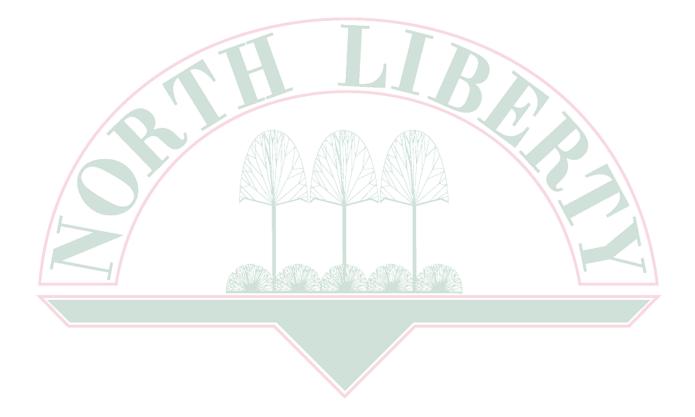


# North Liberty City Council Regular Session September 25, 2018

# **City Administrator Memo**





#### **Meetings & Events**

Tuesday, Sep 25 at 6:30p.m. City Council

Monday, Oct 1 at 6:00p.m. Communications Commission

Tuesday, Oct 2 at 6:30p.m. Planning Commission

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

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

Wednesday, Oct 10 at 7:00p.m. Tree & Storm Water Board

### **City Council Memo**

for September 25, 2018 from the desk of Ryan C. Heiar

#### **Consent Agenda**

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

- City Council Minutes (09/11/18)
- Claims
- August Revenues
- August Treasurer Report
- Liquor License Schminke Family Event (South Slope)
- \*Change Order #16, Wastewater Treatment Plant Phase II Improvements, Tricon Construction Group, \$103,217.86
- Pay application #32, Wastewater Treatment Plant Phase II
- Improvements, Tricon Construction Group, \$150,585.98
- Pay Application #4, NL Trail Improvement Project, All American Concrete Inc., \$15,938.35

#### 2018A Bond Sale

Tuesday's agenda includes resolutions approving the loan agreements for the 2018A bond sale (details of the upcoming sale are described in the chart below). The resolutions are incomplete at this time because the sale will not occur until Tuesday morning. Once the bids are received, Assistant City Administrator Tracey Mulcahey will email the updated documents to the City Council. The City's financial advisor, Tionna Pooler with IPA, will be at Tuesday's meeting to present the sale information and recommend awarding a bid.

2018A Bond Sale Summary of Projects & Funding Amounts				
Project	Bond Type	Amount		
Penn Street Improvements (Alexander to Jones)	TIF/GO	\$1,075,000		
NL Road/Penn Street Improvements	TIF/GO	\$1,075,000		
Centennial SRF Project	TIF/GO	\$1,000,000		
Ranshaw House	TIF/GO	\$200,000		
NL Road/Penn Street Improvements	GO	\$1,075,000		
Fees	\$25,000			
		\$4,450,000		

#### Ryan C. Heiar, City Administrator

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

#### **North Liberty Road Vacation**

When the North Liberty Road reconstruction project was designed, a number of substandard conditions were addressed, including the curve geometrics where the road turns from N-S to E-W. Because those changes were significant, the right-of-way within which the roadway is located needed to be adjusted by the purchase of some property and the vacation of other property, in a complicated series of actions. The vacation on the agenda is for a sliver of property on the outside of the curve that is no longer necessary because the roadway has moved in the opposite direction. Once vacated, some of that sliver will be transferred to adjacent property owners and some is part of the newly-acquired dog park property. Once completed, the new alignment of North Liberty Road will be located in the center of the reconfigured right-of-way. Tuesday's agenda includes the second and third readings of an ordinance required in order to vacate right-of-way as well as a resolution to vacate right-of-way to specific property owners. Staff recommends approval of both readings and the resolution in order to finalize this process and solidify what is now official right-of-way.

#### **Mowing Assessment**

Over the course of the summer there are generally several property owners within the community that neglect to mow and maintain their yards. After sending a notice to these property owners and after documenting that no action was taken on the part of the owner, staff hires a contractor to mow the lawns, followed by a bill being sent to the owner for the service provided. If the bill goes unpaid, staff asks the City Council to approve a resolution that allows staff to file a lien on the property and collect the fee through the property tax payment process. Staff has gone through this process for the property at 1855 Alderwood Drive and is asking Council to approve the necessary resolution.

#### **Design Standards**

At Tuesday's meeting, staff will be asking Council for feedback and direction regarding design standards and/or master planning for the Kansas Avenue, Forevergreen Road, Ranshaw Way and Penn Street Corridors. Below are some points that have been previously asked about or discussed. In addition, staff has started a list of general discussion points based on comments heard so far and that list can be found in the packet.

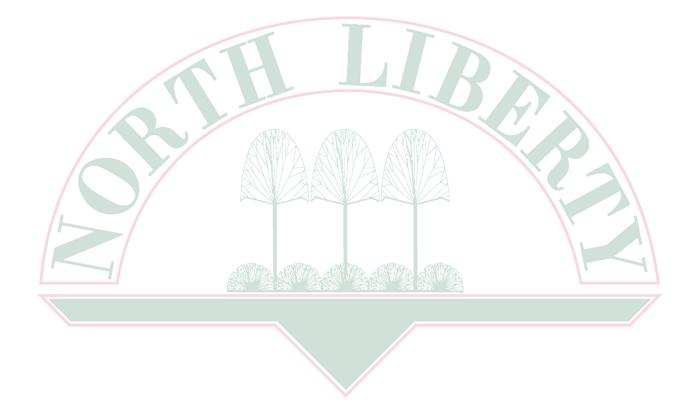
- Boulevard affect. (I have a vision I can show better than write about but some of the principals are below)
- Wide sidewalks on the North side of Penn as that's developed.
- Taller landscaping on both sides to define the edges and make a very bold statement
- No above ground utilities.
- Larger space between buildings and fewer strip-like commercial space
- Increased space between the sidewalk and development/ parking.
- No visible trash enclosures from Penn or Ranshaw
- Decorative, LED, lighting on both sides of Penn and remainder of Ranshaw
- Ability (infrastructure, etc.) to have a lit entryway to town via Penn (similar to the Coralville strip around Christmas)
- Creation of a green-belt park on the trail between Penn and 240th. (becoming an urban-like park).
- New, elegant, "North Liberty" welcome sign.
- No flashing/strobing/overwhelming commercial lights on Penn
- Nothing visible on rooftops.
- All sign designs to be submitted with the site plan and part of the site plan consideration.
- Require masonry on the entire east, west, and street facing sides. Also require it on the back if the business has vehicles access from the back of the building.

• What is the length of time a site plan is valid for? So if it's approved, how long do they have to start the project?

As this discussion unfolds and a consensus of the group is developed, staff can determine what, if any, changes needed to be made to the City's codes, polices or plans, or if a more detailed master planning exercise is needed.

**\*NOTE:** In January, Steve Troyer (lead engineer for the wastewater expansion) and Drew Lammers (WWTP Superintendent) updated the City Council on necessary change orders and a modification to the design that would lead to another future change order. The modifications discussed were specific to the pumps in the pretreatment process. At that meeting the City Council approved a Work Change Directive to move forward with the modifications. Change Order #16 is on the consent agenda, is the last change order as it relates to the pumps as well as for the entire project, and is consistent with the previously approved Work Change Directive.







#### Agenda

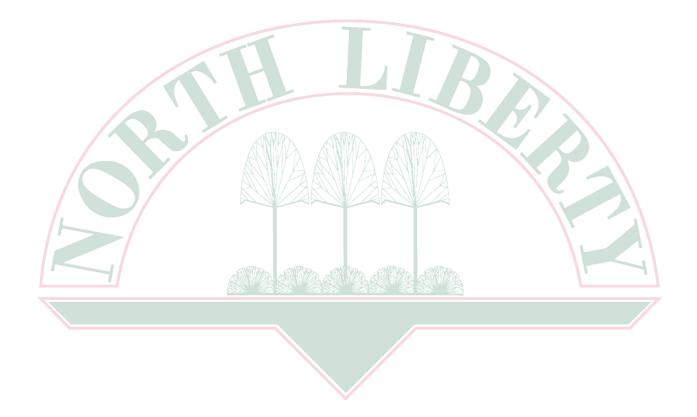
North Liberty City Council September 25, 2018 Regular Session 6:30 p.m. City Council Chambers 1 Quail Creek Circle

- 1. Call to order
- 2. Roll call
- 3. Approval of the Agenda
- 4. Consent Agenda
  - A. City Council Minutes, Regular Session, September 11, 2018
  - B. Claims
  - C. August Revenues
  - D. August Treasurer Report
  - E. Liquor License Application, Schminke Family Event, South Slope, September 29, 2018
  - F. Phase II WWTP Improvements, Change Order Number 16, Tricon Construction Group, \$103,217.86
  - G. Phase II WWTP Improvements, Pay Application Number 32, Tricon Construction Group, \$150,585.98
  - H. Trail Improvements Project, Pay Application Number 4, All American Concrete, Inc., \$15,938.35
- 5. Public Comment
- 6. City Planner Report
- 7. City Engineer Report
- 8. Assistant City Administrator Report
- 9. City Administrator Report
- 10. Mayor Report
  - A. Playvolution Proclamation

11. 2018A Bond Sale

- A. Resolution Number 2018-125, A Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation Corporate Purpose Bonds, Series 2018A, and providing for the levy of taxes to pay the same
- 12. North Liberty Road Vacation
  - A. Second consideration of Ordinance Number 2018-10, An Ordinance vacating a portion of right of way in North Liberty, Iowa
  - B. Possible action to waive the requirement of three separate readings on three separate dates
  - C. Third consideration and adoption of Ordinance Number 2018-10, An Ordinance vacating a portion of right of way in North Liberty, Iowa
  - D. Public Hearing regarding disposal of property as part of the North Liberty Road Vacation
  - E. Resolution Number 2018-130, A Resolution disposing of certain real estate and approving issuance of a deed
- 13. Mowing Assessment
  - A. Resolution Number 2018-131, A Resolution assessing delinquent amounts owed to the City of North Liberty to individual property taxes
- 14. Design Standards
  - A. Discussion and possible action regarding design standards
- 15. Old Business
- 16. New Business
- 17. Adjournment

# **Consent Agenda**





#### Minutes (not official until approved by the City Council)

North Liberty City Council September 11, 2018 Regular Session City Council Chambers 1 Quail Creek Circle

#### <u>Call to order</u>

Mayor Terry Donahue called the September 11, 2018 Regular Session of the North Liberty City Council to order at 6:30 p.m. Councilors present: Jennifer Goings, Chris Hoffman, Sarah Madsen, Annie Pollock and Jim Sayre.

Others present: Ryan Heiar, Tracey Mulcahey, Kevin Trom, Dean Wheatley, Evan Runkle, Gerry Kuhl and other interested parties.

#### Approval of the Agenda

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

#### <u>Consent Agenda</u>

Pollock moved, Goings seconded to approve the Consent Agenda including the City Council Minutes from the Regular Session on August 28, 2018; the attached list of Claims; the Liquor License Renewal for Mirabito's Italian; Change Order Number 14 for the Phase I Water System Improvements Div. I Water Treatment Plant Project to Portzen Construction, Inc. in the amount of \$17,495.00; Pay Application Number 23 for the Phase I Water System Improvements Div. I Water Treatment Plant Project to Dave System Improvements Div. I Water Treatment Project to Dave Schmitt Construction in the amount of \$17,869.52; Pay Application Number 4 for the Kansas Avenue RISE Improvements to Streb Construction Co., Inc. in the amount of \$737,990.53; Change Order Number 5 for the Highway 965 Phase 3 Project to Streb Construction Co., Inc. in a deduct amount of (\$8,111.50); Change Order Number 6 for the Highway 965 Phase 3 Project to Streb Construction Co., Inc. for Stored Materials Costs; and Pay Application Number 5 for the Highway 965 Phase 3 Project to Streb Construction Co., Inc. in the amount of \$644,736.09. The vote was all ayes. Consent Agenda approved.

#### <u>Public Comment</u>

No public comment was offered.

#### <u>City Planner Report</u>

City Planner Dean Wheatley provided an update on the site plan on Landon Drive/Kansas Avenue.

#### <u>City Engineer Report</u>

City Engineer Kevin Trom reported that the recent poor weather has slowed many projects. The Highway 965 Project is progressing with the trails being almost all installed and work happening on topsoil and bio cells. The Kansas Avenue RISE Project paving has been installed on the south end of the project. The 75% design review meeting for the Penn and Front Street Project will happen at the end of September. He will meet with City staff next week for plan review on the Main Street Improvements Project. Council discussed the report with Trom.

#### Assistant City Administrator Report

Assistant City Administrator Tracey Mulcahey reported on yard waste bag issue. Council discussed the report with Mulcahey.

#### **City Administrator Report**

City Administrator Ryan Heiar reported on his visit with Spotix. Spotix will be on the list of annual appropriations in November. The Mayor, Chief Venenga and Heiar met with the CIT group. CIT will be coming to the first meeting in October. The hearing with Blendcard is set for next week.

#### <u>Mayor Report</u>

Mayor Terry Donahue proclaimed September 21 as International Day of Peace. He discussed the letter to IDOT with the Council. The Mayor and Heiar will be in Council Bluffs for League of Cities Conference. The Mayor met with the Mayor and City Administrator of Tiffin. Mayors and City Administrators from the two cities will begin meeting quarterly. The next MPOJC meeting is here next Wednesday.

#### 2018A Bond Sale

Hoffman moved, Madsen seconded to approve Resolution Number 2018-125, Resolution setting the date for the sale of General Obligation Corporate Purpose Bonds, Series 2018 and authorizing the use of a preliminary official statement in connection therewith. The vote was: ayes – Sayre, Madsen, Goings, Pollock, Hoffman; nays – none. Motion carried.

#### Transit Committee

Gerry Kuhl presented information regarding the RFP for transit services. Council discussed the RFP for transit services.

#### <u>Street Finance Report</u>

Hoffman moved, Sayre seconded to approve Resolution Number 2018-126, A Resolution approving the City Street Financial Report for the Fiscal Year ending June 30, 2018. The vote was: ayes – Pollock, Sayre, Hoffman, Goings, Madsen; nays – none. Motion carried.

#### FY 19 Budget Amendment Number 1

At 7:34 p.m., Mayor Donahue opened the Public Hearing regarding proposed budget amendment for FY 19. No oral or written comments were received. The public hearing was closed.

Pollock moved, Madsen seconded to approve Resolution Number 2018-127, City Budget Amendment and Certification Resolution – FY 2019 – Amendment #1. The vote was: ayes – Goings, Sayre, Madsen, Pollock, Hoffman; nays – none. Motion carried.

#### <u>North Liberty Road Vacation</u>

At 7:35 p.m., Mayor Donahue opened the Public Hearing regarding North Liberty Road Vacation Ordinance. No oral or written comments were received. The public hearing was closed.

Hoffman moved, Goings seconded to approve the first consideration of Ordinance Number 2018-10, An Ordinance vacating a portion of right of way in North Liberty, Iowa. The vote was: ayes – Pollock, Sayre, Goings, Hoffman, Madsen; nays – none. Motion carried.

Hoffman moved, Madsen seconded to approve Resolution Number 2018-128, A Resolution setting the Public Hearing on the disposition of Real Estate owned by the City of North Liberty. The vote was: ayes – Hoffman, Pollock, Goings, Madsen, Sayre; nays – none. Motion carried.

#### 2018-2020 City Council Goals and Initiatives

The City Council discussed the goals and initiatives. The consensus was to leave the list as it is with the inclusion of major thoroughfares and intersections. Council requested sample RFPs for the visioning plan. Council was tasked with reviewing all plans for discussion at the first meeting in October for discussion on what should be included in the plan.

#### <u>Old Business</u>

Councilor Pollock thanked emergency responders in honor of 9/11. Councilor Sayre spoke regarding an exit interview with former city attorney. Councilor Hoffman reported that Solarize Johnson County came to successful conclusion. Hoffman offered that the Liberty High School first home football game was Friday, August 31. This Friday is dedication ceremony for the new stadium.

#### <u>New Business</u>

Councilor Pollock reported that the Johnson County Livable Community's Policy Board will be revising their strategic plan later this fall. The Fall Prevention Health and Resource Fair will be on Friday, September 21 from 10 a.m. – 1 p.m. at the Radisson in Coralville. She offered congratulations to 40 under 40 recipients Councilor Jen Goings and Brandon Kuehl.

#### <u>Adjournment</u>

At 8:06 p.m., Mayor Donahue adjourned the meeting.

#### **CITY OF NORTH LIBERTY**

Terry L. Donahue, Mayor

Attest:

Tracey Mulcahey, City Clerk

	MONTH-TO-DATE BALANCE	YEAR-TO-DATE BALANCE
010-GENERAL FUND	441,753.93	860,158.47
011-FIRE EQUIPMENT CAPITA	4,531.42	10,126.53
012-LIBRARY CAPITAL FUND	427.31	434.12
013-RECREATION CAPITAL FU 014-POLICE CAPITAL FUND	233.36	455.99
014-POLICE CAPITAL FOND 015-TRANSPORTATION IMPACT	2,132.52 301.97	3,791.92 301.97
016-STORMWATER IMPACT FEE	21.75	36.25
017-TREE PROGRAM	0.00	0.00
018-PARK CAPITAL FUND	0.00	5,250.00
019-YOUTH SPORTS SCHOLARS 020-EQUIPMENT REVOLVING	1,105.66 20.18	2,306.62 104.08
021-TELECOMMUNICATIONS EO	9.83	16.53
022-LIBRARY TAG	0.00	0.00
023-LIBRARY ENDOWMENT	0.00	0.00
024-DRUG TASK FORCE	22.34	419.81
025-POLICE SEIZED FUNDS	0.00	0.00
026-HOTEL/MOTEL TAX 060-ROAD USE TAX FUND	20,966.29 276,684.72	21,000.77 451,198.31
061-STREET CAPITAL PROJEC	0.00	12,333.96
062-IJOBS STREETS	0.00	0.00
090-TIF FUND	896.15	27,362.22
110-DEBT SERVICE FUND	875.61	3,518.46
210-TRUST AND AGENCY 280-CUSTOMER DEPOSITS	1,828.79 23,860.00	5,950.56 57,330.00
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	348.20	647.16
314-ENTRYWAY DEVELOPMENT 315-HIGHWAY 965 IMPROVEME	20.74 0.00	40.83
316-COMMUNITY CENTER PHAS	0.00	0.00
317-TRAIL PROJECTS	0.00	0.00
318-EC DEVELOPMENT PROJEC	47.55	88.79
319-PENN STREET IMPROVEME 320-LIBERTY CENTER PROJEC	0.00 0.00	0.00 0.00
321-LAND/FACILITIES	0.00	0.00
322-LIBRARY BUILDING FUND	16.83	35.67
323-LIBERTY CENTRE BLUES/	0.00	0.00
324-RANSHAW HOUSE PROJECT	0.00	
510-WATER FUND 511-WATER CAPITAL RESERVE	342,204.39 6,666.66	737,866.97 13,333.32
512-WATER SINKING FUND	113,348.75	226,697.50
513-WATER BOND RESERVE	0.00	0.00
514-WATER CAPITAL PROJECT	587,976.21	587,976.21
520-SEWER FUND	405,727.21	821,798.10
521-SEWER CAPITAL RESERVE 522-SEWER SINKING FUND	40,416.67 192,099.08	80,833.34 384,198.16
523-WASTEWATER TREATMENT	146,539.96	146,539.96
524-SEWER TRUNK AND I&I	0.00	2,000.00
525-SEWER DEBT SERVICE RE	0.00	0.00
530-STORMWATER MANAGEMENT	17,756.27	35,567.73
532-STORMWATER SINKING FU	0.00	0.00
GRAND TOTAL REVENUE	2,628,840.35	4,499,720,31

GRAND TOTAL REVENUE

	А	В	С	D	E	
1	CITY OF NORTH LIBERTY					
2		TREASU	RER'S REPORT			
3		Augu	st 31, 2018			
4 5	FUNDS	BALANCE FORWARD	REVENUE	EXPENSE	BALANCE ENDING	
6		08/01/2018			08/31/2018	
7						
8	GENERAL	7,374,403.22	458,674.37	2,022,713.83	5,810,363.76	
9						
10	SPECIAL REVENUE	2,969,698.48	279,409.66	132,250.52	3,116,857.62	
11						
12	DEBT SERVICE	264,717.08	875.61	0.00	265,592.69	
13						
14	CAPITAL PROJECTS	-6,453,415.39	433.32	2,299,842.19	-8,752,824.26	
15						
16	WATER ENTERPRISE	3,583,403.55	1,064,416.97	1,244,215.28	3,403,605.24	
17						
18	WASTEWATER ENTERPRISE	5,507,209.43	779,453.95	452,400.25	5,834,263.13	
19						
	STORM WATER ENTERPRISE	202,702.49	17,379.01	16,786.50	203,295.00	
21						
22	TOTAL	13,448,718.86	2,600,642.89	6,168,208.57	9,881,153.18	

Applicant L	icense Application (	)	
Name of Applic	ant: <u>Dion Schminke</u>		
Name of Busine	ss (DBA): The Dion Schminke Family		
Address of Prei	nises: <u>980 N Front Street</u>		
City North Libert	County: Johnson	Z	<b>Zip:</b> <u>52317</u>
Business	Business (319) 981-5682		
Mailing	555 Prairie Street		
City North Libert	⊻ State <u>IA</u>	Z	ip: <u>52317</u>

#### **Contact Person**

Name Dion Schminke			
<b>Phone:</b> (319) 981-5682	Email	dsschmink@gmail.com	

#### Classification Class B Beer (BB) (Includes Wine Coolers)

Term:5 days

Effective Date: <u>09/28/2018</u>

Expiration Date: 01/01/1900

#### Privileges:

Class B Beer (BB) (Includes Wine Coolers)

#### **Status of Business**

BusinessType	: <u>Sole</u>	Proprietorship				
Corporate ID I	Number:	XXXXXXXXXX	Federal Em	ployer ID XXXXXX	<u>XXX</u>	
Ownership						
Dion Schminke						
First Name:	<u>Dion</u>		Last Name:	<u>Schminke</u>		
City:	North Lib	erty	State:	<u>lowa</u>	Zip:	<u>52317</u>
Position:	owner					
% of Ownership	: <u>50.00%</u>		U.S. Citizen: `	ſes		
Kristin Schmink	e					
First Name:	<u>Kristin</u>		Last Name:	<u>Schminke</u>		
City:			State:	<u>lowa</u>	Zip:	<u>52317</u>
Position:	<u>spouse</u>					
% of Ownership	: <u>50.00%</u>		U.S. Citizen: `	ſes		

#### Insurance Company Information

Insurance Company:	Illinois Union Insurance Con	mpany	
Policy Effective Date:	09/28/2018	Policy Expiration	10/03/2018

Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:



### North Liberty Police Department

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

August 21, 2018

Liquor License Check

Business: The Dion Schminke Family 555 Prairie Street North Liberty, IA 52317

Owner:	Dion Schminke	(DOB: 1977)
	Kristin Schminke	(DOB: 1981)

A record check of the above owners shows no past incidents with the North Liberty Police Department that could affect the liquor license.

I recommend the license be granted.

Sergeant Chris Shine



Date of Issu	ance: September 17, 2018	Effective Date:	June 25, 2015
Owner:	City of North Liberty, Iowa	Owner's Contract No.:	N/A
Contractor:	Tricon Construction Group, Dubuque, IA	Contractor's Project No.:	15-012-IA
Engineer:	FOX Engineering	Engineer's Project No.:	2489-11A.660
Project:	Phase II WWTP Improvements	Contract Name:	

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

#### Description:

- **Item 1** Work Change Directive 010: To provide continuous raw pump operation during low flows, two smaller T-8 pumps were provided and installed in lieu of two larger T-10 pumps. The new T-8 pumps were installed on the T-10 pump bases and with the pump motors provided with the Base Bid. Per the City's request, control panel CPL-1 was removed in the Preliminary Treatment Electrical Room to allow operators more flexible use of the space. A 1.5 ton rated monorail and manual hoist was installed over the grinder in the Preliminary Treatment Building Lower Level. Work associated with the raw pumps extended the final completion date by 140 days. Add \$117,672.05.
- **Item 2** Work Change Directive 010 Raw Pump Refund: One of the larger T-10 pumps provided with the base bid contract was returned to the pump manufacturer for a refund. **Deduct \$10,000.**
- **Item 3** Contractor COR 94R: Deduct offered for work not completed by contractor for running a non-potable water line, sodium hypochlorite, and citric acid lines to the Membrane Cleaning Tank through the Fine Screen Room. **Deduct \$3,519.19.**
- **Item 4** Contractor COR 96: Contractor offered deduct for work not completed to touchup paint the walls and ceiling of the Preliminary Treatment Electrical Room and the non-potable water line at the aeration basins. **Deduct \$935.00.**

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
	[note changes in Milestones if applicable]
Original Contract Price:	Original Contract Times:
	Substantial Completion: June 30, 2017
<u>\$ 15,621,000.00</u>	Ready for Final Payment: <u>August 30, 2017</u>
[Increase] [Decrease] from previously approved Change	[Increase] [Decrease] from previously approved Change
Orders No. <u>1</u> to No. <u>15</u> :	Orders No. <u>1</u> to No. <u>15</u> :
	Substantial Completion: 28 days
\$ <u>356,382.39</u>	Ready for Final Payment: <u>123 days</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
	Substantial Completion: July 28, 2017
\$ <u>15,977,382.39</u>	Ready for Final Payment: <u>December 31, 2017</u>
[Increase] [ <del>Decrease</del> ] of this Change Order:	[Increase] [Decrease] of this Change Order:
	Substantial Completion: 0 days
\$ <u>103,217.86</u>	Ready for Final Payment: <u>140 days</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
	Substantial Completion: July 28, 2017
\$ <u>16,080,600.25</u>	Ready for Final Payment: <u>May 20, 2018</u>

#### Attachments: WCD 010, COR 94R, COR 96

	RECOMMENDED	ACCEPTED:		ACCEPTED:
By:	Jemperkeroldes By:		By:	S.C.
	Engineer (if required)	Owner (Authorized Signature)		Contractor (Authorized Signature)
Title:	Moject Engliker Title		Title	Sr Project Manager
Date:	J9/19/2018 Date	1	Date	9/18/18
Approv	ved by Funding Agency (if applicable)			1 1.0
By:		Date:		
Title:				

200 - 10

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE		Contractor's Application for Payment No.		32	
		Application 6/01/18 - 9/17/18 Period:	Application Date:	9/19/2018	
To (Owner):	City of North Liberty, 3 Quail Creek Circle, North Liberty, IA 52317	From (Contractor): Tricon Construction Group, Dubuque, IA 52001	Via (Engineer):	Fox Engineering Inc 414 S St, Ste 107, Ames IA	
Project:	Phase II WWTP Improvements City of North Liberty	Contract: Phase II WWTP Improvements			
Owner's Contract No.:		Contractor's Project No.: 15-012-IA	Engineer's Project No.: 2489-11A		

#### **Application For Payment**

	Change Order Summar	у			
Approved Change Orders			1. ORIGINAL CONTRACT PRICE		
Number	Additions	Deductions	2. Net change by Change Orders		
1	\$3,862.41		3. Current Contract Price (Line 1 ± 2)		
2	\$23,001.91		4. TOTAL COMPLETED AND STORED TO DATE		
3	\$6,448.07		(Column F total on Progress Estimates)		
4	\$9,908.71		5. RETAINAGE:		
5	\$62,335.01		a. 5% X \$16,080,600.25 Work Completed \$ \$804,030.01		
6	\$3,942.11		b. 5% X Stored Material		
7	\$9,069.92		c. Total Retainage (Line 5.a + Line 5.b)		
8		\$928.64	6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)		
9 thru 15	\$238,742.89		7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) \$ \$15,125,984.2		
16	\$103,217.86		8. AMOUNT DUE THIS APPLICATION		
TOTALS	\$460,528.89	\$928.64	9. BALANCE TO FINISH, PLUS RETAINAGE		
NET CHANGE BY \$459,600.25 CHANGE ORDERS			(Column G total on Progress Estimates + Line 5.c above)		
Contractor's Certification			Payment of: \$ 150,585.98		
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.			(Line 8 or other - attach explanation of the other amount)		
			is recommended by: Jenifer Rusldy 9/19/18 (Engineer) (Date)		
			(Engineer) (Date)		
			Payment of: S		
			(Line 8 or other - attach explanation of the other amount)		
			is approved by:		
Contractor Signature			Approved by:		
By: Mary K	Stone	Date: 9-19-18	Funding or Financing Entity (if applicable) (Date)		
ð					

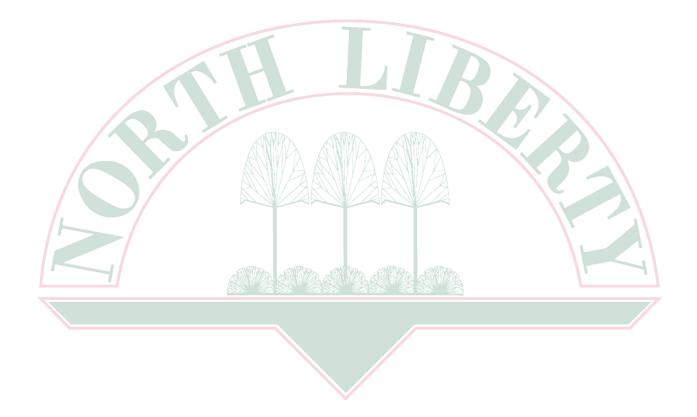
EJCDC® C-620 Contractor's Application for Payment © 2013 National Society of Professional Engineers for EJCDC. All rights reserved. Page 1 of 1

#### PAYMENT APPLICATION Page 1 TO: City of North Liberty PROJECT North Liberty Trail Improv. **APPLICATION #** 4 Final Distribution to: NAME AND 5 E. Cherry St. North Liberty Trail Improvements PERIOD THRU: 09/12/2018 LOCATION: OWNER North Liberty, IA. 52240 5 E. Cherry St. PROJECT #s: North Liberty Trail Imp. ARCHITECT Attn: North Liberty, IA. 52240 CONTRACTOR DATE OF CONTRACT: 02/15/2018 FROM: All American Concrete, Inc. ARCHITECT: Shive Hattery 1489 Highway 6 2839 Northgate Dr. West Liberty, Iowa 52776 Iowa City, IA. 52245 FOR: North Liberty Trail Improvements Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, CONTRACTOR'S SUMMARY OF WORK that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials Application is made for payment as shown below. and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally Continuation Page is attached. entitled to this payment. 1. CONTRACT AMOUNT \$305,500.00 CONTRACTOR: All American Concrete, Inc. Date: 9-12-18 2. SUM OF ALL CHANGE ORDERS \$13,266,90 By: Jodi Simon 3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2) \$318,766.90 nua State of: 4. TOTAL COMPLETED AND STORED \$318,766,90 Muscattere County of: (Column G on Continuation Page) \* ARIAL Subscribed and sworn to before NICOLE B POLITO 5. RETAINAGE: day of Sept. 2018 Commission Number 780886 212 a. 0.00% of Completed Work \$0.00 me this My Commission, Expires (Columns D + E on Continuation Page) Notary Public: Nurole Polito 0.00% of Material Stored \$0.00 h (Column F on Continuation Page) My Commission Expires: Total Retainage (Line 5a + 5b or Column I on Continuation Page) \$0.00 ARCHITECT'S CERTIFICATION 6. TOTAL COMPLETED AND STORED LESS RETAINAGE \$318,766.90 Architect's signature below is his assurance to Owner, concerning the payment herein applied for, (Line 4 minus Line 5 Total) that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials 7. LESS PREVIOUS PAYMENT APPLICATIONS \$302.828.55 conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made. \$15,938.35 8. PAYMENT DUE 5 938 35 CERTIFIED AMOUNT..... 9. BALANCE TO COMPLETION (Line 3 minus Line 6) \$0.00 (If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.) SUMMARY OF CHANGE ORDERS ADDITIONS DEDUCTIONS Total changes approved in ARCHITECT: \$13,266,90 \$0.00 previous months -18-K By: Date: Total approved this month \$0.00 \$0.00 Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be TOTALS \$13,266.90 \$0.00 made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the NET CHANGES \$13.266.90 Contract Documents or otherwise.

PAYMENT APPLICATION

Quantum Software Solutions, Inc. Document

### **Mayor Report**





#### PROCLAMATION Playvolution September 10 - 30, 2018

**WHEREAS,** a Play Deficit exists in our society, a very real decline in unstructured play which has critical implications for the health of our community, and

**WHEREAS,** children's media usage has soared in the past two decades, with the average American child engaging in 7 hours 38 minutes of media use each day, and

WHEREAS, play is critical to children's healthy brain development and building active, healthy bodies, and

**WHEREAS,** play allows children to use their creativity while developing their imagination, dexterity, and physical, cognitive, and emotional strength, and

**WHEREAS**, unstructured play allows children to learn how to work in groups, to share, to negotiate, to resolve conflicts, and to learn self-advocacy skills, and

**WHEREAS,** play helps children develop new competencies that lead to enhanced confidence and the resiliency they will need to face future challenges, and

**WHEREAS,** play is just as important for adults, especially in the workplace, keeping one functional under stress, refreshing the mind and body, triggering creativity and innovation, increasing energy and helping to prevent burnout, and

**WHEREAS,** play is so important to optimal child development that the United Nations High Commission for Human Rights has recognized it as a right of *every* child, and

**WHEREAS**, above all, play is a simple joy that is a cherished part of childhood.

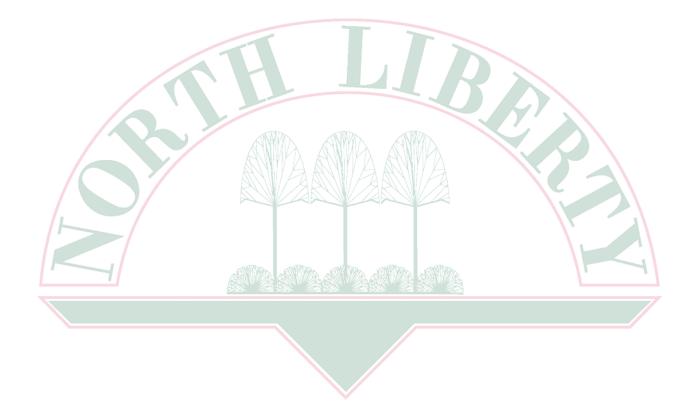
NOW, THEREFORE, be is resolved that I, Terry Donahue, Mayor of the City of North Liberty, proclaim September 10-30, 2018 as a *PLAYvolution*.

Further, I encourage all residents of all ages to support and promote the idea that unstructured, unplugged, unlimited play is a critical component of healthy development for community members of North Liberty.

Signed this 25th day of September, 2018, in North Liberty, Iowa

Terry L. Donahue, Mayor

### 2018A Bond Sale



### MINUTES TO AUTHORIZE SALE AND ISSUANCE OF BONDS

421033-73

North Liberty, Iowa

September 25, 2018

The City Council of the City of North Liberty, Iowa, met on September 25, 2018, at 6:30 p.m., at the City Council Chambers, North Liberty, Iowa.

The meeting was called to order by the Mayor, and the roll was called showing the following Council Members present and absent:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

This being the time and place fixed by the City Council for the consideration of bids for the purchase of General Obligation Corporate Purpose Bonds, Series 2018A to be issued in evidence of the City's obligation under a loan agreement, the Mayor announced that bids had been received and canvassed on behalf of the City at the time and place fixed therefor.

The results of the bids were then read and the substance of such bids was noted in the minutes, as follows:

#### Name and Address of Bidder

Final Bid (interest cost)

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_\_.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

• • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

Mayor

Attest:

City Clerk

#### **Resolution Number 2018-129**

#### RESOLUTION AUTHORIZING AND APPROVING A LOAN AGREEMENT, PROVIDING FOR THE SALE AND ISSUANCE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2018A, AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME

WHEREAS, the City of North Liberty (the "City"), in Johnson County, State of Iowa, heretofore proposed to enter into a loan agreement (the "Essential Purpose Loan Agreement"), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$4,450,000 for the purpose of paying the costs, to that extent, of constructing street improvements and incidental sidewalk, storm water drainage and water system improvements; installing street lighting and signalization improvements; and constructing and installing parking, drainage and landscaping improvements at an existing municipal park (collectively, the "Essential Projects"), and pursuant to law and a notice duly published, the City Council has held a public hearing on such proposal on August 28, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the "Ranshaw Loan Agreement" and together with the Essential Purpose Loan Agreement, the "Loan Agreements"), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$210,000 for the purpose of paying the costs, to that extent, of constructing improvements for the restoration of Ranshaw House (the "Ranshaw Project," and together with the Essential Purpose Projects, the "Projects"), has published notice of the proposed action and has held a hearing thereon, on August 28, 2018, and as of such date, no petition had been filed with the City asking that the question of entering into the Ranshaw Loan Agreement be submitted to the registered voters of the City; and

WHEREAS, pursuant to the provisions of Section 384.28 of the Code of Iowa, the City Council has combined the Loan Agreements into a single loan agreement (the "Loan Agreement"); and

WHEREAS, a Preliminary Official Statement (the "P.O.S.") has been prepared to facilitate the sale of General Obligation Corporate Purpose Bonds, Series 2018A (the "Bonds") to be issued in evidence of the obligation of the City under the Loan Agreement, and the City Council has made provision for the approval of the P.O.S. and has authorized its preparation and use by Independent Public Advisors, LLC, as municipal financial advisor (the "Financial Advisor") to the City; and

WHEREAS, pursuant to advertisement of sale, bids for the purchase of the Bonds to be issued in evidence of the City's obligation under the Loan Agreement were received and canvassed on behalf of the City at the appointed time; and WHEREAS, upon final consideration of all bids, the bid of \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_ (the "Purchaser"), was the best, such bid proposing the lowest interest cost to the City; and

WHEREAS, it is now necessary to make final provision for the approval of the Loan Agreement and to authorize the issuance of the Bonds;

NOW, THEREFORE, Be It Resolved by the City Council of the City of North Liberty, Iowa, as follows:

Section 1. The form of agreement of sale of the Bonds with the Purchaser is hereby approved, and the Mayor and City Clerk are hereby authorized to accept and execute the same for and on behalf of the City.

Section 2. The City shall enter into the Loan Agreement with the Purchaser in substantially the form as has been placed on file with the City Council, providing for a loan to the City in the principal amount of \$4,595,000 for the purposes set forth in the preamble hereof.

The Mayor and City Clerk are hereby authorized and directed to sign the Loan Agreement on behalf of the City, and the Loan Agreement is hereby approved.

Section 3. The bid of the Purchaser referred to in the preamble hereof is hereby accepted, and the Bonds, in the aggregate principal amount of \$4,595,000, are hereby authorized to be issued in evidence of the City's obligations under the Loan Agreement. The Bonds shall be dated October 15, 2018, shall be issued in the denomination of \$5,000 each or any integral multiple thereof and shall mature on June 1 in each of the years, in the respective principal amounts, and bearing interest at the respective rates as follows:

	Principal	Interest Rate		Principal	Interest Rate
Year	<u>Amount</u>	<u>Per Annum</u>	<u>Year</u>	<u>Amount</u>	<u>Per Annum</u>
2020	\$335,000	%	2026	\$385,000	%
2021	\$345,000	%	2027	\$395,000	%
2022	\$350,000	%	2028	\$405,000	%
2023	\$360,000	%	2029	\$415,000	%
2024	\$365,000	%	2030	\$430,000	%
2025	\$375,000	%	2031	\$435,000	%

Section 4. Bankers Trust Company, Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the "Registrar" or the "Paying Agent." The City shall enter into an agreement (the "Registrar/Paying Agent Agreement") with the Registrar, in substantially the form as has been placed on file with the Council; the Mayor and City Clerk are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the City; and the Registrar/Paying Agent Agreement is hereby approved. The City reserves the right to optionally prepay part or all of the principal of the Bonds maturing in the years 2026 to 2031, inclusive, prior to and in any order of maturity on June 1, 2025, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

Accrued interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2019. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall be made to the registered owners appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

The Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk, and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable only upon the registration books of the City upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar

or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Notwithstanding anything above to the contrary, the Bonds shall be Section 5. issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the City will discontinue the book-entry system with DTC. If the City does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the City will register and deliver replacement Bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the City identifies a qualified securities depository to replace DTC, the City will register and deliver replacement Bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interests in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the City to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The City will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the City, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each

Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the City to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the City to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 6. The Bonds shall be in substantially the following form:

#### (Form of Bond)

#### UNITED STATES OF AMERICA STATE OF IOWA JOHNSON COUNTY CITY OF NORTH LIBERTY

#### **GENERAL OBLIGATION CORPORATE PURPOSE BOND, SERIES 2018A**

No	\$		
RATE	MATURITY DATE	BOND DATE	CUSIP
%	June 1,	October 15, 2018	

The City of North Liberty (the "City"), in Johnson County, State of Iowa, for value received, promises to pay on the maturity date of this Bond to

#### Cede & Co. New York, New York

or registered assigns, the principal sum of

#### THOUSAND DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of Bankers Trust Company, Des Moines, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing June 1, 2019, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond is payable to the registered owner appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid to the registered owner at the address shown on such registration books. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation Corporate Purpose Bonds, Series 2018A (the "Bonds") issued by the City to evidence its obligation under a certain loan agreement, dated as of October 15, 2018 (the "Loan Agreement"), entered into by the City for the purpose of paying the cost, to that extent, of constructing street improvements and incidental sidewalk, storm water drainage and water system improvements; installing street lighting and signalization improvements; constructing and installing parking, drainage and landscaping improvements at an existing municipal park; and constructing improvements for the restoration of Ranshaw House.

The Bonds are issued pursuant to and in strict compliance with the provisions of Chapters 76 and 384 of the Code of Iowa, 2017, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the City Council, adopted on September 25, 2018, authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Bonds (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The City reserves the right to optionally prepay part or all of the principal of the Bonds maturing in the years 2026 to 2031, inclusive, prior to and in any order of maturity on June 1, 2025, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the City, including this Bond, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the City of North Liberty, Iowa, by its City Council, has caused this Bond to be executed with the duly authorized facsimile signature of its Mayor and attested with the duly authorized facsimile signature of its City Clerk, as of October 15, 2018.

CITY OF NORTH LIBERTY, IOWA

By <u>(DO NOT SIGN)</u> Mayor

Attest:

(DO NOT SIGN)

City Clerk

#### Registration Date: (<u>Registration Date</u>)

#### REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Resolution.

BANKERS TRUST COMPANY Des Moines, Iowa Registrar

By <u>(Authorized Signature)</u> Authorized Officer

#### ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

UTMA

As Custodian for

TEN ENT JT TEN as tenants by the entiretiesas joint tenants with right of

in common

survivorship and not as tenants

(Custodian)

(Minor)

under Uniform Transfers to Minors Act

(State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint \_\_\_\_\_\_, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: \_\_\_\_\_

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever. Section 7. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible, and thereupon they shall be delivered to the Registrar for registration, authentication and delivery to or on behalf of the Purchaser, upon receipt of the loan proceeds (the "Loan Proceeds"), and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects.

A portion of the Loan Proceeds (\$\_\_\_\_) shall be retained by the Purchaser as the underwriter's discount.

The Loan Proceeds received as capitalized interest proceeds (\$\_\_\_\_) shall be deposited into the Debt Service Fund for payment of interest on the Bonds as the same becomes due.

A portion of the Loan Proceeds (\$\_\_\_\_\_) (the "Project Proceeds"), plus the additional proceeds (\$\_\_\_\_\_) received from the sale of the Bonds, shall be deposited in a dedicated fund (the "Project Fund"), which is hereby created, to be used for the payment of costs of the Projects and to the extent that Project Proceeds remain after the full payment of the costs of the Projects, such Proceeds, shall be transferred to the Debt Service Fund for the payment of interest on the Bonds.

The remainder of the Loan Proceeds (\$\_\_\_\_) (the "Cost of Issuance Proceeds"), received from the sale of the Bonds shall be deposited in the Project Fund, and shall be used for the payment of costs of issuance of the Bonds, and to the extent that Cost of Issuance Proceeds remain after the full payment of the costs of issuance of the Bonds, such Cost of Issuance Proceeds shall be transferred to the Debt Service Fund for the payment of interest on the Bonds.

The City shall keep a detailed and segregated accounting of the expenditure of, and investment earnings on, the Loan Proceeds to ensure compliance with the requirements of the Internal Revenue Code, as hereinafter defined.

Section 8. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2019, sufficient to produce the net annual sum of \$\_\_\_\_;

For collection in the fiscal year beginning July 1, 2020, sufficient to produce the net annual sum of \$\_\_\_\_;

For collection in the fiscal year beginning July 1, 2021, sufficient to produce the net annual sum of \$\_\_\_\_;

For collection in the fiscal year beginning July 1, 2022, sufficient to produce the net annual sum of \$\_\_\_\_;

For collection in the fiscal year beginning July 1, 2023, sufficient to produce the net annual sum of \$; For collection in the fiscal year beginning July 1, 2024, sufficient to produce the net annual sum of \$ For collection in the fiscal year beginning July 1, 2025, sufficient to produce the net annual sum of \$; For collection in the fiscal year beginning July 1, 2026, sufficient to produce the net annual sum of \$ For collection in the fiscal year beginning July 1, 2027, sufficient to produce the net annual sum of \$\_\_\_\_\_; For collection in the fiscal year beginning July 1, 2028, sufficient to produce the net annual sum of \$\_\_\_\_; For collection in the fiscal year beginning July 1, 2029, sufficient to produce the net annual sum of \$ : and For collection in the fiscal year beginning July 1, 2030, sufficient to produce the net annual sum of \$ .

Section 9. A certified copy of this resolution shall be filed with the County Auditor of Johnson County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Bonds remain outstanding and unpaid, any funds of the City which may lawfully be applied for such purpose may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 8 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the City's budget. Some of the Projects have been authorized as urban renewal projects to be undertaken in the North Liberty Urban Renewal Area. The City hereby reaffirms its intent to use tax increment revenues to pay some or all of the principal and interest on the Bonds related to such urban renewal projects.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 11. It is the intention of the City that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Bonds as "Qualified Tax Exempt Obligations" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 12. The Securities and Exchange Commission (the "SEC") has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule") that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for the bonds, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the bondholders to provide certain disclosure information to prescribed information repositories on a continuing basis or unless and to the extent the offering is exempt from the requirements of the Rule.

On the date of issuance and delivery of the Bonds, the City will execute and deliver a Continuing Disclosure Certificate pursuant to which the City will undertake to comply with the Rule. The City covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 13. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. This resolution shall be in full force and effect immediately upon its approval and adoption, as provided by law.

Passed and approved September 25, 2018.

Mayor

Attest:

City Clerk

#### **ATTESTATION CERTIFICATE**

STATE OF IOWA COUNTY OF JOHNSON SS: CITY OF NORTH LIBERTY

I, the undersigned, City Clerk of the City of North Liberty, do hereby certify that as such City Clerk I have in my possession or have access to the complete corporate records of the City and of its City Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the adoption of a resolution authorizing a Loan Agreement and providing for the sale and issuance of \$4,595,000 General Obligation Corporate Purpose Bonds, Series 2018A of the City evidencing the City's obligation under the Loan Agreement and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

I further certify that no appeal has been taken to the District Court from the decision of the City Council to enter into the Loan Agreement, to issue the Bonds or to levy taxes to pay the principal of and interest on the Bonds.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

City Clerk

#### **COUNTY FILING CERTIFICATE**

#### STATE OF IOWA

SS:

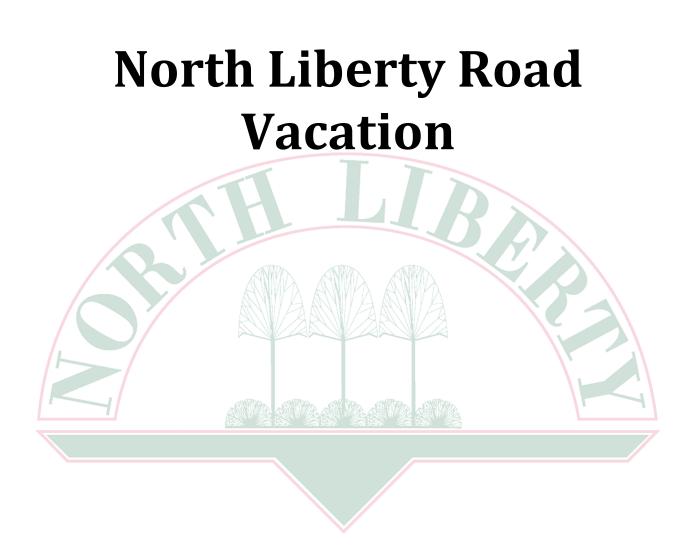
#### JOHNSON COUNTY

I, the undersigned, County Auditor of Johnson County, in the State of Iowa, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, the City Clerk of the City of North Liberty filed in my office a certified copy of a resolution of such City shown to have been adopted by the City Council and approved by the Mayor thereof on September 25, 2018, entitled: "Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation Corporate Purpose Bonds, Series 2018A, and providing for the levy of taxes to pay the same," and that I have duly placed a copy of the resolution on file in my records.

I further certify that the taxes provided for in that resolution will in due time, manner and season be entered on the State and County tax lists of this County for collection in the fiscal year beginning July 1, 2019, and subsequent years as provided in the resolution.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

County Auditor



#### Ordinance No. 2018-10

#### AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY IN NORTH LIBERTY, IOWA

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

**SECTION 1. PURPOSE.** The purpose of this ordinance is to vacate a portion of right of way as described on the attached plat and convey it to the adjoining property owner. Such vacation has been approved by the Planning and Zoning Commission.

**SECTION 2. FINDINGS.** The City Council of North Liberty, Iowa, hereby makes the following findings:

A. That the City of North Liberty held a public hearing on the proposal to vacate of the public land on the attached exhibits, which is comprised of right of way of the former North liberty Road.

B. The right of way described above is not needed for the use of the public, and, therefore, its maintenance at public expense is no longer justified.

C. The proposed vacation will not deny owners of property abutting it reasonable access to their property.

D. That under the provisions stated above, the above-described property is hereby vacated and declared no longer a part of the public streets and grounds of North Liberty, Iowa, upon the conveyance of the property.

**SECTION 3. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 11, 2018. Second reading on \_\_\_\_\_. Third and final reading on \_\_\_\_\_. **CITY OF NORTH LIBERTY:** 

TERRY L. DONAHUE, MAYOR

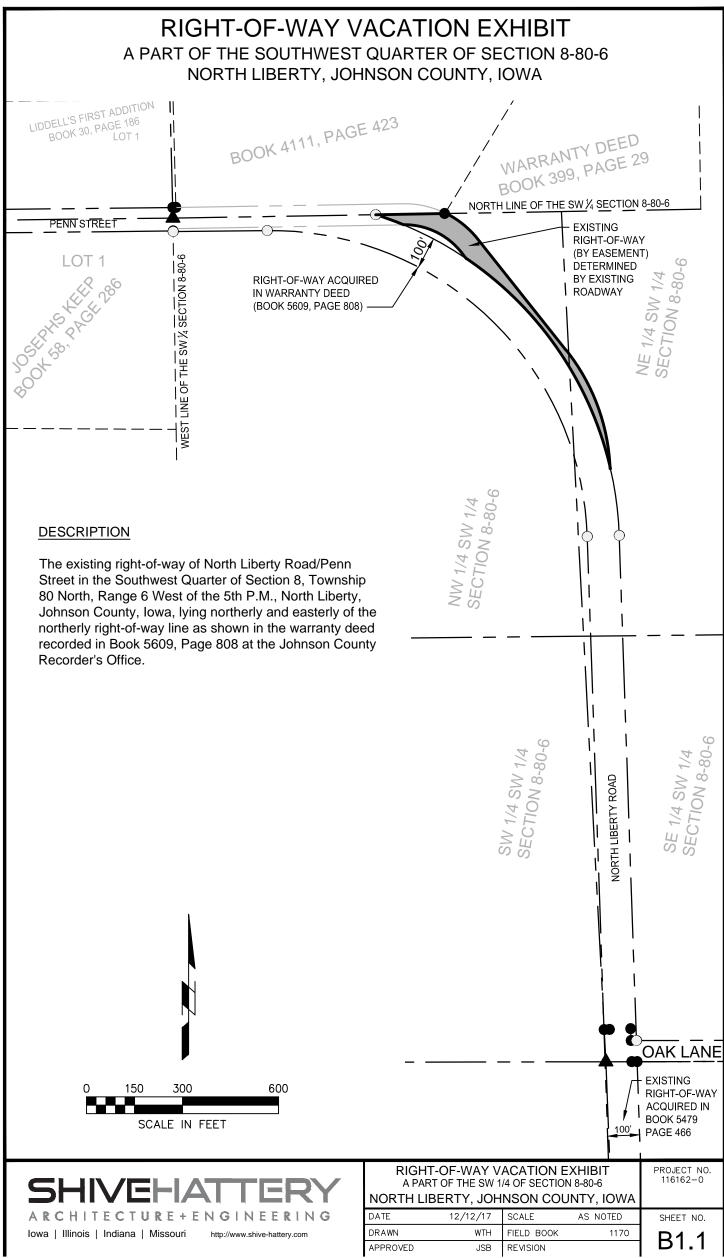
ATTEST:

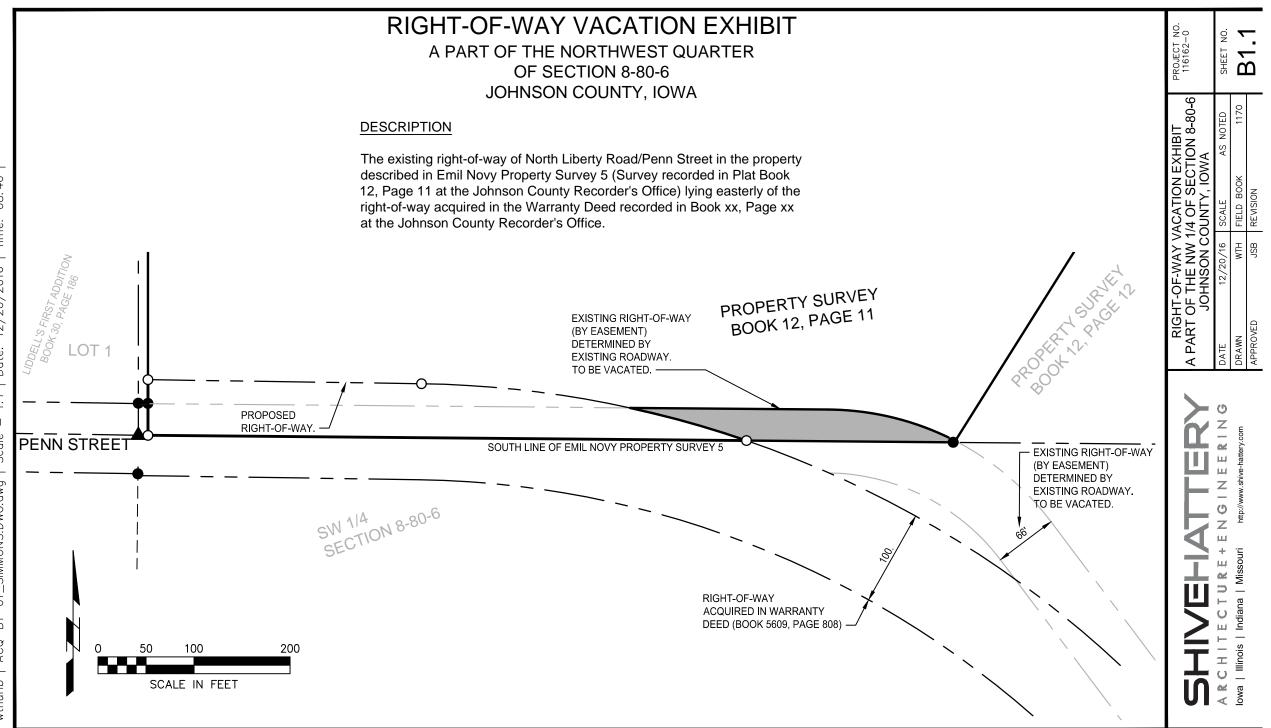
I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2018-10 in the *North Liberty Leader* on \_\_\_\_\_.

TRACEY MULCAHEY, CITY CLERK





#### Resolution No. 2018-130

### **RESOLUTION DISPOSING OF CERTAIN REAL ESTATE AND APPROVING ISSUANCE OF A DEED**

**WHEREAS,** pursuant to published notice, a public hearing was held on this date regarding the City's proposed disposition of the real estate described below;

**WHEREAS,** the City Council of the City of North Liberty, Iowa, has resolved to transfer its interest in the real estate described below, to Scanlon Family, LLC, and William Simmons, respectively, subject to the City of North Liberty's perpetual right of ingress and egress for the construction, replacement, operation, and maintenance of public utilities and other public improvements as determined appropriate by the City of North Liberty; and

**WHEREAS,** the transfers are part of an exchange of right-of-way, the consideration for which has already been received by the City, and the City Council has reviewed proposed warranty deeds that will transfer the City's interests in this property.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of North Liberty, Iowa, does hereby confirm the transfer of the following described real estate to Scanlon Family, LLC:

The existing right-of-way of North Liberty Road/Penn Street in the Southwest Quarter of Section 8, Township 80 North, Range 6 West of the 5th P.M., North Liberty, Johnson County, Iowa, lying northerly and easterly of the northerly right-of-way line as shown in the warranty deed recorded in Book 5609, Page 808 at the Johnson County Recorder's Office, excepting therefrom the vacated right-of-way located within Auditor's Parcel 2018060, as described in Plat Book 62, Page 125.

2. The City Council of the City of North Liberty, Iowa, does hereby confirm the transfer of the following described real estate to William Simmons:

The existing right-of-way of North Liberty Road/Penn Street in the property described in Emil Novy Property Survey 5 (Survey recorded in Plat Book 12, Page 11 at the Johnson County Recorder's Office) lying easterly of the right-of-way acquired in the Warranty Deed recorded in Book 5736, Page 835 at the Johnson County Recorder's Office; and

2. The proposed deeds are hereby approved and the Mayor and the City Clerk are directed to execute the deeds and deliver them to the transferees.

3. The Mayor and the City Clerk are also directed and authorized to execute any other normal and customary document related to the transfer of the property pursuant to this resolution.

#### APPROVED AND ADOPTED this 25th day of September, 2018

CITY OF NORTH LIBERTY:

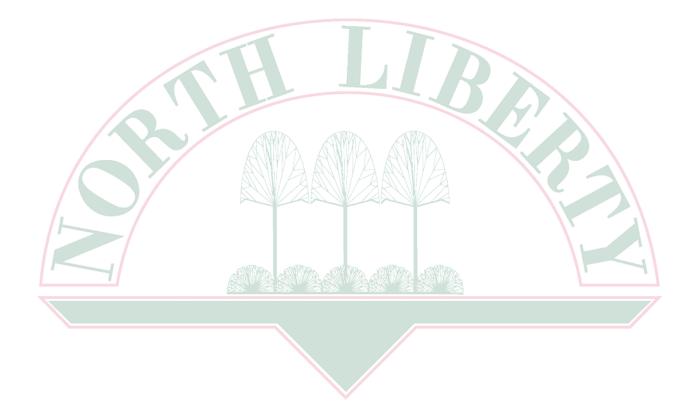
TERRY L. DONAHUE, MAYOR

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

### **Mowing Assessment**



#### Resolution No. 2018-131

#### **RESOLUTION ASSESSING DELINQUENT AMOUNTS OWED TO THE CITY OF NORTH LIBERTY, IOWA TO INDIVIDUAL PROPERTY TAXES**

**WHEREAS,** the following individuals have not paid the amounts listed below which are due and payable to the City of North Liberty, Iowa as follows:

<u>Name</u>	<u>Properties</u>	<u>Amount</u>	<b>Description</b>
JR Developers	0706277010	\$105.00	Mowing
1855 Alderwood Drive			

WHEREAS, diligent effort has been made to collect said amount; and

**WHEREAS,** under the terms of the Municipal Code of North Liberty, Iowa, this amount is delinquent and should be certified pursuant to said Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED THAT** that the City Clerk is hereby authorized and directed to certify to the Johnson County Treasurer the above and foregoing delinquent amount to the appropriate real property in North Liberty, Johnson County, Iowa, as hereinbefore described.

**APPROVED AND ADOPTED** this 25th day of September, 2018

CITY OF NORTH LIBERTY:

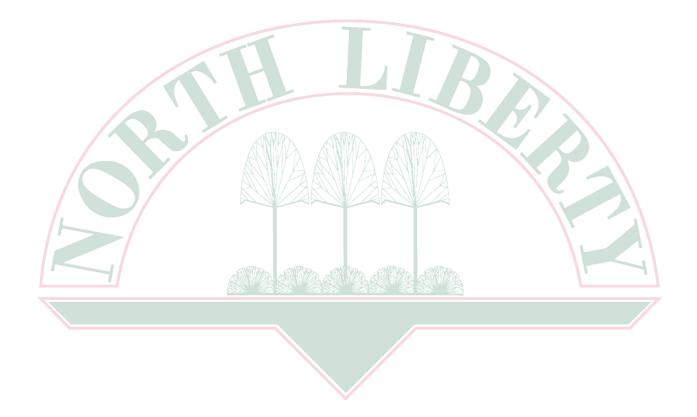
TERRY L. DONAHUE, MAYOR

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

## **Design Standards**



#### **Corridor Design Discussion Points**

#### **Corridors for Discussion**

- Penn, west corp limits to CRANDIC RR (commercial areas)
- Forevergreen, Jasper Rd west of I-380 to 965
- Kansas, Forevergreen Rd to St Andrews

#### **City ROW Potentials**

- Wider ROW
- ROW cross sections (urban-rural)
- Lighting upgrades
- Improvements such as seat walls, artwork
- Landscaping upgrades
- Speed limits
- City signage (welcome signs, street names, etc)

#### Site Plan Design Standards

- Modified setbacks, buildings and/or parking
- Lighting changes
- Landscaping plan upgrades
- Lot layout parking/building relationships
- Building design
  - o Height
  - o Materials
  - o Windows
  - o Orientation on the site
- Signage
- Pedestrianism

From:	Ryan Heiar		
То:	Annie Pollock; anniepollock4nl@gmail.com; Alert Chris Hoffman; Terry Donahue; Jennifer Goings; Jim Sayre;		
	<u>Sarah Madsen;</u> <u>Sarah Madsen (sarahemilymadsen@gmail.com)</u>		
Cc:	Dean Wheatley; Tracey Mulcahey		
Subject:	Design Standards/Master Planning for Penn, Ranshaw, Kansas & FGR Corridors		
Date: Wednesday, September 19, 2018 11:27:39 AM			
Attachments:	Corridor Design Discussion Points.docx		

Good morning,

At an upcoming meeting we will be asking the Council for direction and feedback regarding design standards and/or master planning for the above mentioned corridors within North Liberty. Below are some points that Councilor Sayre has previous provided to staff:

- Boulevard affect. (I have a vision I can show better than write about but some of the principals are below)
- Wide sidewalks on the North side of Penn as that's developed.
- Taller landscaping on both sides to define the edges and make a very bold statement
- No above ground utilities.
- Larger space between buildings and fewer strip-like commercial space
- Increased space between the sidewalk and development/ parking.
- No visible trash enclosures from Penn or Ranshaw
- Decorative, LED, lighting on both sides of Penn and remainder of Ranshaw
- Ability (infrastructure, etc.) to have a lit entryway to town via Penn (similar to the Coralville strip around Christmas)
- Creation of a green-belt park on the trail between Penn and 240th. (becoming an urban-like park).
- New, elegant, "North Liberty" welcome sign.
- No flashing/strobing/overwhelming commercial lights on Penn
- Nothing visible on rooftops.
- All sign designs to be submitted with the site plan and part of the site plan consideration.
- Require masonry on the entire east, west, and street facing sides. Also require it on the back if the business has vehicles access from the back of the building.
- What is the length of time a site plan is valid for? So if it's approved, how long do they have to start the project?

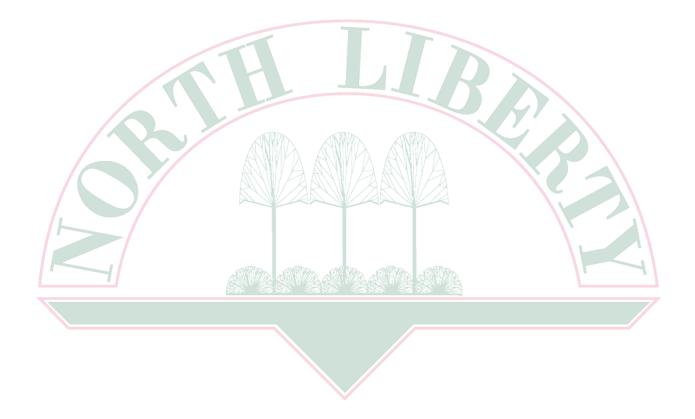
If you have other comments, ideas or suggestion of what you would like to see along these corridors, please email them to me this week. Also, if you have photos or images that further define your ideas, please share those. As we discuss this topic and understand what direction the majority of the group wants to head, we can determine what, if any, changes needed to be made to our codes, polices or plans, or if we need to complete more of a master planning project to address these issues.

For your reference, Dean has started making a list of general discussion points for this process based on comments heard thus far. Feel free to review and comment on those as well. Thanks, Ryan Heiar City Administrator City of North Liberty

319.626.5700 (P) 319.626.3288 (F)

www.northlibertyiowa.org

# **Additional Information**





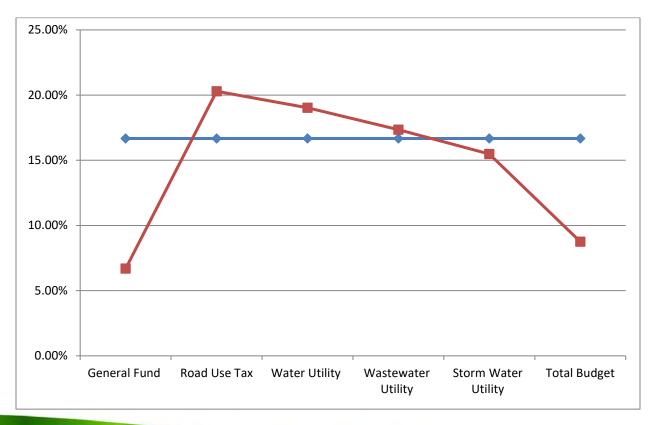
#### August Financial Report August 31, 2018

City staff are pleased to submit the unaudited monthly financial report for the month of August 2018. At the end of the month, the City was 16.67% through the budget year. Total revenues received for the month were \$2,628,840.35. Total expenditures for the month were \$6,153,312.63. The total cash balance as of August 31, 2018 was \$9,881,153.18.

The red line indicates the percentage where the budget area is and 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.

#### Revenues

The following chart demonstrates the condition of the City's budgeted revenues as of August 31, 2018:

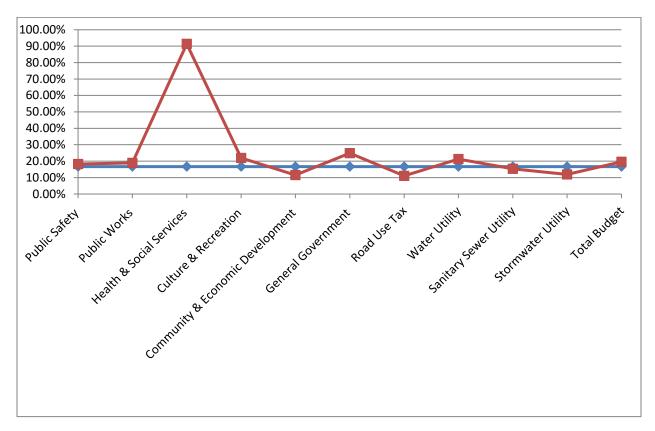


- This chart represents the historical view at the end of the month.
- The General Fund is below the budget projection at 6.69%. The first installment of property taxes, the primary funding source in this fund, will be received in October.
- Utility revenues are all on track.
- Overall revenues are below the 16.66% of the fiscal year principally due to property tax receipts being later in the fiscal year.

Overall revenues for the fiscal year are \$4,499,720.31, 8.76% of the budgeted amount.

#### Expenditures

The following chart demonstrates the condition of the City's budgeted expenditures as of August 31, 2018:



• Health and Social Services is the sole category exceeding the percentage of expenditures for the year to date. Most grants for social service programs were made in July.

Year to date total expenditures are \$10,122,343.69 or 19.6% of the projected budget amounts. This amount is right on par for the portion of the fiscal year completed.

#### **Treasurer's Report**

Following is the Treasurer's Report for August. 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 Hotel/Motel Tax, Library Capital, Fire Capital and others are incorporated into the General

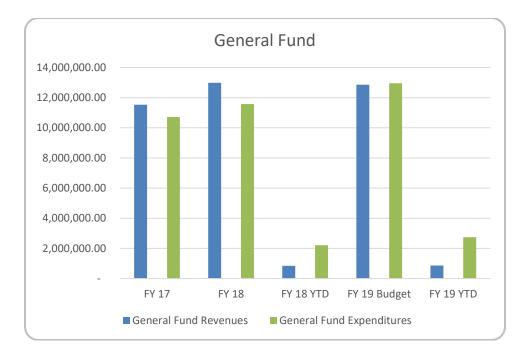
total. The General Fund for operating expenses has a fund balance of \$ 3,965,140.62. The other funds in the total shown here are obligated to specific departments or types of activities. The other funds are separated out to keep those funds obligated for future specific types of expenditures.

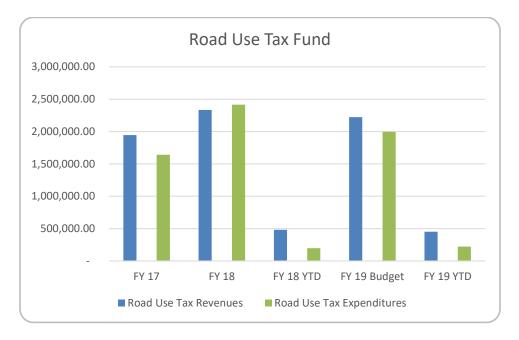
CITY OF NORTH LIBERTY				
TREASURER'S REPORT				
August 31, 2018				

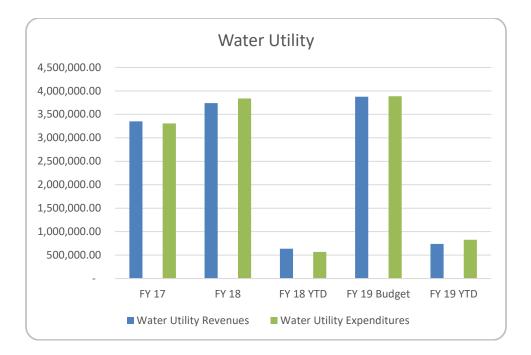
FUNDS	BALANCE FORWARD	REVENUE	EXPENSE	BALANCE ENDING
	08/01/2018			08/31/2018
GENERAL	7,374,403.22	458,674.37	2,022,713.83	5,810,363.76
SPECIAL REVENUE	2,969,698.48	279,409.66	132,250.52	3,116,857.62
DEBT SERVICE	264,717.08	875.61	0.00	265,592.69
CAPITAL PROJECTS	-6,453,415.39	433.32	2,299,842.19	-8,752,824.26
WATER ENTERPRISE	3,583,403.55	1,064,416.97	1,244,215.28	3,403,605.24
WASTEWATER ENTERPRISE	5,507,209.43	779,453.95	452,400.25	5,834,263.13
STORM WATER ENTERPRISE	202,702.49	17,379.01	16,786.50	203,295.00
TOTAL	13,448,718.86	2,600,642.89	6,168,208.57	9,881,153.18

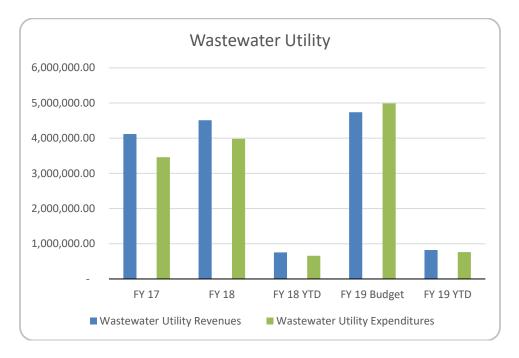
#### **Summary Charts**

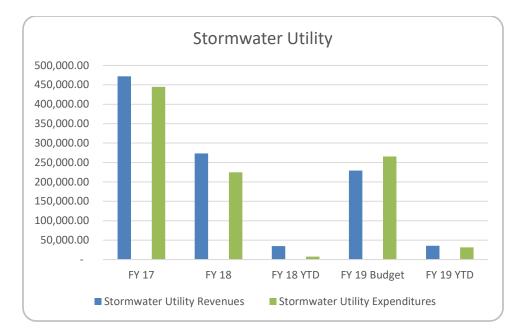
Following are comparison charts of revenues and expenditures for the past two fiscal years, the previous fiscal year to date, this fiscal year's budget and this fiscal year to date.











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