$ -	0%	180	\$ 8,100.00	100%
41	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 42 In.	26	LF	\$ 125.00	\$ 3,250.00	26		\$ -	0%	26	\$ 3,250.00	100%
42	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 48 In.	78	LF	\$ 155.00	\$ 12,090.00	78		\$ -	0%	78	\$ 12,090.00	100%
43	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 54 In.	146	LF	\$ 180.00	\$ 26,280.00	146		\$ -	0%	146	\$ 26,280.00	100%
44	Storm Sewer Gravity Main, Trenched, RCP 2000D (CL III), 60 In.	227	LF	\$ 200.00	\$ 45,400.00	227		\$ -	0%	227	\$ 45,400.00	100%
45	Storm Sewer Gravity Main, Trenched, 2000D Low Clearance Concrete Pipe, Equiv.Dia. 24 In.	241	LF	\$ 65.00	\$ 15,665.00	253		\$ -	0%	253	\$ 16,445.00	105%
46	Remove Storm Sewer Pipe Less Than or Equal to 36 In.	373	LF	\$ 10.00	\$ 3,730.00	373		\$ -	0%	373	\$ 3,730.00	100%
47	Remove Storm Sewer Pipe Greater Than 36 In.	243	LF	\$ 12.00	\$ 2,916.00	243		\$ -	0%	243	\$ 2,916.00	100%
48	Remove and Reinstall Storm Sewer Pipe Less Than or Equal to 36 In.	27	LF	\$ 42.00	\$ 1,134.00	61		\$ -	0%	61	\$ 2,562.00	226%
49	Revetment, Class E	1,225	TON	\$ 35.65	\$ 43,671.25	649.3		\$ -	0%	649.3	\$ 23,147.55	53%
50	Erosion Stone	861	TON	\$ 24.95	\$ 21,481.95	90.94		\$ -	0%	90.94	\$ 2,268.95	11%
51	Backfill for Retaining Wall	1,600	TON	\$ 6.38	\$ 10,208.00	1600		\$ -	0%	1600	\$ 10,208.00	100%
52	Segmental Block Retaining Wall	2,680	SF	\$ 39.50	\$ 105,860.00	2680		\$ -	0%	2680	\$ 105,860.00	100%
53	Removal of Pavement	169	SY	\$ 9.35	\$ 1,580.15	224		\$ -	0%	224	\$ 2,094.40	133%
54	Driveway, P.C. Concrete, 6 In.	385	SY	\$ 35.50	\$ 13,667.50	476.6		\$ -	0%	476.6	\$ 16,919.30	124%
55	Fence, Chain Link, 48 In. Height	318	LF	\$ 24.75	\$ 7,870.50	318		\$ -	0%	318	\$ 7,870.50	100%
56	Fence, Field - Temporary	6,000	LF	\$ 3.75	\$ 22,500.00	6000		\$ -	0%	6000	\$ 22,500.00	100%
57	Fence, Field	7,730	LF	\$ 7.95	\$ 61,453.50	7817		\$ -	0%	7817	\$ 62,145.15	101%
58	Gate, Field Fence, 16 Ft.	8	EA	\$ 775.00	\$ 6,200.00	9		\$ -	0%	9	\$ 6,975.00	113%
59	Removal of Fence, Field	7,900	LF	\$ 2.75	\$ 21,725.00	7900		\$ -	0%	7900	\$ 21,725.00	100%
60	Remove and Reinstall Sign As Per Plan	10	EA	\$ 100.00	\$ 1,000.00	10		\$ -	0%	10	\$ 1,000.00	100%



ITEM #	ITEM NAME	QTY	UNIT	UNIT PRICE	EXTENSION	PREVIOUS QTY	CURRENT QTY	CURRENT AMOUNT	%	JTD QTY	JTD AMOUNT	JTD %
61	Perforated Square Steel Tube Posts	96	LF	\$ 10.00	\$ 960.00	96		\$ -	0%	96	\$ 960.00	100%
62	Perforated Square Steel Tube Post Anchor, Break-Away Soil Installation	7	EA	\$ 100.00	\$ 700.00	7		\$ -	0%	7	\$ 700.00	100%
63	Type A Signs, Sheet Aluminum	35	SF	\$ 20.00	\$ 700.00	35		\$ -	0%	35	\$ 700.00	100%
64	Painted Pavement Markings, Durable	212	STA	\$ 65.00	\$ 13,780.00	217.8		\$ -	0%	217.8	\$ 14,157.00	103%
65	Traffic Control	1	LS	\$ 5,650.00	\$ 5,650.00	1		\$ -	0%	1	\$ 5,650.00	100%
66	Mobilization	1	LS	\$ 65,000.00	\$ 65,000.00	1		\$ -	0%	1	\$ 65,000.00	100%
67	Temporary Access Drives	1	LS	\$ 10,500.00	\$ 10,500.00	1		\$ -	0%	1	\$ 10,500.00	100%
68	Compost Filter Tube (8 In. Dia.) or Silt Fence	15,400	LF	\$ 1.50	\$ 23,100.00	15920		\$ -	0%	15920	\$ 23,880.00	103%
69	Biodegradable Erosion Control Blanket	8,855	SQ	\$ 12.35	\$ 109,359.25	6280.76		\$ -	0%	6280.76	\$ 77,320.39	71%
70	Hydraulic Seeding, Fertilizing and Mulching - Type 1	3	ACRE	\$ 3,000.00	\$ 9,000.00	2.6		\$ -	0%	2.6	\$ 9,360.00	104%
71	Hydraulic Seeding, Fertilizing and Mulching - Type 2	18	ACRE	\$ 3,200.00	\$ 56,960.00	11.8		\$ -	0%	11.8	\$ 37,760.00	66%
72	Stabilizing Crop - Seeding, Fertilizing and Mulching - Type 4	20	ACRE	\$ 450.00	\$ 9,000.00	6.03		\$ -	0%	6.03	\$ 2,713.50	30%
73	Permeable Ditch Checks	4,200	LF	\$ 5.50	\$ 23,100.00	3816		\$ -	0%	3816	\$ 20,988.00	91%
74	Removal of Compost Filter Tube, Silt Fence or Ditch Checks	19,600	LF	\$ 0.15	\$ 2,940.00	0	15,920.00	\$ 2,388.00	81%	15920	\$ 2,388.00	81%
75	Maintenance of Compost Filter Tube, Silt Fence or Ditch Checks	19,600	LF	\$ 0.05	\$ 980.00	650		\$ -	0%	650	\$ 32.50	3%
76	Mobilization, Erosion Control	15	EA	\$ 250.00	\$ 3,750.00	16	1.00	\$ 250.00	7%	17	\$ 4,250.00	113%
77	Temporary Sediment Control Basin	11	EA	\$ 380.00	\$ 4,180.00	2		\$ -	0%	2	\$ 760.00	18%
78	Removal of Temporary Sediment Control Basin	11	EA	\$ 280.00	\$ 3,080.00	2		\$ -	0%	2	\$ 560.00	18%
79	Maintenance of Temporary Sediment Control Basin	11	EA	\$ 150.00	\$ 1,650.00	2		\$ -	0%	2	\$ 300.00	18%
80	Area Inlet Protector	6	EA	\$ 120.00	\$ 720.00	0		\$ -	0%	0	\$ -	0%
TOTAL CONTRACT:					\$2,250,623.32							
CO 01	6" Special Backfill	181.5	TN	22.05	\$ 4,002.08	181.5		\$ -	0%	181.5	\$ 4,002.08	100%
	6" Field Tile Connections	110	LF	21.00	\$ 2,310.00	110		\$ -	0%	110	\$ 2,310.00	100%
	Dispose of Trees & Rubble	2	LOAD	709.83	\$ 1,419.66	2		\$ -	0%	2	\$ 1,419.66	100%
CO 02	ITC 02 - Tile Wet Area Sta 36+75	1	LS	9,116.63	\$ 9,116.63	1.063310675		\$ -	0%	1.0633107	\$ 9,693.81	106%
CO 03	RFI 04- Unsuitable Area @54" Flared End Section	88.89	CY	29.86	\$ 2,654.09	88.89		\$ -	0%	88.89	\$ 2,654.09	100%
CO 04	Temporary Access Drive	125.84	TN	22.21	\$ 2,794.91	125.84		\$ -	0%	125.84	\$ 2,794.91	100%
	Upsize Gates to 20' from 16'	2.00	EA	120.75	\$ 241.50	5		\$ -	0%	5	\$ 603.75	250%
CO 05	Tile Changes	1.00	LS	1,078.59	\$ 1,078.59	1		\$ -	0%	1	\$ 1,078.59	100%
	Subgrade Stabilization	1.00	LS	16,772.12	\$ 16,772.12	1		\$ -	0%	1	\$ 16,772.12	100%
	Driveway Changes	1.00	LS	1,365.00	\$ 1,365.00	1		\$ -	0%	1	\$ 1,365.00	100%
CO 06	Field Fence Mobilization	1.00	LS	450.19	\$ 450.19	1		\$ -	0%	1	\$ 450.19	100%
	Driveway Mobilization	1.00	LS	500.00	\$ 500.00	1		\$ -	0%	1	\$ 500.00	100%
CO 07	Completion Incentive	1.00	LS	20,000.00	\$ 20,000.00		1.00	\$ 20,000.00	100%	1	\$ 20,000.00	100%
TOTAL CHANGE ORDERS:					\$ 62,704.76							
TOTAL REVISED CONTRACT:					\$2,313,328.08							
VALUE OF COMPLETED WORK:								\$ 24,042.79	1%		\$ 2,210,028.47	96%
LESS RETAINAGE (5%):								\$ 1,202.14			\$ 110,501.42	
NET AMOUNT DUE:								\$ 22,840.65			\$ 2,099,527.05	
LESS PREVIOUS PAYMENTS:											\$ 2,076,686.40	
AMOUNT DUE THIS REQUEST:											\$ 22,840.65	

SIGNATURES:

CONTRACTOR  
METRO PAVERS, INC.

SHELLY DUSTER, CFO

DATE:

ENGINEER:  
SHIVE-HATTERY, INC.

DATE:

OWNER:  
CITY OF NORTH LIBERTY

DATE:

OWNER:  
CITY OF NORTH LIBERTY

DATE:



Change Order No. 7

Date of Issuance:	Effective Date: 12/11/17
Owner: City of North Liberty	Owner's Contract No.: NA
Contractor: Metro Pavers, Inc.	Contractor's Project No.: 17-101
Engineer: Shive-Hattery, Inc.	Engineer's Project No.: 1152610
Project: North Liberty Road Improvements	Contract Name:



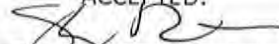
The Contract is modified as follows upon execution of this Change Order:

Description:

The project agreement included an early completion incentive payment to the contractor for completing the project in fewer working days than the total number of days specified. The contractor completed the project in 92.5/110 working days and the punch list was completed in 13/20 days. The incentive payment was \$1500 per day capped at \$20,000.00 maximum.  $17.5 + 7 = 24.5$  days early at \$1500/day = \$36750.00 > \$20,000.00.

Attachments: Working Day Report 029 & 035

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$ 2,250,623.32</u>	Original Contract Times: Substantial Completion: <u>110 Working Days</u> Ready for Final Payment: <u>20 Working Days</u> days or dates
Increase from previously approved Change Orders No. 1 through 4: <u>\$ 42,704.83</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>   </u> to No. <u>   </u> : Substantial Completion: <u>NA</u> Ready for Final Payment: <u>                    </u> days
Contract Price prior to this Change Order: <u>\$ 2,293,328.15</u>	Contract Times prior to this Change Order: Substantial Completion: <u>110 Working Days</u> Ready for Final Payment: <u>20 Working Days</u> days or dates
Increase of this Change Order: <u>\$ 20,000.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days or dates
Contract Price incorporating this Change Order: <u>\$ 2,313,328.15</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>110 Working Days</u> Ready for Final Payment: <u>20 Working Days</u> days or dates

RECOMMENDED:		ACCEPTED:	
By: <u></u>	By: <u></u>	By: <u></u>	
Title: <u>Construction Administrator</u>	Title: <u>Owner (Authorized Signature)</u>	Title: <u>Contractor (Authorized Signature)</u>	
Date: <u>12/11/17</u>	Date: <u>                    </u>	Date: <u>12/14/17</u>	

# **Zoning Ordinance – Rental/Family**



ORDINANCE NO. 2017-11

AN ORDINANCE AMENDING CHAPTERS 167, 168, AND 169 OF  
THE NORTH LIBERTY CODE OF ORDINANCES BY  
AMENDING DEFINITIONS IN THE ZONING CODE FOR  
CONSISTENCY WITH STATE LAW REGARDING RENTAL  
PROPERTIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:

**SECTION 1. AMENDMENT.** Chapter 167, " Zoning Code - Definitions," of the North Liberty Code of Ordinances (2016) is hereby amended by amending or repealing specific definitions in Section 167.01 as follows:

“Family” means one person or two or more persons related by blood, marriage, adoption, or placement by a governmental social service agency, occupying a dwelling unit as an individual housekeeping organization. A family may also be two (but not more than two) persons not related by blood, marriage, or adoption.

“Dwelling, duplex” means a building designed or arranged to be occupied as two dwelling units.

“Dwelling, multiple-unit” means a building or portion thereof designed for occupancy as three or more independent units in which units may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

(this term is nowhere else in the ordinance) “Dwelling, single-unit” means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy as one dwelling unit.

“Dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, for not more than one family, or a congregate residence for six or fewer persons. A dwelling unit shall have a minimum width of 20 feet over 75 percent of its length and a minimum roof pitch of 4:12. Also see definition of “Dwelling Unit, Rental” and occupancy limitations of rental housing units in Chapter 169.

“Dwelling Unit, Rental” means any “Dwelling Unit” as defined herein for which the owner permits, provides or offers possession or occupancy by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. Occupancy requirements for Rental Dwelling Units are different from non-rental Dwelling Units, and those requirements are found in Chapter 169.15.

“Occupancy” means the fact or condition of holding, possessing, or residing in or on a property.

“Owner” means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian

**Deleted:** “Apartment house” means a living unit in a multiple dwelling.

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**Deleted:** “Dwelling, planned group” means two or more detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts, or facilities in common.

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**Deleted:** “Living unit” means the room or rooms occupied by a family. A living unit must include a kitchen.¶



of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**SECTION 2. AMENDMENT.** Chapter 168, "Zoning Code – Zoning District Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by amending Table 168.01-A, Section 168.02 (including tables); Section 168.03 (including tables); Section 168.04 (including tables); and Section 168.06 (including tables) to read as follows:

**TABLE 168.01-A – ID ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N/A = Not Allowed

Land Use		Notes
Single Dwelling Unit Buildings	P	Owner occupied
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions

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**168.02 RS ZONES – SINGLE-UNIT RESIDENCE DISTRICTS.**

1. Defined. Allowable RS Zone uses are:

A. RS-3 Single-Unit Residence District. The RS-3 Single-Unit Residence District is intended to provide and maintain low-density single-unit residential neighborhoods with a minimum lot size of 15,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

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B. RS-4 Single-Unit Residence District. The RS-4 Single-Unit Residence District is intended to provide and maintain low-density single-unit residential neighborhoods with a minimum lot size of 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

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C. RS-6 Single-Unit Residence District. The RS-6 Single-Unit Residence District is intended to provide for and maintain moderate density single-unit residential neighborhoods with a minimum lot size of 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

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D. RS-7 Single-Unit Residence District. The RS-7 Single-Unit Residence District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods with a minimum lot size of 6,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations....

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E. RS-8 Single-Unit Residence District. The RS-8 Single-Unit Residence District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods with a minimum lot size of 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. The use of the RS-8, Single-Unit Residence District shall be limited to the existing RS-8 Zones within the City, primarily designated as the original town of North Liberty bounded by Zeller Street, Dubuque Street, Penn Street, and Stewart Street. The use of the RS-8 Zoning District for any new development within the City is discouraged as being incompatible with the desired design standards for the City.

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F. RS-9 Single-Unit Residence District. The RS-9 Single-Unit Residence District is intended to provide for and maintain high-density single-unit residential neighborhoods with a minimum size of 4,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

G. RS-O, Single-Unit Residential Special Use District. The RS-O, Single-Unit Residential Special Use District is intended to be limited in use and will only be used for those special situations where the establishment of this district will not alter the essential character of any residential district in which it could be placed, and will, in addition, require that any land owner desiring to establish this district shall enter into a written agreement with the City to abide by such terms and conditions as required by the City.

- (1) Use Regulations. An existing single-Unit dwelling in the RS-O District will be permitted to be used as a professional office in said dwelling....

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**TABLE 168.02-A – RS ZONES USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Uses		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Emergency Shelters	A	
Family Homes	P	Minimum separation of ¼ mile between family homes.
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.
Home Occupations	A	
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.
Parks	P	Owned or operated by public or private agencies or organizations. Not Commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Greenhouses / Plant Nurseries	A	See Section 169.01
Private Swimming Pools	A	
Public Schools	P	
Single- <u>Dwelling Unit Buildings</u>	P	<u>Owner occupied.</u>
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions

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**Deleted:** Minimum structure width 20 feet; minimum roof pitch 4:12

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Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	
Tennis Courts	P	
Utility and Service Uses	P	

**TABLE 168.02-B – RS-3 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
<del>Single Dwelling Unit Buildings</del> Family Homes	50 feet	100 feet	15,000 square feet	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	100 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	50 feet	100 feet	15,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** Family

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**TABLE 168.02-C – RS-4 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
<del>Single Dwelling Unit Buildings</del> Family Homes	40 feet	80 feet	10,000 square feet	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	50 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** Family

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**TABLE 168.02-D – RS-6 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
<del>Single Dwelling Unit Buildings</del> Family Homes	35 feet	70 feet	7,000 square feet	25 feet	8 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	30 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories

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Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	
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**TABLE 168.02-E – RS-7 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	60 feet	6,000 square feet	20 feet	5 feet	25 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** Family

**Deleted:** Dwellings

**TABLE 168.02-F – RS-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	60 feet	5,000 square feet	20 feet	5 feet	25 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** Family

**Deleted:** Dwellings

**TABLE 168.02-G – RS-9 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	40 feet	4,500 square feet	25 feet	5 feet	25 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** Family

**Deleted:** Dwellings

### 168.03 RD ZONES – TWO-UNIT RESIDENCE DISTRICTS.

1. Defined. Allowable RD Zone uses are:

A. RD-8 Two-Unit Residence District. The RD-8 Two-Unit Residence district is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 10,000 square feet with a minimum of 5,000 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

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B. RD-10 Two-Unit Residence District. The RD-10 Two-Unit District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 9,000 square feet with a minimum of 4,500 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

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2. Use Regulations. Principal and accessory uses permitted in the RD Zone – Two-Unit Residence Districts are prescribed in Table 168.03-A.

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3. Bulk Regulations. The minimum area, setback, density, and maximum height restrictions are as prescribed in the following Tables:

RD-8 – Table 168.03-B

RD-10 – Table 168.03-C

4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06.

5. Home Occupations. Home occupations are permitted subject to the provisions of Section 170.01.

6. Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.

7. Signs. Signs shall be permitted according to the provisions of Chapter 173.

**TABLE 168.03-A – RD ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Duplex	P	
Emergency Shelters	A	See Section 169.06
Family Homes	P	Minimum separation of ¼ mile between family homes
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.
Home Occupations	A	See Section 170.01
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.

Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child
Private Garages	A	See Section 169.06
Private Greenhouses / Plant Nurseries	A	See Section 169.06
Public Schools	P	
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	See Section 169.06
Tennis Courts	A	See Section 169.06
Two <del>Dwelling Unit Buildings</del>	P	<del>Owner occupied.</del>
Two Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit.
Utility and Service Uses	P	

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**Deleted:** Dwellings

**Deleted:** Minimum structure width 20 feet; minimum roof pitch 4:12

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**TABLE 168.03-B – RD-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two <del>Dwelling Unit Buildings</del>	40 feet	100 feet	10,000 square feet; 5,000 per dwelling unit	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	35 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** -Family Dwellings

**TABLE 168.03-C – RD-10 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two <del>Dwelling Unit Buildings</del>	35 feet	80 feet	9,000 square feet; 4,500 per dwelling unit	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship,	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories

**Deleted:** -Family Dwellings

Nurseries, Daycare, Pre-School							
Tennis Courts, Parks	40 feet	80 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

#### 168.04 RM ZONES – MULTI-UNIT RESIDENCE DISTRICTS.

1. Defined. Allowable RM Zone uses are:

A. RM-4 Multi-Unit Residence District. The RM-4 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately four (4) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

B. RM-6 Multi-Unit Residence District. The RM-6 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately six (6) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

C. RM-8 Multi-Unit Residence District. The RM-8 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of eight (8) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

D. RM-12 Multi-Unit Residence District. The RM-12 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of twelve (12) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 3,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is to protect these residential areas from encroachment of incompatible uses.

E. RM-21 Multi-Unit Residence District. The RM-21 Multi-Unit Residence District is intended to provide and maintain high-density, multiple-unit housing residential neighborhoods with a maximum density of twenty-one (21) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 2,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

2. Use Regulations. Principal and accessory uses permitted in the RM Zone – Multi-Unit Residence Districts are prescribed in Table 168.04-A.

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**TABLE 168.04-A – RM ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.

Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child.
Emergency Shelters	A	
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Multiple Dwelling Unit Buildings	P	Owner occupied units
Multiple Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit.
Nursing Homes	P	
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding.
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	P	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Swimming pools	A	See Section 169.06
Public Schools	P	
Public Swimming Pool	P	Owned or operated by public or private agencies or organizations. Not commercial.
Recreation Buildings	A	
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	
Tennis Courts	P	Owned or operated by public or private agencies or organizations. Not commercial.
Utility and Service Uses	P	

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**TABLE 168.04-B – RM-4 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 10,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories

Deleted: -Family Dwellings



Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	
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**TABLE 168.04-C – RM-6 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 7,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

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**TABLE 168.04-D – RM-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 5,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**Deleted:** -Family Dwellings

**TABLE 168.04-E – RM-12 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	50 feet	80 feet	21,780 square feet; 3,500 per dwelling unit	35 feet	15 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories

**Deleted:** -Family Dwellings

Schools, Places of Worship, Nurseries, Daycare, Pre-School							
Tennis Courts, Parks	100 feet	100 feet	14,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.04-F – RM-21 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	50 feet	80 feet	21,780 square feet; 2,000 per dwelling unit	25 feet*	10 feet*	30 feet	65 feet or 5 stories*
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	14,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	
* An additional foot of front yard depth and side yard width is required for every foot of building height over 45 feet.							

Deleted: -Family Dwellings

**TABLE 168.06-A – C-1-A ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	
Banks	P	
Barbershops or Beauty Parlors	P	
Bicycle Shops	P	Sales, repair and service
Boardinghouses	C	
Book or Stationery Stores	P	
Cabinetry Sales, kitchen, bath, etc.	P	
Cafés	P	
Clinics	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Coin Operated Laundries	P	
Community Buildings	P	
Confectionery/Candy Stores	P	
Craft Stores	P	
Custodial Homes	P	

Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child
Department Stores	P	
Dressmaking, Tailoring, Alterations	P	
Drugstores	P	
Dry Cleaning and Laundry Collection	P	
Dry Cleaning and Laundry Processing	C	
Dry Goods / Notions Stores	P	
Dwelling <u>Unit</u> Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	<u>Owner occupied.</u> 600 square foot minimum per unit
<u>Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)</u>	<u>P</u>	<u>See Chapter 169.15 for restrictions.</u> <u>600 square foot minimum per unit</u>

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**TABLE 168.06-B – C-1-B ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	
Banks	P	
Barbershops	P	
Bed and Breakfast	P	
Bicycle Shops	P	Sales, repair and service
Boardinghouses	P	
Book or Stationery Stores	P	
Bowling Alleys	P	
Cabinetry Sales, kitchen, bath, etc.	P	
Cable Communication Stations	P	
Cafes	P	
Clinics, Health	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Coin Operated Laundries	P	
Community Buildings	P	
Confectionery/Candy Stores	P	
Contractor Sales and Service	P	
Convenience Stores with Gas Pumps	P	
Country Clubs	P	
Craft and Hobby Stores	P	

Custodial Homes	P	
Daycare, Group	P	
Department Stores	P	
Dressmaking, Tailoring, Alterations	P	
Drugstores	P	
Dry Cleaning and Laundry Collection	P	
Dry Cleaning and Laundry Processing	P	
Dwelling <a href="#">Unit</a> Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	<a href="#">Owner occupied.</a> 600 square foot minimum per dwelling unit
<a href="#">Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)</a>	<a href="#">P</a>	<a href="#">See Chapter 169.15 for restrictions.</a> <a href="#">600 square foot minimum per unit</a>

Deleted: 01

**TABLE 168.06-E – C-3 ZONE USES**

P = Permitted, C = Conditional, A = Accessory

Land Use		Notes
Bakery Goods Shops	P	
Banks, Credit Unions and other financial institutions	P	
Barbershops, Beauty Salons, Hairstyling Establishments	P	
Bicycle Shops	P	
Book and Stationery Stores	P	
Cafés	P	
Clinics, Health	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Community Buildings	P	
Confectionery and Candy Stores	P	
Craft and Hobby Stores	P	
Day Care, Group	C	
Department Stores	P	
Dressmaking, Tailoring, Alterations Shops	P	
Drug Stores	P	
Dry Cleaning and Laundry Establishments	P	
Dwelling Above Commercial	C	<a href="#">Owner occupied.</a> 1,000 square foot minimum per dwelling unit
<a href="#">Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)</a>	<a href="#">C</a>	<a href="#">See Chapter 169.15 for restrictions.</a> <a href="#">600 square foot minimum per unit</a>

Deleted: 01

**SECTION 3. AMENDMENT.** Chapter 169, "Zoning Code – Development Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by adding new Section 169.15 to read as follows:

**169.15. RENTAL HOUSING UNIT OCCUPANCY LIMITS**

Cities' ability nationwide to control resident density has traditionally been accomplished through limitations on the number of non-family members living together, contemplated and utilized to address a traditional familial living situation. However, effective January 1, 2018, state law prohibits the use of family definitions to control rental unit occupancy. If left unaddressed by this ordinance, that change would likely lead to fundamental negative impacts to residential areas in the City caused by overpopulation of existing units and uncontrolled density of persons in new units. Potential impacts include increased noise, increased traffic and parking congestion, and stress on sanitary sewer and garbage collection systems that are designed and operated to serve defined population densities. To address these impacts, the definition of "Dwelling unit," only when applied to rental housing units, means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, and additionally meets the following requirements:

1. Is occupied by no more than 3 adults in dwelling units up to 800 square feet in size, and up to 5 adults in dwelling units over 800 square feet in size; and
2. Is occupied by not more than 2 adults per bedroom; and
3. Has no more than 4 resident vehicles per unit; and
4. Provides enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements including but not limited to size, location, and surfacing; and
5. Has a valid rental permit. See Chapter 146, "Housing Code," and Chapter 157, "Building Code."

Notes: "Adult" in this section is defined as any person over the age of 18.

"Resident Vehicle" means any vehicle owned or in use by any given tenant and parked at the rental unit.

**SECTION 4. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged 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 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on \_\_\_\_\_, 2017.

Second reading on \_\_\_\_\_, 2017.

Third and final reading on \_\_\_\_\_, 2017.

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Deleted: 01

Deleted: While c

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Deleted: in 2017 the Iowa Legislature disallowed

Deleted: I

**Deleted:** <#>Includes a minimum of 400 square feet of gross floor area, finished or unfinished, per person over the age of 18;¶  
Includes a minimum of 100 square feet per bedroom;¶  
Includes a minimum of one dedicated closet with each bedroom;¶  
Is occupied by no more than two persons over the age of 18 per bedroom, applied across the entire unit and not applied to each bedroom individually;¶  
Has no more than one parked vehicle per resident per 900 gross square feet, finished and/or unfinished, but in no case more than four total resident vehicles per unit; ¶  
Incorporates enough parking spaces on the property to park all vehicles used by occupants in spaces that meet code requirements for required parking spaces;¶  
Has no more than six persons over the age of 18 in residence over any three consecutive months; and¶  
Holds a valid rental permit. See Chapter 146, "Housing Code," and Chapter 157, "Building Code."¶

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
TERRY L. DONAHUE, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. \_\_\_\_\_ in the North Liberty *Leader* on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

## **Occupancy Discussion**

**The Issue.** The method most cities use to control density within zoning districts is limiting occupancy of each dwelling unit to one FAMILY consisting of people related by blood or marriage, plus up to only one unrelated individual in North Liberty's case. A new State Code provision sponsored by rental housing owners, going into effect January 1, prohibits cities from using this practice for rental units; if no other regulations are adopted to replace the family-based limitations, many of our common practices and concepts regarding housing types, densities, and zoning districts will become meaningless because almost any number of people will be allowed to inhabit any rental dwelling unit. About 12.5% of all units in North Liberty are rentals (995).

**Worst-case Do-nothing Scenarios – In General.** Because rental property owners stand to increase profits considerably by renting the same units to greater numbers of people, we can expect to see:

- Greater density of adults, especially where we already have higher densities. For example, a single 12-unit rental building such as those found on Cameron Way can now legally house 24 unrelated individuals at most, but if no amendments are made to our code that number could legally be as high as 140 (28,120 square feet/200 square feet per occupant – see “Other Related Codes” below). The number of adults in rental houses within single-family neighborhoods will be unrestricted if no amendments are made. For example, there are 171 single-family detached homes in the Broadmoor neighborhood, and our current code would allow up to 342 unrelated individuals in those homes. If new language is not adopted, the number of adults in the neighborhood would have no maximum. Certainly the absolute numbers will be limited because most of the homes will not be converted to rentals and our current language will limit the occupancy in owner-occupied units, but there will be very real pressure in the market to convert more homes to rentals.
- Likely increase in number of units converted to rentals, because it will be much more profitable.
- Likely increase in single-family and higher-value conversions to rentals because more rents can be collected for each unit. For example, it is generally not practical to own and rent out a house valued at much over \$200,000 today (a rough rule of thumb is that the rent needs to equal about 1% of the value) because occupancy would be limited to one family plus one unrelated individual, but if an owner can fill houses with renters without that limitation it becomes a much more feasible prospect. These economics largely contributed to the decimation of neighborhoods of large grand older homes in many larger cities.
- Increased problems with on-street and off-street parking. Our current off-street parking requirements assume an average of 2.2 persons per unit, and parking lots are sized accordingly. If the numbers of adults per unit increases, there will almost certainly be more cars parked on streets if available, and other places if not.
- Increasing nuisance complaints and less family-friendly neighborhoods.
- Lowering property values due to rental upkeep standards being generally lower than owner-occupied upkeep.

**Other Related Codes.** If no new language is adopted, the current City Zoning Ordinance limitations will be invalidated and there will be only a couple of Building Code requirements to restrict occupancy:

- For multi-family units, the Building Code requires 200 gross square feet for every occupant. There is no equivalent requirement for mobile homes, duplex or single-family units.
- For all types of units except mobile homes, the Building Code requires at least 70 square feet per room except for the kitchen and requires an egress from each bedroom.

**Other Metro Cities.** Iowa City is taking action to limit conversions of housing units to rentals within some neighborhoods in response to this law, which may push more students out into neighborhoods not currently seeing much student rental activity. Coralville plans to take action but has not yet decided on what that action will be. Note: Davenport has been cited as already being in compliance with the new law, but examination of its Zoning Ordinance shows it is not.

**Potential Means to Keep Roughly the Current Standards.** Because cities, residents, and property owners have all become very used to the “family” standard for determining occupancy, any new system is bound to be more complicated and have downsides. Unfortunately there is no way that we can think of to maintain exactly the same regulations without using the same terminology, so the staff goal is to potentially impact the fewest residents and rental property owners. To do that, we propose to adopt all of the following standards, to be met in place of family relationships, **for rental units only**:

1. Number of adults (over 18) per gross square feet of rental unit (under 18 not limited). Proposal: Up to 3 adults in dwelling units up to 800 square feet in size. Up to 5 adults in dwelling units over 800 square feet in size. This provides opportunity for a couple plus another adult or 3 unrelated adults to live together in a very small unit, and accommodates large families with adult children or siblings in larger units, but limits dorm-style living by capping the total adult count per unit.
2. Number of adults (over 18) per bedroom in each rental unit. Proposal: Not more than 2 adults per bedroom in all units (under 18 not limited).
3. Number of resident vehicles per rental unit. Proposal: Up to a 4 resident vehicles per unit, but also subject to off-street parking requirements such as size, location on the lot, driveway width, home occupations, etc. This proposal provides flexibility for those households with more than two vehicles due to adult children living at home, multiple adults in the home, or simply preference, while providing a ceiling to control extreme cases. If pursued we will need to refine this through definitions and additional language.
4. Number of off-street parking spaces available per rental unit. Proposal: Provide enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements for size, location, surfacing, etc. This regulation provides one of the stronger disincentives to convert existing units to dormitory-style housing because there is seldom room on existing lots to pave significantly more parking. This provision does not prohibit on-street parking, but makes it less likely to cause problems.

The state legislation is bad for neighborhoods, bad for current reputable rental property owners, and bad for property values of owners near concentrations of rentals with too many adult tenants; and that is why this amendment is being proposed. We have crafted an amendment that we believe should have the least possible impact on current rental property owners’ practices.

*Davenport: **17.04.010.143 Family.** "Family" means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by blood, adoption, or marriage, but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boardinghouse, roominghouse, or hotel as defined in this chapter. (Ord. 2012-337 § 4 (part); Ord. 2006-214 § 1 (part); prior code § 42-2(20)).*



## Dean Wheatley

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**From:** Derrick Parker <wordpress@northlibertyiowa.org>  
**Sent:** Tuesday, December 05, 2017 6:41 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Derrick Parker

**Email:** hndparker@aol.com

**Message:** This makes sense as long as it can be managed. It would seem very difficult to enforce.

How does the law define a rental? If for example a person let's their cousin use their home for the year, is that considered a rental? Is this only when a person pays money directly to the owner or a company?

Could you post how other communities have addressed this issue as well as there has to be some best practices that have worked well.

What other elements of the law are there to help ensure that the property is maintained well and that the property does not drag down the other home values in the neighborhood?

---

Time: December 5, 2017 at 6:41 am

IP Address: 173.31.38.17

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Stacy Grooms <wordpress@northlibertyiowa.org>  
**Sent:** Tuesday, December 05, 2017 7:46 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Stacy Grooms

**Email:** stacylgrooms@yahoo.com

**Message:** As a tenant with a family living in North Liberty I agree with issues raised by allowing limitations to change. I live behind Red's and we have enough problems with noise, I can't imagine having to deal with multiple people living near by.

Rental companies are also so greedy around here, I agree that rental prices will go up and my family will be priced out of housing. It is almost impossible to find a place to live now that isn't completely out of our price range, this would make it so much harder.

Other resources in general would be affected too. More trash and recycling receptacles will be needed. More frequent trash pick up. Potential for sewer issues and higher water use. Not to mention the damage to the facilities and grounds. Having more people and vehicle traffic will have effects on the streets, parking and buildings potentially needing repairs more often.

Thank you for asking for opinions.

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Time: December 5, 2017 at 7:45 am

IP Address: 129.255.1.139

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Tanner Duncan <wordpress@northlibertyiowa.org>  
**Sent:** Tuesday, December 05, 2017 7:57 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Tanner Duncan

**Email:** tannerduncan@gmail.com

**Message:** Please adopt the best way to keep North Liberty a nice place to raise and have a family. Keep property values up, crime and nuisance issues down. We currently have a nice house with an owner across the street who rents bedrooms. Vehicles in the street, boats in the street while garbage piles up in the garage. The yard is full of weeds, their large dog runs loose. HUGE NUISANCE! As a future landlord, I am not for dorm style living. There is plenty of value investing in rentals here because property values are still increasing. Thank you.

---

Time: December 5, 2017 at 7:56 am

IP Address: 162.244.40.128

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Emily Fuller <wordpress@northlibertyiowa.org>  
**Sent:** Thursday, December 07, 2017 9:17 PM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Emily Fuller

**Email:** esfuller612@gmail.com

**Message:** I would be in favor of more strict zoning ordinances for rental properties. I would also like to see the city limit the number of zero lot/duplex homes and increase the number of single family homes. There are way too many zero lot homes being built. The older zero lot homes are not being kept up as well as a single family, stand alone home. The zero lots bring down the value of single family homes in the same neighborhood.

---

Time: December 7, 2017 at 9:16 pm

IP Address: 216.248.123.86

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Christen Nolte <wordpress@northlibertyiowa.org>  
**Sent:** Tuesday, December 05, 2017 2:01 PM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Christen Nolte

**Email:** ECMEProfessional2014@gmail.com

**Message:** I would love to see regulations put into place- we all ready have a HUGE issue in North Liberty with housing- very low amounts of affordable housing- not regulating could also cause issues with people being able to afford to rent- currently as a single mother I pay 875 for rent, plus all utilities, on 18,000 a year income. We have created pockets of low income residents. Without restrictions I can see many of the issues listed below happening- also with the noise issue- many of the "homes" in North Liberty contain shared walls- that tend to lack enough insulation for noise control. This lack of zoning ordinance could become a bigger mess. I would be happy to talk to the council about this- please feel free to contact me! We need to make North Liberty a more diverse, yet safe and affordable community. The average cost of a house in North Liberty is 325,000 with the low end set at 170,000, we have major housing issues- we do not need to add to them!

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Time: December 5, 2017 at 2:01 pm

IP Address: 108.160.224.85

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Donald Ball <wordpress@northlibertyiowa.org>  
**Sent:** Tuesday, December 05, 2017 10:02 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Donald Ball

**Email:** donalddbball@yahoo.com

**Message:** Please do what you can to protect our city and keep it family friendly. I know that we would rather have the growth in North Liberty slow down rather than have it overrun with rentals and homes converted to rentals. We do not want North Liberty to turn into Coralville. We think that 3 adults in 800 sq feet is too many. We think that making sure that each rental have enough parking spaces for vehicles (none can be parked on the street) is a must considering the ban on on-street parking during snow. It is also a safety consideration for children who could dart out from a parked car and a driver would not have time to stop. Can you limit dumpsters for garbage? would that help reduce converting homes into rental units? Can the city put a cap on the % of homes that can be rented? Can individual HOA's do this? Is there a fire safety regulation that could be used to limit the number of living in a dwelling?

We support the following suggestions:

Number of adults (over 18) per gross square feet of rental unit (under 18 not limited). Proposal: Up to 3 adults in dwelling units up to 800 square feet in size. Up to 5 adults in dwelling units over 800 square feet in size. This provides opportunity for a couple plus another adult or 3 unrelated adults to live together in a very small unit, and accommodates large families with adult children or siblings in larger units, but limits dorm-style living by capping the total adult count per unit.

Number of adults (over 18) per bedroom in each rental unit. Proposal: Not more than 2 adults per bedroom in all units (under 18 not limited).

Number of resident vehicles per rental unit. Proposal: Up to a 4 resident vehicles per unit, but also subject to off-street parking requirements such as size, location on the lot, driveway width, home occupations, etc. This proposal provides flexibility for those households with more than two vehicles due to adult children living at home, multiple adults in the home, or simply preference, while providing a ceiling to control extreme cases. If pursued we will need to refine this through definitions and additional language.

Number of off-street parking spaces available per rental unit. Proposal: Provide enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements for size, location, surfacing, etc. This regulation provides one of the stronger disincentives to convert existing units to dormitory-style housing because there is seldom room on existing lots to pave significantly more parking. This provision does not prohibit on-street parking, but makes it less likely to cause problems.

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Time: December 5, 2017 at 10:01 am

IP Address: 129.255.1.141

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Kylie <kylie.pentecost@gmail.com>  
**Sent:** Tuesday, December 05, 2017 9:14 AM  
**To:** Dean Wheatley  
**Subject:** Re: rental permits

My question is more about how do we enforce the new code.

Sent from my iPhone

On Dec 5, 2017, at 8:51 AM, Dean Wheatley <[dwheatley@northlibertyiowa.org](mailto:dwheatley@northlibertyiowa.org)> wrote:

Hello Kylie –

Yes, it is already part of the process to some extent; however, the rental permit process is mainly focused on health and safety issues related directly to the Building Code rather than nuisances. There is also a bit of a problem with the rental permit code: if an owner is determined to hide rental activities it is very difficult for us to prove, just as the current “family” restrictions are and as any new restrictions would be. Any enforcement activity is inherently difficult; just ask any officer who stops indignant drivers who get caught going well over the speed limit. We are a society of entitled folks.

We have not rejected any permits, but the regulations do provide an avenue for that (it’s very difficult – property rights are paramount).

If your question is, can we just not pass any new regulations and control the resulting mess through the rental permit process, the answer is no. Anything that is enforced through that or any other system must be based on specific adopted language, and for occupancy requirements the Zoning Ordinance is the appropriate place.

Dean Wheatley, Planning Director  
City of North Liberty, Iowa  
[dwheatley@northlibertyiowa.org](mailto:dwheatley@northlibertyiowa.org)  
319-626-5747

**From:** Kylie Pentecost [<mailto:kylie.pentecost@gmail.com>]  
**Sent:** Tuesday, December 05, 2017 6:29 AM  
**To:** Dean Wheatley <[dwheatley@northlibertyiowa.org](mailto:dwheatley@northlibertyiowa.org)>  
**Subject:** rental permits

Hi Dean,

With the new legislation, I am wondering if the rental permit process will be a way for the city to address any issues which may arise.

Should we look at adding anything to the rental permit checklist: <http://northlibertyiowa.org/government/building-safety/rental-property/>

For example, is there a way for the city to log complaints or violations and then deny the rental application the next year if there were too many problems the previous year?

Maybe this is already part of the process - have we rejected any permits?

thanks,  
Kylie



## Dean Wheatley

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**From:** Susan Johannsen <wordpress@northlibertyiowa.org>  
**Sent:** Friday, December 08, 2017 10:36 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Susan Johannsen

**Email:** johannsen@southslope.net

**Message:** I've been living in North Liberty for 25 years. I completely agree that new guidelines to limit the number of occupants in rental units must be put in place. I agree with the proposed changes described below. This is one of the very important issues that needs to be addressed as our city continues to grow. In my neighborhood the rental houses are the ones that already stick out as eye-sores and not kept up as well as single family homes. I don't think we can trust that landlords will do the "right thing". They are in it to make money and if no limits are put in place they will destroy our community.

---

Time: December 8, 2017 at 10:36 am

IP Address: 208.126.23.94

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## Dean Wheatley

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**From:** Michael Burrill <wordpress@northlibertyiowa.org>  
**Sent:** Sunday, December 10, 2017 1:08 AM  
**To:** Dean Wheatley  
**Subject:** Zoning Ordinance Amendment Feedback

**Name:** Michael Burrill

**Email:** burrill202@gmail.com

**Message:** I support the new amendments that would maintain the current "family" standard. However, if I understand correctly, the current ordinance does not allow for a 3 bedroom unit occupied by 3 unrelated adults. If correct, that limits the types of housing available to young adults and limits the density potential that I think would be good for the future of North Liberty. My bigger concern is the number of builder grade zero lots that are built in the city and what they will become in 20 years. They appeal to young families looking for newer construction but will quickly fall into low income rentals that decrease the property values throughout most of the city. I understand that North Liberty is a corridor/transition city but I feel that the long term sustainability is compromised by cheap housing and sprawl.

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Time: December 10, 2017 at 1:08 am

IP Address: 162.244.42.189

Contact Form URL: <http://northlibertyiowa.org/2017/12/01/feedback-sought-on-zoning-ordinance-amendment-related-to-rental-property/>

Sent by an unverified visitor to your site.

## **Ordinance No. 2017-11**

### **AN ORDINANCE AMENDING CHAPTERS 167, 168, AND 169 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING DEFINITIONS IN THE ZONING CODE FOR CONSISTENCY WITH STATE LAW REGARDING RENTAL PROPERTIES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** Chapter 167, "Zoning Code - Definitions," of the North Liberty Code of Ordinances (2016) is hereby amended by amending or repealing specific definitions in Section 167.01 as follows:

"Family" means one person or two or more persons related by blood, marriage, adoption, or placement by a governmental social service agency, occupying a dwelling unit as an individual housekeeping organization. A family may also be two (but not more than two) persons not related by blood, marriage, or adoption.

"Dwelling, duplex" means a building designed or arranged to be occupied as two dwelling units.

"Dwelling, multiple-unit" means a building or portion thereof designed for occupancy as three or more independent units in which units may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

(this term is nowhere else in the ordinance) "Dwelling, single-unit" means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy as one dwelling unit.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, for not more than one family, or a congregate residence for six or fewer persons. A dwelling unit shall have a minimum width of 20 feet over 75 percent of its length and a minimum roof pitch of 4:12. Also see definition of "Dwelling Unit, Rental" and occupancy limitations of rental housing units in Chapter 169.

"Dwelling Unit, Rental" means any "Dwelling Unit" as defined herein for which the owner permits, provides or offers possession or occupancy by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. Occupancy requirements for Rental Dwelling Units are different from non-rental Dwelling Units, and those requirements are found in Chapter 169.15.

"Occupancy" means the fact or condition of holding, possessing, or residing in or on a property.

"Owner" means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**SECTION 2. AMENDMENT.** Chapter 168, "Zoning Code – Zoning District Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by amending Table 168.01-A, Section 168.02

(including tables); Section 168.03 (including tables); Section 168.04 (including tables); and Section 168.06 (including tables) to read as follows:

**TABLE 168.01-A – ID ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N/A = Not Allowed

Land Use		Notes
Single Dwelling Unit Buildings	P	Owner occupied
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions

## **168.02 RS ZONES – SINGLE-UNIT RESIDENCE DISTRICTS.**

1. Defined. Allowable RS Zone uses are:

A. RS-3 Single-Unit Residence District. The RS-3 Single-Unit Residence District is intended to provide and maintain low-density single-unit residential neighborhoods with a minimum lot size of 15,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

B. RS-4 Single-Unit Residence District. The RS-4 Single-Unit Residence District is intended to provide and maintain low-density single-unit residential neighborhoods with a minimum lot size of 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

C. RS-6 Single-Unit Residence District. The RS-6 Single-Unit Residence District is intended to provide for and maintain moderate density single-unit residential neighborhoods with a minimum lot size of 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

D. RS-7 Single-Unit Residence District. The RS-7 Single-Unit Residence District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods with a minimum lot size of 6,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.....

E. RS-8 Single-Unit Residence District. The RS-8 Single-Unit Residence District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods with a minimum lot size of 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. The use of the RS-8, Single-Unit Residence District shall be limited to the existing RS-8 Zones within the City, primarily designated as the original town of North Liberty bounded by Zeller Street, Dubuque Street, Penn Street, and Stewart Street. The use of the RS-8 Zoning

District for any new development within the City is discouraged as being incompatible with the desired design standards for the City.

F. RS-9 Single-Unit Residence District. The RS-9 Single-Unit Residence District is intended to provide for and maintain high-density single-unit residential neighborhoods with a minimum size of 4,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

G. RS-O, Single-Unit Residential Special Use District. The RS-O, Single-Unit Residential Special Use District is intended to be limited in use and will only be used for those special situations where the establishment of this district will not alter the essential character of any residential district in which it could be placed, and will, in addition, require that any land owner desiring to establish this district shall enter into a written agreement with the City to abide by such terms and conditions as required by the City.

- (1) Use Regulations. An existing single-Unit dwelling in the RS-O District will be permitted to be used as a professional office in said dwelling.....

**TABLE 168.02-A - RS ZONES USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Uses		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Emergency Shelters	A	
Family Homes	P	Minimum separation of ¼ mile between family homes.
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.
Home Occupations	A	
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.

Parks	P	Owned or operated by public or private agencies or organizations. Not Commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Greenhouses / Plant Nurseries	A	See Section 169.01
Private Swimming Pools	A	
Public Schools	P	
Single-Dwelling Unit Buildings	P	Owner occupied.
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	
Tennis Courts	P	
Utility and Service Uses	P	

**TABLE 168.02-B - RS-3 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	50 feet	100 feet	15,000 square feet	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	100 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories

Tennis Courts, Parks	50 feet	100 feet	15,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.02-C – RS-4 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	40 feet	80 feet	10,000 square feet	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	50 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.02-D – RS-6 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	70 feet	7,000 square feet	25 feet	8 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private	50 feet	100 feet	20,000 square feet	50 feet	30 feet	50 feet	35 feet or 2½ stories

Schools, Places of Worship, Nurseries, Daycare, Pre-School							
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.02-E – RS-7 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	60 feet	6,000 square feet	20 feet	5 feet	25 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.02-F – RS-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	60 feet	5,000 square feet	20 feet	5 feet	25 feet	35 feet or 2½ stories



Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.02-G – RS-9 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings, Family Homes	35 feet	40 feet	4,500 square feet	25 feet	5 feet	25 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

### **168.03 RD ZONES – TWO-UNIT RESIDENCE DISTRICTS.**

1. Defined. Allowable RD Zone uses are:

A. RD-8 Two-Unit Residence District. The RD-8 Two-Unit Residence district is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 10,000 square feet with a minimum of 5,000 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

B. RD-10 Two-Unit Residence District. The RD-10 Two-Unit District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 9,000 square feet with a minimum of 4,500 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

2. Use Regulations. Principal and accessory uses permitted in the RD Zone – Two-Unit Residence Districts are prescribed in Table 168.03-A.

3. Bulk Regulations. The minimum area, setback, density, and maximum height restrictions are as prescribed in the following Tables:

RD-8 – Table 168.03-B

RD-10 – Table 168.03-C

4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06.

5. Home Occupations. Home occupations are permitted subject to the provisions of Section 170.01.

6. Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.

7. Signs. Signs shall be permitted according to the provisions of Chapter 173.

**TABLE 168.03-A – RD ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Duplex	P	
Emergency Shelters	A	See Section 169.06
Family Homes	P	Minimum separation of ¼ mile between family homes
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.

Home Occupations	A	See Section 170.01
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child
Private Garages	A	See Section 169.06
Private Greenhouses / Plant Nurseries	A	See Section 169.06
Public Schools	P	
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	See Section 169.06
Tennis Courts	A	See Section 169.06
Two-Dwelling Unit Buildings	P	Owner occupied.
Two Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit.
Utility and Service Uses	P	

**TABLE 168.03-B - RD-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two Dwelling Unit Buildings	40 feet	100 feet	10,000 square feet; 5,000 per dwelling unit	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public,	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories

Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School							
Tennis Courts, Parks	35 feet	100 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.03-C – RD-10 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two Dwelling Unit Buildings	35 feet	80 feet	9,000 square feet; 4,500 per dwelling unit	25 feet	10 feet	30 feet	35 feet or 2½ stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	40 feet	80 feet	10,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

#### **168.04 RM ZONES – MULTI-UNIT RESIDENCE DISTRICTS.**

1. Defined. Allowable RM Zone uses are:

A. RM-4 Multi-Unit Residence District. The RM-4 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately four (4) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

B. RM-6 Multi-Unit Residence District. The RM-6 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately six (6) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

C. RM-8 Multi-Unit Residence District. The RM-8 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of eight (8) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

D. RM-12 Multi-Unit Residence District. The RM-12 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of twelve (12) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 3,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is to protect these residential areas from encroachment of incompatible uses.

E. RM-21 Multi-Unit Residence District. The RM-21 Multi-Unit Residence District is intended to provide and maintain high-density, multiple-unit housing residential neighborhoods with a maximum density of twenty-one (21) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 2,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.

2. Use Regulations. Principal and accessory uses permitted in the RM Zone – Multi-Unit Residence Districts are prescribed in Table 168.04-A.

**TABLE 168.04-A - RM ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child.
Emergency Shelters	A	
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.

Multiple Dwelling Unit Buildings	P	Owner occupied units
Multiple Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit.
Nursing Homes	P	
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding.
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	P	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Swimming pools	A	See Section 169.06
Public Schools	P	
Public Swimming Pool	P	Owned or operated by public or private agencies or organizations. Not commercial.
Recreation Buildings	A	
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	
Tennis Courts	P	Owned or operated by public or private agencies or organizations. Not commercial.
Utility and Service Uses	P	

**TABLE 168.04-B - RM-4 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 10,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories



Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.04-C – RM-6 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 7,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.04-D – RM-8 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement	Minimum Yard Requirement
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	<b>Frontage</b>	<b>Width</b>	<b>Area</b>	<b>Front Yard Depth</b>	<b>Each Side Yard Width</b>	<b>Rear Yard Depth</b>	<b>Maximum Height</b>
Multiple Dwelling Unit Buildings	75 feet	100 feet	21,780 square feet; 5,000 per dwelling unit	45 feet	20 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	20,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.04-E – RM-12 BULK REGULATIONS**

<b>Principal Permitted Uses</b>	<b>Minimum Lot Size Requirement</b>			<b>Minimum Yard Requirement</b>			
	<b>Frontage</b>	<b>Width</b>	<b>Area</b>	<b>Front Yard Depth</b>	<b>Each Side Yard Width</b>	<b>Rear Yard Depth</b>	<b>Maximum Height</b>
Multiple Dwelling Unit Buildings	50 feet	80 feet	21,780 square feet; 3,500 per dwelling unit	35 feet	15 feet	35 feet	40 feet or 3 stories
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories

Tennis Courts, Parks	100 feet	100 feet	14,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	

**TABLE 168.04-F – RM-21 BULK REGULATIONS**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	50 feet	80 feet	21,780 square feet; 2,000 per dwelling unit	25 feet*	10 feet*	30 feet	65 feet or 5 stories*
Community Buildings, Country Clubs, Public, Parochial or Private Schools, Places of Worship, Nurseries, Daycare, Pre-School	50 feet	100 feet	20,000 square feet	50 feet	20 feet	50 feet	35 feet or 2½ stories
Tennis Courts, Parks	100 feet	100 feet	14,000 square feet	30 feet	20 feet	30 feet	35 feet or 2½ stories
Golf Courses	300 feet	300 feet	65 acres	NA	NA	NA	
* An additional foot of front yard depth and side yard width is required for every foot of building height over 45 feet.							

**TABLE 168.06-A – C-1-A ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	
Banks	P	
Barbershops or Beauty Parlors	P	
Bicycle Shops	P	Sales, repair and service

Boardinghouses	C	
Book or Stationery Stores	P	
Cabinetry Sales, kitchen, bath, etc.	P	
Cafés	P	
Clinics	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Coin Operated Laundries	P	
Community Buildings	P	
Confectionery/Candy Stores	P	
Craft Stores	P	
Custodial Homes	P	
Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child
Department Stores	P	
Dressmaking, Tailoring, Alterations	P	
Drugstores	P	
Dry Cleaning and Laundry Collection	P	
Dry Cleaning and Laundry Processing	C	
Dry Goods / Notions Stores	P	
Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	Owner occupied. 600 square foot minimum per unit
Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	See Chapter 169.15 for restrictions. 600 square foot minimum per unit

**TABLE 168.06-B – C-1-B ZONE USES**

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	

Banks	P	
Barbershops	P	
Bed and Breakfast	P	
Bicycle Shops	P	Sales, repair and service
Boardinghouses	P	
Book or Stationery Stores	P	
Bowling Alleys	P	
Cabinetry Sales, kitchen, bath, etc.	P	
Cable Communication Stations	P	
Cafes	P	
Clinics, Health	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Coin Operated Laundries	P	
Community Buildings	P	
Confectionery/Candy Stores	P	
Contractor Sales and Service	P	
Convenience Stores with Gas Pumps	P	
Country Clubs	P	
Craft and Hobby Stores	P	
Custodial Homes	P	
Daycare, Group	P	
Department Stores	P	
Dressmaking, Tailoring, Alterations	P	
Drugstores	P	
Dry Cleaning and Laundry Collection	P	
Dry Cleaning and Laundry Processing	P	
Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	Owner occupied. 600 square foot minimum per dwelling unit
Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	See Chapter 169.15 for restrictions. 600 square foot minimum per unit

**TABLE 168.06-E – C-3 ZONE USES**

P = Permitted, C = Conditional, A = Accessory

Land Use		Notes
Bakery Goods Shops	P	
Banks, Credit Unions and other financial institutions	P	
Barbershops, Beauty Salons, Hairstyling Establishments	P	
Bicycle Shops	P	
Book and Stationery Stores	P	
Cafés	P	
Clinics, Health	P	
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	
Community Buildings	P	
Confectionery and Candy Stores	P	
Craft and Hobby Stores	P	
Day Care, Group	C	
Department Stores	P	
Dressmaking, Tailoring, Alterations Shops	P	
Drug Stores	P	
Dry Cleaning and Laundry Establishments	P	
Dwelling Above Commercial	C	Owner occupied. 1,000 square foot minimum per dwelling unit
Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	C	See Chapter 169.15 for restrictions. 600 square foot minimum per unit

**SECTION 3. AMENDMENT.** Chapter 169, "Zoning Code – Development Regulations," of the North Liberty Code of Ordinances (2015) is hereby amended by adding new Section 169.15 to read as follows:

### **169.15 RENTAL HOUSING UNIT OCCUPANCY LIMITS**

Cities' ability nationwide to control resident density has traditionally been accomplished through limitations on the number of non-family members living together, contemplated and utilized to address a traditional familial living situation. However, effective January 1, 2018, state law prohibits the use of family definitions to control rental unit occupancy. If left unaddressed by this

ordinance, that change would likely lead to fundamental negative impacts to residential areas in the City caused by overpopulation of existing units and uncontrolled density of persons in new units. Potential impacts include increased noise, increased traffic and parking congestion, and stress on sanitary sewer and garbage collection systems that are designed and operated to serve defined population densities. To address these impacts, the definition of "Dwelling unit," only when applied to rental housing units, means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, and additionally meets the following requirements:

1. Is occupied by no more than 3 adults in dwelling units up to 800 square feet in size, and up to 5 adults in dwelling units over 800 square feet in size; and
2. Is occupied by not more than 2 adults per bedroom; and
3. Has no more than 4 resident vehicles per unit; and
4. Provides enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements including but not limited to size, location, and surfacing; and
5. Has a valid rental permit. See Chapter 146, "Housing Code," and Chapter 157, "Building Code."

Notes: "Adult" in this section is defined as any person over the age of 18.

"Resident Vehicle" means any vehicle owned or in use by any given tenant and parked at the rental unit.

**SECTION 4. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged 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 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on November 28, 2017.

Second reading on December 12, 2017.

Third and final reading on \_\_\_\_\_, 2017.

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
TERRY L. DONAHUE, MAYOR

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.



---

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2017-11\_ in the North Liberty *Leader* on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

TRACEY MULCAHEY, CITY CLERK

# **Living Word Church Rezoning**





Recommended for approval  
by Planning Commission at  
their regular meeting on  
November 7, 2017.

November 2, 2017

## **Memo**

To: North Liberty Planning Commission  
From: Dean Wheatley, Planning Director  
Subject: Rezoning Approval Request  
(Lot 3, Inter-City Industrial Park Part 4)

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

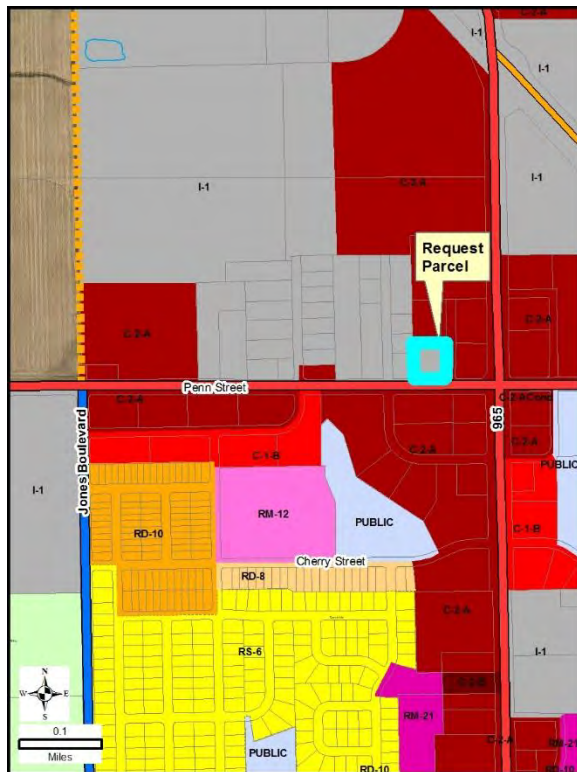
Ryan Heiar, City Administrator  
Tracey Mulcahey, Assistant City Administrator  
Tom Palmer, City Building Official  
Scott Peterson, City Attorney  
Kevin Trom, City Engineer  
Dean Wheatley, Planning Director

This is a request from Living Word Community Church to approve a rezoning from I-1 to C-2-A for a lot located at the northwestern corner of W Penn Street and Meade Drive. A Good Neighbor meeting was held on September 28 to allow any interested party an opportunity to comment on this rezoning prior to submission, and no one attended.

This rezoning would a wide variety of commercial uses on the 1.11 acre lot, which currently contains the Living Word Church in a building constructed in 2001. The property is being rezoned consistent with that of the vacant lot immediately to the north, so that the two can be further developed as one zoning lot.

The Land Use Plan for this area indicates a preference for commercial development.

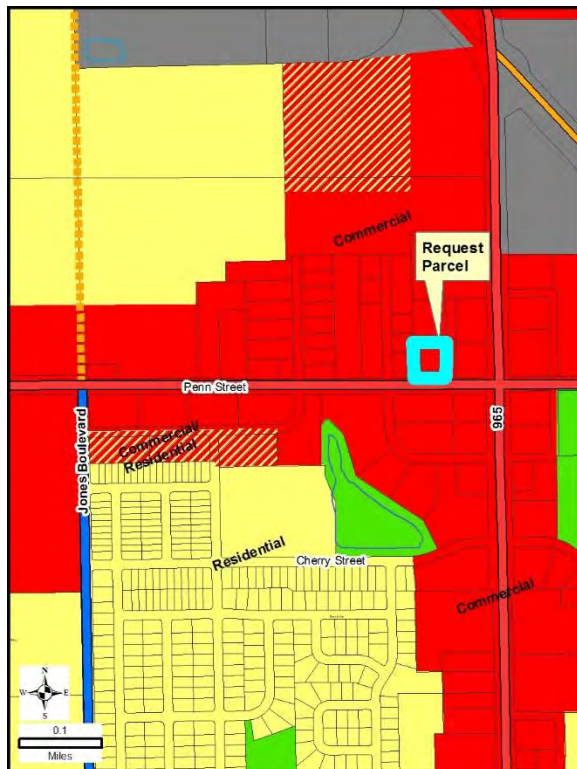
Existing surrounding land uses include the Station convenience store to the east across Meade Drive, a multi-tenant commercial building to the south across Penn Street, and a car wash adjacent to the west.



**Zoning in Area**



**Aerial Photo**



**Land Use Plan in Area**

Land Use Plan policies related to this request include the following sections, which address the nature of the proposal for multi-family expansion, and are generally contrary to the proposal.

- In order to maintain a strong economic and social base for North Liberty, growth and diversification are viewed as positive; however, this growth and diversification needs to be accomplished in an orderly, organized and coordinated fashion in order to preserve North Liberty's reputation for having a "small-town" family-friendly atmosphere. The City should pursue projects and guide growth in ways that will preserve and encourage the small city character while accommodating additional, orderly development.
- Develop and implement a cohesive, efficient land use pattern that ensures compatibility, functional relationships, and complementary adjacent activities among land uses.
- Protect property values through logical placement of land uses and streets, through protection of natural features and through strong property maintenance regulations.
- Provide safe, convenient, attractive and accessible commercial and industrial development that is viable and responsive to the needs of the

- community and surrounding market area.
- Locate highway commercial development in areas of high traffic counts.
- Appropriately plan for the development of commercial properties in the critical I-380, Highway 965, and Penn Street corridors.

In rezoning considerations, *suitability* and *compatibility* are key issues in addition to land use policy, while specifics of proposed development are managed through site plan and plat review. Addressing those decision points:

Suitability of Property:

The property is flat and rectangular, utilities are available and connected to the existing building, and there are no known impediments to commercial development.

Compatibility with Existing and Planned Uses:

The proposal straightens a currently-irregular zoning district line and provides for commercial zoning in an area zoned and developed for commercial uses. It is more compatible with existing uses and with surrounding zoning than the current zoning.

Staff recommends approval of the rezoning request.

**Ordinance No. 2017-12**

**AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY OWNED BY FIJC LLC LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE C-2-A COMMERCIAL ZONING DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** Chapter 167 Zoning Code Definitions of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning on property legally described as:

**REZONE FROM I-1 TO C-2-A**

LOT 3 OF INTER-CITY INDUSTRIAL PARK – PART FOUR TO NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 41, AT 39 OF THE RECORDS OF THE JOHNSON COUNTY RECORDER’S OFFICE. SAID REZONING PARCEL CONTAINS 48,537 SQUARE FEET, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

**SECTION 2. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on November 28, 2017.

Second reading December 12, 2017.

Third and final reading \_\_\_\_\_

**CITY OF NORTH LIBERTY:**

**ATTEST:**

\_\_\_\_\_  
TERRY L. DONAHUE, MAYOR

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2017-12 in the *North Liberty Leader* on \_\_\_\_\_.

---

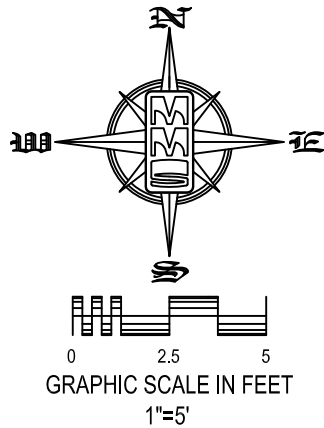
TRACEY MULCAHEY, CITY CLERK



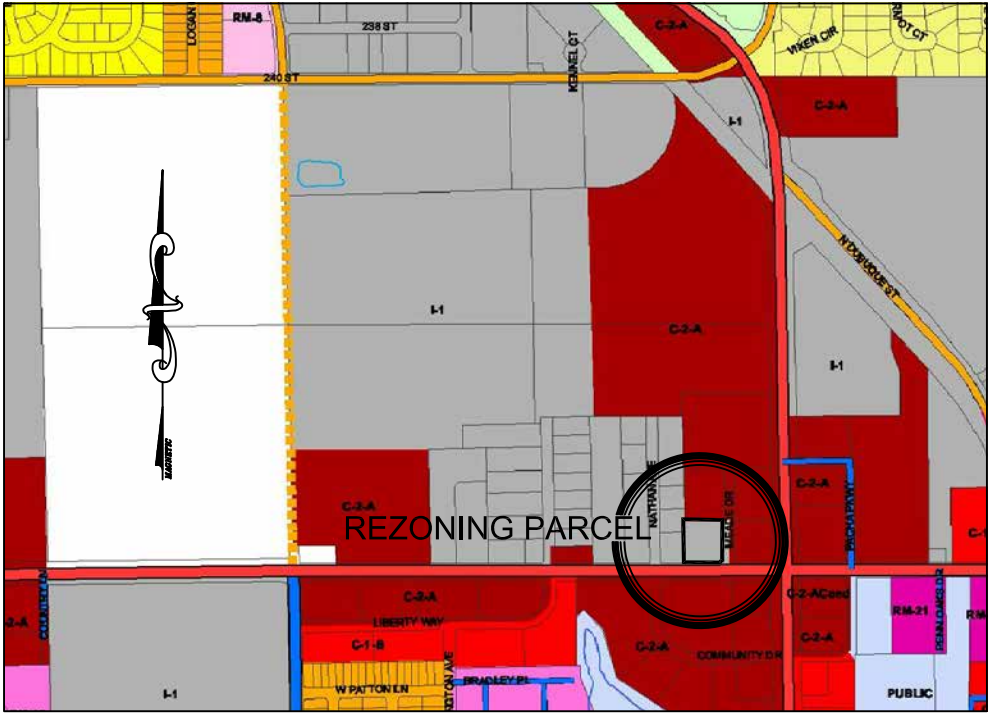
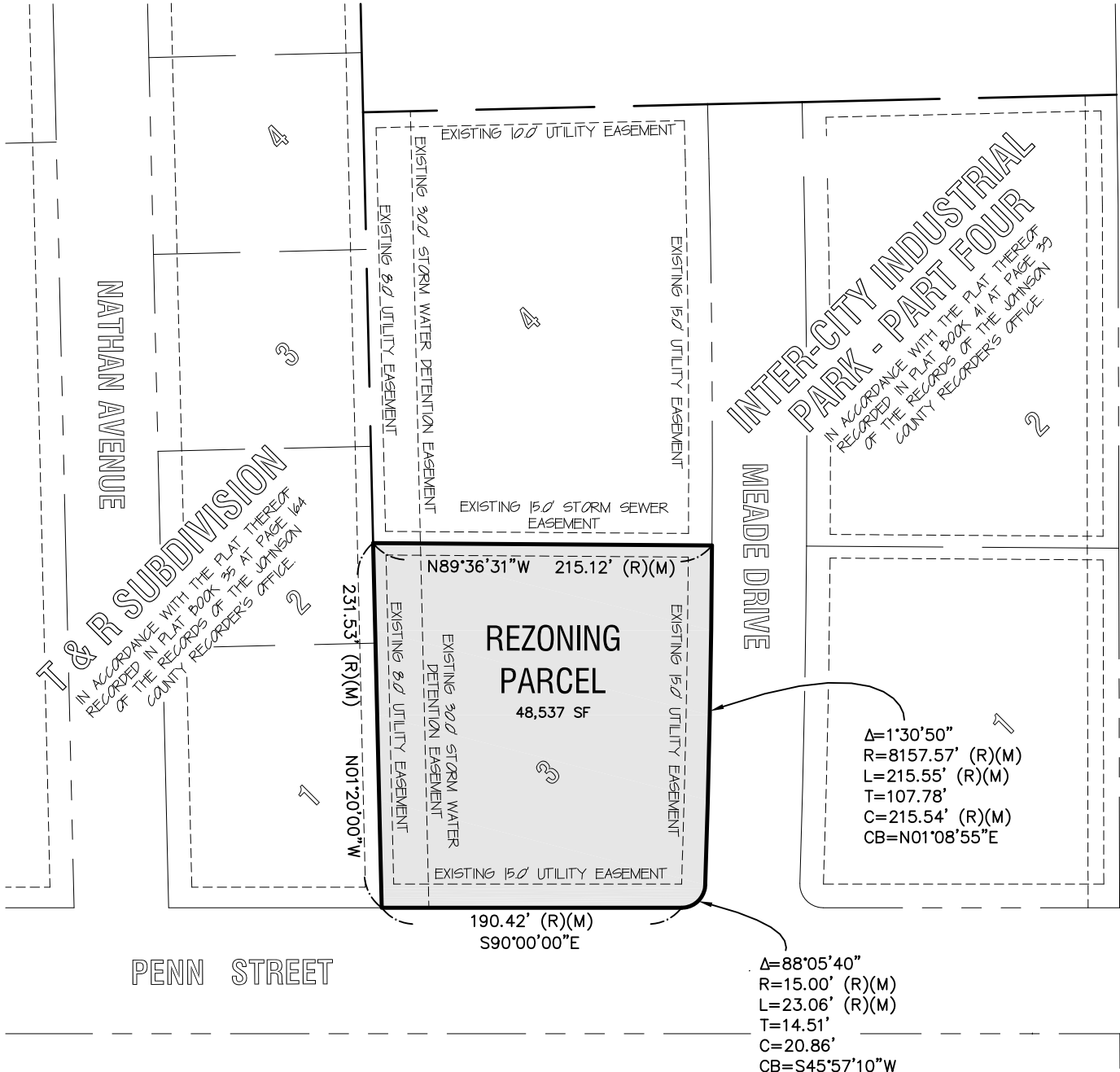
REZONING EXHIBIT

LOT 3 OF INTER-CITY INDUSTRIAL PARK - PART FOUR

NORTH LIBERTY, JOHNSON COUNTY IOWA



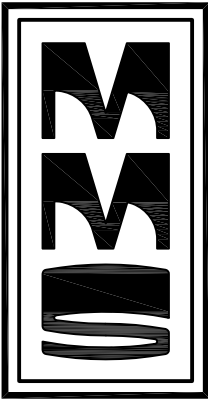
LEGEND AND NOTES	
	PROPERTY &/or BOUNDARY LINES
	CONGRESSIONAL SECTION LINES
	RIGHT-OF-WAY LINES
	CENTER LINES
	LOT LINES, INTERNAL
	LOT LINES, PLATTED OR BY DEED
	EASEMENT LINES, WIDTH & PURPOSE NOTED
	EXISTING EASEMENT LINES, PURPOSE NOTED
(R)	RECORDED DIMENSIONS
(M)	MEASURED DIMENSIONS
C22-1	CURVE SEGMENT NUMBER
UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS	



LOCATION MAP NOT TO SCALE

REZONING DESCRIPTION - I-1 TO C-2-A

LOT 3 OF INTER-CITY INDUSTRIAL PARK - PART FOUR TO NORTH LIBERTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 41 AT 39 OF THE RECORDS OF THE JOHNSON COUNTY RECORDER' OFFICE. SAID REZONING PARCEL CONTAINS 48,537 SQUARE FEET, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282

[www.mmsconsultants.net](http://www.mmsconsultants.net)

Date	Revision
------	----------

REZONING  
EXHIBIT

LOT 3 OF INTER-CITY  
INDUSTRIAL PARK -  
PART FOUR

NORTH LIBERTY  
JOHNSON COUNTY  
IOWA

MMS CONSULTANTS, INC.

Date:	10-02-2017
Designed by:	Field Book No:
KJB	227
Drawn by:	Scale:
RLW	1"=100'
Checked by:	Sheet No:
GDM	1
Project No:	of:
IC 6385-043	1

# **Iowa City Community School District Rezoning**





Recommended for  
approval by Planning  
Commission at their  
meeting 12/6/2017.

November 22, 2017

## **Memo**

To: North Liberty Planning Commission  
From: Dean Wheatley, Planning Director  
Subject: Rezoning Approval Request

(A portion of the Northwest Quarter of the Northwest Quarter of Section 7, Township 80 North, Range 6 West, and a Portion of the Northeast Quarter of the Northeast Quarter of Section 12, Township 80 North, Range 7 West, all of the Fifth Principal Meridian, described as follows:

Auditor's Parcel 2003145, in accordance with the Plat thereof recorded in Plat Book 46 at Page 298 of the Records of the Johnson County Recorder's Office. And also:

Auditor's Parcel #96137, in accordance with the Plat thereof recorded in Plat Book 37 at Page 195 of the Records of the Johnson County Recorder's Office, Excepting therefrom Auditor's Parcel 2003145, in accordance with the Plat thereof recorded in Plat Book 46 at Page 298 of the Records of the Johnson County Recorder's Office.

Said resultant zoning parcel contains 21.59 Acres.)

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator  
Tracey Mulcahey, Assistant City Administrator  
Tom Palmer, City Building Official  
Scott Peterson, City Attorney  
Kevin Trom, City Engineer  
Dean Wheatley, Planning Director

This is a request from the Iowa City Community School District to approve a rezoning from I-1 Industrial to Public for land located between CENTRO manufacturing and N Front Street. A Good Neighbor meeting was held on October 26 to allow any interested party an opportunity to comment on this rezoning prior to submission, and eight people attended. Most were interested in plans and will be notified when a site plan is submitted. Bob and Mary Burns, as well as Jesse Burns, strongly advocated for the extension of North Bend Drive to not curve as shown on the preliminary site plan but to extend straight east to N Front Street. Chuck Deisbach of South Slope also had concerns related to difficulty they have entering and exiting the South Slope driveway, which is where City staff has directed the future alignment of North Bend Drive to terminate. These issues will be addressed during review of the site plan.

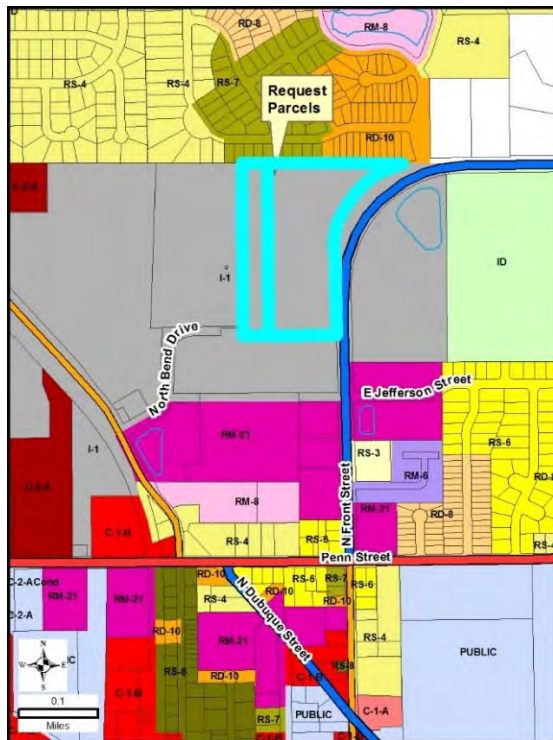
This rezoning will provide the correct zoning for an elementary school on the approximately 21.59 acre area, which is currently undeveloped. The nature of the rezoning, for the school, is consistent with the growing need for elementary classroom space close to Cedar Springs, Fox Run, Aspen Ridge, and other neighborhoods in the area.

The Land Use Plan for this area indicates a preference for industrial development, and zoning on three



sides of the site is industrial; however, the area has been in transition for some time and further industrial development is unlikely.

Existing surrounding land uses include the CENTRO manufacturing business to the west, South Slope offices across N Front Street to the east, Cedar Springs residential neighborhood to the north, and undeveloped industrial-zoned land to the south.



**Zoning in Area**



**Aerial Photo**



**Land Use Plan in Area**

Land Use Plan policies related to this request include the following sections, which address the nature of the proposal for a public use.

- In order to maintain a strong economic and social base for North Liberty, growth and diversification are viewed as positive; however, this growth and diversification needs to be accomplished in an orderly, organized and coordinated fashion in order to preserve North Liberty's reputation for having a "small-town" family-friendly atmosphere. The City should pursue projects and guide growth in ways that will preserve and encourage the small city character while accommodating additional, orderly development.
- Develop and implement a cohesive, efficient land use pattern that ensures compatibility, functional relationships, and complementary adjacent activities among land uses.
- Protect property values through logical placement of land uses and streets, through protection of natural features and through strong property maintenance regulations.

- Ensure that public gathering places, schools, and other institutional uses are compatible and complementary to neighboring uses.
- Promote and encourage coordination with the local School Boards regarding anticipated growth and expansion plans for future School facilities.

In rezoning considerations, *suitability* and *compatibility* are key issues in addition to land use policy, while specifics of proposed development are managed through site plan and plat review. Addressing those decision points:

Suitability of Property:

The property is gently rolling and mainly rectangular, utilities are available, arterial street access is adjacent, and there are no known impediments to school development.

Compatibility with Existing and Planned Uses:

The proposal provides for much-needed elementary school capacity near very large North Liberty neighborhoods. Even though property around the site is zoned for light industrial development, the nature of the area is changing and should be reconsidered soon as part of a comprehensive Land Use Plan review and update. Especially if the school rezoning is approved, there will likely be increasing demand for residential development in the future.

Staff recommends approval of the rezoning request.

**Ordinance No. 2017-13**

**AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY OWNED BY IOWA CITY COMMUNITY SCHOOL DISTRICT LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE P-PUBLIC ZONING DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** Chapter 167 Zoning Code Definitions of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning on property legally described as:

**REZONE FROM I-1 TO P**

A portion of the Northwest Quarter of the Northwest Quarter of Section 7, Township 80 North, Range 6 West, and a Portion of the Northeast Quarter of the Northeast Quarter of Section 12, Township 80 North, Range 7 West, all of the Fifth Principal Meridian, described as follows:

Auditor's Parcel 2003145, in accordance with the Plat thereof recorded in Plat Book 46 at Page 298 of the Records of the Johnson County Recorder's Office.

And also:

Auditor's Parcel #96137, in accordance with the Plat thereof recorded in Plat Book 37 at Page 195 of the Records of the Johnson County Recorder's Office, Excepting therefrom Auditor's Parcel 2003145, in accordance with the Plat thereof recorded in Plat Book 46 at Page 298 of the Records of the Johnson County Recorder's Office.

Said resultant zoning parcel contains 21.59 Acres.

**SECTION 2. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on \_\_\_\_\_.  
Second reading \_\_\_\_\_.  
Third and final reading \_\_\_\_\_

**CITY OF NORTH LIBERTY:**

ATTEST:

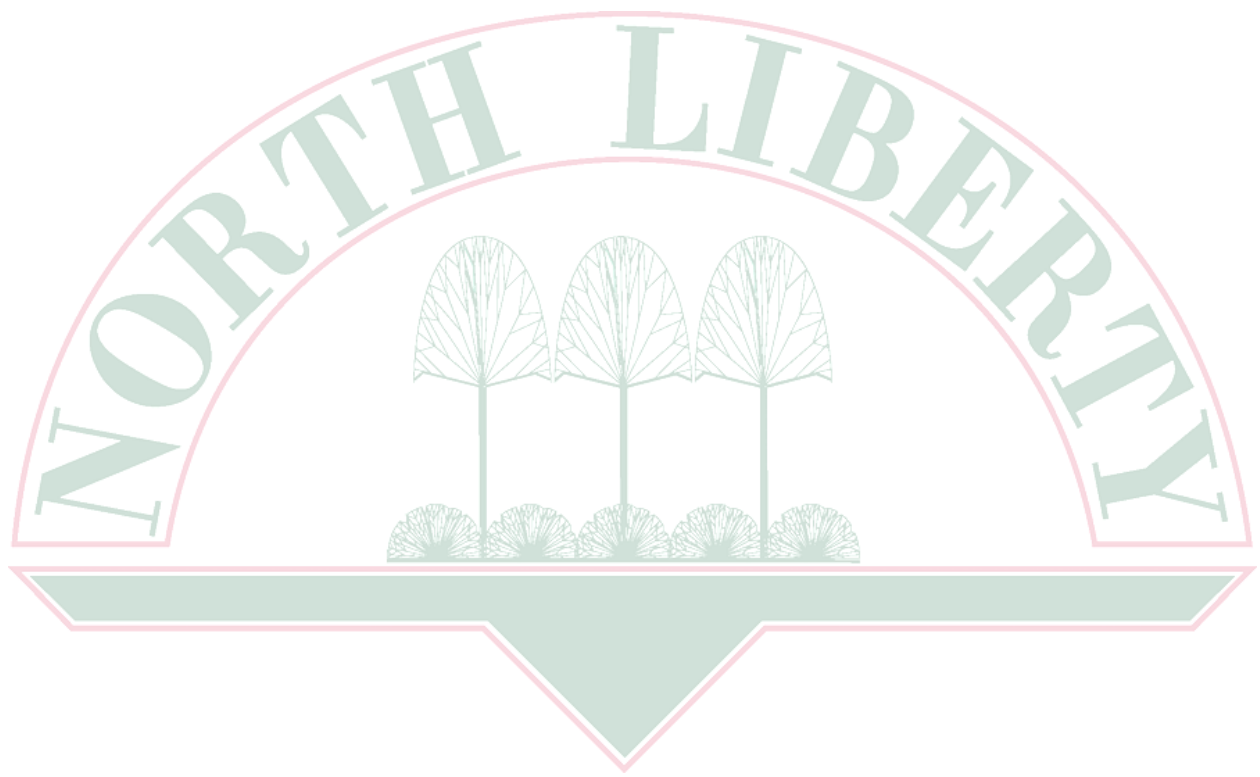
\_\_\_\_\_  
TERRY L. DONAHUE, MAYOR

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2017-13 in the *North Liberty Leader* on \_\_\_\_\_.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

# Trail Connection Project





## MEMORANDUM OF AGREEMENT

WHEREAS, the City of North Liberty, Iowa (hereinafter "the City") desires to acquire a certain parcel of real estate in Johnson County, Iowa, as described on Exhibit "A" attached hereto (hereinafter "the Parcel"); and

WHEREAS, Harold W. Cameron, a single person (hereinafter "Harold"), owns the Parcel and Harold owns the real estate adjoining the Parcel to the south and to the west; and

WHEREAS, the driveway to Harold's adjoining real estate crosses the Parcel; and

WHEREAS, the City intends to construct a trail across the Parcel and across the driveway, and said trail will run along the north boundary of Harold's adjoining real estate parallel to Penn Street; and

WHEREAS, Harold is willing to convey the Parcel to the City pursuant to the terms and conditions contained herein.

THEREFORE, the City of North Liberty and Harold W. Cameron, a single person, hereby agree as follows:

1. Harold shall convey the Parcel to the City via a conveyance document satisfactory to the City and to Harold. Harold shall have an easement to continue using the driveway that crosses the Parcel for access to Penn Street. The conveyance document shall reserve said easement for the benefit of Harold and his successors in interest.

2. At the time of the above referenced conveyance, the City shall pay the sum of \$900.00 to Harold.

3. When the City constructs the trail, the City shall, at the City's expense, pave the driveway from the south edge of the paving of Penn Street to a line that is five feet (5') south of the south edge of the trail. The driveway paving and the trail that crosses the driveway shall be constructed so that they will withstand modern agricultural traffic, including farm machinery and semi-trucks. Once the City completes the paving of the driveway, the City shall not be responsible for its maintenance, other than maintenance of the trail as described below.

4. The City shall be solely responsible for all maintenance of the trail, including that portion of the trail that crosses the driveway and that portion of the trail that is located upon or adjoins Harold's real estate along Penn Street. The term maintenance shall include but shall not be limited to the removal of snow and ice; the removal of gravel, dirt, mud, and other debris that accumulates on the trail; monitoring the condition of the trail; and repair of the trail surface. Harold shall have no responsibility regarding maintenance of the trail.

5. The City hereby agrees to indemnify and hold harmless Harold against any and all liabilities, claims, and expenses imposed upon, made against, or incurred by Harold, including reasonable attorney fees, arising from or related to the trail, use of the trail by any person, entrance onto Harold's property by users of the trail, or the City's activities upon or related to the trail, regardless of whether or not suit is filed against Harold. This indemnity and hold harmless obligation shall apply to that portion of the trail that crosses the driveway as well as any part of the trail that is located upon or adjoins Harold's real estate along Penn Street. The City's obligation to indemnify and hold harmless Harold shall be an obligation to Harold only and cannot be assigned or transferred to any other person or entity other than to an entity controlled by Harold or a trust controlled by Harold. The City's obligation shall not run with the land if Harold transfers the land; other than a transfer to an entity controlled by Harold or a trust controlled by Harold, which transfer shall include a transfer of the right to be indemnified and held harmless by the City under this agreement, regardless of whether or not expressly so stated in the transfer document.

6. This agreement can be modified only in writing executed by the City and by Harold.

7. No action or forbearance on the part of either party shall constitute a waiver of any of the covenants or conditions set forth herein unless given in writing, and no such waiver shall constitute a waiver of future strict compliance with the same or any other covenant or condition of this agreement.

8. If any of the terms and conditions of this agreement are found invalid or unenforceable, then the remaining terms and conditions of this agreement shall remain in full force and effect.

9. Nothing in this agreement shall be construed as creating or giving rise to any rights in any third parties or any persons other than the parties hereto, unless expressly so provided herein.

Dated this 15<sup>th</sup> day of December, 2017.

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
Terry L. Donahue, Mayor

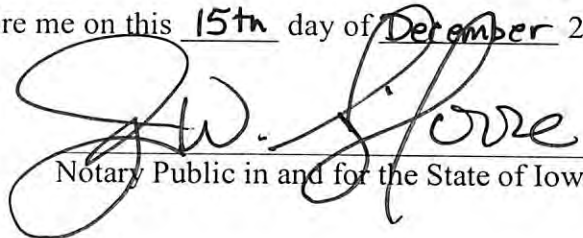
  
\_\_\_\_\_  
Harold W. Cameron

Attest: \_\_\_\_\_  
Tracey Mulcahey, City Clerk

STATE OF IOWA                    )  
  ) SS:  
JOHNSON COUNTY                )



This instrument was acknowledged before me on this 15th day of December 2017,  
by Harold W. Cameron.

  
Notary Public in and for the State of Iowa

STATE OF IOWA                    )  
  ) SS:  
JOHNSON COUNTY                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned, a  
Notary Public in and for the State of Iowa, personally appeared Terry L. Donahue and Tracey  
Mulcahey to me personally known, who, being by me duly sworn, did say that they are the  
Mayor and City Clerk, respectively, of the City of North Liberty, Iowa, a municipal corporation;  
that the seal affixed to the foregoing instrument is the corporate seal of the municipal  
corporation, and that the instrument was signed and sealed on behalf of the municipal  
corporation by the authority of its City Council, as contained in Resolution No.  
\_\_\_\_\_ of the City Council, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017; and  
that Terry L. Donahue and Tracey Mulcahey acknowledged the execution of the instrument to  
their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them  
voluntarily executed.

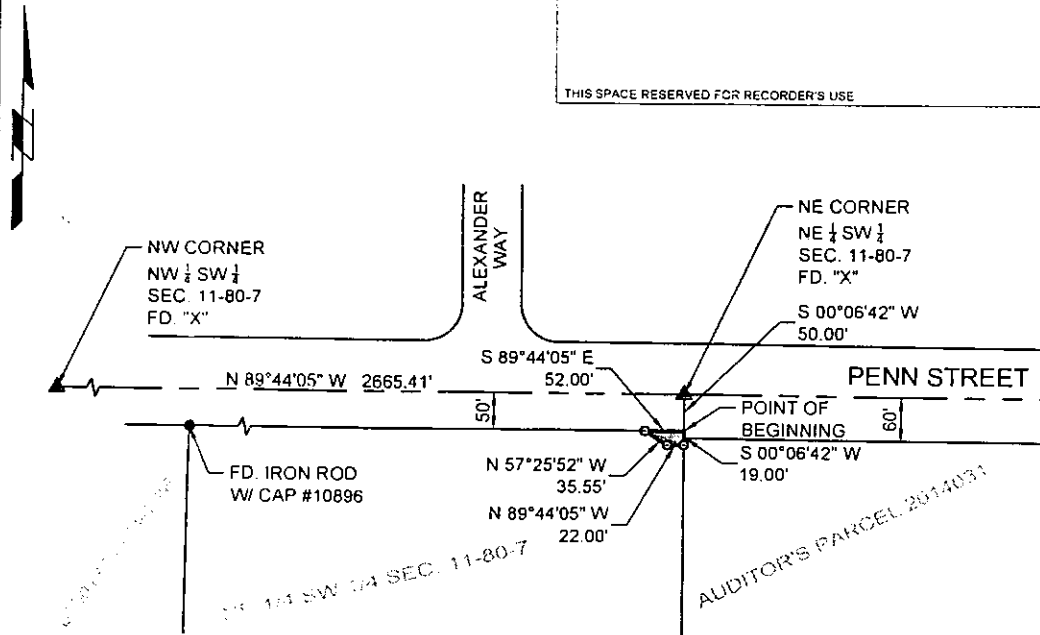
\_\_\_\_\_  
Notary Public in and for the State of Iowa

# Exhibit A

## INDEX LEGEND

LOCATION : A part of the NE 1/4 SW 1/4 Section 11-80-7  
North Liberty, Johnson County, Iowa  
REQUESTOR : The City of North Liberty  
PROPRIETOR : Harold W. Cameron  
SURVEYOR : Jonathon Bailey  
SURVEY : Shive-Hattery, Inc.  
COMPANY : 2839 Northgate Dr, Iowa City, IA 52245  
RETURN TO : City of North Liberty

THIS SPACE RESERVED FOR RECORDER'S USE



## DESCRIPTION

That part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa, described as follows:

Commencing as a point of reference at the Northeast corner of the Northeast Quarter of said Southwest Quarter;

thence South 0°06'42" West 50.00 feet along the east line of said Southwest Quarter (assumed bearing for this description only) to the point of beginning;

thence continuing South 0°06'42" West 19.00 feet along said east line and along the west line of Auditor's Parcel 2017031 (Plat of Survey recorded in Plat Book 58, Page 298 at the Johnson County Recorder's Office);

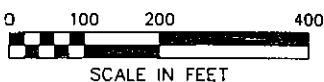
thence North 89°44'05" West 22.00 feet;

thence North 57°25'52" West 35.55 feet to point of intersection with the southerly right-of-way line of Penn Street;

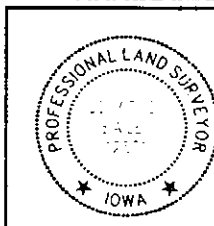
thence South 89°44'05" East 52.00 feet along said southerly right-of-way line to the point of beginning and containing 703 square feet more or less.

## LEGEND

- FOUND IRON ROD
- ⊙ SET 1/2" IRON ROD  
W/ YELLOW CAP #12531



ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-6.1(5)



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: \_\_\_\_\_  
NAME: JONATHON BAILEY  
DATE: \_\_\_\_\_ LICENSE NUMBER: 12531  
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2018  
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: \_\_\_\_\_  
1 of 1

**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

2103 Eastland Drive | Bloomington, Illinois 61704  
309.662.8992 | fax: 309.662.5808 | www.shive-hattery.com  
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

RIGHT-OF-WAY ACQUISITION PLAT  
A PART OF THE NE 1/4 SW 1/4 SEC. 11-80-7  
HAROLD W. CAMERON  
NORTH LIBERTY, JOHNSON COUNTY, IOWA

DATE	11/16/17	SCALE	AS SHOWN	SHEET NO
DRAWN	JSB	FIELD BOOK	--	
APPROVED	JSB	REVISION	--	

PROJECT NO  
117231-0

1 of 1



**WARRANTY DEED**  
THE IOWA STATE BAR ASSOCIATION  
Official Form No. 101  
**Recorder's Cover Sheet**

**Preparer Information:** (Name, address and phone number)

Jay W. Sigafoose, 119 Wright Street, PO Box 1607, Iowa City, IA 52244, Phone: (319) 337-3167

**Taxpayer Information:** (Name and complete address)

City of North Liberty, 3 Quail Creek Circle, P.O. Box 77, North Liberty, IA 52317

**Return Document To:** (Name and complete address)

City of North Liberty, 3 Quail Creek Circle, P.O. Box 77, North Liberty, IA 52317

**Grantors:**

Harold W. Cameron

**Grantees:**

The City of North Liberty

**Legal description:** See Page 2

**Document or instrument number of previously recorded documents:**



## WARRANTY DEED

For the consideration of One (\$1.00) Dollar(s)  
 and other valuable consideration, Harold W. Cameron, a single person  
do hereby Convey to  
The City of North Liberty, Iowa, a municipal corporation  
the following described real estate in  
Johnson County, Iowa: See 1 in Addendum

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated on December 15, 2017.

Harold W. Cameron (Grantor)

\_\_\_\_\_  
(Grantor)

\_\_\_\_\_  
(Grantor)

\_\_\_\_\_  
(Grantor)

STATE OF IOWA, COUNTY OF JOHNSON

This record was acknowledged before me on December 15, 2017, by Harold W. Cameron, a single person

Signature of Notary Public





## Addendum

1. That part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa, described as follows:

Commencing as a point of reference at the Northeast corner of the Northeast Quarter of said Southwest Quarter; thence South  $0^{\circ}06'42''$  West 50.00 feet along the east line of said Southwest Quarter (assumed bearing for this description only) to the point of beginning; thence continuing South  $0^{\circ}06'42''$  West 19.00 feet along said east line and along the west line of Auditor's Parcel 2017031 (Plat of Survey recorded in Plat Book 58, Page 298 at the Johnson County Recorder's Office); thence North  $89^{\circ}44'05''$  West 22.00 feet; thence North  $57^{\circ}25'52''$  West 35.55 feet to point of intersection with the southerly right-of-way line of Penn Street; thence South  $89^{\circ}44'05''$  East 52.00 feet along said southerly right-of-way line to the point of beginning and containing 703 square feet more or less; subject to all easements, agreements, covenants, and restrictions of record.

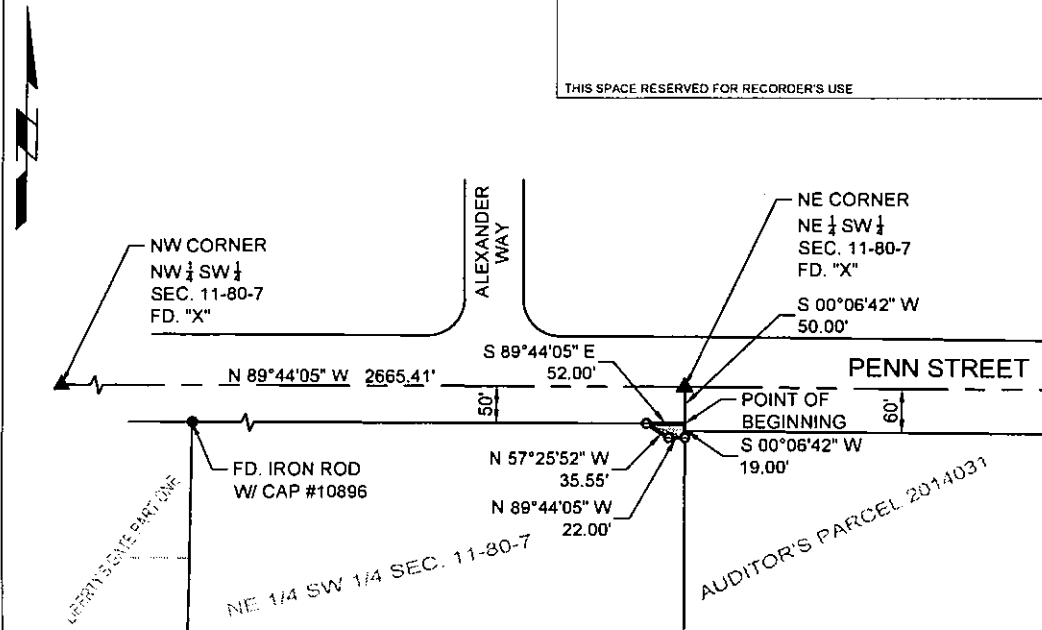
Said real estate is shown on the Right-of-Way Acquisition Plat attached hereto.

Grantor reserves for himself and his successors in interest a permanent, nonexclusive easement upon, over, and across the above described real estate for use of a driveway for access to the real estate owned by Grantor now or acquired or received by him in the future.

# INDEX LEGEND

LOCATION : A part of the NE 1/4 SW 1/4 Section 11-80-7  
North Liberty, Johnson County, Iowa  
REQUESTOR : The City of North Liberty  
PROPRIETOR : Harold W. Cameron  
SURVEYOR : Jonathon Bailey  
SURVEY : Shive-Hattery, Inc.  
COMPANY : 2839 Northgate Dr. Iowa City, IA 52245  
RETURN TO : City of North Liberty

THIS SPACE RESERVED FOR RECORDER'S USE



## DESCRIPTION

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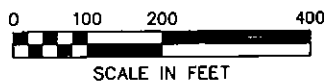
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thence North 57°25'52" West 35.55 feet to point of intersection with the southerly right-of-way line of Penn Street;

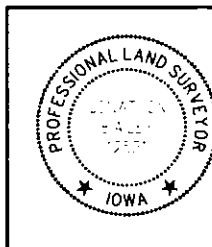
thence South 89°44'05" East 52.00 feet along said southerly right-of-way line to the point of beginning and containing 703 square feet more or less.

## LEGEND

- FOUND IRON ROD
- ⊙ SET 5/8" IRON ROD  
W/ YELLOW CAP #12531



ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-8.1(5)



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: \_\_\_\_\_  
NAME: JONATHAN BAILEY  
DATE: \_\_\_\_\_ LICENSE NUMBER: 12531  
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2018  
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 of 1

**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING  
2103 Eastland Drive | Bloomington, Illinois 61704  
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RIGHT-OF-WAY ACQUISITION PLAT A PART OF THE NE 1/4 SW 1/4 SEC. 11-80-7 HAROLD W. CAMERON NORTH LIBERTY, JOHNSON COUNTY, IOWA			
DATE	11/16/17	SCALE	AS SHOWN
DRAWN	JSB	FIELD BOOK	-
APPROVED	JSB	REVISION	-

PROJECT NO.  
117231-0

SHEET NO.  
1 of 1



CTRL #

C O Y Y Y Y M M # # # #



\*1557006019999\*

**REAL ESTATE TRANSFER - DECLARATION OF VALUE**

Please read the instructions comprised in form 57-011 before completing and filing this form.

**Part I - TO BE COMPLETED BY BUYER, SELLER OR AGENT**

Date of Instrument (MMDDYYYY)

Enter the number matching your selection in the box at the end of the line: Deed (1) Contract (2)

1

Seller: Harold W. Cameron

Phone Number: (319) 430-2224

Seller Address: 2051 Melrose Avenue

City: Iowa City

State: Iowa

ZIP: 52246

email:

Buyer: The City of North Liberty, Iowa

Phone Number:

Buyer Address: 3 Quail Creek Circle, P. O. Box 77

City: North Liberty

State: Iowa

ZIP: 52317

email:

Address of Property Conveyed: parcel of real estate on Penn Street

City: North Liberty

State: Iowa

ZIP: 52317

Legal Description: See 1 in Addendum

Enter the number corresponding to your selection in the box at the end of the line, if applicable.

Type of Sale: Sale between related parties/family (1); Sale of partial interest (2); Trade (3); Quit Claim Deed (4); Auction (5)

Was this a sale of agricultural land to: Corporation (1); Trust (2); Alien (3); Non-resident Alien (4); Limited Partnership (5)

**DECLARATION OF VALUE STATEMENT**

1. Total Amount Paid.....	9	0	0	.00
2. Amount Paid for Personal Property.....				0 .00
3. Amount Paid for Real Property.....	9	0	0	.00

I hereby declare that the information contained in Part I of this form is true and correct.

Printed Name: Harold W. Cameron

Phone Number: (319) 430-2224

Signature: *Harold W. Cameron*

Buyer

or Seller ☒

or Agent

or Attorney

**Part II - TO BE COMPLETED BY THE ASSESSOR**

Assessed values must be as of January 1 of the year in which the sale occurred.

**SECTION A: SINGLE CLASSIFICATION**

Primary Classification: Residential (4); Commercial (5); Industrial (2); Agricultural (1); Multi-residential (7)

City/Township:

Occupancy:

Primary Parcel Number:

Year Built:

Class	Land	Building	Dwelling
Res	.00	.00	.00
Com	.00	.00	
Ind	.00	.00	
Ag	.00	.00	.00
MultiRes	.00	.00	.00

Subtotal .00

**SECTION B: DUAL CLASSIFICATION**

Primary Classification: Commercial (5);

Industrial (2);

Multi-residential (7)

City/Township:

Occupancy:

Primary Parcel Number:

Year Built:

Class	Land	Building	Dwelling
Com	.00	.00	
Ind	.00	.00	
MultiRes	.00	.00	.00

Subtotal .00

**Total:** Add Subtotal amounts from Sections A and B .00**Enter amount from line 3, page 1** .00**Ratio:** Divide Total amount by the amount on line 3, page 1 %

NUTC

Jurisdiction

Comments:

## Addendum

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This conveyance is exempt from transfer tax, declaration of value, and groundwater hazard statement pursuant to Iowa Code Section 428A.2(6), as the Grantee is a political subdivision of the State of Iowa.

# INDEX LEGEND

LOCATION : A part of the NE 1/4 SW 1/4 Section 11-80-7  
North Liberty, Johnson County, Iowa

REQUESTOR : The City of North Liberty

PROPRIETOR : Harold W. Cameron

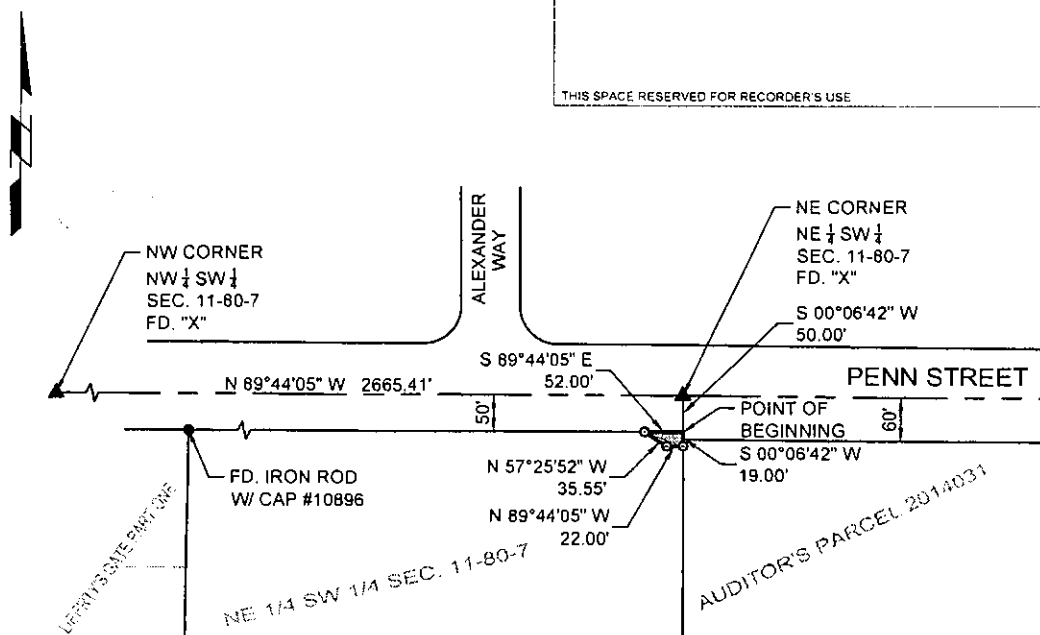
SURVEYOR : Jonathon Bailey

SURVEY : Shive-Hattery, Inc.

COMPANY : 2839 Northgate Dr. Iowa City, IA 52245

RETURN TO : City of North Liberty

THIS SPACE RESERVED FOR RECORDER'S USE



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thence South 0°06'42\"

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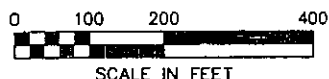
thence North 89°44'05\"

thence North 57°25'52\"

thence South 89°44'05\"

## LEGEND

- FOUND IRON ROD
- ⊙ SET 1/2\"



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I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: \_\_\_\_\_  
NAME: JONATHAN BAILEY  
DATE: \_\_\_\_\_ LICENSE NUMBER: 12531  
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2018  
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 of 1

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RIGHT-OF-WAY ACQUISITION PLAT A PART OF THE NE 1/4 SW 1/4 SEC. 11-80-7 HAROLD W. CAMERON NORTH LIBERTY, JOHNSON COUNTY, IOWA		
DATE	11/15/17	SCALE AS SHOWN
DRAWN	JSB	FIELD BOOK
APPROVED	JSB	REVISION

PROJECT NO.  
117231-0

SHEET NO  
**1 of 1**

**REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT**  
TO BE COMPLETED BY TRANSFEROR

**TRANSFEROR:**

Name Harold W. Cameron

Address 2051 Melrose Avenue, Iowa City, IA 52246

Number and Street or RR

City, Town or P.O.

State

Zip

**TRANSFeree:**

Name The City of North Liberty, Iowa

Address 3 Quail Creek Circle, P. O. Box 77, North Liberty, IA 52317

Number and Street or RR

City, Town or P.O.

State

Zip

Address of Property Transferred:

parcel of real estate on Penn Street, North Liberty, IA 52317

Number and Street or RR

City, Town or P.O.

State

Zip

Legal Description of Property: (Attach if necessary) See 1 in Addendum

**1. Wells (check one)**

☒ There are no known wells situated on this property.

☐ There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

**2. Solid Waste Disposal (check one)**

☒ There is no known solid waste disposal site on this property.

☐ There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

**3. Hazardous Wastes (check one)**

☒ There is no known hazardous waste on this property.

☐ There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

**4. Underground Storage Tanks (check one)**

☒ There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)

☐ There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.



**5. Private Burial Site (check one)**

- ☒ There are no known private burial sites on this property.  
☐ There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

**6. Private Sewage Disposal System (check one)**

- ☐ All buildings on this property are served by a public or semi-public sewage disposal system.  
☒ This transaction does not involve the transfer of any building which has or is required by law to have a sewage disposal system.  
☐ There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.  
☐ There is a building served by private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form.  
☐ There is a building served by private sewage disposal system on this property. The buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.  
☐ There is a building served by private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form. [Exemption #9]  
☐ This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption [Note: for exemption #9 use prior check box]: \_\_\_\_\_  
☐ The private sewage disposal system has been installed within the past two years pursuant to permit number \_\_\_\_\_.

**Information required by statements checked above should be provided here or on separate sheets attached hereto:**

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**I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM  
AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.**

Signature: \_\_\_\_\_

(Transferor or Agent)

Telephone No.: (319) 430-2224

## Addendum

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PROPRIETOR : Harold W. Cameron

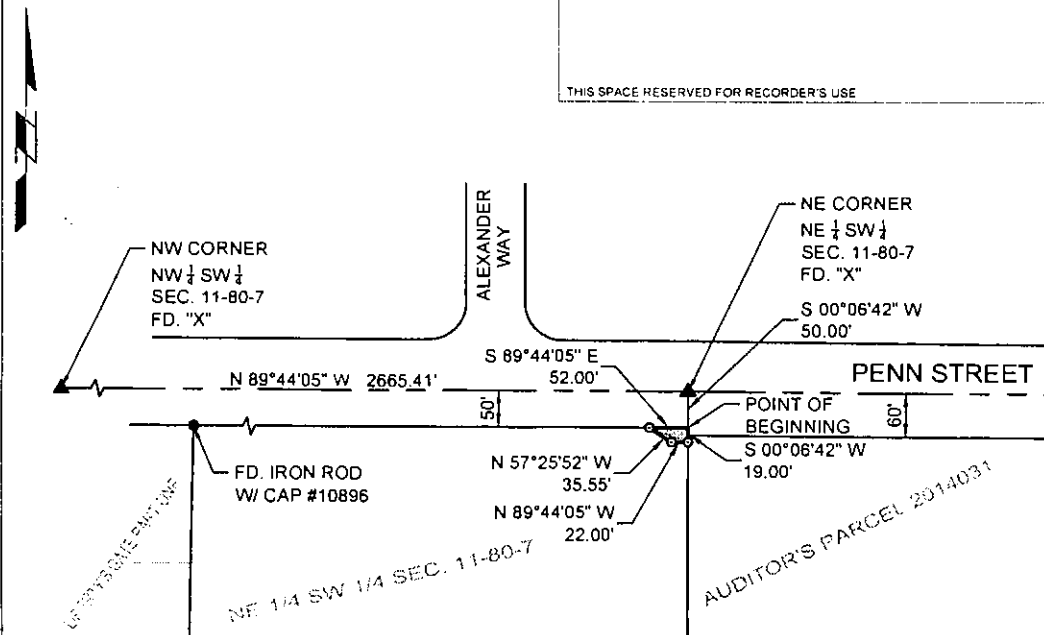
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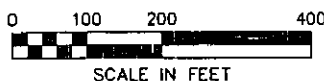
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## LEGEND

- FOUND IRON ROD
- ⊙ SET 1/2" IRON ROD  
W/ YELLOW CAP #12531



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RIGHT-OF-WAY ACQUISITION PLAT		
A PART OF THE NE 1/4 SW 1/4 SEC. 11-80-7		
HAROLD W. CAMERON		
NORTH LIBERTY, JOHNSON COUNTY, IOWA		
DATE	11/16/17	SCALE AS SHOWN
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APPROVED	JSB	REVISION

PROJECT NO.  
117231-0

SHEET NO.  
1 of 1



**Resolution No. 2017-143**

**A RESOLUTION APPROVING THE MEMORANDUM OF  
AGREEMENT BETWEEN HAROLD W. CAMERON AND THE  
CITY OF NORTH LIBERTY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:**

**WHEREAS**, the City of North Liberty is planning a trail connection project across Harold W. Cameron's property;

**WHEREAS**, the City of North Liberty has agreed to pay Mr. Cameron \$900 for the conveyance of property for use in the project; and

**WHEREAS**, it is the parties' desire to agree and establish, in writing, their understanding concerning the agreement for the project.

**NOW, THEREFORE, BE IT RESOLVED** that that the attached agreement between the City of North Liberty and Harold W. Cameron is approved for the Trail Connection Project, North Liberty, Iowa.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized to execute said agreement.

**APPROVED AND ADOPTED** this 21<sup>st</sup> day of December, 2017.

**CITY OF NORTH LIBERTY:**

---

TERRY L. DONAHUE, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK

**Prepared by and Return to:**  
**Scott C. Peterson, 3 Quail Creek Circle, P.O. Box 77, North Liberty, IA 52317 319-626-5767**

### **PERMANENT PUBLIC USE ACCESS EASEMENT AGREEMENT**

This agreement is made and entered into by and between RESTAURANT CONCEPTS, INC, owner of the real estate described herein, (hereinafter referred to as "Property Owner," which expression shall include its agents, successors or assigns), and the CITY OF NORTH LIBERTY, IOWA, a municipal corporation, (hereinafter referred to as "City," which expression shall include its agents, successors or assigns).

#### **IT IS HEREBY AGREED AS FOLLOWS:**

For the sum of One Dollar (\$1.00) plus other valuable consideration, the receipt of which is hereby acknowledged, the Property Owner hereby grants and conveys to the City a Permanent Public Use Access Easement for the purpose of public use and access to a part of the City's trail system, including but not limited to constructing, maintaining, repairing that part of the trail in said easement area, and specifically under, over, through and across the areas described in Exhibit A, which is attached.

### **DIVISION I – PERMANENT EASEMENT**

Further, the Property Owner and the City agree that:

1. Property Owner hereby grants and conveys to the City a permanent easement for public use and access, which includes but not limited to the purposes of use, access, constructing, maintaining, and repairing a trail, along with all necessary appurtenances in connection with said use, as the City shall from time to time elect, with the right of ingress and egress thereto, over and across the area designated as "Permanent Public Use Access Easement," as depicted and described on Exhibit A and referred to herein as the "easement area."
2. The City has the right to construct and maintain the easement area with such structures as the City shall from time to time elect. The City shall promptly backfill any trench made by it, and repair any damage caused by the City within the easement area.
3. Property Owner reserves the right to use said easement area for purposes that will not

interfere with the City's full enjoyment of the rights hereby granted; provided that the Property Owner shall not erect or construct any building, fence, retaining wall, or other structure; plant any trees; drill or operate any well; or construct any reservoir or other obstruction on said easement areas. Fences and trees placed in the easement area, with or without City approval, may be removed by the City without compensation or replacement.

4. The City shall not fence any part of the permanent easement area, unless otherwise agreed in writing by the parties.
5. The Property Owner shall not change the grade, elevation or contour of any part of the permanent easement area without obtaining the prior written consent of the City Engineer.
6. The City shall have the right of access to the permanent easement area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the permanent easement area as herein described, including but not limited to the right to remove any unauthorized obstructions or structures placed or erected on the permanent easement area.

#### **DIVISION II – GENERAL TERMS**

1. The City shall be responsible for the recording of this Agreement and payment of the costs for the same.
2. The Property Owner does hereby covenant with the City that the Property Owner holds said real estate described in this easement by title in fee simple; that the Property Owner has good and lawful authority to convey the same; and that the Property Owner covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever. Notwithstanding the preceding, the easements herein are conveyed subject to any and all existing easements, agreements, covenants, and restrictions of record affecting the real estate.
3. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RESTAURANT CONCEPTS INC**

**CITY:**

Signed:   
Mike Turgasen, Director of Operations

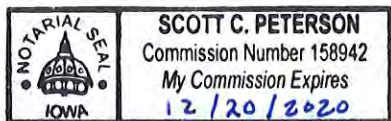
Signed: \_\_\_\_\_  
Terry L. Donahue, Mayor

Signed: \_\_\_\_\_  
Tracey Mulcahey, City Clerk

STATE OF IOWA, JOHNSON COUNTY: ss

On this 12<sup>TH</sup> day of December, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mike Turgasen to me personally

known, who, being by me duly sworn, did say that he is the Director of Operations of Restaurant Concepts, Inc., an Iowa corporation, and that the instrument was signed on behalf of the corporation by the authority of its members, and that Mike Turgasen acknowledged the execution of the instrument to be his voluntary act and deed and the voluntary act and deed of the corporation, by it and by him voluntarily executed.



\_\_\_\_\_  
Notary Public in and for the State of Iowa

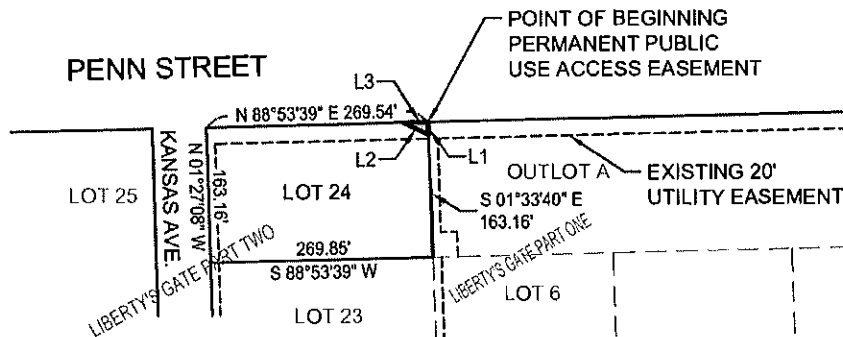
STATE OF IOWA, JOHNSON COUNTY: ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Terry L. Donahue and Tracey Mulcahey, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of North Liberty, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation, and that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. \_\_\_\_\_ of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that Terry L. Donahue and Tracey Mulcahey acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

# EXHIBIT A

## EASEMENT EXHIBIT PERMANENT PUBLIC USE ACCESS EASEMENT A PART OF LOT 24, LIBERTY'S GATE PART TWO NORTH LIBERTY, JOHNSON COUNTY, IOWA



LINE TABLE			LINE TABLE		
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH
L1	S 01°33'40" E	15.00'	L3	N 88°53'39" E	30.00'
L2	N 64°37'56" W	33.65'			

### DESCRIPTION PERMANENT PUBLIC USE ACCESS EASEMENT

A permanent public use access easement on that part of Lot 24, Liberty's Gate Part Two (revised Final Plat recorded in Plat Book 42, Page 1 at the Johnson County Recorder's Office), North Liberty, Johnson County, Iowa, described as follows:

Beginning at the northeast corner of said Lot 24;

thence South 1°33'40" East 15.00 feet along the east line of said Lot 24 (assumed bearing for this description only);

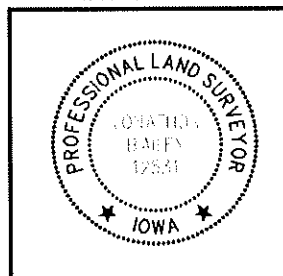
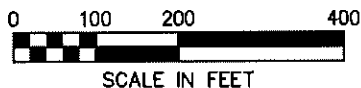
thence North 64°37'56" West 33.65 feet to a point of intersection with the north line of said Lot 24;

thence North 88°53'39" East 30.00 feet along said north line to the point of beginning and containing 225 square feet more or less.

ONLY THESE COPIES OF THIS DOCUMENT SIGNED AND DATED IN CONTRASTING INK COLOR ARE TO BE CONSIDERED CERTIFIED OFFICIAL COPIES PER IOWA ADMINISTRATION CODE 193C-8.1(5)

PROPERTY OWNER:  
RESTAURANT CONCEPTS, INC.

EASEMENT REQUESTED BY:  
THE CITY OF NORTH LIBERTY



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: \_\_\_\_\_  
NAME: JONATHON BAILEY  
DATE: \_\_\_\_\_ LICENSE NUMBER: 12531  
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2018  
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 of 1

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2839 Northgate Drive | Iowa City, Iowa 52245  
319.354.3040 | fax: 319.354.6921 | www.shive-hattery.com  
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

EASEMENT EXHIBIT A PART OF LOT 24, LIBERTY'S GATE PT. 2 LIBERTY'S GATE PT. 1 OWNER'S ASSOCIATION NORTH LIBERTY, IOWA			
DATE	10/8/17	SCALE	AS SHOWN
DRAWN	JSB	FIELD BOOK	--
APPROVED	JSB	REVISION	--

PROJECT NO.  
117231-0

SHEET NO.  
1 of 1

**Resolution No. 2017-144**

**A RESOLUTION APPROVING THE PERMANENT PUBLIC USE  
ACCESS EASEMENT AGREEMENT BETWEEN RESTAURANT  
CONCEPTS, INC. AND THE CITY OF NORTH LIBERTY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:**

**WHEREAS**, the City of North Liberty is planning a trail connection project across Restaurant Concepts, Inc. property; and

**WHEREAS**, it is the parties' desire to agree and establish, in writing, their understanding concerning the agreement for the project.

**NOW, THEREFORE, BE IT RESOLVED** that that the attached agreement between the City of North Liberty and Restaurant Concepts, Inc. is approved for the Trail Connection Project, North Liberty, Iowa.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized to execute said agreement.

**APPROVED AND ADOPTED** this 21<sup>st</sup> day of December, 2017.

**CITY OF NORTH LIBERTY:**

---

TERRY L. DONAHUE, MAYOR

**ATTEST:**

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK

**Prepared by and Return to:**  
**Scott C. Peterson, 3 Quail Creek Circle, P.O. Box 77, North Liberty, IA 52317 319-626-5767**

### **TEMPORARY CONSTRUCTION EASEMENT**

This agreement is made and entered into by and between MAJ Properties I LLC, owner of the real estate described herein, (hereinafter referred to as "Property Owner," which expression shall include its agents, successors or assigns), and the CITY OF NORTH LIBERTY, IOWA, a municipal corporation, (hereinafter referred to as "City," which expression shall include its agents, successors or assigns).

#### **IT IS HEREBY AGREED AS FOLLOWS:**

For the sum of one dollar plus other valuable consideration, the receipt of which is hereby acknowledged, the Property Owner hereby grants and conveys to the City a temporary construction easement for the public purpose of constructing trail improvements in 2018 (the "Project"), under, over, through and across the areas depicted and described on Exhibits A, B, C and D.

Additionally, as part of the consideration for this agreement,

- A. The Property Owner will not be assessed for any costs for the design and construction of the Project, plans for which are on file at City Hall, nor shall the Property Owner be responsible for the initial costs of constructing or maintaining the Project; however, connection fees, frontage fees, or other typical and customary fees will be collected by the City at the time any part of the property is developed.
- B. The City shall be responsible for the recording of this Agreement and payment of the costs for the same.

Further, the Property Owner and the City agree that:

- 1. The temporary easement areas are referred to herein as "temporary construction easement areas."
- 2. Property Owner does hereby grant and convey to City a temporary construction easement for



the purpose of facilitating the City's construction of the Project described above.

3. The Property Owner shall not erect any landscaping, fences, or structures over, under or within the temporary construction easement areas during the construction of the Project, without obtaining the prior written approval of the City Engineer.
4. The Property Owner shall not change the grade, elevation or contour of any part of the temporary construction easement areas without obtaining the prior written consent of the City Engineer during the same timeframe.
5. The City shall have the right of access to the temporary construction easement areas and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the easement areas as herein described, including but not limited to the right to remove any unauthorized obstructions or structures placed or erected on the easement areas.
6. Following the construction and installation of the Project and final acceptance by the City, the City shall restore the temporary construction easement areas to substantially the same condition as they existed prior to the commencement of construction operations.
7. City covenants and agrees that the driveway and other site features that are removed or disturbed shall be replaced by City consistent with the final construction plans, which the City Engineer shall make available to the Property Owner upon request. City further agrees that all grassed areas disturbed by the construction shall be seeded within a reasonable time after construction is complete. Property Owner agrees that trees, shrubs and brush that are removed or disturbed will not be replaced by City.
8. The rights as described above in the temporary construction easement areas shall commence upon execution hereof and shall cease and terminate following the completion of the construction of the Project, but no later than July 1, 2019.

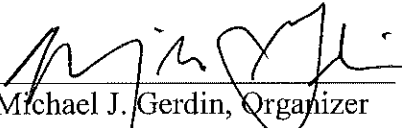
The Property Owner does hereby covenant with the City that the Property Owner holds said real estate described in this easement by title in fee simple; that the Property Owner has good and lawful authority to convey the same; and that the Property Owner covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated this 11 day of December, 2017.

**PROPERTY OWNER:**

**CITY:**

Signed:   
Michael J. Gerdin, Organizer  
MAJ Properties I LLC

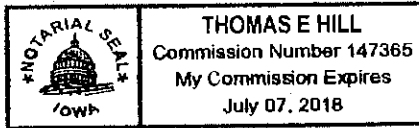
Signed: \_\_\_\_\_  
Terry L. Donahue, Mayor



Signed: \_\_\_\_\_  
Tracey Mulcahey, City Clerk

STATE OF IOWA, JOHNSON COUNTY: ss

This instrument was acknowledged before me on this 11 day of December, 2017, by Michael J. Gerdin as Organizer of MAJ Properties I LLC.



Thomas E. Hill  
Notary Public in and for the State of Iowa

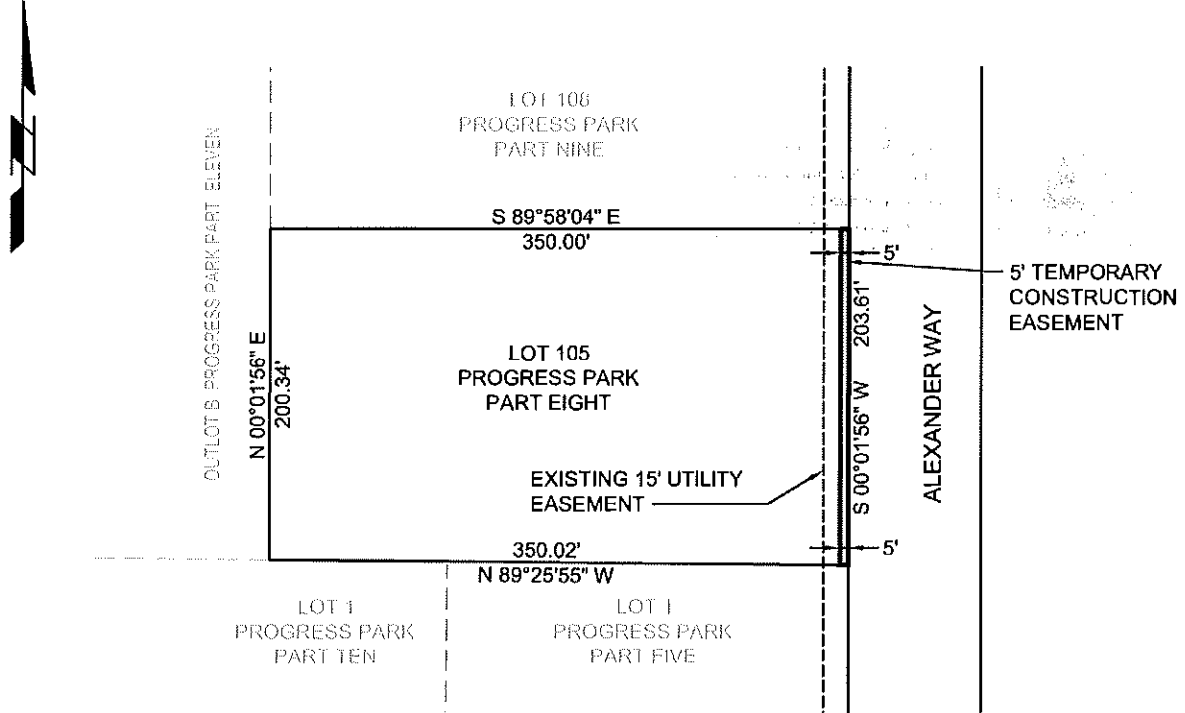
STATE OF IOWA, JOHNSON COUNTY: ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Terry L. Donahue and Tracey Mulcahey, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of North Liberty, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation, and that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. \_\_\_\_\_ of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and that Terry L. Donahue and Tracey Mulcahey acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

# EXHIBIT A

## EASEMENT EXHIBIT TEMPORARY CONSTRUCTION EASEMENT A PART OF LOT 105, PROGRESS PARK PART EIGHT NORTH LIBERTY, JOHNSON COUNTY, IOWA

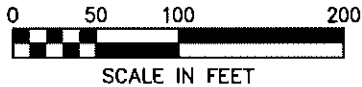


### DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement on the East 5 feet of Lot 105, Progress Park Part Eight (Final Plat recorded in Plat Book 51, Page 137 at the Johnson County Recorder's Office), North Liberty, Johnson County, Iowa, containing 1,018 square feet more or less.

PROPERTY OWNER:  
MAJ PROPERTIES I LLC

EASEMENT REQUESTED BY:  
THE CITY OF NORTH LIBERTY



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ARCHITECTURE + ENGINEERING  
2839 Northgate Drive | Iowa City, Iowa 52245  
319.354.3040 | fax: 319.354.6921 | www.shive-hattery.com  
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

EASEMENT EXHIBIT  
A PART OF LOT 105, PROGRESS PARK PT. 8  
MAJ PROPERTIES I LLC  
NORTH LIBERTY, IOWA

DATE	10/10/17	SCALE	AS SHOWN
DRAWN	JSB	FIELD BOOK	--
APPROVED	JSB	REVISION	--

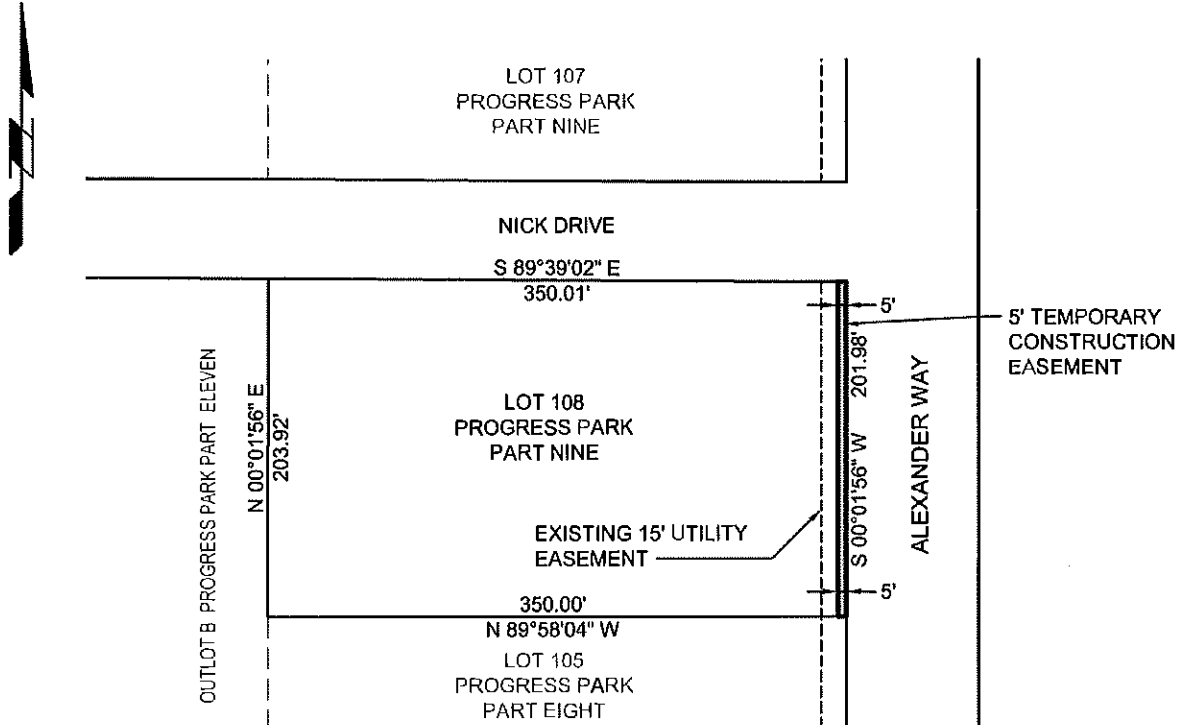
PROJECT NO.  
117231-0

SHEET NO.

1 of 4

# EXHIBIT B

## EASEMENT EXHIBIT TEMPORARY CONSTRUCTION EASEMENT A PART OF LOT 108, PROGRESS PARK PART NINE NORTH LIBERTY, JOHNSON COUNTY, IOWA

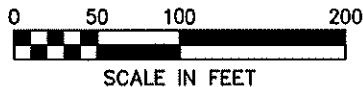


### DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement on the East 5 feet of Lot 108, Progress Park Part Nine (Final Plat recorded in Plat Book 51, Page 138 at the Johnson County Recorder's Office), North Liberty, Johnson County, Iowa, containing 1,010 square feet more or less.

PROPERTY OWNER:  
MAJ PROPERTIES I LLC

EASEMENT REQUESTED BY:  
THE CITY OF NORTH LIBERTY



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2839 Northgate Drive | Iowa City, Iowa 52245  
319.354.3040 | fax: 319.354.6921 | www.shive-hattery.com  
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

EASEMENT EXHIBIT A PART OF LOT 108, PROGRESS PARK PT. 9 MAJ PROPERTIES I LLC NORTH LIBERTY, IOWA		
DATE	SCALE	AS SHOWN
DRAWN JSB	FIELD BOOK	--
APPROVED JSB	REVISION	--

PROJECT NO.  
117231-0

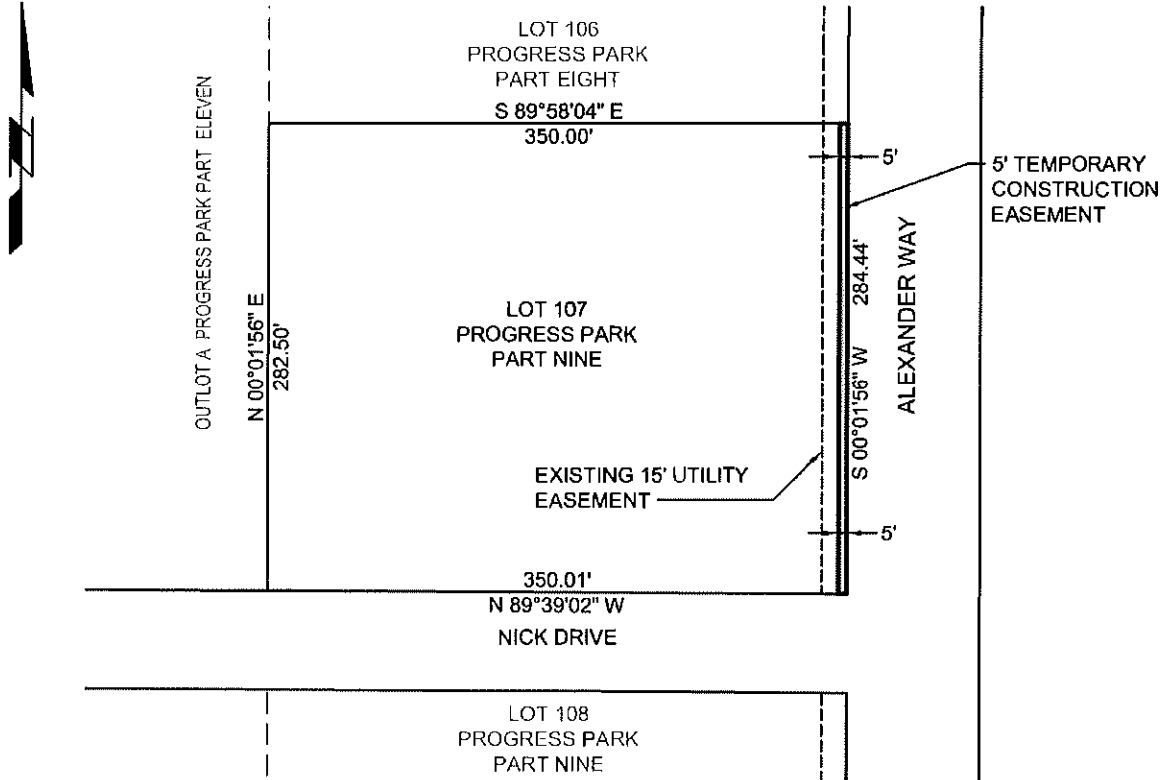
SHEET NO.

2 of 4

# EXHIBIT C

## EASEMENT EXHIBIT TEMPORARY CONSTRUCTION EASEMENT

A PART OF LOT 107, PROGRESS PARK PART NINE  
NORTH LIBERTY, JOHNSON COUNTY, IOWA

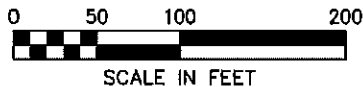


### DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement on the East 5 feet of Lot 107, Progress Park Part Nine (Final Plat recorded in Plat Book 51, Page 138 at the Johnson County Recorder's Office), North Liberty, Johnson County, Iowa, containing 1,422 square feet more or less.

PROPERTY OWNER:  
MAJ PROPERTIES I LLC

EASEMENT REQUESTED BY:  
THE CITY OF NORTH LIBERTY



**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING  
2839 Northgate Drive | Iowa City, Iowa 52245  
319.354.3040 | fax: 319.354.6921 | www.shive-hattery.com  
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

EASEMENT EXHIBIT A PART OF LOT 107, PROGRESS PARK PT. 9 MAJ PROPERTIES I LLC NORTH LIBERTY, IOWA			
DATE	SCALE	AS SHOWN	
DRAWN JSB	FIELD BOOK	-	
APPROVED JSB	REVISION	-	

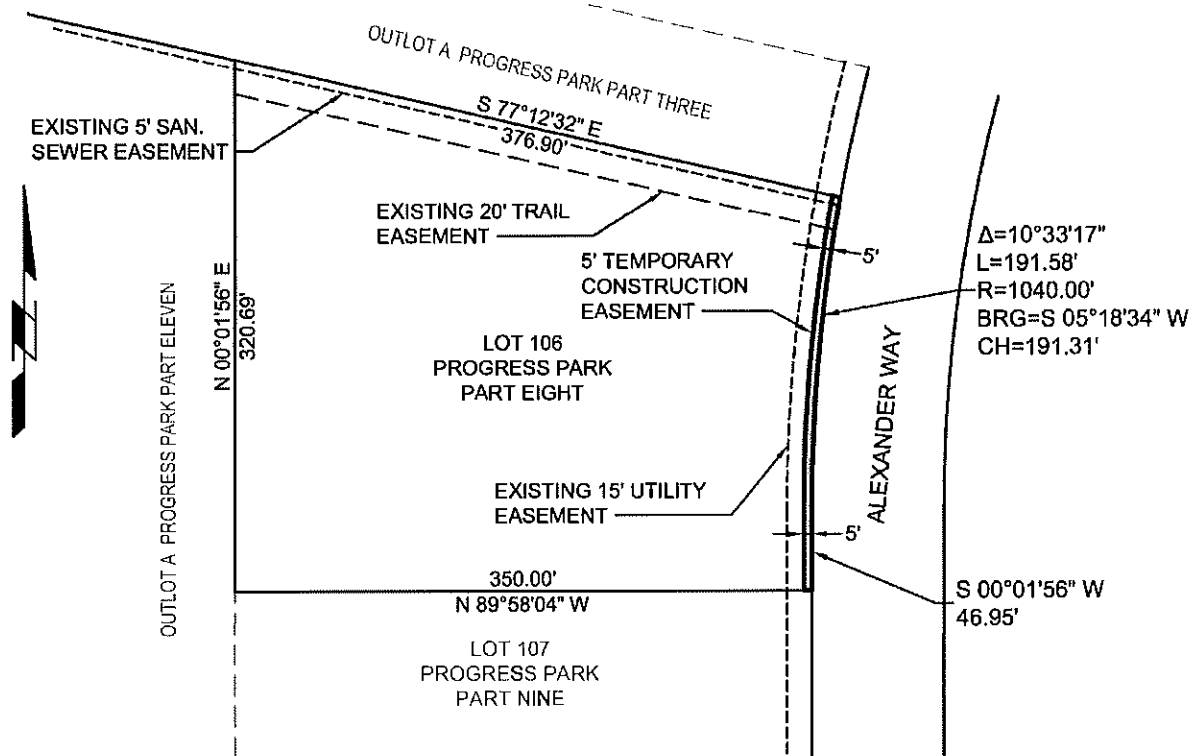
PROJECT NO.  
117231-0

SHEET NO.

3 of 4

# EXHIBIT D

## EASEMENT EXHIBIT TEMPORARY CONSTRUCTION EASEMENT A PART OF LOT 106, PROGRESS PARK PART EIGHT NORTH LIBERTY, JOHNSON COUNTY, IOWA

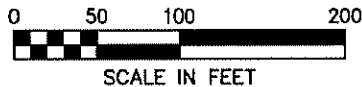


### DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement on the East 5 feet of Lot 106, Progress Park Part Eight (Final Plat recorded in Plat Book 51, Page 137 at the Johnson County Recorder's Office), North Liberty, Johnson County, Iowa, containing 1,195 square feet more or less.

PROPERTY OWNER:  
MAJ PROPERTIES I LLC

EASEMENT REQUESTED BY:  
THE CITY OF NORTH LIBERTY



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Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

EASEMENT EXHIBIT  
A PART OF LOT 106, PROGRESS PARK PT. 8  
MAJ PROPERTIES I LLC  
NORTH LIBERTY, IOWA

DATE	SCALE	AS SHOWN
DRAWN JSB	FIELD BOOK	-
APPROVED JSB	REVISION	--

PROJECT NO.  
117231-0

SHEET NO.

4 of 4

**Resolution No. 2017-145**

**A RESOLUTION APPROVING THE TEMPORARY  
CONSTRUCTION EASEMENT AGREEMENT BETWEEN MAJ  
PROPERTIES I LLC AND THE CITY OF NORTH LIBERTY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:**

**WHEREAS**, the City of North Liberty is planning a trail connection project across MAJ Properties I LLC property; and

**WHEREAS**, it is the parties' desire to agree and establish, in writing, their understanding concerning the agreement for the project.

**NOW, THEREFORE, BE IT RESOLVED** that that the attached agreement between the City of North Liberty and MAJ Properties I LLC is approved for the Trail Connection Project, North Liberty, Iowa.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized to execute said agreement.

**APPROVED AND ADOPTED** this 21<sup>st</sup> day of December, 2017.

**CITY OF NORTH LIBERTY:**

---

TERRY L. DONAHUE, MAYOR

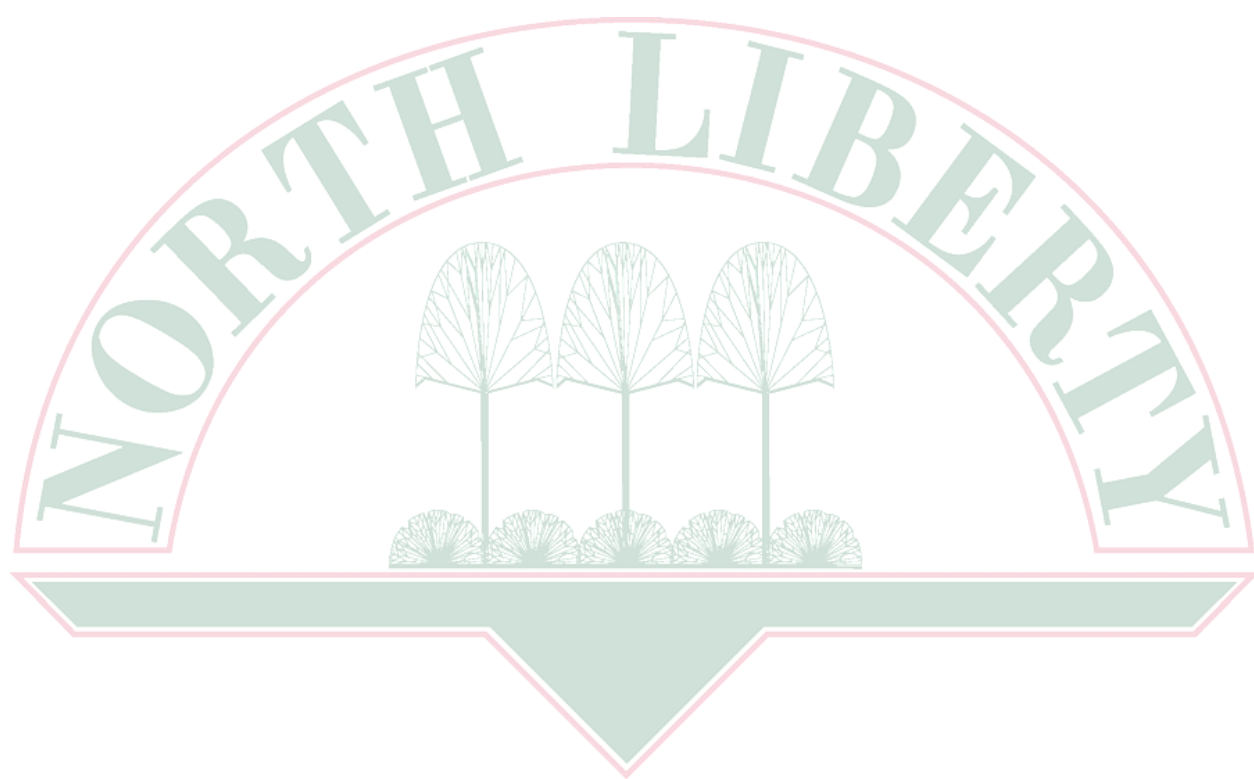
**ATTEST:**

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK

# Additional Information



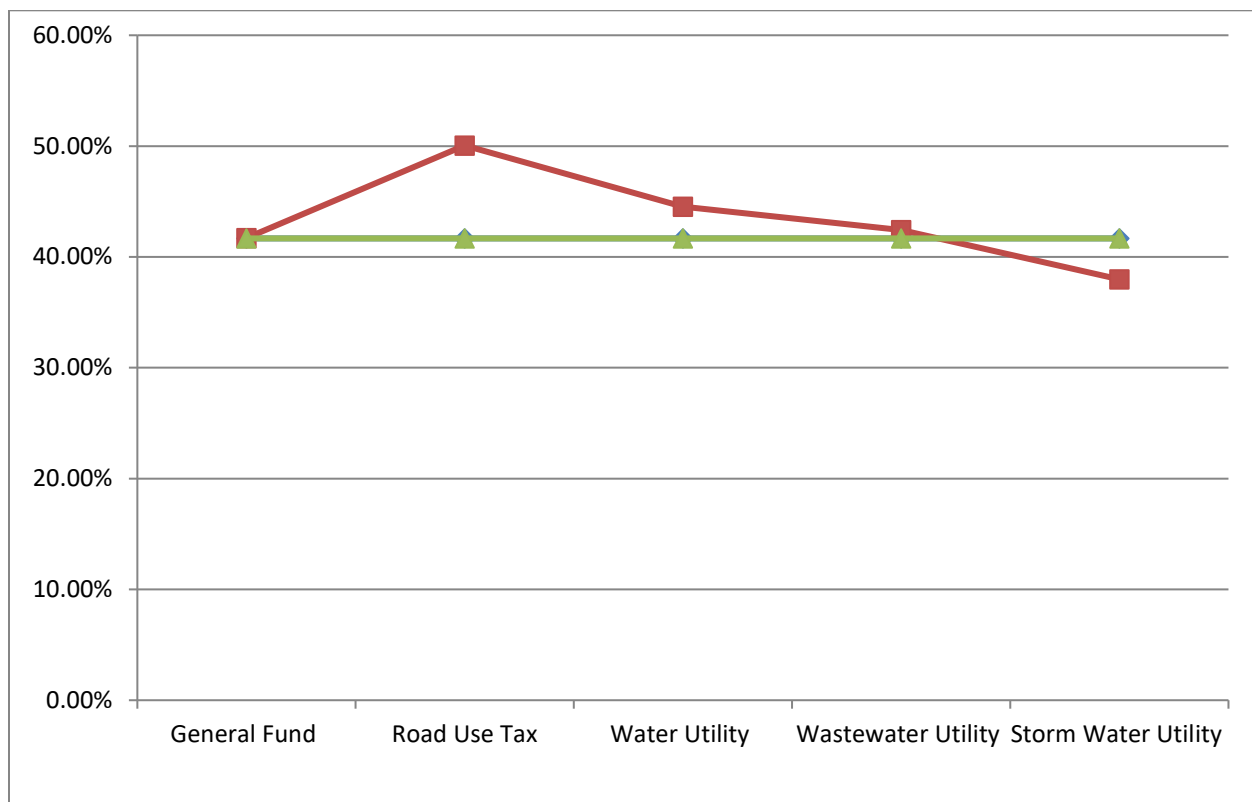


## Monthly Report Summarization

November 30, 2017

This report provides a summarization of the budget status after the end of November 2017. At the end of the month, the City was 41.67% through the budget year. The red line indicates the percentage where the budget area is and green/blue line is the percentage of the budget year. Any particular area falling approximately 10% below or above the percentage of the budget year will be explained below. The data includes the amended budget.

**Revenues:** The following chart demonstrates the condition of the City's budgeted revenues as of November 30, 2017:

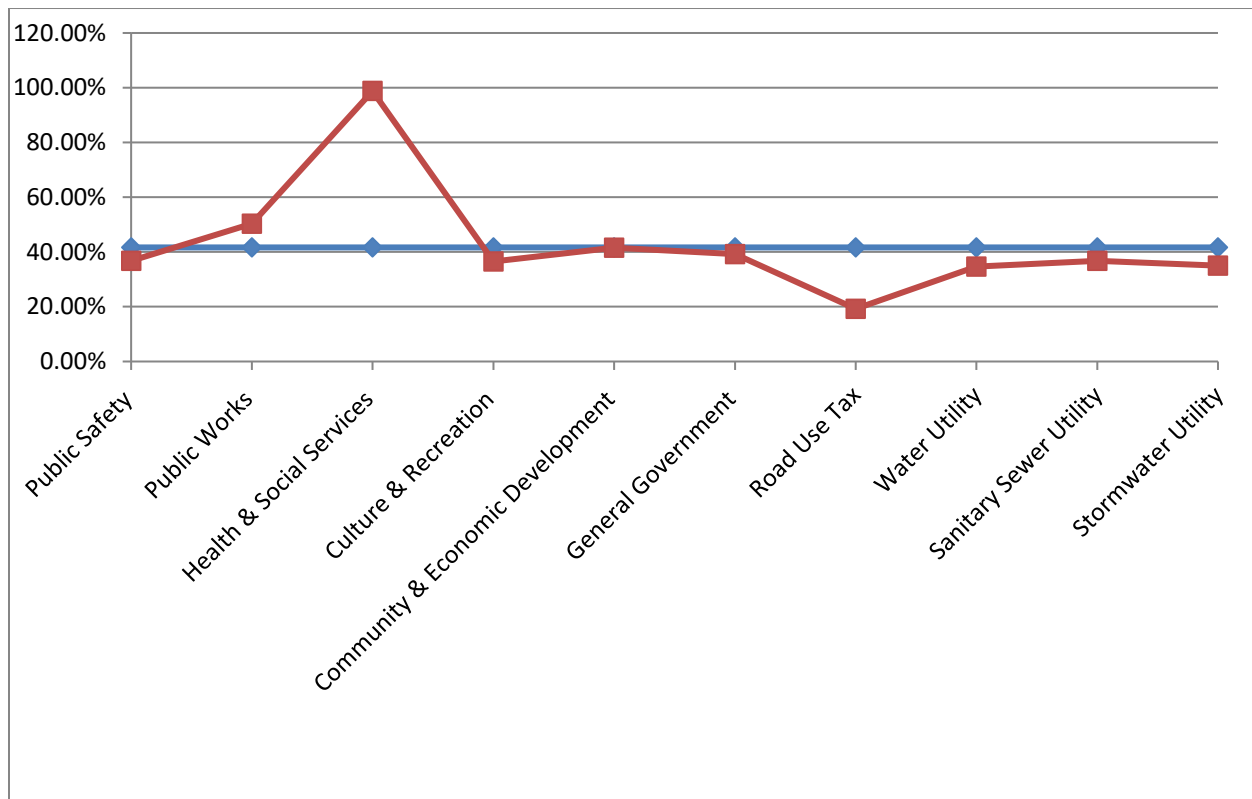




- This chart represents the historical view at the end of November. The City received the first half of the property tax revenue in October and will receive the second half in April. With the receipt of these revenues, the General Fund is in line with the budget.

Overall revenues year to date are \$20,886,892.67, 44.65% of the budgeted amount. This amount is right on the budgeted mark.

**Expenditures:** The following chart demonstrates the condition of the City's budgeted expenditures as of November 30, 2017:



- Trash stickers are issued in July. The bulk of the annual sticker costs paid to Johnson County Refuse are paid in July and August.
- Social service grants for the fiscal year were funded in August.
- The Road Use Tax fund has a significant amount of budgeted year end transfers.
- Stormwater costs are mostly transfers made at the end of the fiscal year.

Year to date total expenditures are \$20,778,592.67 or 43.34% of the projected budget amounts. This amount is slightly more than the 41.63% of the fiscal year completed due to staff purchasing new equipment, social service payments, trash sticker costs and capital project expenses for construction projects including, but not limited to, the wastewater treatment plant expansion, water treatment plant and other capital projects.

Following is the Treasurer's Report for November. The General Fund Balance is comprised of more than just the 010 General Fund. For accounting purposes of the budget and reporting, other funds such as Library Capital, Fire Capital and others are incorporated into the General total. The General Fund for operating expenses has a fund balance of \$ 5,052,093.51. The other funds in the total shown here are obligated to specific departments or types of activities. The other funds are separated out to keep those obligations clear for future expenditures.

CITY OF NORTH LIBERTY

TREASURER'S REPORT

November 30, 2017

FUNDS	BALANCE FORWARD	REVENUE	EXPENSE	BALANCE ENDING
	11/01/2017			11/30/2017
GENERAL	7,049,790.16	677,944.97	-1,038,888.88	6,688,846.25
SPECIAL REVENUE	5,417,790.79	961,385.20	-107,295.82	6,271,880.17
DEBT SERVICE	793,668.45	57,079.54	-43,669.50	807,078.49
CAPITAL PROJECTS	-2,958,146.00	10.50	-336,984.88	-3,295,120.38
WATER ENTERPRISE	4,612,224.65	419,024.97	-1,630,725.49	3,400,524.13
WASTEWATER ENTERPRISE	5,788,376.63	562,006.57	-414,313.27	5,936,069.93
STORM WATER ENTERPRISE	195,577.51	16,129.22	-55,520.99	156,185.74
<b>TOTAL</b>	<b>20,899,282.19</b>	<b>2,693,580.97</b>	<b>-3,627,398.83</b>	<b>19,965,464.33</b>

If you have questions regarding this document or would like additional information, please contact Tracey Mulcahey.