



**North Liberty City Council  
Regular Session  
March 14, 2023**



# **City Administrator Memo**



To **Mayor and City Council**  
From **Ryan Heiar, City Administrator**  
Date **March 10, 2023**  
Re **City Council Agenda March 14, 2023**

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### Consent Agenda

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

- City Council Minutes (02/28/23)
- Claims
- Liquor License Renewal, Jalapeno Restaurant
- Pay Application #2, City Hall Project, City Construction, \$787,848.52

### Meetings & Events

Tuesday, March 14 at 6:30p.m.  
City Council

Monday, Mar 20 at 6:30p.m.  
Library Board of Trustees

Tuesday, March 28 at 6:30p.m.  
City Council

### North Ridge Preliminary Plat

This preliminary plat request – southeast corner of North Liberty Road and Oak Lane NE – would facilitate development of the property with 37 single-unit residence lots, related infrastructure and would accommodate the existing Alt/Wein Cemetery. Notably, the use of Oak Lane NE for three of the residential lots would require a variation from the Subdivision Ordinance, which may be granted with approval of the subdivision. A good neighbor meeting was held on June 15 for the rezoning and preliminary plat.

Approximately eleven people the meeting and expressed concerns pertaining to the use of Oak Lane NE (which will remain private and in unincorporated Johnson County), stormwater runoff and erosion control and the removal of trees to accommodate the development. Much of the written background material pertains to these concerns. Recently, a written agreement between the property owner and the Fjords North Homeowners' Association was executed, which addressed raised concerns. Staff is appreciative that both parties worked in good faith to come to agreement. The Planning Commission unanimously recommended approval of the preliminary plat at its March 7 meeting. Staff recommends approval as well.

### Animal Ordinance, Second Reading

The City overhauled its Animal Control Ordinance in 2019 to allow for more flexibility in how animal control issues are resolved. Those changes allowed for the declaration of dogs as potentially dangerous or dangerous, and for owners of those animals to demonstrate their ability to safely house the animals in lieu of impoundment. The 2019 ordinance has been largely successful, but certain provisions for impoundment have proven confusing, or even contradictory. The proposed amendment seeks to correct

those inconsistencies by making uniform the procedures surrounding the seizure, impoundment, and redemption of such animals. It also expands the licensing exemption for service animals, specifies secure leashing methods for potentially dangerous animals, and carves out procedural protections for animals subject to neglect or mistreatment. Staff recommends approval.



# **Agenda**



**CITY COUNCIL**

March 14, 2023

6:30 p.m.

Regular Session

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, February 28, 2023
  - B. Claims
  - C. Liquor License Renewal, Jalapeno
  - D. City Hall Project, City Construction, Pay Application Number 2, \$787,848.52
5. Public Comment
6. Engineer Report
7. City Administrator Report
8. Mayor Report
9. Council Reports
10. North Ridge Preliminary Plat
  - A. Staff and Planning Commission recommendations
  - B. Applicant presentation
  - C. Resolution Number 2023-23, A Resolution approving the Preliminary Plat for North Ridge – Part 2 & 3, North Liberty, Iowa
11. Animal Ordinance Amendment
  - A. Second consideration of Ordinance Number 2023-04, An Ordinance amending Chapters 55, 56, and 57 of the Code of Ordinances of the City of North Liberty, Iowa, concerning procedures for impoundment and redemption of impounded animals, compliance requirements for dangerous dogs, and licensure of service animals
12. Old Business

13. New Business

14. Adjournment



# **Consent Agenda**





**City Council**  
February 28, 2023  
Regular Session

**Call to order**

Mayor Pro Tem Brian Wayson called the February 28, 2023, Regular Session of the North Liberty City Council to order at 6:30 p.m. in the Council Chambers, 1 Quail Creek Circle. Councilors present: Ashley Bermel, RaQuishia Harrington, Ere Sittig, Brent Smith and Brian Wayson; absent: Mayor Chris Hoffman.

Others present: Ryan Heiar, Tracey Mulcahey, Grant Lientz, Ryan Rusnak, Kevin Trom, Charlie Cowell, Paula Mitchell, and other interested parties.

**Approval of the Agenda**

Bermel moved; Harrington seconded to approve the agenda as amended with the striking of "second (and final)" from item number 18. The vote was all ayes. Agenda approved.

**Consent Agenda**

Heiar provided information on the Police Department Project. Smith moved, Sittig seconded to approve the Consent Agenda including the City Council Minutes, Regular Session, February 14, 2023; Police Department Project, Pay Application Number 18, Tricon General Construction, \$64,944.46; Police Department Project, Pay Application Number 19 (Retainage), Tricon General Construction, \$245,868.75; Project Approval and Acceptance of the Police Department Project; Ranshaw Way Phase 5 Project, Change Order Number 14, Peterson Contractors, Inc., \$4,341.55; and Ranshaw Way Phase 5 Project, Pay Application Number 25, Peterson Contractors, Inc., \$11,113.00. The vote was all ayes. Consent Agenda approved.

**Public Comment**

No public comments were offered.

**City Engineer Report**

City Engineer Trom reported that the steel has arrived for the City Hall project. The contractor is continuing with the steel erection. The contractor is planning on site work starting in March. The Ranshaw Way paved shoulder project final plans have been completed. The final staff review was Monday. The project will be awarded at the first meeting in April with substantial completion at the end of June. The Penn Meadows Park North Parking Lot Project design kick off meeting was held with staff. The project has a tight schedule so that contractors can begin work right after July 4.

**City Administrator Report**

City Administrator Heiar reported on the FY 24 budget process. Information will be brought to Council at the March 28 meeting. The adoption deadline is now April 30. Heiar provided an update on current legislation in the State Legislature. He encouraged councilors to pay attention to what

is going on at the state level. Staff will continue to update council as information comes available. Council discussed the report with Heiar.

### **Mayor Report**

Councilor Harrington proclaimed International Women's Day and Women's History Month. Barbara Eckstein, President of the Johnson County United Nations of America, was present and offered additional information on the proclamation.

### **Council Reports**

Councilor Smith reported that the Sip and Stroll is Thursday, March 2 from 6 – 8 p.m. Councilor Wayson attended the Heartlanders game on North Liberty night.

### **Comprehensive Plan**

Ryan Rusnak and Charlie Cowell from RDG Planning and Design presented the comprehensive plan. Rusnak reported that the Planning Commission recommended approval with no conditions. Sittig moved, Harrington seconded to approve Resolution Number 2023-19, A Resolution adopting the 2022 North Liberty Comprehensive Plan – Connected to Tomorrow. After discussion, the vote was: ayes – Sittig, Bermel, Smith, Wayson, Harrington; nays – none. Motion carried.

### **Housing Rehabilitation Grant**

Mayor Pro Tem Wayson opened the public hearing regarding Status of Funded Activities for the City's owner-occupied housing rehabilitation grant at 7:08 p.m. Paula Mitchell from ECICOG reported the purpose of this hearing is to consider the status of funded activities for the Housing Rehabilitation Program for North Liberty, Iowa, as assisted by the Community Development Block Grant (CDBG) Program (Contract #21-HSG-014)

As required for this hearing, it is noted that:

- a. For a general description of accomplishments to-date, **a CDBG Housing contract in the amount of \$207,495 was awarded to the City of North Liberty from the Iowa Economic Development Authority with a release of funds issued on February 7, 2022.**
- b. For a summary of expenditures to-date, through January 31, 2023, **a total of \$119,722.70 has been invoiced; \$95,500.00 for construction, and \$24,222.70 for grant administration and technical services. Construction items included but were not limited to the replacement of roofs, gutters, siding, windows, doors, and steps, as well as lead hazard reduction items.**
- c. For a general description of remaining work, **4 properties have been rehabilitated to date, and 1 property has a contractor identified and a pre-construction conference is being scheduled. A completion date is anticipated for June 30, 2023.**
- d. For a general description of changes made to the project budget, performance targets, activity schedules, project scope, location, objectives, or beneficiaries, **No changes or amendments have been made at this time.**

No additional oral or written comments were received. The public hearing was closed at 7:10 p.m.

### **The Preserve Part Two B**

Harrington moved, Smith seconded to approve Resolution Number 2023-20, A Resolution approving the Water Service Easement Agreement for The Preserve – Part Two B, North Liberty, Iowa. After discussion, the vote was: ayes - Harrington, Smith, Sittig, Bermel, Wayson; nays -none. Motion carried.

### **Assessment Resolution**

Sittig moved, Harrington seconded to approve Resolution Number 2023-21, A Resolution assessing delinquent amounts owed to the City of North Liberty, Iowa to individual property taxes. After discussion, the vote was: ayes – Wayson, Harrington, Smith, Sittig, Bermel; nays – none. Motion carried.

### **Service Truck Disposal**

Smith moved, Sittig seconded to approve Resolution Number 2023-22, A Resolution approving the Vehicle Purchase Agreement between the City of North Liberty and Bowker Pinnacle Mechanical LLC. After discussion, the vote was: ayes – Smith, Harrington, Bermel, Sittig, Wayson; nays – none. Motion carried.

### **Animal Ordinance Amendment**

Mayor Pro Tem Wayson opened the public hearing regarding proposed amendments to the Animal Ordinance at 7:13 p.m. No oral or written comments were received. The public hearing was closed at 7:14 p.m.

Bermel moved, Harrington seconded to approve the first consideration of Ordinance Number 2023-04, An Ordinance amending Chapters 55, 56, and 57 of the Code of Ordinances of the City of North Liberty, Iowa, concerning procedures for impoundment and redemption of impounded animals, compliance requirements for dangerous dogs, and licensure of service animals. After discussion, the vote was: ayes – Bermel, Harrington, Wayson, Sittig, Smith; nays – none. Motion carried.

### **Physician's Building Group Zoning Map Amendment**

Harrington moved, Sittig seconded to approve the third consideration and adoption of Ordinance Number 2023-01, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from O/RP Office and Research Park District to C-3 Higher Intensity Commercial District. The vote was: ayes – Bermel, Smith, Wayson, Harrington, Sittig; nays – none. Motion carried.

### **Zoning Ordinance Amendment**

Sittig moved, Bermel seconded to approve the third consideration and adoption of Ordinance Number 2023-02, An Ordinance amending Chapter 180: Subdivision Ordinance, Chapter 165: Zoning Code – Administration, and Chapter 173: Zoning Code – Sign Regulations, of the Municipal Code of the City of North Liberty, Iowa. The vote was: ayes – Smith, Sittig, Harrington, Wayson, Bermel; nays – none. Motion carried.

**Zoning Ordinance - Moratorium**

Sittig moved, Harrington seconded to waive the requirement for consideration at three meetings prior to final action. After discussion, the vote was: ayes – Bermel, Sittig, Wayson, Harrington, Smith; nays – none. Motion carried.

Sittig moved, Smith seconded to approve the consideration of Ordinance Number 2023-03, An Ordinance amending Chapter 165 of the City Code (Zoning Code – Administrative) by narrowing certain compliance requirements within the existing site plan application and review moratorium. The vote was: ayes – Bermel, Smith, Wayson, Harrington, Sittig; nays – none. Motion carried.

**Old Business**

Councilor Smith spoke regarding the hiring under SAFER grant and the new employees being trained in the new positions.

**New Business**

Councilor Wayson spoke regarding the Sip and Stroll and Pizza with Politicians are both on Thursday.

**Adjournment**

Harrington moved; Smith seconded to adjourn at 7:23 p.m. The vote was all ayes. Meeting adjourned.

**CITY OF NORTH LIBERTY**

By: \_\_\_\_\_  
Brian Wayson, Mayor Pro Tem

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



## North Liberty Police Department

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340 N Main St•PO Box 77•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

February 15, 2023

Liquor License Check

Business: Jalapeno Mexican Restaurant  
40 Sugar Creek Ln  
North Liberty, IA 52317

Owners: Alexander Perez (DOB: 1985)

The North Liberty Police Department does not have any documented contacts with the owner(s) or premise in conflict with their liquor license.

I recommend the license be granted.

This record check was conducted by Sergeant Mitch Seymour.





State of Iowa ABD approval statement from the following county department

**Legal Name of Applicant:** \_\_\_\_\_

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

**Address of Business:** \_\_\_\_\_

**Business Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**State of Iowa ABD License #:** \_\_\_\_\_

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**Johnson County Health Department:**

The above referenced business possesses a valid Johnson County Public Health food license.

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

# North Liberty Fire Department

Occupancy: **Jalapeno Mexican Restaurant**  
Occupancy ID: **ALJR01**  
Address: **40 Sugar Creek LN Apt/Suite #5/6**  
**North Liberty IA 52317**

Inspection Type: **Liquor License Inspection**

Inspection Date: **2/27/2023** By: Humston, Tina (01-2406)

Time In: **15:34** Time Out: **16:00**

Authorized Date: **03/01/2023** By: Hardin, Bryan E (01-1022)

Next Inspection Date: **No Inspection Scheduled**



Form: General Fire  
Inspection Checklist 1.3

## 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:

### Site

#### Knox Box - Keys Current

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or re-keyed. The key to such lock shall be secured in the key box. 506.1 An approved key box shall be installed in accordance to the City of North Liberty Ordinance 15.34, Key Lock Box.

**Status: FAIL**

**Notes: Key in Knox box incorrect. Provide updated key to fire department.**

## Fire Extinguishers

#### Fire Extinguisher Mounted on a Bracket or in a Cabinet

906.7 Hangers and brackets. Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

**Status: FAIL**

**Notes: Older extinguisher not mounted, needs to be removed altogether.**



## Electrical Rooms / Electrical Wiring

### 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:** Outlet cover plate needed.



### 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:** Extension cord/multi plug adaptor to small freezer, needs to be a surge protector.





## Kitchen Hood System

### Cooking Equipment with Casters Have Approved Flexible Gas Connector

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:** Flexible gas connector not being used. Attach to back of cooking equipment.



### 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:** No casters on the floor for cooking appliances. Back two caster wheels for each cooking appliance is required to have floor mounted restraining device.

## Combustible, General & Outside Storage

No Combustible Storage in Boiler Rooms, Mechanical Rooms, Electrical Equipment Rooms or in Fire Command Centers

315.3.3 Equipment rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms or in fire command centers as specified in Section 508.1.5.

**Status:** FAIL

**Notes:** Combustible storage around mechanical equipment. 36" clearance required.



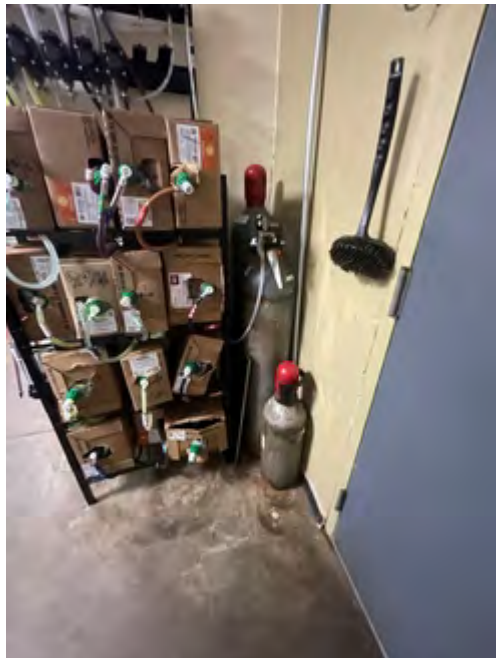
## Compressed Gas Cylinders / LPG

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:** Compressed gas cylinders not chained or secured.



**Additional Time Spent on Inspection:**

Category	Start Date / Time	End Date / Time
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**Notes:** No Additional time recorded

**Total Additional Time: 0 minutes**

**Inspection Time: 26 minutes**

**Total Time: 26 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: Humston, Tina  
Rank: Captain  
Work Phone(s): None on file  
Email(s): thumston@northlibertyiowa.org  
Humston, Tina:



Signed on: 02/27/2023 16:50

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Representative Signature:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPLICATION AND CERTIFICATION FOR PAYMENT**

AIA DOCUMENT G702

PAGE 1 OF 5 PAGES

TO OWNER:  
 City of North Liberty  
 3 Quail Creek Circle  
 North Liberty, IA 52317  
 FROM CONTRACTOR:  
 City Construction  
 2346 Mormon Trek Blvd. Suite 2500  
 Iowa City, IA 52246

PROJECT:  
 North Liberty City Hall  
 360 North Main Street  
 North Liberty, IA 52317  
 VIA ARCHITECT:  
 Shive-Hattery, Inc.  
 2839 Northgate Drive  
 Iowa City, IA 52245

APPLICATION NO: 2  
 PERIOD TO: 02/28/23  
 PROJECT NOS: 1207650 1-159  
 CONTRACT DATE: 09/14/22

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	<u>9,389,509.00</u>
2. Net change by Change Orders	\$	<u>0.00</u>
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	<u>9,389,509.00</u>
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	<u>1,561,279.23</u>
5. RETAINAGE:		
a. 5 % of Completed Work (Column D + E on G703)	\$	<u>59,929.58</u>
b. 5 % of Stored Material (Column F on G703)	\$	<u>18,134.38</u>
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	<u>78,063.96</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	<u>1,483,215.27</u>
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	<u>695,366.75</u>
8. CURRENT PAYMENT DUE	\$	<u>787,848.52</u>
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	<u>7,906,293.73</u>

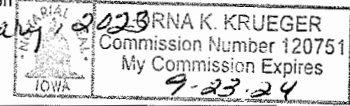
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
<b>TOTALS</b>	<b>\$0.00</b>	<b>\$0.00</b>
NET CHANGES by Change Order	\$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: City Construction

By: [Signature] Date: 2/28/23

State of: Iowa County of: Johnson  
 Subscribed and sworn to before me this 28<sup>th</sup> day of February, 2023  
 Notary Public [Signature]  
 My Commission expires: September 23, 2024



**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 787,848.52

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature] By: Natalie Oppedal, AIA Date: March 8, 2023

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



# **North Ridge**



March 7, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its March 7, 2023 meeting. The Planning Commission took the following action:

**Findings:**

1. The preliminary plat, which proposes residential development and park space, would consistency with the Comprehensive Plan Future Land Map designation, which are Urban Low Intensity and Parks, Open Space, respectively;
2. The preliminary plat warrants approval of a variation from the design standards regarding the use of a private street for a portion of the development in accordance with Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances (with variation granted), which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

**Recommendation:**

The Planning Commission accepted the three listed findings and forwards the request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Josey Bathke, Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **March 3, 2023**  
 Re **Request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.**

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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
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

**1. Request Summary:**

This Preliminary Subdivision Plat proposes 37 single-unit residence lots, related infrastructure and would accommodate the existing Alt/Wein Cemetery.

**2. Zoning:**

RS-4 Single-Unit Dwelling District.

RS-4 Single-Unit Residence District. The RS-4 District is intended to provide and maintain low-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-4 District.



### 3. Consistency with Comprehensive Plan:

Land Use Plan designation: Urban Low Intensity (ULI) and Parks and Open Space (P,OS).

#### *ULI Description*

An efficient, walkable pattern of lower-density development. Compared to denser areas, ULI has more space and separation of uses, with farther distances between destinations and fewer shared amenities. Low-intensity areas can include a horizontal mix of primarily residential and limited non-residential uses at compatible lower densities and scales.

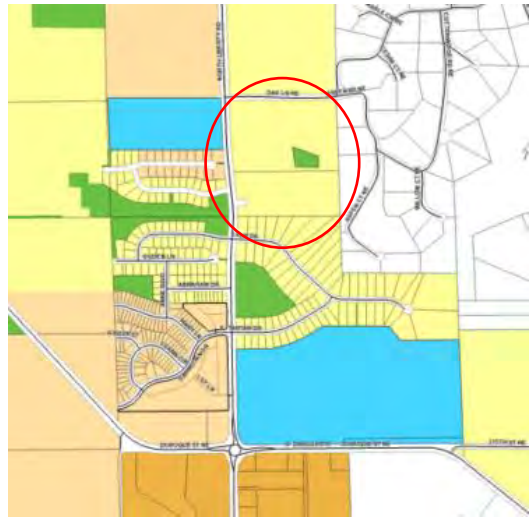
#### *Residential*

Emphasis on single-family detached and attached residential developments.

Attached housing projects may primarily be at transition areas between arterial or collector streets, small scale commercial uses, and higher intensity districts.

#### *Form and Features*

- » General aggregate development density of 3 to 8 units per acre. Lot sizes can vary within developments to provide different housing types.
- » A framework of streets and open space should create neighborhoods and multiple access points for all types of transportation.
- » Open spaces, streets, and trail connections integrate with the larger community.



#### *P,OS Description*

Some areas contain valuable environmental features that should not be developed or that would make good recreational spaces. Areas intended for parks can be developed with recreational features while open space areas are more appropriate for habitat preservation with only passive recreation uses.

#### *Form and Features*

- » Based around natural areas where wetlands, floodplains, and any other sensitive areas should be preserved. Development is limited to park areas.
- » Minimal site disturbance, green infrastructure, and stormwater management.
- » Development on the periphery should not remove trees or other natural landscaping to help retain natural filtering and protection from pollutants.
- » More intense recreation uses within parks, like sports complexes, should be treated like comparable commercial uses for the traffic and compatibility issues that they can generate.



#### 4. Public Input:

A good neighbor meeting was held on June 15, 2022. Approximately eleven people outside of City staff and the applicant attended the virtual meeting. There were some concerns expressed at the meeting. Concerns expressed pertained to the use of Oak Lane NE (which will remain private and in unincorporated Johnson County), stormwater runoff and erosion control and the removal of trees to accommodate the development. To date, staff has received four formal objections.

There has been considerable effort between the property owner and Fjords North Addition Homeowners' Association regarding an agreement pertaining to the use of Oak Lane NE and development matters. This agreement is dated January 23, 2023 and is attached in the background material.

#### 5. Approval Standards:

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

3. *Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*

A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*

(1) *A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;*

**This has been provided on the Preliminary Plat.**

(2) *Name of proposed subdivision and date;*

**This has been provided on the Preliminary Plat.**

(3) *Legal description and acreage;*

**This has been provided on the Preliminary Plat.**

(4) *Name and address of owner;*

**This has been provided on the Preliminary Plat.**

(5) *Names of the persons preparing the plat, owner's attorney, representative or agent, if any;*

**This has been provided on the Preliminary Plat.**

(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;

**Staff is not requiring this information on the Preliminary Plat.**

(7) North point and graphic scale;

**This has been provided on the Preliminary Plat.**

(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);

**This has been provided on the Preliminary Plat.**

(9) Building setback lines as required by the current or proposed zoning district classifications;

**This has been provided on the Preliminary Plat.**

(10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;

**This has been provided on the Preliminary Plat.**

(11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;

**This has been provided on the Preliminary Plat.**

(12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;

**This has been provided on the Preliminary Plat.**

(13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;

**This has been provided on the Preliminary Plat.**

(14) Grades of proposed streets and alleys;

**This has been provided on the Preliminary Plat.**

(15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;

**This has been provided on the Preliminary Plat.**

(16) The layout of proposed water mains and sanitary sewer systems;

**This has been provided on the Preliminary Plat.**

(17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;

**This has been provided on the Preliminary Plat.**

*(18) Stormwater management facilities when applicable;*  
**This has been provided on the Preliminary Plat.**

*(19) A signed certificate of the Johnson County Auditor for the subdivision name;*  
**This information has been provided.**

*(20) Other special details or features that may be proposed or required.*  
**None required.**

#### **6. Additional Considerations:**

The northern parcel and the Alt/Wein Cemetery property were recently annexed into the corporate limits of North Liberty. The following is from the Find a Grave website:

*The first burial in the Alt/Wein Cemetery was on Nov 15 1842, Louisa, dau of Alonzo and Maria Denison. The people buried in this cemetery are pioneer settlers of Penn Twp. Based on the stones in the cemetery, thirty were buried before the end of the Civil War, fourteen before the end of the century and three at the beginning of the 20th Century. No more burials were allowed after 1920. Two Civil War Veterans are buried there. On Apr 3 1922, the trustees of Penn Twp accepted a quit claim deed from the Alts for the cemetery and agreed to maintain it. The cemetery is east of a gravel road. Currently one must access the cemetery through a cow pasture. Access can only be made with permission of the pasture owner who lives on a farm on the other side of the road.*

The Scanlon Family, LLC has been working with The Trustees of Penn Township about developing in a sensitive manner around the cemetery.

There are two drainage courses through the property. The direction of the drainage flow is show in red on the map below. The area in green are the two high points of the property.



Oak Lane NE is a private access to the Fjords North Subdivision and is planned to remain in unincorporated Johnson County. Scanlon Family, LLC owns the land in the location Oak Lane NE with an easement granted for access to the Fjords Subdivision. Scanlon Family, LLC retains the right to access their property. Three of the lots in the proposed subdivision would have access to Oak Lane NE only. This necessitates a variation of the Subdivision Ordinance.

In early discussions, City staff had indicated that perhaps these properties could remain in unincorporated Johnson County. However, County staff correctly noted that the adopted Fringe Area Agreement between the City and the County showed this property as being part of the City of North Liberty.

#### Section 180.12(3)(A)

A. Streets and Driveways. When a drive provides the frontage for one or more lots as required in the Zoning Ordinance, that drive shall be designated as a street and shall meet all design and construction regulations for streets contained in this ordinance and in the City's construction design standards.

#### Section 180(8)(A)

A. Private streets in single family residential areas are not allowed.

This is a rare circumstance where staff agrees that a variation from the design standards is warranted.

Section 180.08 of the North Liberty Code of Ordinances sets forth the criteria for approving variations (Ordinance language in *italics* and staff analysis in **bold**).

1. *Upon recommendation of the Planning Commission or on its own motion, the City Council may vary, modify or waive requirements of this ordinance; however, no such action shall be taken by the Council unless affirmative findings are made for each of the applicable following criteria:*
  - A. *Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size, exceptional topographical features, or other extraordinary conditions peculiar to and inherent in the subject property that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.*

**It is staff's opinion that the property is irregular with an existing private roadway on the north and drainage courses running through the property.**

- B. *Not Exclusively for Financial Gain. The purpose of the variation is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variation.*

**It is staff's opinion that the variation is not exclusively for financial gain. In theory, a bridge could be constructed, but that would be cost prohibitive. The other option is to completely reconstruct Oak Lane NE to City standards for the benefit of three properties in the City and several properties in unincorporated Johnson County. If a public street, the City would be responsible for maintenance and snow removal.**



C. *Unique Circumstances Not Self-Created.* The unique or special condition referenced above either existed at the time of the enactment of the provisions of this ordinance that affect it, or was the result of government action, other than adoption of this ordinance, for which no compensation was paid, and which has not been created by any persons presently having an interest in the property.

**This is a natural feature of the property was not self-created.**

D. *Substantial Rights Denied.* Carrying out the strict letter of the provisions of this ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

**It is staff's opinion that requiring these three lots to have access on a public street would render this portion of the property unbuildable.**

E. *Not Special Privilege.* The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

**It is staff's opinion that no special privilege would be granted by this variation.**

F. *Not Detrimental.* Granting the variation will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; nor will it materially impair an adequate supply of light and air to adjacent properties; substantially increase congestion in the public streets; increase the danger of flood or fire; endanger the public safety; or substantially diminish or impair property values in the vicinity.

**It is staff's opinion that granting the variation would not be detrimental to the area.**

G. *No Other Remedy.* There are no means other than the requested variation by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

**It is staff's opinion that any alternative is cost prohibitive. Therefore, it is staff's opinion that there is no other remedy.**

2. City Council Action. The City Council shall note approval of any variation as provided in this section in the resolution approving the final subdivision plat.

## **7. Staff Recommendation:**

### **Findings:**

1. The preliminary plat, which proposes residential development and park space, would consistency with the Comprehensive Plan Future Land Map designation, which are Urban Low Intensity and Parks, Open Space, respectively;
2. The preliminary plat warrants approval of a variation from the design standards regarding the use of a private street for a portion of the development in accordance with Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances (with variation granted), which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

### **Recommendation:**

Staff recommends the Planning Commission accept the three listed findings and forward the request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres to the City Council with a recommendation for approval.

### **Suggested motion:**

I move that the Planning Commission accept the three listed findings and forward the preliminary plat to the City Council with a recommendation for approval.

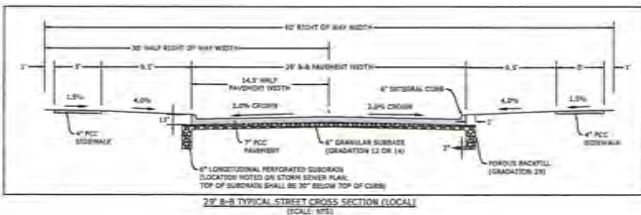
PRELIMINARY PLAT  
FOR  
NORTH RIDGE - PART 2 & 3

IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

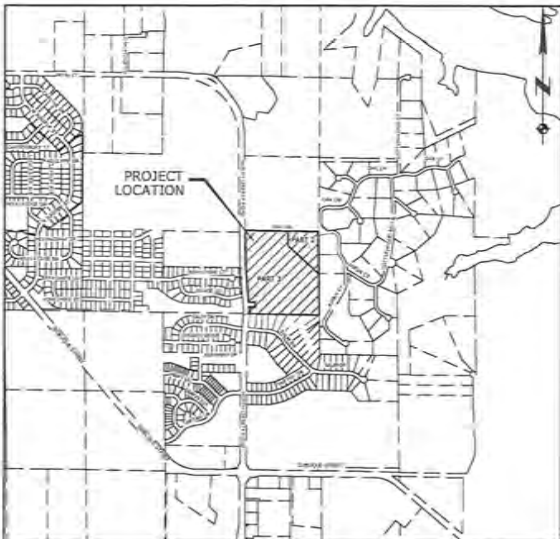
**UTILITY AND EMERGENCY TELEPHONE NUMBERS**

CITY OF NORTH LIBERTY, IOWA

PLANNING DEPARTMENT	(319)-626-5743
POLICE DEPARTMENT	(319)-356-8890
EMERGENCY	911
FIRE DEPARTMENT	(319)-356-6800
EMERGENCY	911
WATER DEPARTMENT	(319)-626-5719
STREETS DEPARTMENT	(319)-626-5718
PARKS AND RECREATION	(319)-626-5729
IOWA ONE CALL (UTILITIES)	(800)-292-8989
MID-AMERICAN ENERGY	(800)-329-8261
INFORMATION	
REGACOM (CABLE TV)	(800)-255-4268
REGACOM (CABLE TV)	(800)-883-0145
SOUTHSLOPE (TELEPHONE / CABLE TV)	(319)-626-2211
LINX COUNTY REC	(800) 332-5430
WINDSTREAM	(800) 299-1901
CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY	(800)-283-1546
IOWA DEPARTMENT OF TRANSPORTATION	
DISTRICT ENGINEERS	(319)-364-0235
MAINTENANCE GARAGES	(319)-364-8188
JOHNSON COUNTY ENGINEERS	(319)-356-6046



LOCATION MAP  
(1"=1000')



**SHEET INDEX**

NO.	DESCRIPTION
01	COVER
02	PRELIMINARY PLAT GRADING PLAN

**LEGAL DESCRIPTION:**

GREENBELT TRAIL, LLC

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA.

EXCEPT

THAT PART OF SAID SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA, AS RECORDED IN BOOK 54, PAGE 333 IN THE OFFICE OF THE JOHNSON COUNTY, IOWA RECORDER.

AND

THE SOUTH 300 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA.

THE TRUSTEES OF FAWN TOWNSHIP (A/LT VEIN CENTER)

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA, THENCE SOUTH 89 DEGREES EAST 14 FEET TO A STONE, THENCE EAST 89 DEGREES TO A STONE, THENCE SOUTH 89 DEGREES TO A STONE, THENCE WEST 89 DEGREES TO A STONE, THENCE NORTH 89 DEGREES TO A STONE, THENCE NORTHWEST CORNER OF SAID LOT, THE SAID LAND TO BE USED FOR CEMETERY PURPOSES AND TO BE MAINTAINED AS SUCH.

**UTILITY LEGEND**

EXISTING	PROPOSED	EXISTING (CONTINUED)	PROPOSED
[Symbol] SANITARY SEWER	[Symbol] SANITARY SEWER	[Symbol] HORSESHOE CATCH BASIN	[Symbol] HORSESHOE CATCH BASIN
[Symbol] STORM SEWER	[Symbol] STORM SEWER	[Symbol] SIGN MARK	[Symbol] SIGN MARK
[Symbol] WATER MAIN	[Symbol] WATER MAIN	[Symbol] EXISTING END SECTION	[Symbol] EXISTING END SECTION
[Symbol] GAS	[Symbol] GAS	[Symbol] CLEARANCE, STORM OR SANITARY	[Symbol] CLEARANCE, STORM OR SANITARY
[Symbol] ELECTRIC OVERHEAD	[Symbol] ELECTRIC OVERHEAD	[Symbol] MANHOLE	[Symbol] MANHOLE
[Symbol] ELECTRIC UNDERGROUND	[Symbol] ELECTRIC UNDERGROUND	[Symbol] STREET LIGHT	[Symbol] STREET LIGHT
[Symbol] CABLE TV OVERHEAD	[Symbol] CABLE TV OVERHEAD	[Symbol] FIRE HYDRANT	[Symbol] FIRE HYDRANT
[Symbol] TELEPHONE OVERHEAD	[Symbol] TELEPHONE OVERHEAD	[Symbol] WATER VALVE	[Symbol] WATER VALVE
[Symbol] POWER OVERHEAD	[Symbol] POWER OVERHEAD	[Symbol] WATER SHUTOFF	[Symbol] WATER SHUTOFF
[Symbol] FIBER OPTIC UNDERGROUND	[Symbol] FIBER OPTIC UNDERGROUND	[Symbol] WATER BLOSSOM	[Symbol] WATER BLOSSOM
[Symbol] TELEPHONE UNDERGROUND	[Symbol] TELEPHONE UNDERGROUND	[Symbol] SURVEY CONTROL POINT AS NOTED	[Symbol] SURVEY CONTROL POINT AS NOTED
[Symbol] FENCE LINE	[Symbol] FENCE LINE		
[Symbol] CITY CORP. LIMITS	[Symbol] CITY CORP. LIMITS		
[Symbol] PROPERTY LINE	[Symbol] PROPERTY LINE		
[Symbol] EASEMENT	[Symbol] EASEMENT		
[Symbol] CITY CORPORATION LIMITS	[Symbol] CITY CORPORATION LIMITS		
[Symbol] CENTERLINE	[Symbol] CENTERLINE		
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[Symbol] LIGHT POLE MOUNT	[Symbol] LIGHT POLE MOUNT		
[Symbol] TELEPHONE HOLE	[Symbol] TELEPHONE HOLE		
[Symbol] POWER POLE	[Symbol] POWER POLE		
[Symbol] SIGN ARCH	[Symbol] SIGN ARCH		
[Symbol] SIGN ARCH	[Symbol] SIGN ARCH		
[Symbol] TELEPHONE FEEDSAIL	[Symbol] TELEPHONE FEEDSAIL		
[Symbol] TELEPHONE MANHOLE	[Symbol] TELEPHONE MANHOLE		
[Symbol] CABLE TV FEEDSAIL	[Symbol] CABLE TV FEEDSAIL		
[Symbol] UTILITY/CONDUIT, CASSETT	[Symbol] UTILITY/CONDUIT, CASSETT		
[Symbol] SANITARY MANHOLE	[Symbol] SANITARY MANHOLE		
[Symbol] STORM MANHOLE	[Symbol] STORM MANHOLE		
[Symbol] SERVICE ENTRY	[Symbol] SERVICE ENTRY		
[Symbol] RA-3 INTERLOCK	[Symbol] RA-3 INTERLOCK		
[Symbol] RA-4 INTERLOCK	[Symbol] RA-4 INTERLOCK		
[Symbol] RA-6 INTERLOCK	[Symbol] RA-6 INTERLOCK		

**UTILITY LEGEND (CONTINUED)**

EXISTING	PROPOSED	EXISTING	PROPOSED
[Symbol] HORSESHOE CATCH BASIN	[Symbol] HORSESHOE CATCH BASIN	[Symbol] SIGN MARK	[Symbol] SIGN MARK
[Symbol] SIGN MARK	[Symbol] SIGN MARK	[Symbol] EXISTING END SECTION	[Symbol] EXISTING END SECTION
[Symbol] EXISTING END SECTION	[Symbol] EXISTING END SECTION	[Symbol] CLEARANCE, STORM OR SANITARY	[Symbol] CLEARANCE, STORM OR SANITARY
[Symbol] CLEARANCE, STORM OR SANITARY	[Symbol] CLEARANCE, STORM OR SANITARY	[Symbol] MANHOLE	[Symbol] MANHOLE
[Symbol] MANHOLE	[Symbol] MANHOLE	[Symbol] STREET LIGHT	[Symbol] STREET LIGHT
[Symbol] STREET LIGHT	[Symbol] STREET LIGHT	[Symbol] FIRE HYDRANT	[Symbol] FIRE HYDRANT
[Symbol] FIRE HYDRANT	[Symbol] FIRE HYDRANT	[Symbol] WATER VALVE	[Symbol] WATER VALVE
[Symbol] WATER VALVE	[Symbol] WATER VALVE	[Symbol] WATER SHUTOFF	[Symbol] WATER SHUTOFF
[Symbol] WATER SHUTOFF	[Symbol] WATER SHUTOFF	[Symbol] WATER BLOSSOM	[Symbol] WATER BLOSSOM
[Symbol] WATER BLOSSOM	[Symbol] WATER BLOSSOM	[Symbol] SURVEY CONTROL POINT AS NOTED	[Symbol] SURVEY CONTROL POINT AS NOTED
[Symbol] SURVEY CONTROL POINT AS NOTED	[Symbol] SURVEY CONTROL POINT AS NOTED		

**SURVEY LEGEND**

EXISTING	PROPOSED
[Symbol] SET ... BEAR WICK PILE	[Symbol] SET ... BEAR WICK PILE
[Symbol] SET UP NAIL	[Symbol] SET UP NAIL
[Symbol] FOUND SURVEY INSTRUMENT AS NOTED	[Symbol] FOUND SURVEY INSTRUMENT AS NOTED
[Symbol] FOUND RIGHT OF WAY NAIL	[Symbol] FOUND RIGHT OF WAY NAIL
[Symbol] SECTION CORNER SET AS NOTED	[Symbol] SECTION CORNER SET AS NOTED
[Symbol] SECTION CORNER FOUND AS NOTED	[Symbol] SECTION CORNER FOUND AS NOTED
[Symbol] CITY "P" IN CONCRETE	[Symbol] CITY "P" IN CONCRETE
[Symbol] RECORDED AS NOTED	[Symbol] RECORDED AS NOTED
[Symbol] PLAT OR SURVEY BOUNDARY	[Symbol] PLAT OR SURVEY BOUNDARY
[Symbol] PLAT SET LINE	[Symbol] PLAT SET LINE
[Symbol] CENTERLINE	[Symbol] CENTERLINE
[Symbol] SECTION LINE	[Symbol] SECTION LINE
[Symbol] 1/4-3/4 SECTION LINE	[Symbol] 1/4-3/4 SECTION LINE
[Symbol] BUILDING SETBACK LINE	[Symbol] BUILDING SETBACK LINE

**NOTE:**  
THE PROPOSED IMPROVEMENTS INCLUDED IN THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE STATEWIDE LEASAS DESIGN AND SPECIFICATIONS MANUAL (SUDAS) AS NOTED WITH CITY OF NORTH LIBERTY SUPPLEMENTAL SPECIFICATIONS UNLESS OTHERWISE NOTED.

**BENCHMARKS:**  
CP#1 (SURVEY PT #100): N=7966366.33 E=70524853.83 EL=734.33 DESCRIPTION = CUT 'X' ON STORM INTAKE, SW CORNER OF SITE, WEST SIDE OF NORTH LIBERTY ROAD

CP#2 (SURVEY PT #104): N=7967803.73 E=2054774.63 EL=738.58 DESCRIPTION = CUT 'X' ON STORM INTAKE, NW CORNER OF WEST SIDE OF NORTH LIBERTY ROAD

STREET	CLASS	DESIGN SPEED	ROW WIDTH	PAVEMENT WIDTH	PAVEMENT THICKNESS
GRADE LANE	LOCAL	30 MPH	60'	24'	"F"
REVER BIRCH LANE	LOCAL	30 MPH	60'	24'	"F"

PLAT APPROVED BY THE CITY OF NORTH LIBERTY

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT INCLUDE SANITARY SEWER LINES, AND/OR STORM SEWER LINES, AND/OR WATER LINES. SEE CONSTRUCTION PLANS FOR DETAILS.

CITY FILE NUMBER: \_\_\_\_\_  
HALL & HALL ENGINEERS PROJECT NUMBER: 2024-0182

THIS IS A CHANGED LICENSE. SOME ITEMS MAY NOT APPEAR ON DRAWINGS.

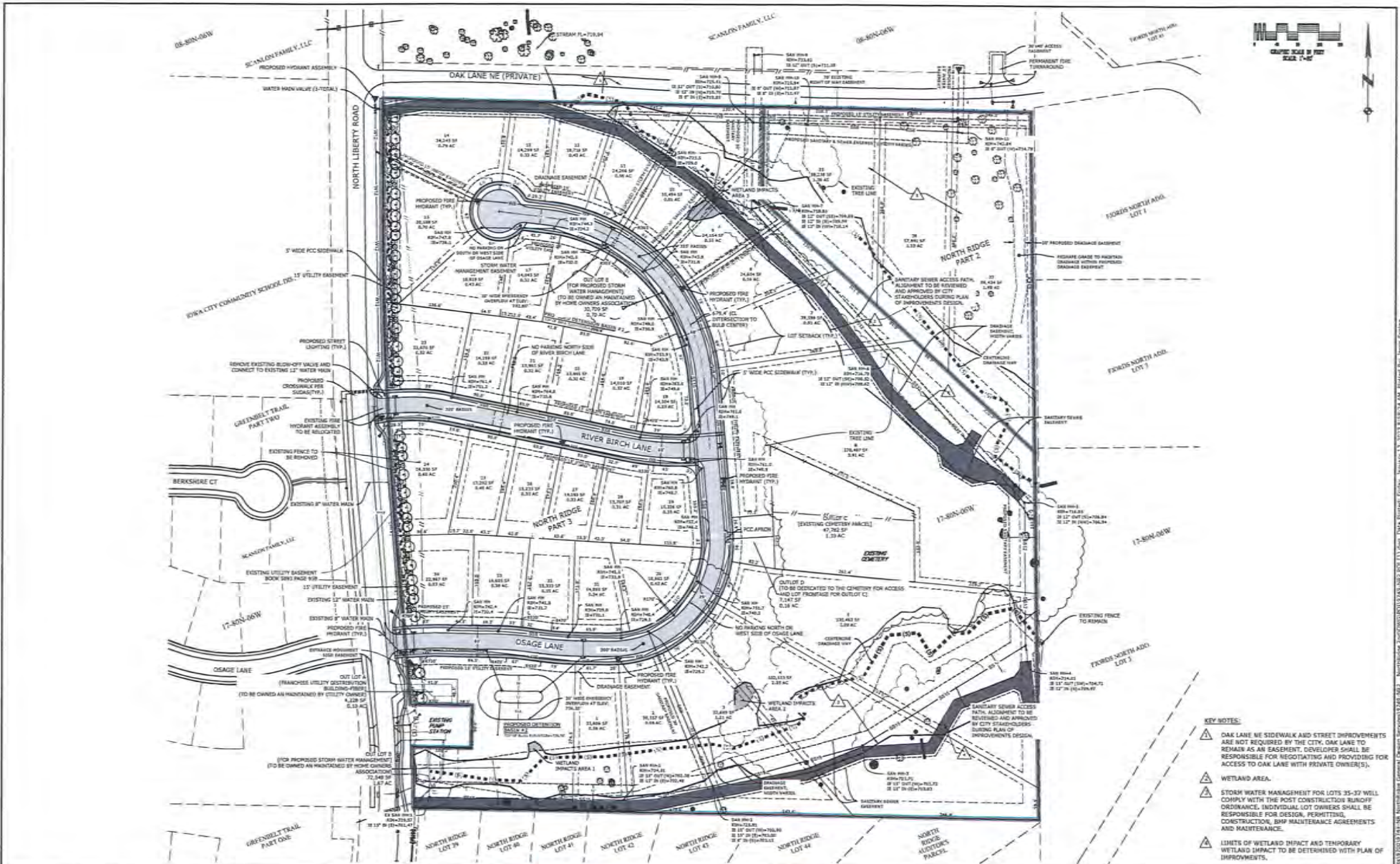
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**North Liberty**

Contact Person	JASON SARTHE, P.E.
Telephone Number	(319) 362-9548
Fax Number	(319) 352-7956
Mailing Address	1860 BOYSSON ROAD
City	HIWATHA, IA 52233
E-Mail Address	jason@hheng.com
Date Submitted	05-02-2023
Date Re-submitted	06-24-2023
Date Re-submitted	11-21-2023
Date Re-submitted	12-12-2023
Date Re-submitted	02-06-2024
Date Re-submitted	04-12-2024





- KEY NOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPER SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
  - ▲ WETLAND AREA.
  - ▲ STORM WATER MANAGEMENT FOR LOTS 35-37 WILL COMPLY WITH THE POST CONSTRUCTION RUNOFF ORDINANCE. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, CONSTRUCTION, BMP MAINTENANCE AGREEMENTS AND MAINTENANCE.
  - ▲ LIMITS OF WETLAND IMPACT AND TEMPORARY WETLAND IMPACT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.

DESIGNED BY:	KLH
CHECKED BY:	MS
APPROVED BY:	LHM
DATE:	02/13/2023
FIELD BOOK:	CT 109



**HALL & HALL ENGINEERS, INC.**  
 1000 East 10th Street, Suite 100  
 North Liberty, IA 52573  
 Phone: 563-241-1111  
 Fax: 563-241-1112  
 www.hallandhall.com

**NORTH RIDGE - PART 2 & 3**  
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

PROJECT NO:	9749-NR2
SCALE:	1"=40'
PRELIMINARY PLAN	
SHEET	01

Add File: I:\projects\17023\17023-04-NR2\17023-04-NR2.dwg, NorthRidge\_Part2&3.dwg, 17023-04-NR2.dwg, Data: Project: Friday, January 13, 2023 9:18:24 AM, Plotted By: Jason Gagne



- KEY NOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPER SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
  - ▲ WETLAND AREA.
  - ▲ STORM WATER MANAGEMENT FOR LOTS 25-37 WILL COMPLY WITH THE 100-YR CONSTRUCTION RUNOFF ORDINANCE. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, CONSTRUCTION, BMP MAINTENANCE AGREEMENTS AND MAINTENANCE.
  - ▲ LIMITS OF WETLAND IMPACT AND TEMPORARY WETLAND IMPACT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.

DRAWN BY:	KLH				
CHECKED BY:	JAE				
APPROVED BY:	LKH				
DATE:	01/13/2013				
FIELD BOOK:	GT 109	NO.			
REVISION DESCRIPTION		APPROVED		DATE	



**HALL & HALL ENGINEERS, INC.**  
 1000 West 10th Street, Suite 100  
 Ames, IA 50010  
 515-233-1111  
 www.hallandhall.com

**NORTH RIDGE - PART 2 & 3**  
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

SCALE: 1"=80'  
 PROJECT NO: 9749-NR3

CAD FILE: I:\PROJECTS\2013\13-013-NR3\13-013-NR3.dwg; PLOT DATE: 01/13/2013 10:00 AM; PLOT BY: JAE

## AGREEMENT

THIS AGREEMENT, made and entered into this 29<sup>th</sup> day of January, 2023, by and among SCANLON FAMILY DEVELOPMENT COMPANY, an Iowa corporation ("Company") and SCANLON FAMILY, L.L.C., an Iowa limited liability company ("Family") (Company and Family being sometimes hereinafter collectively referred to as "Scanlons"), and FJORDS NORTH HOMEOWNERS ASSOCIATION, INC., an Iowa non-profit corporation ("Fjords").

### RECITALS

A. Fjords is an association of the property owners in Fjords North Addition, Johnson County, Iowa, according to the plat thereof recorded in Book 19, Page 67, Plat Records of Johnson County, Iowa, and consisting of 56 single-family residential lots ("Fjords North Addition").

B. Fjords North Addition is accessed over a roadway extending east from North Liberty Road in the City of North Liberty, Iowa (the "City"), for approximately ¼ mile, known as Oak Lane, which is bordered both on the north and the south thereof by property owned by Family.

C. The predecessors in title of Family and Fjords entered into an easement agreement for access to said Fjords North Addition by an Easement Agreement dated October 9, 1979, and recorded on January 14, 1980, in Book 563, Page 306, Records of the Recorder of Johnson County, Iowa, and re-recorded on May 11, 1994, in Book 1746, Page 125, Records of the Recorder of Johnson County, Iowa, a copy of said agreement being attached hereto as Exhibit "A", and by this reference made a part hereof (the "Easement Agreement").

D. Oak Lane was, at one time, a county road which was vacated by Johnson County, Iowa, by Resolution 02-28-02-02 on February 28, 2002, and recorded on March 7, 2002, in Book 3245, Page 251, Records of the Recorder of Johnson County, Iowa, a copy of said Resolution being attached hereto as Exhibit "B", and by this reference made a part hereof.

E. Family is the owner of the property immediately north and immediately south of Oak Lane between North Liberty Road on the west and Fjords North Addition on the east. Family's property located on the south side of Oak Lane has been annexed into the City (the "Annexed Property").

F. Actual development of the Annexed Property will be undertaken by Company. In addition, Family and Company or their successors in interest may, in the future, develop the property immediately north of Oak Lane.

G. Family and Company now desire to develop the Annexed Property. Family and Company have submitted a preliminary plat of the proposed subdivision to the City, with Scanlons and Fjords having worked collaboratively to address certain concerns which Fjords and its members have expressed regarding Scanlons' proposed development. A copy of said Preliminary Plat is attached hereto as Exhibit "C", and by this reference made a part hereof (the "Development").

H. This Agreement is for the purpose of expressing said concerns and a resolution thereof by and among the parties hereto, it being recognized that the ultimate authority for approval of the Development lies with the City Council of the City.

NOW THEREFORE, in consideration of the mutual covenants, agreements, stipulations and conditions herein contained, it is agreed as follows:

1. Oak Lane Matters.

a. Scanlons will, in Protective Covenants and Restrictions covering the Development and in the Developer's Agreement with the City, provide that there will be no residential access driveways from Oak Lane onto any lot in the Development except for one driveway each for Lots 35, 36 and 37, as depicted on attached Exhibit "C." Said Exhibit "C" depicts a permanent service drive or permanent turnaround at or near the midpoint of the northerly boundary of Lot 37, projected northerly, which shall be used only for those purposes required by the City of North Liberty and, specifically, not for any access to property lying north of Oak Lane. No access from Oak Lane to the property north of Oak Lane shall be permitted west of the permanent turnaround depicted on Exhibit "C", except for utility access as hereinafter set forth, and such permanent turnaround shall not be used for access to any residential lots on Scanlon

property located north of Oak Lane. Specifically, and not by way of limitation, this restriction shall apply to all residential lots in Northridge Part Three, which back up to Oak Lane and to any future lots to be developed north of Oak Lane. It is understood that the City and/or utility companies serving the Development may require short accesses to utilities from Oak Lane, but no such utility access shall be used as an additional residential access. This utility access restriction shall also be applicable to properties developed north of Oak Lane.

b. The Protective Covenants and Restrictions to be imposed by Scanlons on the Development, in addition to the other provisions set forth herein, shall provide that the owners of Lots 35, 36 and 37 shall be prohibited from using Fjords property for a turnaround, recreation, and lake access unless accompanied by a member of the Fjords or express written permission in granted by the Fjords board of directors.

c. The Protective Covenants and Restrictions to be imposed by Scanlons on the Development, in addition to the other provisions set forth herein, shall provide that the owners of Lots 35, 36 and 37 shall be prohibited from seeking any variance from the setback requirements of the City under either present or future subdivision, development or other ordinances.

d. Scanlons shall, at their expense, erect "no parking" signs along the north side of Oak Lane from the permanent turnaround near the northeast corner thereof west to North Liberty Road, and shall erect such signs on the south side of Oak Lane from North Liberty Road to the northeast corner of Lot 37, projected northerly. Except as herein permitted, no parking shall be permitted on either the north or the south sides of Oak Lane. Scanlons and/or future owners of Lots 35, 36 and/or 37 may widen the surface of Oak Lane at selected locations between the northwest corner of Lot 35 and the northeast corner of Lot 37, along Oak Lane to a width sufficient for temporary parking and maintaining the current 20' wide open surface on Oak Lane where parking is being utilized. Any such parking area shall be hard surfaced with materials such as concrete, asphalt or other paving materials comparable to the surface of Oak Lane. At such time as the surface of Oak Lane adjacent to Lots 35, 36 and/or 37 shall be widened, as permitted in the above and foregoing subparagraph, said "no parking" signs in front of said widened area only shall be replaced, at the cost of Scanlons or their successors in interest, with signs which provide "no overnight parking." Fjords shall have no responsibility with regard to the repair, maintenance or

snow removal of any widened portions of Oak Lane, or of the permanent turnaround shown on the plat and referenced in subparagraph (a) above.

All of the above and foregoing parking restrictions shall be incorporated in the protective covenants and restrictions for the development. With regard to the parking areas along Oak Lane adjacent to Lots 35, 36 and 37, Fjords shall be deemed to be a "person in control of the property" for purposes of Iowa Code Section 321.89. The parties recognize that the Easement Agreement attached as Exhibit "A" provides that at no time shall the traveled portion of Oak Lane be blocked or obstructed, and such restriction is hereby reaffirmed and will be incorporated in the Protective Covenants and Restrictions for the Development.

e. No construction equipment will be parked on Oak Lane during the grading or construction phases of the development.

f. Scanlons shall, at their expense, repair any damage done to Oak Lane during the grading and construction phases of the development. Thereafter, the owners of Lots 35, 36 and 37 will make a contribution to the upkeep, maintenance, repair and snow removal on Oak Lane in the amount of \$100 per lot for the first three (3) years after the final plat has been accepted by the City. Developer will pay the first three (3) years upfront at that time, which will be \$900. Starting in year four (4), the access road expense fee shall be determined to be in the amount 1/59<sup>th</sup> of the cost to Fjords related to the portion of Oak Lane access road only, but not less than \$100. It has been calculated that the access road is 9.2% of the entire roadway system in the subdivision. Fjords shall also be empowered to assess each such lot for repairs, reconstruction and resurfacing in the amount of 1/59<sup>th</sup> of the cost to Fjords related to the portion of Oak Lane access road only. This right of assessment shall terminate should Oak Lane become a public street. In the event that any owner of Lots 35, 36 or 37 fails to timely pay such assessment, Fjords is hereby granted the authority to file a lien for such unpaid assessment against the delinquent lot owner and his or her lot, to be enforceable in the same manner as such assessments may be enforced against owners in Fjords North. The owners of Lot 35, 36 and 37 shall have no voting power with respect to the levying of any such assessments.

g. Prior to finalizing and recording covenants for North Ridge - Part Two and Part Three, Scanlons will submit the proposed covenants for North Ridge Part Two to the Fjords North Homeowners Association Board of Directors for approval.

Such approval will only be for purposes of verifying that the covenants conform to the promises made in this Agreement and that they are reasonably similar to the Fjords covenants. In the event that Scanlons shall not be notified in writing of any objection to said proposed covenants within twenty (20) days following the submission of said covenants to said board of directors, said covenants shall, for purposes of this Agreement, be deemed approved.

h. Lots 35, 36 and 37 will not make use of the Fjords mailbox cluster, those lots shall have their own that does not encroach on Fjords property.

i. If it becomes necessary to move the Fjords speed sign in front of Lot 35, Scanlons will reinstall it just west of Lot 35.

2. Storm Water Detention. The parties acknowledge that the City, in its City Code, imposes extensive requirements on developers with respect to storm water management and drainage, including but not limited to submission of a storm water management plan to the City Engineer, obtaining various licenses and permits, providing for various submittals to the City, monitoring of site conditions and reporting changes to the enforcement officer. Scanlons agree to submit a copy of all of such filings to Fjords, and it is understood that Fjords may, at its option, seek a professional review of such filings and report any conclusions reached by such professional to the City and any other public authorities having jurisdiction over the matter in question.

3. Enforcement. It is understood that, in the event of the violation hereof by either party, no claim, speedy or adequate remedy at law may exist, and therefore specific performance and other equitable or injunctive relief shall apply in the enforcement of this Agreement.

4. Sanitary Trunk Line. Due to rugged slopes and susceptibility to erosion in close proximity to Fjords North Addition, Scanlons agree to directionally bore a segment of sanitary sewer trunk line where such line shall be in close proximity to the Fjords North boundary line. This will allow slopes to maintain existing vegetation as opposed to open cutting the trench and denuding existing vegetation. All other pipes and mains will be buried underground during the course of construction.

5. Homeowners' Association - Insurance. Scanlons shall provide that the homeowners' association for Lots 35, 36 and 37 shall maintain public liability and property damage insurance coverage on Oak Lane and shall cause Fjords to be designated as an additional insured on such coverage. Similarly, Fjords shall maintain public liability and property damage insurance coverage on Oak Lane and shall cause the homeowners' association for Lots 35, 36 and 37 to be designated as an additional insured on such coverage.

6. Objections. Upon the full execution hereof, Fjords will withdraw any and all objections to the Development which it has filed with the City and will file no further objections so long as future Development filings are consistent with the terms hereof, except Fjords retains the right to object to or comment on the storm water management plan and related permit applications prepared as contemplated in Paragraph 2 above.

7. Binding on Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors in interest, personal representatives and assigns.

SCANLON FAMILY DEVELOPMENT COMPANY



By: \_\_\_\_\_  
James Patrick Scanlon, Jr., President

**"COMPANY"**

SCANLON FAMILY, L.L.C.



By: \_\_\_\_\_  
James Patrick Scanlon, Jr., Managing Member

**"FAMILY"**



FJORDS NORTH HOMEOWNERS' ASSOCIATION, INC.

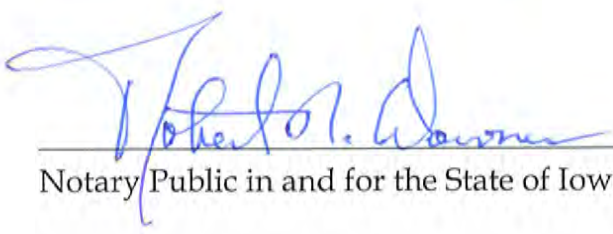
By: Timothy Conklin, President

By: Jocuna C Hall, Secretary

"FJORDS"

STATE OF IOWA            )  
                                      )  
                                      )        SS:  
COUNTY OF JOHNSON    )

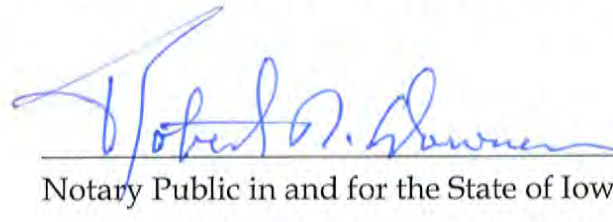
This instrument was acknowledged before me this 20<sup>th</sup> day of January, 2023, by James Patrick Scanlon, Jr., as President of SCANLON FAMILY DEVELOPMENT COMPANY.

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

9/22/25

STATE OF IOWA            )  
                                      )  
                                      )        SS:  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on this 20<sup>th</sup> day of January, 2023, by James Patrick Scanlon, Jr., as Managing Member of SCANLON FAMILY, L.L.C.

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

9/22/25

STATE OF IOWA            )  
  )     SS:  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on this 29<sup>th</sup> day of January, 2023, by Timothy Conklin and Joanna C Hall as President and Secretary, respectively, of FJORDS NORTH HOMEOWNERS' ASSOCIATION, INC.



Craig Reischauer  
Notary Public in and for the State of Iowa

EXHIBIT "A"

*Pat 18.00*  
*4820*  
*at 21.00*

FILED 6416  
BOOK 563 PAGE 306  
1900 JUN 14 PM 3:04  
*John B. Quigg*  
RECORDER  
JOHNSON CO., IOWA *JK*

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made and entered into this 9th day of October, 1979, by and among SCANLON FARMS, INC., an Iowa corporation, BEATRICE M. SCANLON, as Trustee of George H. Scanlon Trust No. 2; and JAMES P. SCANLON and JENNIFER L. SCANLON, husband and wife, hereinafter collectively referred to as "Grantors" and ALAN K. FEDGE and SALLY J. FEDGE, husband and wife, and FJORDS NORTH, INC., an Iowa corporation, hereinafter collectively referred to as "Grantees",

WITNESSETH:

WHEREAS, Grantees are the owners of the following described real estate situated in Johnson County, Iowa, to-wit:

Government Lot four (4), and the south half of the southeast quarter, of section eight (8); Also the north half of the northeast quarter, and the north half of the southwest quarter of the northeast quarter, of section seventeen (17); all being in township eighty (80) north, range six (6) west of the 5th P.M.; excepting therefrom the following described tract, to-wit:

Beginning at the northeast corner of the southwest quarter of the southeast quarter of said Section 8, thence west 80 rods, thence south 6 rods, thence east 80 rods, thence north 6 rods to the place of beginning.

Also excepting the following described tract, all bearings being referred to the Iowa Coordinate System, South Zone, to-wit:

Beginning at the northeast corner of said Section 17, thence south 2 degrees 19 minutes east 1328.7 feet along the east line of said Section 17 to the southeast corner of the Northeast quarter of the northeast quarter of said Section 17, thence south 89 degrees 23 minutes west 1309.5 feet along the south line of said northeast quarter of the northeast quarter to the southwest corner thereof, thence north 2 degrees 12 minutes west 350 feet along the west line thereof to a point, thence north 62 degrees 12 minutes east 486.1 feet to a point, thence north 16 degrees 48 minutes west 523.1 feet to a point, thence north 48 degrees 13 minutes east 436.3 feet to a point, thence north 23 degrees 15 minutes east 343.8 feet to a point, thence south 87 degrees 09 minutes east 525.5 feet to a point on the east line of the southeast quarter of the southeast quarter of said Section 8, thence south 0 degrees 48 minutes east 316 feet along said east line to the point of beginning.

Also excepting the following described tract, all bearings being referred to the Iowa Coordinate System, South Zone, to-wit:

FILED NO. 024839  
BOOK 1746 PAGE 125  
94 MAY 11 AM 9:37

306

vs. 1746 PAGE 125

*John B. Quigg*  
RECORDER  
JOHNSON CO., IOWA

Beginning at a point on the east line of said Government Lot 4 of Section 8, which is north 0 degrees 48 minutes west 2003 feet from the southeast corner of said Section 8, thence south 62 degrees 48 minutes west 730.8 feet to a point, thence north 23 degrees 25 minutes west 673 feet to a point, thence north 1 degree 17 minutes west 747.1 feet to a point, thence north 54 degrees 35 minutes west 440.2 feet to a point on the west line of said Government Lot 4, thence north 2 degrees 03 minutes east 368.4 feet, more or less, along said west line to a point on the ordinary high water line on the right bank of the Iowa River, thence downstream along the meanders of said ordinary high water line to a point on the east line of said Government Lot 4, thence south 0 degrees 48 minutes east along said east line to the point of beginning, and,

WHEREAS, Grantors are the owners of certain real estate abutting the above described premises on the west, and,

WHEREAS, a county road providing access to the above described premises from the north-south county road located in Section 17, Township 80 north, Range 6 west of the 5th P.M., and,

WHEREAS, the records of Johnson County, Iowa, relative to the status of the said county road are unclear and the parties hereto desire to clarify the question of access to the above described premises.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, stipulations and conditions herein contained, it is agreed as follows:

1. Grantors do hereby acknowledge the existence of a county road 66 feet in width, the center line of which is legally described on Exhibit "A", attached hereto and by this reference made a part hereof.

It is understood that the Grantor, Scanlon Farms, Inc., is the owner of the real estate generally located south of the line described on Exhibit "A" with the Grantors, George H. Scanlon Trust No. 2 and James P. Scanlon generally owning the real estate north of said line. Nothing herein contained shall, however, be construed as establishing a

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vs: 1746 PAGE 126

-3-

property line dividing the respective properties of the Grantors different from the descriptions presently describing said properties.

2. Grantees assume any and all obligations for the maintenance, operation and repair of the roadway located as above described, to the extent that such maintenance, operation and repair is not borne by Johnson County, Iowa. Grantees shall not require Grantors to contribute in any manner to the maintenance, operation, or repair of said roadway unless and until the real estate owned by Grantors, or any of them, shall be subdivided or otherwise developed for other than agricultural purpose, in which event the Grantor or Grantors benefited shall bear a just and proportionate share of such maintenance expense.

3. No party shall obstruct or block said roadway in any manner or modify the same to the extent that it interferes with the natural flow of the drainage of Grantors' property abutting said roadway, and shall not cause or permit to exist thereon any nuisance or other offensive or extrahazardous activity.

4. Grantors reserve the right to utilize said easements, in common with Grantees, their heirs, successors in interest, personal representatives and assigns as well as the traveling public. Grantors further reserve the right of access to said roadway from abutting properties owned by Grantors.

5. Grantor Jennifer L. Scanlon joins herein only as the spouse of James P. Scanlon, and undertakes no obligations hereunder.

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Book: 1746 Page: 125 Seq: 3

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6. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors in interest, personal representatives and assigns.

SCANLON FARMS, INC.

James P. Scanlon By James P. Scanlon  
JAMES P. SCANLON President

Jennifer L. Scanlon By Beatrice M. Scanlon  
JENNIFER L. SCANLON Secretary

Alan K. Fedge Beatrice M. Scanlon  
ALAN K. FEDGE BEATRICE M. SCANLON, Trustee  
George H. Scanlon Trust No. 2

Sally J. Fedge  
SALLY J. FEDGE

CORPORATE SEAL

FJORDS NORTH, INC.

By Sally J. Fedge  
President

By Alan K. Fedge  
Secretary

STATE OF IOWA  
SS.  
JOHNSON COUNTY

On this 9 day of September, 1979, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared James P. Scanlon and Beatrice M. Scanlon, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively, of SCANLON FARMS, INC., said corporation executing the within and foregoing instrument, the seal affixed hereto is the seal of the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said James P. Scanlon and Beatrice M. Scanlon as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

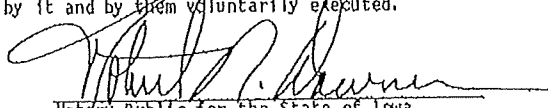


Daniel W. Boyle  
Notary Public for the State of Iowa

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STATE OF IOWA  
SS.  
JOHNSON COUNTY

On this 9th day of October, 1979, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Sally J. Pedge and Alan K. Pedge, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively, of FJORDS NORTH, INC. said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said Sally J. Pedge and Alan K. Pedge as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

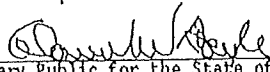
  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

NOTARIAL SEAL

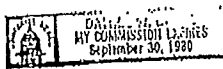
On this 9 day of ~~September~~ <sup>October</sup>, 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Beatrice M. Scanlon, Trustee of George H. Scanlon Trust No. 2, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she as such fiduciary, executed the same as the voluntary act and deed of herself and as such fiduciary.

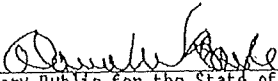


  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

On this 9 day of ~~September~~ <sup>October</sup>, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James P. Scanlon and Jennifer L. Scanlon, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

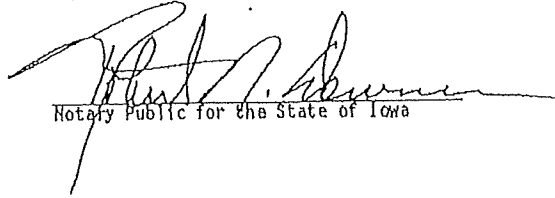
On this 9th day of October, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Alan

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-6-

K. Fedge and Sally J. Fedge, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

  
Notary Public for the State of Iowa

NOTARIAL SEAL

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vs. 1746 PAGE 130

Book: 1746 Page: 125 Seq: 6

EXHIBIT "A"

That portion of the South 66.0 Feet of the Southeast Quarter of the Southwest Quarter of Section 8, Township 80 North, Range 8 West, of the 5th Principal Meridian, lying East of the Centerline of North Liberty Road; said tract lies in Johnson County, Iowa; Tract is subject to an overflow easement recorded in Book 202, Page 41 of the Johnson County, Iowa Records.

vs. 1746 PAGE 131

Book: 1746 Page: 125 Seq: 7

EXHIBIT "B"

No  
FEE

FILED NO. 024916  
BOOK 3245 PAGE 251

RESOLUTION 02-28-02-02  
VACATION OF A ROAD IN JOHNSON COUNTY

02 MAR -7 PM 4:01

JOHNSON COUNTY RECORDER  
IOWA CITY, IOWA

WHEREAS, a public hearing was held on Thursday, November 1, 2001, at 9:30 a.m. in the Board Room of the Johnson County Board of Supervisors on the proposed vacation and closure of a Johnson County road, described as follows:

(Road Vacation 02-2001): Beginning at the Southeast Corner of the Southeast Quarter of the Southwest Quarter of Section 8, Township 80 North, Range 6 West of the 5<sup>th</sup> P.M.; thence North 4 rods; thence West 80 rods; thence South 4 rods; thence East 80 rods to the place of beginning, containing 2 acres.

WHEREAS, no objections were received on Road Vacation 02-2001; and

WHEREAS, said part of present right-of-way is no longer required for use by the public for highway purposes and will not hereafter be required for construction or maintenance purposes for any highway;

THEREFORE, BE IT RESOLVED by Johnson County that all of the above described road and right-of-way, together with any and all rights of Johnson County in and to the same are hereby closed, vacated and abandoned, and Johnson County hereby disclaims any right, title or interest in and to said part of present right-of-way to the use thereof, for any purpose whatsoever.

Motion by Lehman, second by Stutsman, to approve Resolution 02-28-02-02.

Neuzil      Stutsman      Lehman      Thompson      Harney

SEAL

*aye*      *aye*      *aye*      *aye*      *aye*

Carol Thompson  
Carol Thompson, Chair, Board of Supervisors

Tom Slockett  
Attest: Tom Slockett, Auditor  
By: M. J. [Signature] Deputy

On the 4th day of March, 2002

[Publishing Schedule]

Iowa City Press-Citizen:  
Solon Economist and The Leader:  
Lone Tree Reporter:

000251

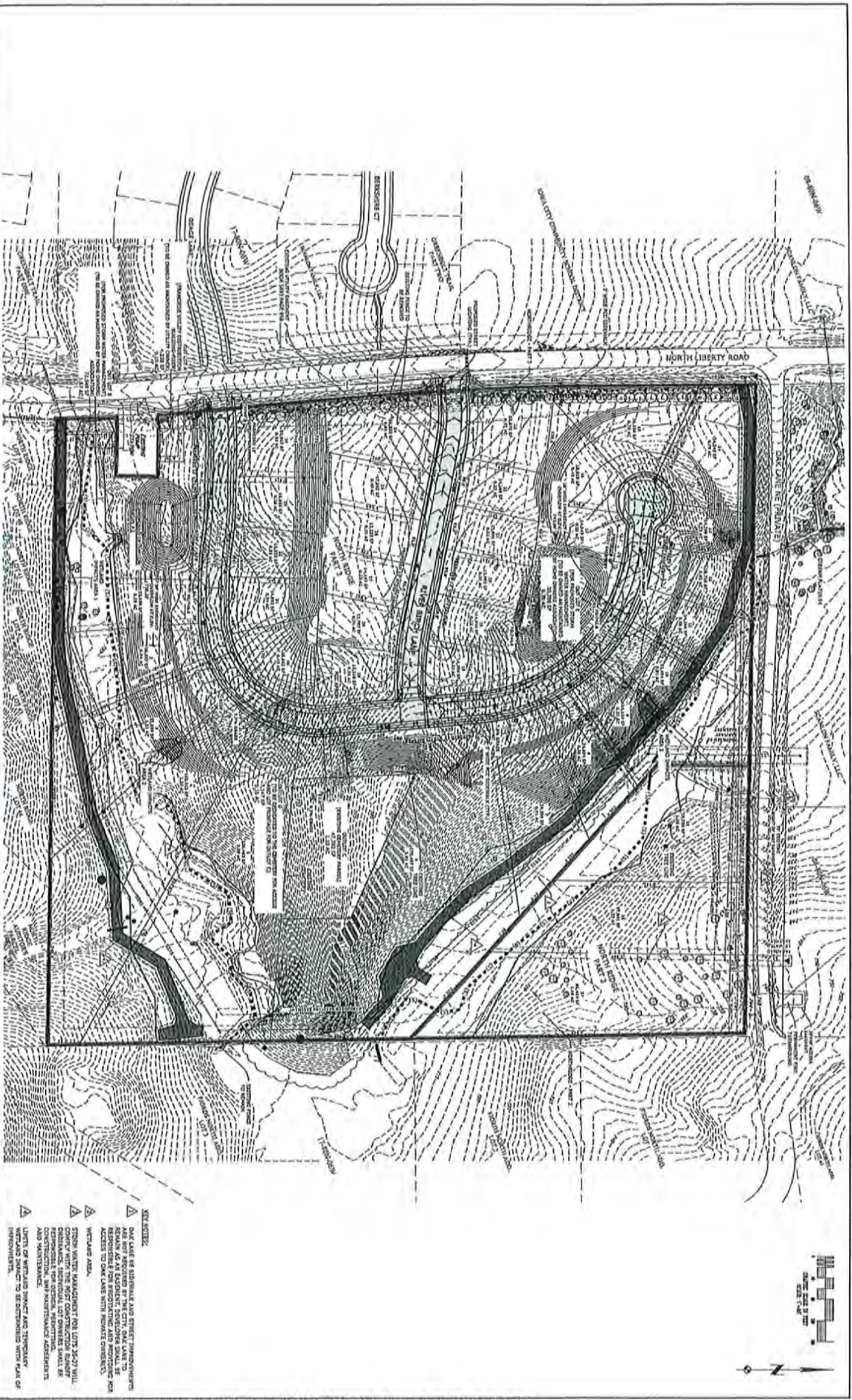






NORTH LIBERTY - PART 2 & 3  
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

GRADING PLAN  
 PROJECT NO. 190402



- KEY NOTES:**
- ▲ OAK LAKE BE SCHEDULED AND STREET IMPROVEMENTS ARE NOT TO BE DONE BY THE CITY. OAK LAKE IS RESPONSIBLE FOR SCHEDULING AND PROVIDING ACCESS TO OAK LAKE WITH PUBLIC CONSENTS.
  - ▲ STORM WATER MANAGEMENT FOR LOTS 36207 WILL COMPLY WITH THE MOST GOVERNMENTAL AGENCY RESPONSIBLE FOR DESIGN, PERMITS, INSTALLATION AND MAINTENANCE OF INFRASTRUCTURE AND ALSO MAINTENANCE OF MAINTENANCE AGREEMENTS.
  - ▲ LIMITS OF WETLANDS SHOWN ARE TEMPORARILY WETLAND SUBJECT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.



MEARDON, SUEPPEL & DOWNER P.L.C.

LAWYERS

ROBERT N. DOWNER  
DOUGLAS D. RUPPERT  
TIMOTHY J. KRUMM  
WILLIAM J. SUEPPEL  
CHARLES A. MEARDON  
PETER J. GARDNER  
SEAN W. WANDRO  
STEPHANIE A. WORRELL  
DANICA L. BIRD

122 SOUTH LINN STREET  
IOWA CITY, IOWA 52240-1802

TELEPHONE: (319) 338-9222  
FAX: (319) 338-7250

WWW.MEARDONLAW.COM

WILLIAM L. MEARDON  
(1919-1997)

WILLIAM F. SUEPPEL  
(1929-2020)

MARGARET T. LAINSON  
(1939-2019)

OF COUNSEL:  
JAMES D. MCCARRAGHER  
CRAIG N. WILLIS

RETIRED:  
THOMAS D. HOBART  
NANCY B. WILLIS

January 14, 2022

Mr. Ryan Rusnak, AICP  
Planning Director  
City of North Liberty  
3 Quail Creek Circle  
North Liberty, IA 52317

Re: Scanlon Family, L.L.C. - Oak Lane

Dear Mr. Rusnak:

The following is my review of the Easement Agreement dated October 9, 1979 (the "Easement"), wherein the then-owners of various Scanlon family interests granted a right-of-way easement in favor of Alan K. Fedge and Sally J. Fedge and Fjords North, Inc. for access to the Fedges' property which was all subdivided as a part of the Fjords North Subdivision. A copy of that recorded Easement is enclosed. By way of background, the roadway in question was, at that time, a county road, although there appear to have been questions about the status of that road which existed when the Easement was executed. Subsequently, on February 28, 2002, the Johnson County Board of Supervisors adopted Resolution No. 02-28-02-02 relinquishing any interest which the county had in this road. This resolution is recorded in the Johnson County Recorder's office in Book 3245, Page 251. This vacation by the county, however, would have no effect on the Easement.

In your email to Loren Hoffman of January 13, 2022, you raised the question of access by the City of North Liberty for purposes of maintenance. It is my opinion that, under the Easement, Scanlon Family, L.L.C., as successor to the various Scanlon interests who were grantors of the Easement, would have the authority to grant access rights for purposes of maintenance and for other purposes. Nothing in the Easement, in my opinion, limits the rights of the Scanlons to further use the area covered by the Easement

Mr. Ryan Rusnak, AICP  
City of North Liberty  
January 14, 2022  
Page 2

except for the provisions of paragraph 3, which prohibits any party from obstructing or blocking the driveway or from causing or permitting to exist thereon any nuisance or other offensive or extra hazardous activity. The other portion of paragraph 3 would appear to be for the benefit of the Scanlon interests in that interference with the natural flow of the drainage from Scanlons' property abutting the roadway is prohibited.

Paragraph 2 provides that the Scanlon interests would not be required to contribute in any manner to the maintenance, operation or repair of said roadway unless and until the real estate owned by any or all of the Scanlons is subdivided or otherwise developed for other than agricultural purpose. This paragraph contemplates that the real estate would, at some point, be subdivided or otherwise developed and, at that point, each party benefited would bear a just and proportionate share of such maintenance expense.

Because of the reservations in the Easement, and the fact that, with the exception of the provisions in paragraph 3, Scanlons were relinquishing no rights which they had in the property, it is my opinion that Scanlon Family, L.L.C. could execute agreements placing this roadway in the street system of the City of North Liberty upon such terms and conditions as might be mutually agreed, provided, however, that any such transfer or agreement would not negate, or otherwise modify, the provisions of the Easement. Any modifications in the Easement would require the agreement of the parties. *See Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955).

It is my understanding that the question has also been raised as to whether garbage trucks of the City of North Liberty could use this roadway if lots were developed on the Scanlon property south of Oak Lane and adjacent to Fjords North Subdivision. It is my opinion that, because the Easement clearly contemplates that the Scanlons might further develop the property adjacent to Oak Lane, use by garbage trucks would be anticipated as a part of use of the property once it was developed.

I have also done a limited amount of research into the questions raised in this letter as to how the courts might interpret the Easement if called upon to do so. The Iowa Court of Appeals, in *Riverton Farms, Inc. v. Castle*, 441 N.W.2d 405 (Iowa App. 1989) stated that "[I]n construing an express grant or reservation of an easement, as in the construction of written contracts, the cardinal principle is that the intention of the parties must control." Citing *Wiegmann v. Baier*, 203 N.W.2d 204, 208 (Iowa 1972). In *Wiegmann*, at page 208, the Iowa Supreme Court had stated that "[A]nd it is the general rule that where a right-of-way is granted it may be used for any purpose to which the land accommodated thereby may



Mr. Ryan Rusnak, AICP  
City of North Liberty  
January 14, 2022  
Page 3

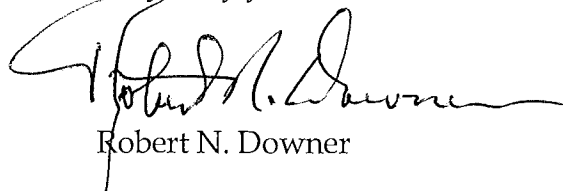
reasonably be devoted, unless the grant contains specific limitations and the grantee can avail himself of modern inventions, if by doing so he can more fully exercise and enjoy or carry out the object for which the easement was granted."

As cited above, the Iowa Supreme Court, in *Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955) the court stated, at page 97, that "[N]or can an easement, whether created by written grant, implication, or prescription, be increased or extended without the consent of the owner of the servient tenement."

My interpretation of the above-cited authorities is that, if an easement agreement provides that an expansion of the use of the easement area beyond what was existing when the easement was granted was contemplated by the parties, such an expansion could occur within the scope of the easement. I believe that that was clearly the case here, as to all parties. The Easement was granted in connection with the platting of Fjords North Subdivision, which might not have been approved by Johnson County in light of the questions regarding the status of the roadway covered by the Easement as a county road. It was also clearly contemplated by the Easement that the Scanlon property on both sides of the roadway would be developed at some point, and that this roadway could be used as a part of any development or subdivision process by the benefitted property owners paying their proportionate share of the cost of maintaining the roadway.

If you have any questions after having reviewed this letter, please feel free to contact me. I am forwarding a copy of this letter to Grant Lientz as City Attorney of the City of North Liberty.

Very truly yours,



Robert N. Downer

RND:snw  
Enclosure  
cc: Grant Lientz  
Pat Scanlon

MEARDON, SUEPPEL & DOWNER P.L.C.  
LAWYERS

ROBERT N. DOWNER  
DOUGLAS D. RUPPERT  
TIMOTHY J. KRUMM  
WILLIAM J. SUEPPEL  
CHARLES A. MEARDON  
PETER J. GARDNER  
SEAN W. WANDRO  
STEPHANIE A. WORRELL  
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WILLIAM L. MEARDON  
(1919-1997)

WILLIAM F. SUEPPEL  
(1929-2020)

MARGARET T. LAINSON  
(1939-2019)

OF COUNSEL:  
JAMES D. MCCARRAGHER  
CRAIG N. WILLIS

RETIRED:  
THOMAS D. HOBART  
NANCY B. WILLIS

July 1, 2022

Mr. William H. Roemerma  
Read & Roemerma PLC  
P.O. Box 1968  
Cedar Rapids, IA 52406-1968  
[wroemerma@readroemerma.com](mailto:wroemerma@readroemerma.com)

Re: Scanlon Family, L.L.C. - Fjords North Homeowners Association

Dear Bill:

I am in receipt of your letter of June 29, 2022, addressed to the North Liberty Planning and Zoning Commission. Without in any sense trying to focus on minutiae, I believe that there are some significant factual errors in your letter, including the following:

1. The annexation of the property in the proposed North Ridge Part Two and Three Subdivision is not "proposed." It has been approved by both the city council and the City Development Board and, accordingly, is now a part of the City of North Liberty.

2. Only three lots are proposed which would use Oak Lane NE as access to those lots. The other lots in the proposed subdivision which back up to Oak Lane will, as a part of restrictive covenants and agreements with the City of North Liberty, not have access to Oak Lane.

3. All proposed utility locations are under Oak Lane, and no above ground utilities are proposed.

4. The land on which Oak Lane is located is owned by Scanlon Family, L.L.C. whose predecessors in title more than 40 years ago granted access by an easement which enabled Fjords North to be platted. To be sure, the easement specifically provides that in the event that the Scanlon property is used for other than agricultural purposes, the owners of that property must pay a "just and proportionate share of such maintenance expense," but the ownership of this roadway has been in members of the Scanlon family or entities owned by them for some 75 years.

5. I would take issue with your statement that the additional lots would "significantly burden" the roadway. According to my understanding, there are 56 lots presently in Fjords North, all of which utilize Oak Lane for access. This would increase the number of potential residences by three, or 5.36%.

6. Since the planning of this subdivision was commenced, it has always been planned that the sewer and water lines would be bored under Oak Lane so as not to disturb the surface or the utilization of Oak Lane by the Fjords North owners. Our engineers have advised us that they have provided for the use of "restrained joints" in the sewer and water lines which would allow any pipe requiring replacement to be pulled out rather than having the surface excavated to replace the pipe.

7. It is my understanding that the same fire department, in North Liberty, provides fire protection for North Liberty and all of Penn and Madison Townships. There would not be additional fire departments utilizing Oak Lane unless a major fire caused the involvement of other departments.

8. The subdivision and the Oak Lane right-of-way have been planned in such a way that a minimal amount of tree cover and other vegetation would be disturbed. Reconstructing Oak Lane to city street standards would involve the removal of much of this vegetation, which also provides screening to Fjords North, and would likely invite additional vehicular traffic into Fjords North.

The owners of Scanlon Family, L.L.C. have never had an intention of burdening the Fjords North Owners Association or its residents with additional costs. The only three lots which would utilize Oak Lane for access are being planned in such a way as the lot sizes would be generally comparable to and compatible with lots in Fjords North. Because of the size of these lots, we would not anticipate that homes would be constructed on these

Mr. William H. Roemerman  
Read & Roemerman PLC  
[wroemerman@readroemerman.com](mailto:wroemerman@readroemerman.com)  
July 1, 2022  
Page 3

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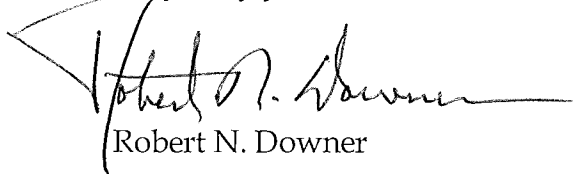
Insofar as meeting the "just and proportionate share" language in the easement agreement, our client would propose the following:

1. Each of the three lots would pay the same amount for snow removal cost for Oak Lane and the entire road system within Fjords North as is paid by the present Fjords North owners. Because the owners of the three lots proposed would for the most part only utilize the roadway between those lots and North Liberty Road, these owners would be paying a portion of the cost of snow removal on roads which they seldom, if ever, use.

2. In exchange for this proposal, Scanlons would request the right to use the turnaround on the west side of Fjords North for that purpose by emergency and public service vehicles and also to place the three mail boxes for three lots with the mail box cluster presently serving the residences in Fjords North.

I would be happy to discuss this with you if you wish to do so, Bill. We will look forward to hearing from you as soon as possible.

Very truly yours,



Robert N. Downer

RND:snw

cc: Pat Scanlon  
Grant Lientz  
Tracey Mulcahey  
Ryan Rusnak  
Tim Conklin

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July 1, 2022

Mr. William H. Roemer  
Read & Roemer PLC  
P.O. Box 1968  
Cedar Rapids, IA 52406-1968  
[wroemer@readroemer.com](mailto:wroemer@readroemer.com)

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July 1, 2022  
Page 3

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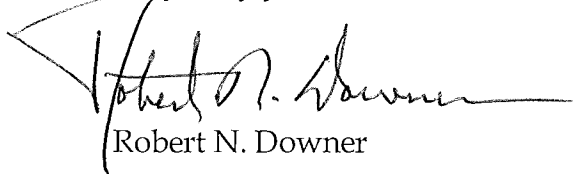
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I would be happy to discuss this with you if you wish to do so, Bill. We will look forward to hearing from you as soon as possible.

Very truly yours,



Robert N. Downer

RND:snw

cc: Pat Scanlon  
Grant Lientz  
Tracey Mulcahey  
Ryan Rusnak  
Tim Conklin



Tim Conklin &lt;timconk@gmail.com&gt;

---

**Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty**

---

Tim Conklin <tim@allstarmgmt.com>  
To: Tim Conklin <timconk@gmail.com>

Fri, Jun 17, 2022 at 10:22 AM

----- Forwarded message -----

From: **Julie Conklin** <julieconklin95@gmail.com>  
Date: Fri, Jun 17, 2022 at 10:11 AM  
Subject: Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: Tim Conklin <tim@allstarmgmt.com>

Fyi

----- Forwarded message -----

From: **Wuebker, Jonathan D CIV USARMY CEMVR (USA)** <Jonathan.D.Wuebker@usace.army.mil>  
Date: Fri, Jun 17, 2022, 7:52 AM  
Subject: RE: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: julieconklin95@gmail.com <julieconklin95@gmail.com>

Julie,

Thank you for your inquiry and information on the proposed work site. As of date I am not aware of USACE Coralville Lake Project being contacted of the construction. Any construction project however is regulated by the state of Iowa and County which the project is being worked in. The project is responsible to mitigate and control construction run-off. At quick glance, USACE does have flowage easements throughout your HOA and including one of your ponds so there is most certainly interest in anything that could fill in these areas as it can impact ability to fill with water during flood events.

Any concerns can be addressed with the county first accordingly to ensure silt control measures are planned and in place for any construction projects. All projects must first receive the county approvals prior to start including mitigation planning. Should silt runoff the site and affect USACE lands, our office would most certainly be interested in any information and photographs regarding the projects progression to ensure lands are returned to pre-construction condition and any silt/runoff removed for use accordingly. The burden of proof however can be difficult to quantify material specific to a site if no pre-construction information is available for what it worth.

If you have any other questions or I may be of further assistance please let me know.

Jonathan D. Wuebker

Assistant Operations Manager

CISM Peer Supporter

Coralville Lake Reservoir

[2850 Prairie du Chien Road NE](#)[Iowa City, IA 52240-7820](#)



(319) 338-3543 ext. 6302

Coralville Lake

<http://www.mvr.usace.army.mil/Missions/Recreation/Coralville-Lake/>

CISM KM Portal

<https://usace.dps.mil/sites/KMP/SitePages/CISM.aspx>

Free Confidential Employee Assistance Program help: [800-638-3327](tel:800-638-3327)

<https://myassistanceprogram.com/fei/>

---

**From:** Julie Conklin <[julieconklin95@gmail.com](mailto:julieconklin95@gmail.com)>  
**Sent:** Thursday, June 16, 2022 1:16 PM  
**To:** Coralville.Lake <[Coralville.Lake@usace.army.mil](mailto:Coralville.Lake@usace.army.mil)>  
**Subject:** [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Hello,

I have some questions regarding a new subdivision being proposed by Scanlon Family, LLC of roughly 36 acres next to our neighborhood on Oak Lane NE in North Liberty. Our subdivision, Fjords North, has a majority of its homeowners who own land connecting to Army Corps of Engineering land around Coralville Lake.

The proposed subdivision's infrastructure is causing some concerns for our neighborhood. We are currently experiencing silt issues with a HOA owned pond, as well as a neighbor who is experiencing the same issues with his privately owned pond as well as property flooding from current runoff/drainage issues from other neighborhoods. Our Good Neighborhood Meeting was held last night, where these questions were asked of the builder/developer/owner of the land being developed with little to no solutions given. When asked what type of impact we should expect from the development, no one could answer this question. The developer discussed mitigation techniques that they might try but they didn't have a full understanding of their impact on our neighborhood. This is obviously a concern for us because of the 2 ponds affected and potential wash out of 2 roads.

The Corps land will also be impacted by the development and infrastructure needed. Is Scanlon Family, LLC working with the Corps to help mitigate the runoff/drainage issues? Does the Army Corps of Engineering have general guidelines that developers have to follow to mitigate runoff/drainage issues that will affect their land?

I greatly appreciate any information that you can give.

Thank you!

--

Julie Conklin

## Ryan Rusnak

---

**From:** Erin Payne-Christiansen <payneerin@yahoo.com>  
**Sent:** Sunday, June 26, 2022 3:31 PM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Tim Conklin  
**Subject:** [EXTERNAL] letter to P&Z committee re North Ridge Development  
**Attachments:** Water shed map.pdf; Fjords06182015 (1).pdf; Gmail - Fwd\_ [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty.pdf

**WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.**

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Dear Members of the North Liberty Planning and Zoning Committee;  
Ryan Heiar, City Administrator;  
Tracey Mulcahey, Assistant City Administrator & City Clerk; and  
Ryan Rusnak, Planning Director

I am writing on behalf of the board of the Fjords North Homeowners Association. Fjords North is located to the east of North Liberty Road and is accessed from Oak Lane. We would like to express concern over the impact of local development, most recently that of the North Ridge development, parts 2 & 3.

Our concerns are many, but the two major issues are that of (1) the use of Oak Lane to access lots not in our homeowner association and (2) the watershed management of said area, specifically its impact on both the environment and our roads.

### (1) Oak Lane:

Oak Lane has a confusing history of ownership. While our homeowners association does not own it, we have paid to maintain the road since Fjords North was developed. This includes mowing, snow removal, surface maintenance and repair, tree and brush removal, and erosion control. We do not understand why lots in the city would be accessed via a private road that is not in the city. The city has no guarantee that the road will continued to be maintained to a standard that would allow the city to provide city services to those three lots. Here is a list of concerns related to our connector road.

- The sewer is supposed to cross under our connector road and connect to the land to the north of it. If there is ever a sewer problem there and they have to dig it up, it may block our access. Is the area wide enough to support a temporary access path?
- Where will the mailboxes for the three lots be?
- The parking on these lots is likely to be limited due to the wetland area that these lots will be built on. If one of the owners of one of these lots were to have a party, their guests are likely to park along Oak Lane where there is no space to pull over. That leaves only one narrow lane for access in and out of Fjords. In addition to the inconvenience to our residents, this creates a public safety issue, as the remaining lane would not be wide enough to accommodate a fire truck or ambulance. In addition, if we were to call the police for assistance in such a matter, we would not get it because the road is not a city road.

### 2) Watershed Management:

Flooding events have increased with development; this impacts everyone downstream of the developments. In 2015, board members of our association reached out to a number of individuals regarding watershed management in this area, including a water conservation specialist, HBK engineer, the local developer, North Liberty's city engineer, North Liberty's planning director, and North Liberty's roads department. The result was that, because development was done to code, no action was taken. We continue to have concerns and on-going issues.

- In this link (<https://www.youtube.com/watch?>) you can view video footage of flooding examples in the association, specifically showing the water flow coming through the creek that flows into our association from the area to be developed. This area has flooded 1-4 times per year over the past ten years. If you are interested in seeing more videos, photographs, or drone footage, we would happily provide it.
- The private pond to the west of Aspen has decreased in depth from approximately 4 foot to 1 foot or less due to silting, which has then decreased pond capacity and increased flooding since 2010. The larger, association-owned pond to the east of Aspen has also been silting in over time; this has increased with recent developments. You can view these changes in the attached images taken from Google Earth; the first was taken in 2012, while the second was taken in 2022.
- While North Ridge Parts 2 & 3 may meet code, what additional measures can be put in place to insure our ponds do not silt in further and cause additional flooding?
- If the sewer line going under the wetlands were to flood, how would the city prevent sewage from contaminating our pond and flooding into the reservoir? There are approximately 600 acres that drain into these ponds; please see the attached watershed map. Johnson County Soil and Water Conservation District has expressed its concerns in the attached 2015 letter from Kate Giannini, Soil and Water Conservation Specialist. The Army Corps of Engineers is also interested in the impact of this development; please see the attached email exchange between a homeowner and Jonathan Wuebeker.

We ask you to please consider these issues, as the impacts will be long-term.

Sincerely,

Current FNHA Board Members & Concerned Neighbors

Erin Payne-Christiansen  
2592 Cedar Court NE

Tim Conklin  
3767 Oak Lane NE

Joanna Hall  
2665 Aspen Court NE

Rob Maher  
2663 Willow Court NE

Brad Snell  
2583 Cedar Court NE

Rebecca Davis  
3705 Oak Lane NE

1st image: 2012 aerial photo, Google Earth



2nd image: 2022 aerial photo, Google Earth



watershed map

letter from Soil & Water Conservation Specialist

email exchange with Army Corps of Engineers





## Johnson County Soil & Water Conservation District

51 Escort Lane  
Iowa City, IA 52240-8612

Telephone (319) 337-2322  
Fax 855-233-1294  
Website [www.jcswcd.org](http://www.jcswcd.org)  
Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

6/18/2015

Per the request of a few homeowners of the Fjords Subdivision, Johnson County Soil and Water Conservation District has provided technical assistance in regards to flooding concerns within their subdivision watershed. An in office watershed assessment was completed in the fall of 2014, and that assessment is available upon request. Note, a field assessment has not been completed.

The residents are concerned about future development that may occur within their watershed as they already are experiencing frequent flood damage during rain events. I have been further asked to provide information and technical assistance on how a future development to the south of the Fjords (which is owned by Scanlon Family Farm LC) may impact and further heightened their flooding issues. Below is how I would review the project for Sensitive Areas, Sediment and Erosion Control, Stormwater, although since this project is not zoned within the County not all of the items are enforceable. Please consult your local, State and Federal agencies on their specific guidelines on the below topics. Some agencies may not be able to provide assistance unless the landowner is requesting the consultation.

### **Sensitive Areas:**

#### **1. Critical Wildlife Habitat**

- a. **There is possibility of critical wildlife habitat for threatened and endangered species. Determined after looking at Johnson County PIV (Property Information Viewer)**
- b. Request and review documents provided by Iowa DNR and/or USFWS or a local contractor to determine if any critical habitat exists in the area planned for development.
- c. If critical wildlife habitat is found either preserve the area or develop a mitigation plan in consultation with DNR and/or USFWS prior to any disturbance.

#### **2. Floodplain and Floodway**

- a. The proposed development is not within a floodplain or floodway. Determined after looking at Johnson County PIV.

#### **3. Prairies and Prairie Remnants**

---

MISSION: To clear our water by treating every acre with respect

All USDA programs and services are offered on a non-discriminatory basis, without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.



## Johnson County Soil & Water Conservation District

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Iowa City, IA 52240-8612

Telephone (319) 337-2322  
Fax 855-233-1294  
Website [www.jcswcd.org](http://www.jcswcd.org)  
Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

- a. **I have examined historic air photos, and a large portion of the area looks like it has never been cropped. The existence of a prairie or prairie remnant cannot be ruled out. Determined after looking at Johnson County PIV.**
  - b. A consultant (either private or DNR) is requested to evaluate the presence, quality and diversity of native species.
  - c. If area is identified as a sensitive area it should be left undisturbed except for management activities for restoration and maintenance. A buffer zone of at least 50' should be established.
  - d. If site cannot be left undisturbed a mitigation plan shall be developed prior to any disturbance
- 4. Savanna and Savanna Remnant**
- a. **I have examined historic air photos and there is a possibility of possible savanna on site. Determined after looking at Johnson County PIV.**
  - b. Request a consultation by DNR District Forester
- 5. Wetlands**
- a. Consult a Wetland Specialist for consultation
- 6. Woodlands**
- a. **Potential to effect. Determined after looking at Johnson County PIV.**
  - b. Request a consultation by DNR District Forester
- 7. Stream Corridors**
- a. **No blue-line streams identified but assessment of existing drainage ways and their health and potential erodibility should be examined. Determined after looking at Johnson County PIV and USGS maps**
- 8. Unstable Landforms**
- a. **Potential to effect, unstable landforms are found on site. Determined after looking at web soil survey and topographic maps.**
  - b. **Avoid and protect areas that are unstable when possible.**
- 9. Historic Properties/ Cultural Resources**

---

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Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

- a. **Potential to effect, after quick iSites public search on web**
- b. Consult a contractor (private and/or State Historic Preservation Office) to conduct a archaeology survey prior to disturbance

### **Stormwater:**

Continued development within the watershed will likely cause further flooding and more damaging effects if stormwater runoff is not treated and controlled. It is recommended that stormwater be addressed to meet the Unified Sizing Criteria of the Iowa Stormwater Management Manual. A suite of best management practices (BMPs) and their specifications can also be found in that manual. It is recommended that a treatment train of BMPs are installed to infiltrate the water quality volume and also control larger rainfall events.

### **Sediment and Erosion Control:**

A Sediment and Erosion Control Plan or also known as a Stormwater Pollution Prevention Plan (SWPPP) shall be developed before any land disturbance on 1 acre or more per [DNR regulations](#). Individual lot SWPPP's may or may not be required depending on local regulations.

My contact information is listed below for further questions or follow-up.

Sincerely,

Kate Giannini  
*Soil and Water Conservation Specialist*  
Johnson County Soil and Water Conservation District  
51 Escort Lane  
Iowa City, IA 52240  
[Kate.giannini@ia.nacdnet.net](mailto:Kate.giannini@ia.nacdnet.net)  
319-337-2322 x.305  
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Tim Conklin &lt;timconk@gmail.com&gt;

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**Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty**

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Tim Conklin <tim@allstarmgmt.com>  
To: Tim Conklin <timconk@gmail.com>

Fri, Jun 17, 2022 at 10:22 AM

----- Forwarded message -----

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Date: Fri, Jun 17, 2022 at 10:11 AM  
Subject: Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: Tim Conklin <tim@allstarmgmt.com>

Fyi

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From: **Wuebker, Jonathan D CIV USARMY CEMVR (USA)** <Jonathan.D.Wuebker@usace.army.mil>  
Date: Fri, Jun 17, 2022, 7:52 AM  
Subject: RE: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: julieconklin95@gmail.com <julieconklin95@gmail.com>

Julie,

Thank you for your inquiry and information on the proposed work site. As of date I am not aware of USACE Coralville Lake Project being contacted of the construction. Any construction project however is regulated by the state of Iowa and County which the project is being worked in. The project is responsible to mitigate and control construction run-off. At quick glance, USACE does have flowage easements throughout your HOA and including one of your ponds so there is most certainly interest in anything that could fill in these areas as it can impact ability to fill with water during flood events.

Any concerns can be addressed with the county first accordingly to ensure silt control measures are planned and in place for any construction projects. All projects must first receive the county approvals prior to start including mitigation planning. Should silt runoff the site and affect USACE lands, our office would most certainly be interested in any information and photographs regarding the projects progression to ensure lands are returned to pre-construction condition and any silt/runoff removed for use accordingly. The burden of proof however can be difficult to quantify material specific to a site if no pre-construction information is available for what it worth.

If you have any other questions or I may be of further assistance please let me know.

Jonathan D. Wuebker

Assistant Operations Manager

CISM Peer Supporter

Coralville Lake Reservoir

[2850 Prairie du Chien Road NE](#)[Iowa City, IA 52240-7820](#)

(319) 338-3543 ext. 6302

Coralville Lake

<http://www.mvr.usace.army.mil/Missions/Recreation/Coralville-Lake/>

CISM KM Portal

<https://usace.dps.mil/sites/KMP/SitePages/CISM.aspx>

Free Confidential Employee Assistance Program help: [800-638-3327](tel:800-638-3327)

<https://myassistanceprogram.com/fei/>

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**From:** Julie Conklin <[julieconklin95@gmail.com](mailto:julieconklin95@gmail.com)>  
**Sent:** Thursday, June 16, 2022 1:16 PM  
**To:** Coralville.Lake <[Coralville.Lake@usace.army.mil](mailto:Coralville.Lake@usace.army.mil)>  
**Subject:** [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Hello,

I have some questions regarding a new subdivision being proposed by Scanlon Family, LLC of roughly 36 acres next to our neighborhood on Oak Lane NE in North Liberty. Our subdivision, Fjords North, has a majority of its homeowners who own land connecting to Army Corps of Engineering land around Coralville Lake.

The proposed subdivision's infrastructure is causing some concerns for our neighborhood. We are currently experiencing silt issues with a HOA owned pond, as well as a neighbor who is experiencing the same issues with his privately owned pond as well as property flooding from current runoff/drainage issues from other neighborhoods. Our Good Neighborhood Meeting was held last night, where these questions were asked of the builder/developer/owner of the land being developed with little to no solutions given. When asked what type of impact we should expect from the development, no one could answer this question. The developer discussed mitigation techniques that they might try but they didn't have a full understanding of their impact on our neighborhood. This is obviously a concern for us because of the 2 ponds affected and potential wash out of 2 roads.

The Corps land will also be impacted by the development and infrastructure needed. Is Scanlon Family, LLC working with the Corps to help mitigate the runoff/drainage issues? Does the Army Corps of Engineering have general guidelines that developers have to follow to mitigate runoff/drainage issues that will affect their land?

I greatly appreciate any information that you can give.

Thank you!

--

Julie Conklin

## Ryan Rusnak

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**From:** Brian Dennis <brianddennis92@gmail.com>  
**Sent:** Wednesday, June 29, 2022 3:08 PM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Erin & Cory Payne-Christiansen  
**Subject:** [EXTERNAL] Planned City Annex and Development - North Ridge development

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Dear Members of the North Liberty Planning and Zoning Committee;  
Ryan Heiar, City Administrator;  
Tracey Mulcahey, Assistant City Administrator & City Clerk; and  
Ryan Rusnak, Planning Director

This letter is in support of the letter you received from Erin Payne-Christiansen on behalf of the Fjords FNHA Board Members and concerned neighbors expressing concerns over the impact of the proposed annex and local development, most recently that of the North Ridge development, parts 2 & 3.

Attached are public links to pictures and video footage which supports many of the concerns we have for item (2) which is Watershed Management and silt/sediment containment. These pictures and videos were taken by me personally after a rain event in 2012 and 2016 which commonly happens 1-4 times a year. Some of the pictures show failure of watershed and silt containment measures in the development and the result being large amounts of silt/sediment and other debris flowing down the main waterway by the pumphouse which is adjacent to the current development being proposed and one of the main waterways that travel through the proposed development. This debris ultimately ends up in my private pond, the community pond, and also runs into the Coralville Reservoir. We hope that you will take time to review this information when taking our concerns into consideration on watershed and sediment containment measures with the new development and future development to come.

Video footage of 2014 rain events.

<https://youtu.be/eZEGxv4-d9c>

<https://youtu.be/GYTv8-a-HpA>

Drone Footage of a 2016 flooding and silting from the new development West and South of Fjords.

<https://www.dropbox.com/sh/jj837gwz6ghes4l/AAAtcLty0ouWFXyktskflmrSa?dl=0>

Pics from walking the drainage and waterways from same flooding in 2016

<https://www.dropbox.com/sh/1r3iky5nonbfc7/AABhTfGwTtgixRSIfMevaJfBa?dl=0>

We look forward to discussing further in the future and please do not hesitate to ask any questions about the information provided. If for some reason the links are not viewable on your end, please let me know.

If you could kindly reply confirming receipt of this information, that would be greatly appreciated.

Thank you for your time and consideration.

Best,

Brian Dennis  
2625 Aspen CT NE  
North Liberty, IA 52317

## Ryan Rusnak

---

**From:** Tim Conklin <timconk@gmail.com>  
**Sent:** Friday, July 01, 2022 10:29 AM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Joanna Hall; William Roemer  
**Subject:** [EXTERNAL] Attn: P&Z for July 5 meeting - Oak Ln NE current width  
**Attachments:** IMG\_7802.jpg; IMG\_7803.jpg; IMG\_7804.jpg; IMG\_7805.jpg; IMG\_7806.jpg

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Please confirm receipt and forward to P&Z as public correspondence for the July 5 meeting related to Northridge parts 2 & 3:

North Liberty P&Z:

Attached please find pictures of two cars on Oak LN, the connector road for the Fjords North subdivision. As you can see this road is extremely narrow with barely enough width for two cars. It is important to also note that there is no space to pull off as the shoulders are sloping steep uneven surfaces with vegetation. The three house lots proposed along Oak Ln (in the city but on our private road) will have limited parking because they are mostly wetlands. In the event one of these properties has a party there will not be enough parking on the lots and if they were to park along Oak LN that would restrict our in/out egress to one lane. Even at that, it is a public safety issue as a fire truck would not fit down the remaining width.

Our neighborhood is also seeking a proposal for a gated entrance into our development at the end of Oak LN. My guess is without the gate and with or without an easement from us, most commercial vehicles will try to turn around in our development by our mailboxes. I actually have a class B commercial driver's license. As I see it, the road is not wide enough for a fire truck, school bus, garbage truck, etc.. to turn around with the proposed turnaround. If we move forward with the gate illegally, using our road to turn around will not be an option. Again this creates another public safety issue as commercial vehicles will mostly likely need to back all the way down Oak and into North Liberty Rd NE.

I request that you please take these points into consideration and force the developer to make reasonable accommodations.

I would be more than happy to meet any of you out here to walk around and show you what I'm talking about.

Sincerely,  
Tim Conklin  
3767 Oak Ln NE  
North Liberty, IA 52317  
319-329-7745













## Ryan Rusnak

---

**From:** Tim Conklin <timconk@gmail.com>  
**Sent:** Friday, July 01, 2022 12:40 PM  
**To:** Bob Downer  
**Cc:** wroemerman@readroemerman.com; jpatscanlon@gmail.com; Grant Lientz; Tracey Mulcahey; Ryan Rusnak; Ryan Heiar  
**Subject:** [EXTERNAL] Re: Scanlon Family, L.L.C. – Fjords North Homeowners Association  
**Attachments:** image001.jpg

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Mr. Downer,

We take umbrage at the tone of your correspondence and are not comprehending why your client is unable to address the concerns of the Fjords owners. It is absurd for the party standing to profit to declare that the road will not be an issue. It appears your clients intent is to sell the lots and high tail it out, leaving us with the mess.

We reject your offer. It is premature and quite frankly pompous to assume our association would accept an offer that has little to no value to us. (Your offer saves each home owner a laughable \$26 per year). Furthermore, our association is currently seeking proposals for a gate at the end of Oak LN. Granting an easement will undermine our goal of keeping non Fjord owners off our our property, including the eventual homeowners of those three lots.

We need you to actually listen to our concerns (instead of arguing them) and make changes and concessions accordingly.

Tim Conklin  
3767 Oak Ln NE,  
North Liberty, IA 52317  
319-329-7745

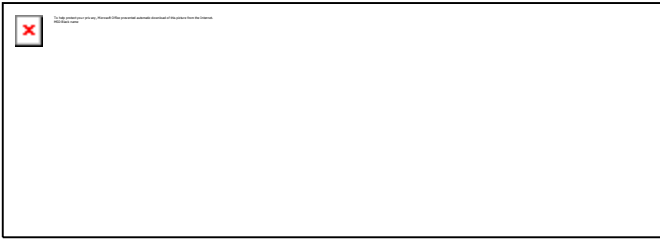
On Fri, Jul 1, 2022 at 9:05 AM Bob Downer <[bobd@meardonlaw.com](mailto:bobd@meardonlaw.com)> wrote:

Attached please find copy of correspondence from Mr. Downer, with hard copy to follow by ordinary U.S. mail. Please contact Mr. Downer with any questions.

Thank you,

Sacha Wyckoff

Legal Assistant to Robert N. Downer



122 SOUTH LINN STREET

IOWA CITY, IA 52240

Telephone: (319) 338-9222

Facsimile: (319) 338-7250

[MeardonLaw.com](#) • [Bio](#)

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Thank you.

## Ryan Rusnak

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**From:** Craig Reischauer <craig@reischauerlandservices.com>  
**Sent:** Saturday, July 02, 2022 4:49 PM  
**To:** Ryan Rusnak  
**Cc:** Erin Payne-Christiansen; Tim Conklin; Joanna.c.hall@gmail.com; Brad Snell; Rebecca Davis; Rob Maher  
**Subject:** [EXTERNAL] Scanlon Family, LLC. North Ridge Parts 2 & 3

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Ryan,

I am writing to share my opposition to the above proposed development as currently designed. My family and I reside in the Fjords North neighborhood of which the sole access will be impacted by this development. I share the many concerns outlined in previous correspondences by our FNHA Board Members and neighbors but as those are already of record, I will try to limit this email to my most specific concerns.

The City staff makes a recommendation that the City provide a variance to Section 180(8)(A) which provides that "private streets in single family residential areas are not allowed." The City states that it is "the staff's opinion that granting the variation would not be detrimental to the area." I respectfully disagree with that opinion based on the very narrow nature of the road. There is no place to put mailboxes on Oak Lane NE in a manner that the residents of the three lots proposed in "Part 2" can safely pull over and get their mail without blocking a lane of traffic and there is no place for large vehicles to turn around without encroaching onto the private property of Fjords North. If these two concerns are not addressed, I feel there is a negative impact on the residents of our neighborhood. To me, the issue is not that the road is "private", it is that the road is not safe if something is not included in the development to accommodate these concerns.

The preliminary plat for the development shows a "temporary fire turnaround" on the north side of Oak Lane NE that might help with some of the above concerns during construction, but what is the permanent solution? If neither the City nor the developer are willing to improve the road to accommodate the additional lots and driveways, it would seem reasonable that at a minimum the developer should provide a safe area for their mailboxes and an area for large vehicles to turn around without encroaching on our private development.

I propose that this is not merely a concern for the developer and the future residents of the three lots in "Part 2" but also a concern for the City. Assuming that the three new City lots on the south side of Oak Lane NE are served by City garbage and recycling, how will these City vehicles turn around when they get to the end of the easement area? How will other City maintenance vehicles turn around?

Until there is some assurance that there will be a safe area for mailboxes and a safe area to accommodate turning large trucks around, the assumption would be that the road will be periodically blocked and/or there will be encroachment on private property to accommodate this development. I would suggest that the developer has plenty of property on both the north and south side of the road. They should be required to provide a sufficient area for their mailboxes and a sufficient area for their residents and for City maintenance and garbage trucks to turn around on this narrow road. To do so would not be a hardship on the developer, but to not do so creates a hardship for residents of our neighborhood.

In closing, I would like to be clear that I am not in any way opposed to development, I am only concerned that it be done with safety in mind and with respect for private property. I would greatly appreciate it if you would confirm receipt of this email and also share my concerns with the Planning and Zoning Committee prior to or at the July 5th meeting.

Please do not hesitate to reach out to me with any questions or to further discuss.

Thank you for your consideration of my concerns.

Craig Reischuaer  
2518 Cottonwood Court, NE  
North Liberty, Iowa 52317  
319-350-9922

## Ryan Rusnak

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**From:** Joanna Hall <joanna.c.hall@gmail.com>  
**Sent:** Sunday, July 03, 2022 9:26 AM  
**To:** Ryan Rusnak  
**Cc:** Hall M  
**Subject:** [EXTERNAL] Re oak Lane and North liberty Scanlan development

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Mr Rusnak

My husband may follow up with a more detailed email later, but I would like you to please add Joanna and Mederic Hall of 2665 Aspen Court NE. in North liberty Iowa to the list of individuals formally rejecting the plat as it is currently designed for the Scanlon farms development.

We reject this for many of the reasons already mentioned by multiple Fjords North and surrounding homeowners.

Thank you so much for your time. Hope you have a great Fourth of July

Joanna Hall  
Sent from my iPhone



## Ryan Rusnak

---

**From:** Sarah Jorgensen <skjorgensen@yahoo.com>  
**Sent:** Monday, July 04, 2022 9:24 AM  
**To:** Ryan Rusnak  
**Subject:** [EXTERNAL] Opposition to Scanlon Farms LLC request

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Good morning,

As a homeowner in Fjords North, I am writing in opposition of the request of Scanlon Farms LLC. As it currently stands, the proposal utilizes Oak Lane NE for access of three lots. As you are aware, Oak Lane NE is a private road in which the homeowners of Fjords North currently are responsible for the maintenance. Additionally, it is the only access in and out of the neighborhood. If Oak Lane NE is used for development of homes on the three lots, it will incur significant wear and tear from construction vehicles. There is also the potential for the road to be obstructed, making access for the homeowners of Fjords North, and any emergency vehicles, impaired and/or impossible. Furthermore, the construction process will lead to runoff into the waterways of the neighborhood. These waterways ultimately lead to Coralville Lake. Thus, having long term consequences on the lake.

Please consider these issues when making your final decision.

Sincerely,  
Sarah Jorgensen  
2542 Cottonwood Court NE

## Ryan Rusnak

---

**From:** Sherri Bergstrom <sherrib2490@gmail.com>  
**Sent:** Monday, July 04, 2022 6:53 PM  
**To:** Ryan Rusnak  
**Subject:** [EXTERNAL] North Ridge Development

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Dear Mr. Rusnak and members of the North Liberty Planning and Zoning Commission:

I am a 20 year resident at 2490 Cottonwood Ct. in the Fjords North subdivision. I am writing to express my concern over the impact the North Ridge development has had and will have on our beautiful, established neighborhood. At issue is the assumption of the Scanlon development group that they are able to use our private county road to access three lots they would like to sell across a small waterway from their larger development. The development of these three lots (a drop in the bucket for the Scanlon group), will have a serious impact on life in our neighborhood for the residents.

Granting access on Oak Lane is contrary to our understanding of a long standing agreement since the development of Fjords North over 30 years ago. We as residents have invested our own money and time to maintain and resurface the road over the years. We reject the idea of adding access to new lots that would add another roadway connecting into Oak Lane and the resulting issues of more traffic, mailboxes, emergency vehicle access, erosion into our waterways and aesthetics. We, as residents, have protected and value our country lane and desire it to remain as is. It is very disturbing to all the long time residents to have our entrance be impacted at the whim of a large developer wanting an extra three lots that they do not need.

Our hope is that you will appreciate and value the fact that we have been here a long time and put our efforts and money into preserving Oak Lane as it is. Please consider not granting a developer access from our private road that will change everything.

Thank you for your thoughtful consideration of this important issue.

Sincerely,

Sherri Bergstrom  
2490 Cottonwood Ct. NE  
North Liberty, Iowa. 52317

Sent from my iPhone

## Ryan Rusnak

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**From:** Noel Carver <noelcarver@hotmail.com>  
**Sent:** Tuesday, July 05, 2022 11:08 AM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Subject:** [EXTERNAL] about development around fjords, re P&Z meeting

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Hi all,

Could you please ensure this email is shared with the entirety of the P&Z committee?

I'm Noel Carver, a resident of the fjords neighborhood for the last 5 years. My family is concerned about the new development, specifically with safety and water issues as well as potential liability issues for us and the city.

With cars parked on Oak, we fear that an accident may be likely. It is not terribly wide as it is, and families and large Amazon/ FedEx/ UPS trucks make use of that road throughout the day.

We are also worried about drainage and water issues impacting our own neighborhood, our homes and properties, and our neighborhood's water catchment areas.

We also have worries regarding environmental impact and falling afoul of federal stipulations regarding the watershed and environs here as it feeds into federal territory managed by the Army Corps of Engineers (who, as you know, also have certain rights regarding the water runs and catchment areas within our HOA).

Whether legal and financial liability for safety issues, environmental damage, falling afoul of accepted conservation practices and/or federal rules governing the usages of water in the area would fall upon us or the city, either way we are very concerned about negative outcomes here. In weighing the costs and benefits to the community and to the city, we believe this development is not a good idea.

We hope you had a great holiday weekend, and thank you so much for your time!

all best,

Noel Carver

**Resolution No. 2023-22**

**RESOLUTION APPROVING THE PRELIMINARY PLAT FOR  
NORTH RIDGE – PART 2 & 3, NORTH LIBERTY, IOWA**

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

**WHEREAS**, the owner and applicant, Greenbelt Trail, L.L.C., has filed with the City Clerk a preliminary plat described in Exhibit A which is attached hereto;

**WHEREAS**, the property is legally described as:

GREENBELT TRAIL, LLC

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17,  
TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5<sup>TH</sup>/PRINCIPAL MERIDIAN, JOHNSON  
COUNTY, IOWA.

EXCEPT

THAT PART OF AUDITOR'S PARCEL NO. 2021024 LYING WITHIN THE NORTHEAST  
QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH,  
RANGE 6 WEST OF THE 5<sup>TH</sup>/PRINCIPAL MERIDIAN AS RECORDED IN BOOK 64, PAGE  
353 IN THE OFFICE OF JOHNSON COUNTY, IOWA RECORDER.

AND

THE SOUTH 500 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5<sup>TH</sup>  
PRINCIPAL MERIDIAN, NORTH LIBERTY, JOHNSON COUNTY, IOWA

THE TRUSTEES OF PENN TOWNSHIP (ALT WEIN CEMETERY)

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF  
SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST, THENCE SOUTH 27 ½ DEGREES  
WEST 48 RODS AND LINKS TO A STONE, THENCE SOUTH 10 DEGREES EAST 14  
ROADS TO A STONE, THENCE EAST 16 RODS TO A STONE, THENCE NORTH 8 RODS  
TO A STONE, THENCE NORTHWESTERLY TO THE PLACE OF BEGINNING, COUNTING  
176 RODS TOGETHER WITH THE RIGHT-OF-WAY FOR WAGONS AND CARRIAGES  
FROM THE BANE ROAD TO THE NORTHWEST CORNER OF SAID LOT. THE SAID LAND  
TO BE USED FOR CEMETERY PURPOSES AND TO BE MAINTAINED AS SUCH.

**WHEREAS**, said real estate is owned by the above-named party and the subdivision is being made with free consent and in accordance with the desires of the owner;

**WHEREAS**, said preliminary plat has been examined by the North Liberty Planning and Zoning Commission which found:

1. The preliminary plat, which proposes residential development and park space, would achieve consistency with the Comprehensive Plan Future Land Map designation, which are Urban Low Intensity and Parks, Open Space, respectively;

2. The preliminary plat warrants approval of a variation from the design standards regarding the use of a private street for a portion of the development in accordance with Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances (with variation granted), which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

and did recommend that the preliminary plat described as North Ridge – Part 2 & 3 be approved with no conditions;

**WHEREAS**, said preliminary plat are found to conform with Chapter 354 of the Code of Iowa and ordinances of the City of North Liberty.

**NOW, THEREFORE, BE IT RESOLVED** that the Preliminary Plat for North Ridge – Part 2 & 3 is approved.

**APPROVED AND ADOPTED** this 14th day of March, 2023.

CITY OF NORTH LIBERTY:

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CHRIS HOFFMAN, 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



# **Animal Ordinance**

**AMENDING CHAPTERS 55, 56, AND 57 OF THE CODE OF ORDINANCES OF  
THE CITY OF NORTH LIBERTY, IOWA, CONCERNING PROCEDURES FOR  
IMPOUNDMENT AND REDEMPTION OF IMPOUNDED ANIMALS,  
COMPLIANCE REQUIREMENTS FOR DANGEROUS DOGS, AND LICENSURE  
OF SERVICE ANIMALS.**

**BE IT ENACTED** by the City Council of the City of North Liberty, Iowa:

**SECTION 1. AMENDMENT.** Section 55.17 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

55.17 IMPOUNDMENT.

1. Any pet animal found in violation of the provisions of this chapter may be impounded by the City. Animals subject to impoundment shall be held temporarily on City property until transferred to and impounded at a shelter or pound as described in Section 55.20. Animals held by the City shall be transferred for impoundment as soon as is practicable and reasonable under the circumstances. Animals are considered impounded for the purposes of this Chapter when they are loaded onto a vehicle for transport to the shelter or pound.

2. The City may impound any animal that is doing any ~~of the acts~~ prohibited by ~~the City ordinance~~, or which is ~~believed determined~~ to be ~~in danger of being subjected to cruel treatment~~ threatened animal within the meaning of Iowa Code §717B.1 as amended, or when the animal is found to be sick, injured, or dead.

3. The City may impound any animal if, upon taking its owner or custodian into custody for any lawful reason, no other person or party can be readily found to provide appropriate and adequate care and supervision to the animal. In such instances, the person in custody shall be notified of the impoundment.

4. The person authorized to impound pet animals, upon receiving any pet animal, shall make a complete registration for such animal, entering the date, species, breed, color, and sex of such animal, any tattoo number or other special characteristics, and whether licensed. If such animal is licensed, said person shall enter the name and address of the owner and the number of the license tag. Not later than two days after the impounding of any pet animal, the owner, if known, shall be notified of such impoundment.

5. The City shall keep all animals impounded pursuant to this chapter for a period of three (3) calendar days after the owner has been notified, in writing, of the

~~impoundment, which notice shall be given to the animal owner by personal delivery, electronic mail, or by U.S. mail. U.S. mail is deemed completed four (4) days after the notice is deposited in the mail and postmarked for delivery. Electronic mail is deemed completed twenty-four (24) hours after it is sent. After such time period has expired and the owner has failed to claim and redeem any such impounded animal, such animal may be disposed of as provided for in this Chapter. This provision does not apply to stray animals for which the owner is unknown. It is the duty of the City to keep all animals impounded pursuant to this chapter for a period of five days after the owner has been notified as provided herein. If, after seven days following service of notice on the owner (either by certified mail or by personal service) of the impoundment of the owner's animal, said owner has failed to claim and redeem any such impounded animal, such animal may be adopted, transferred to any State institution pursuant to the provisions for the purposes of Chapter 351A of the Code of Iowa, or humanely euthanized and disposed of. In the event that the owner is not willing to accept service by certified mail or by personal service, then, after a period of seven days following the attempt to make service on the owner, the animal control personnel shall have the right and duty to dispose of said animal in the manner provided for by the City.~~

~~76.~~ If a pet animal is not licensed, and if the owner is unknown, it shall be the duty of the City to keep the animal impounded for seven-three days ~~from the date that the animal is first picked up~~, and then said animal may be disposed of as provided for in this section.

~~87.~~ The registry of impounded pet animals ~~not wearing a license tag when impounded~~ shall be available during reasonable hours for inspection by owners.

~~98.~~ Any animal not redeemed after the expiration of the ~~holding impoundment~~ period may be adopted out or humanely euthanized.

~~109.~~ Notwithstanding the provisions of this section concerning holding periods, the Police Chief may humanely euthanize any unlicensed impounded animal if the animal is feral and/or dangerous to the safety of humans or other animals, if the animal is suffering from serious injury or disease, or if the designated shelter area is at capacity.

~~110.~~ Any animal impounded pursuant to this section may be redeemed upon payment of all redemption fees. ~~In addition, any unlicensed dog or cat must be licensed at the time of redemption.~~ Animals impounded due to suspected neglect or mistreatment shall not be redeemed by their owners or caretakers without first being subject to dispositional proceedings in accordance with Iowa Code § 717B.4, as amended.



~~1211.~~ Any dog or cat running at large during rabies quarantine shall be immediately impounded by the City and kept at the animal shelter for the remainder of the quarantine at the owner's or custodian's expense.

**SECTION 2. AMENDMENT.** Section 55.18 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

**55.18 REDEMPTION FEES OF IMPOUNDED ANIMALS.**

~~1. The owner of any animal impounded pursuant to this chapter may redeem such animal upon proof of current license and rabies inoculation, payment of the redemption fee and payment of all costs and charges incurred by the City or the agency authorized by the City to impound such animal, including costs of maintenance of said animal.~~

~~2. All dogs and cats impounded by the City which do not have traceable identification shall have a microchip identification implanted permanently into the animal prior to redemption. 1. Any animal may be redeemed by payment of the redemption fees, which include applicable fees, penalties, and recoverable expenses. The redemption fees for any animal other than a dog or cat are calculated in the same manner as for a dog or cat, plus reimbursement of any expenses incurred by the City that are not included or contemplated herein.~~

~~2. Any dog or cat impounded pursuant to the provisions of this chapter, when all conditions have been met for release, may be redeemed upon payment of any fees, penalties, and any recoverable expenses incurred by the City and upon proof of a current license and proof of a current rabies vaccination or written agreement to present such proof within 30 days.~~

~~3. The redemption fees shall be established from time to time by resolution of the City Council, for a dog is \$25.00 for each dog plus an additional fee of \$10.00 for each 24-hour period or portion thereof during which such dog is retained by the impounding agency. The redemption fee for a dog redeemed a second or a third time in any 12-month period shall be \$35.00 and \$55.00, respectively, plus an additional fee of \$10.00 for each 24-hour period or portion thereof during which such dog is retained by the impounding agency.~~

~~4. Recoverable expenses incurred include but are not limited to trip fees of \$25.00 for a regular response and \$50.00 for an emergency response and reasonable veterinary expenses incurred by the City.~~

~~54.~~ All fees and expenses payable under this section shall be made payable to the City of North Liberty.

Commented [RH1]: Do we have an accompanying resolution prepared?

Commented [GL2R1]: No, but we'll want something to accompany the third reading for sure

~~65.~~ Fees for the boarding of pet animals impounded by the City shall be based upon the agreement with the ~~owner of the pound~~ [impounding agency](#). The charges established pursuant to this subsection shall be in addition to any fine or penalty that may be enforced against the owner.

~~76.~~ If a pet animal four months of age or older which is unlicensed is impounded, the person to whom the animal is released shall purchase a license, if applicable, for such animal and show proof of current rabies vaccination or purchase a rabies vaccination in order to obtain the release of the animal.

**SECTION 3. AMENDMENT.** Paragraph 6 of Section 57.05 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

6. ~~If a~~ [An](#) owner or caretaker of any dog declared potentially dangerous ~~is~~ found to be in violation of this chapter, ~~is willfully in violation or is unable to meet the requirements of this chapter, the potentially dangerous dog~~ shall be automatically escalated to a classification ~~classified~~ [of as](#) a dangerous dog and ~~ordered to confine the animal according to the provisions of Section 57.06 shall apply. The owner or caretaker of the dog shall be notified of the classification in writing. Failure to abide by this section shall result in an additional order in writing to safely remove the dog from the City or humanely destroy the animal within 10 days.~~

**SECTION 4. AMENDMENT.** Paragraph 9 of Section 57.06 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

9. ~~If a~~ [An](#) owner or caretaker of any dog declared dangerous [pursuant to Section 57.03 or classified as dangerous pursuant to Section 57.05](#) ~~is~~ found to be in violation of this chapter, ~~is willfully in violation or is unable to meet the requirements of this chapter, the owner or caretaker~~ shall be ordered in writing to safely remove the dog from the City, or ~~to~~ [humanely destroy the animal within 10 days. If after ten days the owner or caretaker has not complied, the City is authorized to seize and impound the dog. Dogs so impounded may be redeemed only if they are removed from the City. Such dogs not redeemed shall be humanely euthanized.](#)

**SECTION 5. AMENDMENT.** Paragraph 11 of Section 57.01 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

11. "Proper Leashing" of a dangerous or potentially dangerous dog means the dog shall not be permitted to go outside a proper enclosure, as defined in Section 57.05(1) or Section 57.06(1) of this chapter, unless [wearing a properly fitted Martingale \(limited-slip\) collar or its equivalent, as determined by a veterinarian, and](#) secured on a leash no longer than six (6) feet in length that is under the actual

physical control of a person eighteen (18) years of age or older who has the physical ability to restrain the dog. When a dangerous dog is not securely confined or caged for transportation, a muzzle shall be placed on the dog.

**SECTION 6. AMENDMENT.** Section 56.02 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

56.02 FEES.

~~Annual~~ License fees and penalties for cats and dogs shall be set by resolution by the City Council. Senior rate (for persons age 62 and over), if applicable, will eliminate the above fee for one license for a neutered or spayed animal. The City shall ~~honor the request by a blind person, hearing impaired person, or physically disabled person not to be charged~~ waive its licensure fee to license his or her upon request for trained service animals, as defined by the Americans with Disabilities Act. Any person who, for the reason of securing a cat or dog license, falsely represents whether the cat or dog is spayed or neutered or non-spayed or non-neutered shall be in violation of this section.

**SECTION 7. REPEALER.** All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 8. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 9. 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 10. WHEN EFFECTIVE.** This Ordinance shall be in effect from and after its final passage, approval and publication as provide by law.

First reading on \_\_\_\_\_.

Second reading on \_\_\_\_\_.

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

**CITY OF NORTH LIBERTY**

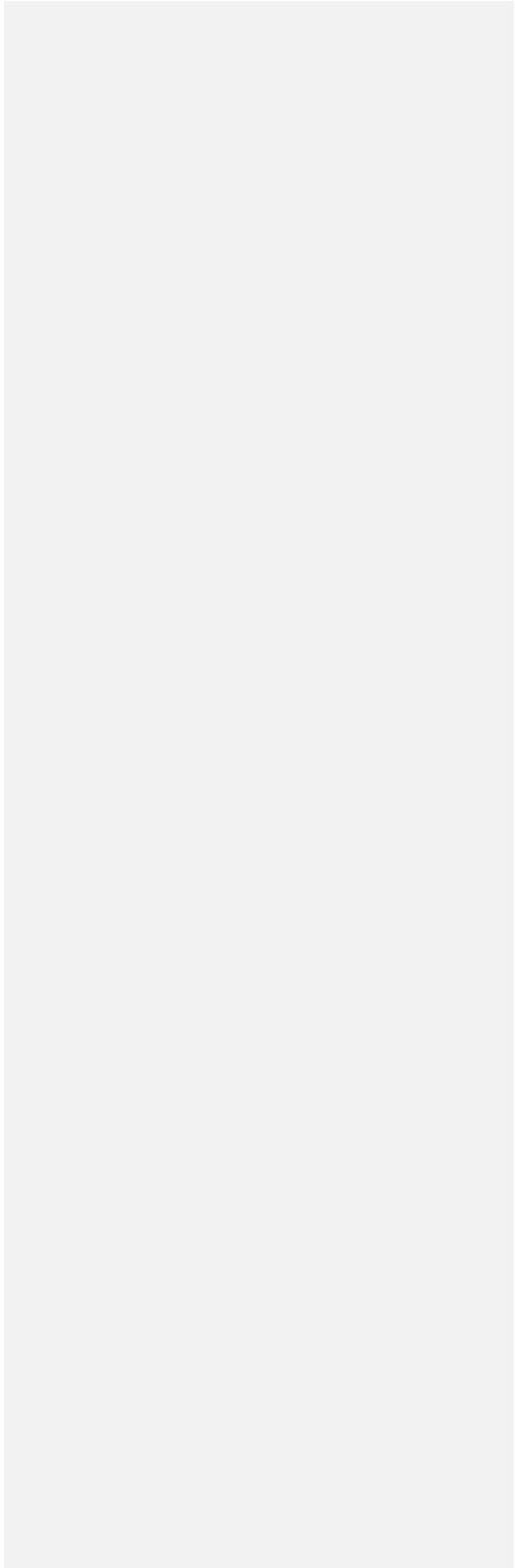
\_\_\_\_\_  
Chris Hoffman, MAYOR

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 \_\_\_\_\_ in the *Cedar Rapids Gazette* on \_\_\_\_\_.



**Ordinance 2023-04**

**AMENDING CHAPTERS 55, 56, AND 57 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH LIBERTY, IOWA, CONCERNING PROCEDURES FOR IMPOUNDMENT AND REDEMPTION OF IMPOUNDED ANIMALS, COMPLIANCE REQUIREMENTS FOR DANGEROUS DOGS, AND LICENSURE OF SERVICE ANIMALS**

**BE IT ENACTED** by the City Council of the City of North Liberty, Iowa:

**SECTION 1. AMENDMENT.** Section 55.17 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

55.17 IMPOUNDMENT.

1. Any pet animal found in violation of the provisions of this chapter may be impounded by the City. Animals subject to impoundment shall be held temporarily on City property until transferred to and impounded at a shelter or pound as described in Section 55.20. Animals held by the City shall be transferred for impoundment as soon as is practicable and reasonable under the circumstances. Animals are considered impounded for the purposes of this Chapter when they are loaded onto a vehicle for transport to the shelter or pound.

2. The City may impound any animal that is doing any act prohibited by City ordinance, or which is believed to be a threatened animal within the meaning of Iowa Code §717B.1 as amended, or when the animal is found to be sick, injured, or dead.

3. The City may impound any animal if, upon taking its owner or custodian into custody for any lawful reason, no other person or party can be readily found to provide appropriate and adequate care and supervision to the animal. In such instances, the person in custody shall be notified of the impoundment.

4. The person authorized to impound pet animals, upon receiving any pet animal, shall make a complete registration for such animal, entering the date, species, breed, color, and sex of such animal, any tattoo number or other special characteristics, and whether licensed. If such animal is licensed, said person shall enter the name and address of the owner and the number of the license tag. Not later than two days after the impounding of any pet animal, the owner, if known, shall be notified of such impoundment.

5. The City shall keep all animals impounded pursuant to this chapter for a period of three (3) calendar days after the owner has been notified, in writing, of the

impoundment, which notice shall be given to the animal owner by personal delivery, electronic mail, or by U.S. mail. U.S. mail is deemed completed four (4) days after the notice is deposited in the mail and postmarked for delivery. Electronic mail is deemed completed twenty-four (24) hours after it is sent. After such time period has expired and the owner has failed to claim and redeem any such impounded animal, such animal may be disposed of as provided for in this Chapter. This provision does not apply to stray animals for which the owner is unknown.

6. If a pet animal is not licensed, and if the owner is unknown, it shall be the duty of the City to keep the animal impounded for three days, and then said animal may be disposed of as provided for in this section.

7. The registry of impounded pet animals shall be available during reasonable hours for inspection by owners.

8. Any animal not redeemed after the expiration of the impoundment period may be adopted out or humanely euthanized.

9. Notwithstanding the provisions of this section concerning holding periods, the Police Chief may humanely euthanize any unlicensed impounded animal if the animal is feral and/or dangerous to the safety of humans or other animals, if the animal is suffering from serious injury or disease, or if the designated shelter area is at capacity.

10. Any animal impounded pursuant to this section may be redeemed upon payment of all redemption fees. Animals impounded due to suspected neglect or mistreatment shall not be redeemed by their owners or caretakers without first being subject to dispositional proceedings in accordance with Iowa Code § 717B.4, as amended.

11. Any dog or cat running at large during rabies quarantine shall be immediately impounded by the City and kept at the animal shelter for the remainder of the quarantine at the owner's or custodian's expense.

**SECTION 2. AMENDMENT.** Section 55.18 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

**55.18 REDEMPTION OF IMPOUNDED ANIMALS.**

1. The owner of any animal impounded pursuant to this chapter may redeem such animal upon proof of current license and rabies inoculation, payment of the redemption fee and payment of all costs and charges incurred by the City or the agency authorized by the City to impound such animal, including costs of maintenance of said animal.

2. All dogs and cats impounded by the City which do not have traceable identification shall have a microchip identification implanted permanently into the animal prior to redemption.
3. Redemption fees shall be established from time to time by resolution of the City Council.
4. All fees and expenses payable under this section shall be made payable to the City of North Liberty.
5. Fees for the boarding of pet animals impounded by the City shall be based upon the agreement with the impounding agency. The charges established pursuant to this subsection shall be in addition to any fine or penalty that may be enforced against the owner.
6. If a pet animal four months of age or older which is unlicensed is impounded, the person to whom the animal is released shall purchase a license, if applicable, for such animal and show proof of current rabies vaccination or purchase a rabies vaccination in order to obtain the release of the animal.

**SECTION 3. AMENDMENT.** Paragraph 6 of Section 57.05 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

6. If an owner or caretaker of any dog declared potentially dangerous is found to be in violation of this chapter, the potentially dangerous dog shall be automatically classified as a dangerous dog and the provisions of Section 57.06 shall apply. The owner or caretaker of the dog shall be notified of the classification in writing.

**SECTION 4. AMENDMENT.** Paragraph 9 of Section 57.06 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

9. If an owner or caretaker of any dog declared dangerous pursuant to Section 57.03 or classified as dangerous pursuant to Section 57.05 is found to be in violation of this chapter, the owner or caretaker shall be ordered in writing to safely remove the dog from the City, or to humanely destroy the animal within 10 days. If after ten days the owner or caretaker has not complied, the City is authorized to seize and impound the dog. Dogs so impounded may be redeemed only if they are removed from the City. Such dogs not redeemed shall be humanely euthanized.

**SECTION 5. AMENDMENT.** Paragraph 11 of Section 57.01 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

11. "Proper Leashing" of a dangerous or potentially dangerous dog means the dog shall not be permitted to go outside a proper enclosure, as defined in Section 57.05(1) or Section 57.06(1) of this chapter, unless wearing a properly fitted Martingale (limited-slip) collar or its equivalent, as determined by a veterinarian, and secured on a leash no longer than six (6) feet in length that is under the actual physical control of a person eighteen (18) years of age or older who has the physical ability to restrain the dog. When a dangerous dog is not securely confined or caged for transportation, a muzzle shall be placed on the dog.

**SECTION 6. AMENDMENT.** Section 56.02 of the Code of Ordinances of the City of North Liberty, Iowa, is amended to read as follows:

**56.02 FEES.**

License fees and penalties for cats and dogs shall be set by resolution by the City Council. Senior rate (for persons age 62 and over), if applicable, will eliminate the above fee for one license for a neutered or spayed animal. The City shall waive its licensure fee upon request for service animals, as defined by the Americans with Disabilities Act. Any person who, for the reason of securing a cat or dog license, falsely represents whether the cat or dog is spayed or neutered or non-spayed or non-neutered shall be in violation of this section.

**SECTION 7. REPEALER.** All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 8. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 9. 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 10. WHEN EFFECTIVE.** This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on February 28, 2023.

Second reading on \_\_\_\_\_.

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



**CITY OF NORTH LIBERTY**

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Chris Hoffman, 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.

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TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance \_\_\_\_\_ in the *Cedar Rapids Gazette* on \_\_\_\_\_.



# **Additional Information**

To **Mayor and City Council**  
CC **City Administrator**  
From **Tom Palmer, Building Official**  
Date **3/8/2023**  
Re **Monthly Report**

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**February Permits:**

38 permits were issued in February with estimated construction value of 2.4 million dollars. Ten new housing permits were issued with construction value of 2.1 million dollars. Staff completed 211 inspections during the month of February.

**Rental/Code Compliance Cases:**

Four new rental permit applications received in February. A total of four compliance cases were processed in February.

**Lot 25 Forevergreen Estates Part One:**

Dahnovan Builders obtained the first permit to begin construction of townhomes. The project is located off new street called Harlen. The consist of total 62 units with a mix of 3 and 4-plex townhomes.





# February Permit Tally Report

Permit Type	Construction Value	Total Fees
Group: Commercial Alteration		
	\$16,000.00	\$265.25
Group Total: 1		
Group: Construction Site Plan		
	\$0.00	
Group Total: 1		
Group: Deck		
	\$7,000.00	\$139.25
Group Total: 1		
Group: Fence		
	\$38,235.50	\$100.00
Group Total: 4		
Group: Kitchen Hood Suppression System		
	\$2,000.00	
Group Total: 1		
Group: Mechanical Electrical Plumbing (MEP)		
	\$24,509.00	\$117.50
Group Total: 6		
Group: Mobile Food Unit		
	\$0.00	\$50.00
Group Total: 1		
Group: New Single Family Dwellings Attached		
	\$414,710.00	\$4,915.88
Group Total: 2		
Group: New Townhouse		
	\$1,720,000.00	\$19,556.00
Group Total: 8		
Group: Patio		
	\$20,000.00	
Group Total: 1		
Group: Rental		
	\$0.00	\$1,012.00
Group Total: 4		
Group: Residential Alteration		
	\$177,496.09	\$2,484.96
Group Total: 7		

**Group: Zoning Certificate**

	\$0.00	\$25.00
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Group Total: 1

	\$2,419,950.00	\$28,665.84
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Total Records: 38

## February Certificate of Occupancy Report

Parcel Address	Project Description
682 Andy Ct	2023 Rental Permit
120 Locust Dr	Urban Chickens (4-6 Chickens)
960 Grouse Ct	Convert current deck into 4 seasons room and
105 Golfview Ct	Manufactured Home
209 Golfview Ct	Manufactured Home
1112 Dahnovan Dr	Single Family Home
1110 Dahnovan Dr	Single Family Home
92 Golfview Ct	Manufactured Home
112 Golfview Ct	Manufactured Home
15 Golfview Ct	Manufactured Home
10 Golfview Ct	Manufactured Home
760 Nathan Ave Unit 5	Iowa Kraken Softball Club- Equipment storage
385 N Juniper St	New Single Family Dwelling
1562 Deerfield Dr	Mobile Food Unit- Slammin Jammin Wings
1132 Dahnovan Dr	Townhome
1130 Dahnovan Dr	Townhome
1128 Dahnovan Dr	Townhome
1126 Dahnovan Dr	Townhome
1140 Salm Dr	Single Family Home
765 Clover Hill Dr	Townhome
1228 Vintage Ln	Single Family Home
1230 Vintage Ln	Single Family Home
1532 Red Oak Dr	2023 Rental Permit
761 Clover Hill Dr	Finish a Hobby work area in basement
885 W Cherry St	2023 Rental Permit



# Permit Summary Report Inspection Type

Schedule Date 01/01/2023 TO 02/28/2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row	Total
* Select Type	1	0	0	0	0	0	0	0	0	0	0	0	1	1
Inspection request	7	2	0	0	0	0	0	0	0	0	0	0	9	9
Re-inspection	30	28	0	0	0	0	0	0	0	0	0	0	58	58
1st SWPPP	1	4	0	0	0	0	0	0	0	0	0	0	5	5
Above Suspended Ceiling	0	1	0	0	0	0	0	0	0	0	0	0	1	1
Commercial Rough-In	1	1	0	0	0	0	0	0	0	0	0	0	2	2
Deck, Porch, Sunroom Footings	6	2	0	0	0	0	0	0	0	0	0	0	8	8
Final	12	10	0	0	0	0	0	0	0	0	0	0	22	22
Fire - Automatic Sprinkler System	5	0	0	0	0	0	0	0	0	0	0	0	5	5
Footings/Slabs	5	6	0	0	0	0	0	0	0	0	0	0	11	11
Foundation Dampproofing	0	1	0	0	0	0	0	0	0	0	0	0	1	1
Foundation Wall	2	3	0	0	0	0	0	0	0	0	0	0	5	5
Framing	2	1	0	0	0	0	0	0	0	0	0	0	3	3
Gas service release	17	10	0	0	0	0	0	0	0	0	0	0	27	27
Grading	3	3	0	0	0	0	0	0	0	0	0	0	6	6
Manufactured Home	0	6	0	0	0	0	0	0	0	0	0	0	6	6
Notice of Termination CSR	5	2	0	0	0	0	0	0	0	0	0	0	7	7
Other	3	1	0	0	0	0	0	0	0	0	0	0	4	4
Out of the office	1	0	0	0	0	0	0	0	0	0	0	0	1	1
Permanent Electric Service Release	5	8	0	0	0	0	0	0	0	0	0	0	13	13
Plumbing below slab	3	3	0	0	0	0	0	0	0	0	0	0	6	6
Rental	16	77	0	0	0	0	0	0	0	0	0	0	93	93
Residential final (New Construction)	16	13	0	0	0	0	0	0	0	0	0	0	29	29
Residential Photovoltaic (PV) Solar System	1	1	0	0	0	0	0	0	0	0	0	0	2	2
Residential Rough-in (New Construction)	10	6	0	0	0	0	0	0	0	0	0	0	16	16
Residential Sewer Service	1	3	0	0	0	0	0	0	0	0	0	0	4	4
Residential Water Service	1	2	0	0	0	0	0	0	0	0	0	0	3	3
Rough-in	4	2	0	0	0	0	0	0	0	0	0	0	6	6
Sidewalk Release	5	5	0	0	0	0	0	0	0	0	0	0	10	10
Temporary Electric Service	3	0	0	0	0	0	0	0	0	0	0	0	3	3
Witness air pressure test and piping inspection	17	10	0	0	0	0	0	0	0	0	0	0	27	27
<b>Totals:</b>	<b>183</b>	<b>211</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>394</b>	<b>394</b>

# Code Compliance Report

02/01/2023 - 02/28/2023

Case Date	Case #	Status	Complaint	Reporting Code
2/6/2023	20230010	Open	past due annual backflow preventer test report	Building
2/7/2023	20230011	Open	Junk vehicle in driveway	Zoning
2/16/2023	20230012	Open	Junk on curb	Zoning
2/16/2023	20230013	Open	Vehicles parked on grass, vehicle blocking public sidewalk, and junk vehicle in driveway.	Zoning



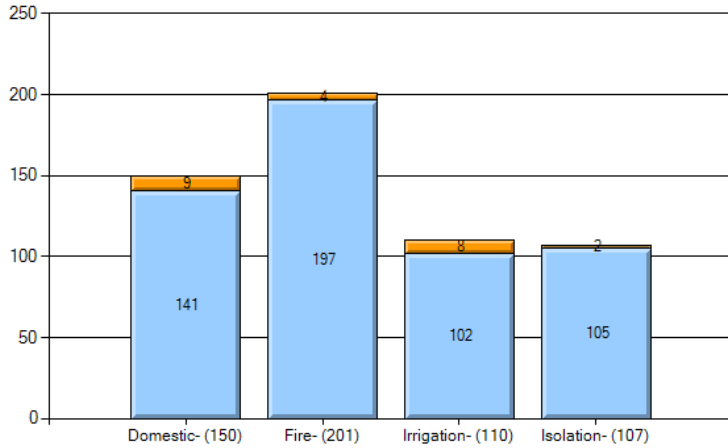
[< Back](#)

**Breakdown of Backflow Preventer Compliance**

Utility Water System

Show All ▼

■ Non Compliant ■ Compliant



**Categories**

- Fire = Fire Protection / Fire Detector Bypass
- Domestic = Domestic / Domestic Bypass
- Irrigation = Lawn Irrigation
- Isolation = All Others

<b>Compliance</b>	<b>%</b>	<b>Compliant</b>	<b>Category. Total</b>
Domestic	94%	141	150
Fire	98%	197	201
Irrigation	93%	102	110
Isolation	98%	105	107
<b>Totals</b>	<b>96%</b>	<b>545</b>	<b>568</b>

Click a category in the chart above to view the details for that category or-  
 Click one of the buttons below to view the details for all compliant/ non compliant hazards.

\*Categories with high counts will take a little longer to view/ download.



To **Mayor, City Council, Communications Advisory Commission**  
CC **City Administrator Ryan Heiar**  
From **Communications Director Nick Bergus**  
Date **March 2, 2023**  
Re **Communications Staff Report**

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## City Slate

February included Youth Skate Night (Feb. 3), Ice Fishing with TAKO (Feb. 4) and Ride Around the Lights (Feb. 18). A fourth event, the Sip & Stroll, was postponed from Feb. 23 to March 2 due to weather. While March only includes the rescheduled Sip & Stroll, April will include EGGstravaganza events and the Kites for Kids Festival and lead into several events through the summer. Micah is soliciting performers for the Ranshaw House Concert Series, which will be extended a little later into the evening. We also developed a template for posters and digital signage so each event gets highlighted in additional places. Teases for the upcoming months are included in the Community Activity Guide, due out in March. Details for events will be available at [northlibertyiowa.org/cityslate](http://northlibertyiowa.org/cityslate).

## Beat the Bitter

The festival ran through much of the month with the North Liberty Lights presented by Tryon Investments (and connected events) up all month and the return of the Snuggie Crawl presented by McGrath Toyota of Iowa City. In all, we estimate 5,000 participants this year. We'll reassess our weather policy, think about other events we can schedule around the lights and consider other adjustments for next year's festival.

## Community Activity Guide

Micah spent the end of the month preparing for the thrice-annual guide that lists recreation, library and other community programming. The publication is expected before spring break. Additionally, we started developing an additional publication that can the gaps between the seasonal guides and hope to have a prototype based on real information in the summer guide in April.

## Neighborhood Ambassadors

The quarterly meeting in February focused on four local projects: UIHC, Centennial Park, Solomon's Landing and the second fire station, as well as time to socialize and connect at Tin Roost. We're transitioning this program from Jillian to Micah to free up some capacity; the program was started during the pandemic when we weren't holding special events or advancing Centennial Park and the program should fit well with Micah's work.

## Centennial Park

Jillian has continued to spend time writing grants and meeting with potential partners in the next stage of Centennial Park development. We plan to host an informational gathering in March to discuss it with local stakeholders.

## Summer Lunch and Fun

Micah, along with librarian Erin Silva, are working to organize the Summer Lunch and Fun program that is held during June, July and August at the Ranshaw House. There is funding to hire help to coordinate the daily work of feeding and enriching local youth. While the program is not means tested and is open to anyone under 18, we're working on a plan to make sure those who would benefit most from the summer assistance are aware of the program and can get there for meals.

## Youth Council

In January, the next phase of the Youth Council began, with their elected officers leading the meeting with staff more to support and occasionally facilitating. The group identified some projects they wanted to take on and some possible future ideas. They're impatient to "do something" and need to be reminded that building a strong foundation for themselves and others was a lot of work.

## Connected to Tomorrow Comprehensive Plan

After a year of public engagement, the plan was adopted in February. We'll spend some time highlighting the recommendations in the coming weeks.

## Stormwater

Winter is the time to start talking about spring and stormwater. We're working with Mike Wolfe and Michael Pentencost to highlight what the city does to manage it, and why it is important to do so to avoid local flooding, prevent property damage and care for the environment.

## Other Items

Staff represented the city with the United Way's Community Impact Council and in other local initiatives and non-profits.

We produced the City Council meeting and submitted it to the Iowa City government channel.

We produced several podcasts for the library in addition to 52317 episodes.

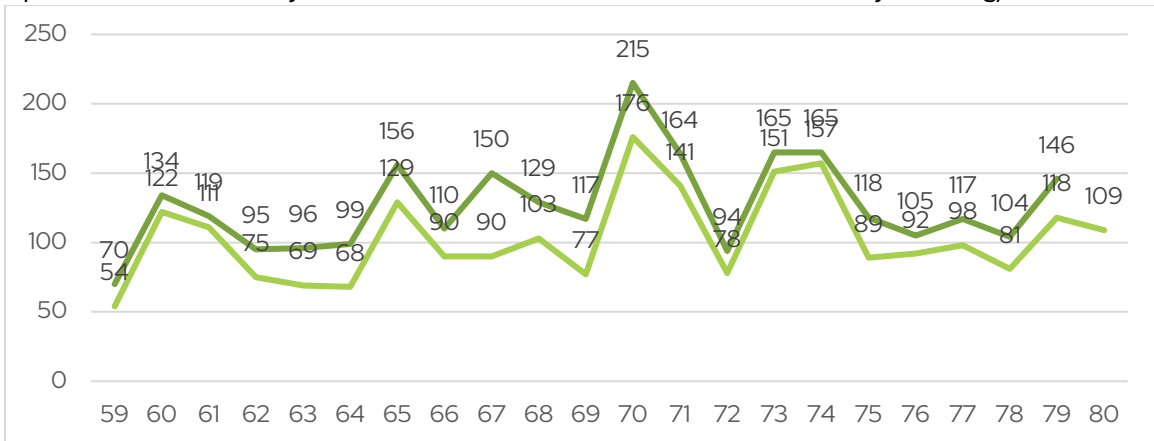
We posted news releases about events, Recsters, Community Center focus groups, various programs, a water main break, holiday hours and more.

## Completed Videos

Title	Requested By	Completed	Duration
<b>Tree &amp; Stormwater Advisory</b>	Administration	Feb. 1	0:25
<b>Parks &amp; Recreation</b>	Administration	Feb. 2	0:32
<b>Communications Advisory</b>	Administration	Feb. 6	0:28
<b>Planning &amp; Zoning</b>	Administration	Feb. 7	0:45
<b>Social: 5K Glow Run</b>	Communications	Feb. 9	0:01
<b>Social: Fire &amp; Ice</b>	Communications	Feb. 9	0:01
<b>Social: Snuggie Crawl</b>	Communications	Feb. 9	0:01
<b>Social: Beat the Bitter</b>	Communications	Feb. 9	0:01
<b>City Council</b>	Administration	Feb. 14	1:07
<b>NLFD Conex Box Burn</b>	Fire Department	Feb. 15	0:01
<b>Social: Ranshaw House Concert</b>	Communications	Feb. 23	0:01
<b>City Council</b>	Administration	Feb. 28	0:54
<b>Total completed productions: 12</b>	<b>Duration of new video: 4.28 hours</b>		

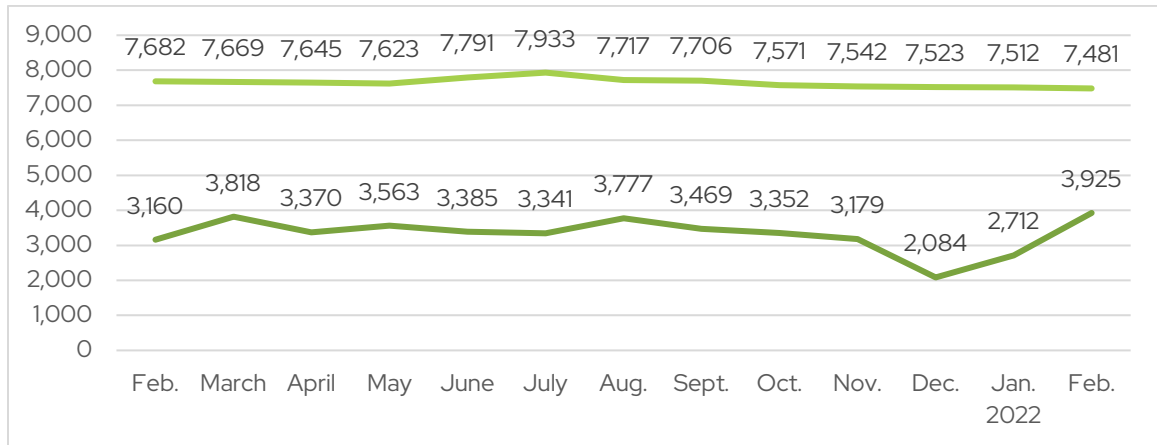
## 52317 Podcast

Episodes release every three weeks and can be found at [northlibertyiowa.org/52317](http://northlibertyiowa.org/52317).



**Downloads** is the number times the podcast file was downloaded to a player, including a podcast client, webpage-embedded player or other device in its first 30 days and 90 days of publication. Numbers are as reported by service provider LibSyn as of the date of this report. **Episodes** 80: Lion's Club, 79: North Liberty Oral Surgery and Dental Implants 78: North Liberty coLab; 77: Big Brothers Big Sisters; 76: Kimberlee Rocca; 75: United Action for Youth; 74: Triple Oak Power; 73: Friends of Coralville Lake; 72: Maryam Thompson Photography; 71: Spotix; 70: Johnsy's Liquor; 69: Vertronic Aerospace; 68: North Liberty Coralville Softball Baseball; 67: Soiree; 66: Illuminate; 65: LaLa Boutique; 64: Kirkwood Workplace Learning Connection; 63: Leash on Life; 62: Chomp Delivery; 61: Speedy Mike's Carwash; 60: Flip Salon & Spa; 59: Rock Valley Physical Therapy; 58: NASA

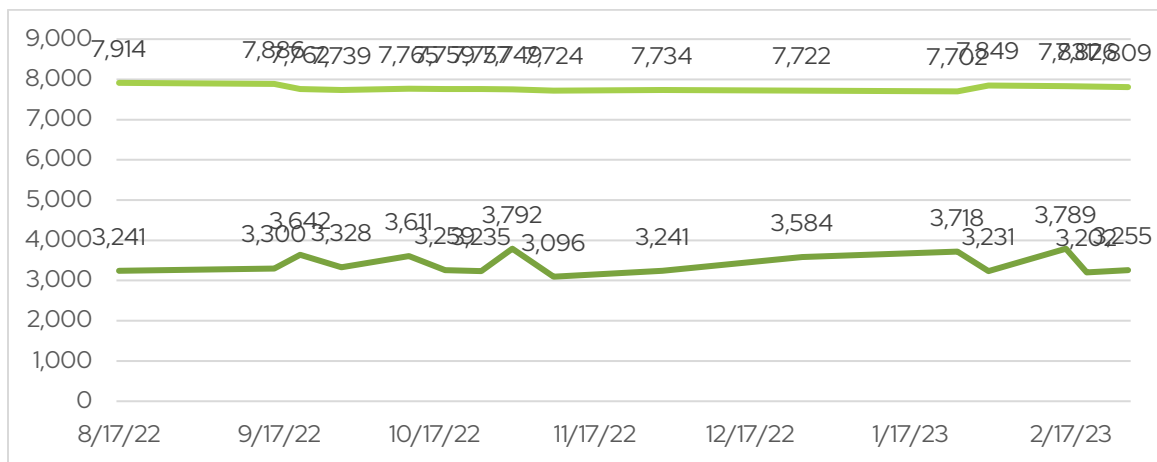
## North Liberty Bulletin Email Newsletters



**Recipients** is the number of email addresses to which an issue of the Bulletin was sent and is represented by the top line. **Opens** is the number of unique recipients who opened the Bulletin and is represented by the bottom line; the standard open rate for government is 25.4%. Numbers are as reported by service provider Mailchimp. **Subject lines** Feb.: It's a plan; Jan: Post cookie plate tune up; Dec: Bah! Humbug! and other traditions; Nov: Sharp-witted, keen-eyed, can't lose; Oct: The future is awkward and passionate; Sept: No one likes construction cones so here's a puppy; Aug: OK to the last drop; July: Years in the making; June: A full slate; May: Taking time for two wheels; April: Mud, trash and poop season; March: The Thaw; Feb: Save the dates

## Know Before You Go Emails

These emails focus on free, large-scale community and leverage the city's email list. It is a key marketing channel for City Slate events.



**Recipients** is the number of email addresses to which an issue of the Bulletin was sent and is represented by the top line. **Opens** is the number of unique recipients who opened the Bulletin and is represented by the bottom line; the standard open rate for government is 25.4%. Numbers are as reported by service provider Mailchimp.

## Website Statistics

Month	Sessions	Users	Pageviews
Feb 2023	31,173	25,273	54,240
Jan 2023	31,768	24,915	57,610
Dec 2022	23,328	18,270	45,983
Nov 2022	29,888	22,127	58,381
Oct 2022	34,361	24,315	60,653
Sept 2022	23,690	17,833	44,903
Aug 2022	28,712	21,863	52,942
July 2022	26,101	19,342	50,030
June 2022	27,985	20,537	55,721
May 2022	25,781	19,174	48,930
April 2022	27,396	20,578	52,648
March 2022	25,815	19,113	49,629
Feb 2022	22,876	16,286	41,437

**Sessions** is the number of time-bound user interactions with the website. **Users** is the number of unique devices loading the site in that month. **Pageviews** is the total number of pages loaded or reloaded. All stats are monthly.

## Social Media

Month	Facebook		Twitter		Instagram	Nextdoor
	New likes	Reach	New follows	Impressions	Followers	Members
Feb	110	49,514	4	12,800	2,952	5,916
Jan 2023	59	46,763	-1	15,600	2,919	5,890
Dec	54	25,825	3	14,300	2,890	5,847
Nov	64	35,617	-64	18,400	2,862	5,807
Oct	91	25,561	-2	13,200	2,840	5,789
Sept	50	23,333	-2	26,000	2,828	5,741
Aug	93	36,131	6	18,700	2,815	5,713
July	121	83,190	7	13,100	2,764	5,645
June	114	31,235	-3	14,900	2,738	5,617
May	122	33,811	23	17,700	2,712	5,585
April	57	37,226	-11	17,500	2,667	5,531
March	62	47,317	22	19,500	2,648	5,497
Feb	47	47,939	17	18,100	2,620	5,448

**Facebook new likes** is the net number of new users following the city's Facebook page; it does not include new *followers*. **Facebook reach** is the number of unique users who saw any of the city's Facebook content, reported on a 28-day period. **Twitter new follows** is the net number of new users following the city on Twitter. **Twitter impressions** is the total number of times a tweet from the city was shown to a user. **Instagram new follows** is the net number of new users liking the city's Instagram account. **Nextdoor members** is the number of verified North Liberty residents who are users and able to receive our agency messages.



TO: Ryan Heiar, City Administrator and City Council  
FROM: Jennie Garner, Library Director  
DATE: March 8, 2023  
SUBJECT: Monthly Library Report

### Library News

With much going on at the state level, we spent three days advocating for the freedom to read, teacher librarians, and other topics at the Capitol over the last month.

The kids also did some grassroots protesting with a walk out across Iowa on behalf of their peers and LGBTQ+ rights. Many students from North Liberty spent time in the library that day and at our neighboring libraries in Coralville and Iowa City. We are so pleased that they consider the library a safe and welcoming space. Several were also happy to have their picture taken.

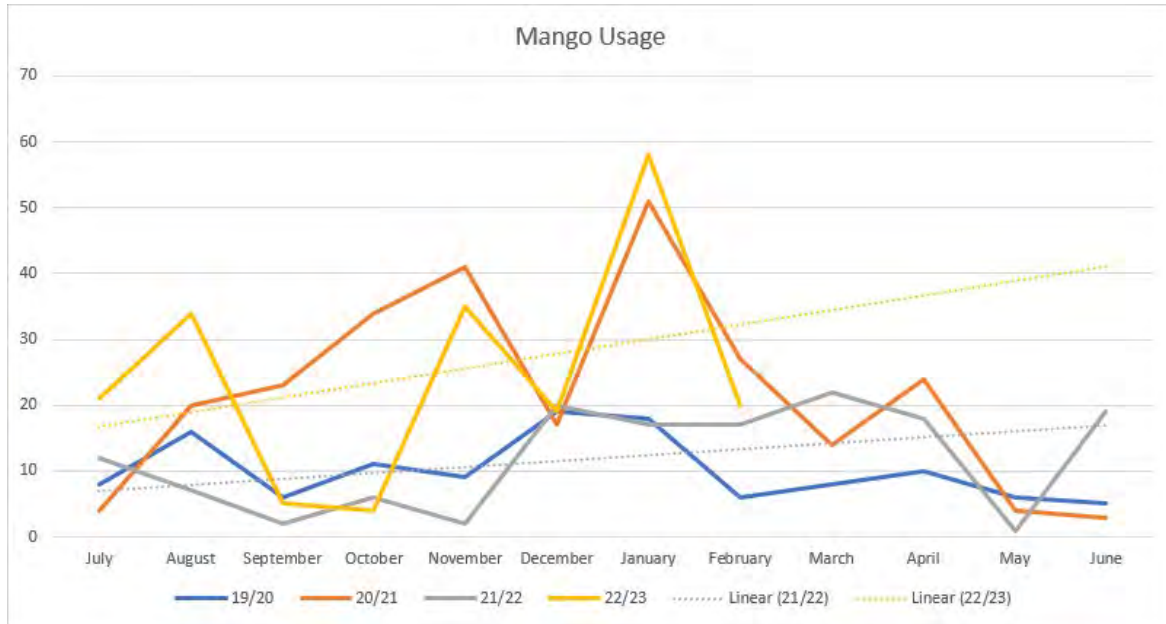


On March 7, 75 librarians traveled to Des Moines to meet with lawmakers in the law library for our annual library advocacy reception. We met with over 50 legislators and talked about important issues.



Library staff has been happy to see our visitor numbers begin to return to pre-pandemic numbers. Interesting, our circulation statistics have bounced back quicker than our patrons. We're still not quite there but we are definitely seeing an upswing in patrons coming to the library again. In the first two months of 2023, staff gave out over 650 after school snacks to youth.

Below is a highlight of one of our databases, Mango Languages. This chart shows usage trends for the last four years. You can see that as people begin the year with new devices or make resolutions to learn a new language and prep for spring and summer travel, we see upticks. January 2023 was our highest month yet since we started offering the database.







To **Mayor and City Council**  
**Parks and Recreation Commission**  
**City Administrator**

From **Guy Goldsmith, Director of Parks, Building and Grounds**

Date **March 1, 2023**

Re **Monthly Report**

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We performed various building maintenance tasks as needed this month. We repaired a leaky roof at the Parks maintenance facility.

We continue to make improvements at the Babe Ruth baseball field press box/restrooms facility. We are currently installing the inside wallboard.

We continue to organize and clean-up our shop as time allows.

Parks staff continue to prepare for the upcoming season by ordering and securing supplies needed.

We maintained equipment as needed this month. We performed preventative maintenance and repaired winter equipment as time permitted. We continue to prepare for the upcoming growing season by performing preventative maintenance and repairing of ball field maintenance, mowing, trimming, landscaping and forestry equipment.

We removed snow and ice from city parking lots, sidewalks and trails this past month. Along with snow removal we spent some time repairing turf grass along the edges of trails and sidewalks due to snowplow damage. The main cause was due to the soft/unfrozen turf grass along the trail edges at the time of removing the snow as well as the quantity of snow we received. We will fine tune the repairs as we enter the growing season.

Park staff resurfaced the ice rink one time this month. However, the rink is currently closed due to warmer weather. More than likely we will be disassembling the rink for the season and preparing the tennis court for tennis and pickleball users.

We continue to meet with NLCBS ball club regarding field usage and future improvements at Penn Meadows ball complex for this upcoming season.

The green tri-bench at Centennial Park parklet was vandalized this past month. Someone attempted to unbolt and remove the bench. Luckily two anchor bolts could not be removed so the bench was not taken. Unfortunately, the bench was damaged in the attempt. We repaired the bench and secured it back in place with new anchors with thread locker.

Park staff completed annual fire extinguisher training requirements through Target Solutions.

The Parks Department forestry staff attended the 67<sup>th</sup> annual Shade Tree Short Course at ISU in Ames on February 22<sup>nd</sup> & 23<sup>rd</sup>.

We continue to seek seasonal Park Maintenance Worker employees and conducting interviews. It is going quite well compared to last year. We have 6 of the anticipated 12 seasonal employees hired for the season.



Parks facility leaky roof repair.



New wall board installation at the Babe Ruth press box facility.



New truck axle bearing and seal replacement.



Snowplow turf damage repair in multiple locations along trails.



Tri-bench vandalism repair at the Centennial Park Parklet.



# North Liberty Police Monthly Report February 2023

## Training:

- Members attended monthly Canine, Bomb Squad, & Tactical Team, (56 hours)
- Two officers attended an ALERRT Level 1 Active Shooter Rapid Response training for law enforcement hosted by the EMA at the National Guard building. (32 hours)
- All officers went through training on the VR system. Topics covered were use of force, de-escalation, duty to intercede, officer safety, communication, radio traffic, after action review and tactical considerations for 5 scenarios. (34.5 hours)
- Lt Rueben Ross took the Property and Evidence Management online course for purging, evidence submissions, chain of custody documentation, facility security and best practices for property management (4.5 hours)
- Lt Ross attended an online Internal Affairs investigation course presented by the DLG Law Group. He attended the first class but will be attending a 1-day event for 4 weeks to achieve his certification. (40 hours).
- Lt Ross also attended the Supervisor and Command Staff online learning management system from DLG for the year. All supervisors will attend the training if we find it beneficial and the return on investment is worth the cost. (4 hours)
- Chief attended an 8-hour online seminar on Microlesson instructor from ICPD institute (8 hours)
- Lt Landsgard attended an online course for Managing Civilization in Law Enforcement (2 Hours)

Traffic Contacts	314
Parking Contacts	126
Vehicle Inspections	23
Vehicle Unlocks	24
Crash Investigations	18
Public Assists	451
Assist other Agency	106
Crimes Against Persons Report	11
Crimes Against Property Report	10
Other Reports	28
Arrests	23
Warrants	3
Alcohol/Narcotics Charges	11
Crimes Against Persons Charges	6
Crimes Against Property Charges	2
Other Charges	13
Animal Calls	46
Total Calls for Service	1839
*Total Calls for Service for the year	3691

## Public Relations:

- Officer Davis and Lt Ross are still helping with the Citizen Police Academy.
- Officers worked a couple of concerts at the event center in Coralville, events at Liberty and basketball games at the University. All of the overtime hours are reimbursed by the requesting agencies.

## Equipment:

- We are working with a decal printer to come up with a 988 design to put on the patrol vehicles to advertise and promote the number for suicide and crisis calls. This is like the 911 decals on the marked patrol vehicles.
- We were approved by the GTSB grant to purchase a new LIDAR. Our current one is over 10 years old. The new one will take a picture of the vehicle with the speed and distance posted. Most of the purchase will be reimbursed by the state.
- We received a new window tint meter that can measure the light density on vehicles that have aftermarket tint on the driver and front passenger side windows.

**Enforcement/Crime:**

- The GTSB Iowa SAFE Schools initiative happened this month. Liberty HS signed up to be a participant in the peer-to-peer reward and education on wearing seat belts (1 of 18 schools in the state). We assisted for 3 days on enhanced speed and seatbelt compliance before and after school as part of the initiative. Over 10 Violations were observed/stopped, resulting in 7 warnings for speed, texting, window tint, no front plate, and obstructed view. Charges were written for OWI 2<sup>nd</sup>, Driving While Revoked and Driving while Barred.
- To review any criminal complaints for the month [List of Criminal Complaints | Johnson County Iowa](#) or see North Liberty Calls for service go to [Joint Emergency Communications Center \(jecc-ema.org\)](#)

**Department Admin:**

- Officer Jeffrey McVey was hired. He came to us from Clarke County and has 3 years of law enforcement experience and is a certified Drug Recognition Expert (DRE). He is currently in field training and will be assigned to night shift once that stage has been completed.
- We are continuing the hiring process for police officers by having them take the written test and the MMPI test.
- We are applying again for equipment and overtime traffic enforcement through the Governor's Traffic Safety Bureau (GTSB)
- Working to get the PD added to the City's Offset program account so we can collect on outstanding parking tickets.
- Officer Davis resigned from his position as the investigator/community outreach officer. We have posted the position and will hold interviews for the next officer to fill that role.
- Reviewed what we could cut from next year's budget and submitted my proposal.
- City Administrator and I met with the local UTV club and their request for NL to allow side by sides in the city limits.
- Mothers Against Drunk Driving (MADD) asked us to nominate officers who are working diligently to fight drunk/drugged driving and underage possession. Two officers were nominated for their active enforcement efforts in 2022.
- Created a new release of liability form for when there is any potential for property to be damaged by officers. The form was created with the assistance of City Attorney Grant Lientz (example- changing tires, request our assistance when locked out of their house).
- Administrative staff is working on the 2022-year end bulletin. Lt Ross is working on the 5-year history and trends on Use of Force and Complaints

*Respectfully Submitted by Chief Diane Venenga and Alisha Ruffcorn 3/6/2023*



To **Park & Recreation Commission Board Members**  
CC **Mayor, City Council, City Administrator**  
From **Shelly Simpson**  
Date **February 28, 2023**  
Re **Monthly Report – February 2023**

February brought a second posting and round of interviews for our Custodian Maintenance Technician position. We will begin posting and conducting interviews for our revised Recreation Program Supervisor position as Kyle's last day is March 31. Many of our programs continue to be offered month after month, some are listed in report below. Staff began working on the Summer Activity Guide which will promote programs offered May-August 2023.

**Recdesk Database:**

Reviewing our Recdesk database; we have 12,371 residents (62%) and 7,606 non-residents (38%) totaling 19,977 individuals. Increase of 251 from last month.

**Aqua Programs:**

Aqua classes continue to have great participation. This session had approximately 72 registered participants, plus daily drop-ins. Arthritis Aqua, Aqua Zumba, Aqua Boot Camp and Easy Does It continue to be the most popular. Aqua Program revenues totaled \$1,924.

**Swim Lessons:**

Swim lessons continued this month with additions. Swim lesson revenues totaled \$2,316.

**Leagues/Sports:**

Adult leagues and Competitive Leagues continued this month.  
Pee Wee Soccer had 12 morning participants and 35 evening participants.  
Rookie Basketball continued.  
Supreme Basketball for Grades 1-6 continued.  
Youth Competitive Basketball continued  
Adult Co-ed Volleyball and Men's Basketball leagues continued.  
NL Wrestling: Feb session has 38 participants.  
Leagues revenues totaled \$-0-.

**Recsters BASP Program:**

BASP (Feb) numbers are AM – 18 participants, PM – 45 participants.  
All Days: Feb 17 had 22 participants.  
Before & After School revenues this month totaled \$11,790.

**Classes/Programs:**

We had approximately 21 registered participants in various rec classes, plus daily drop-ins. Coordination, Balance, Strength, and Total Body Sculpt are popular. We continue to search for new aerobics instructors.

Tippi Toes Dance classes continue.

Senior Connections Lunches continued serving 74 meals.  
Classes/Programs revenue totaled \$3,062.70.

**Pools:** Indoor pool continues to be busy with lap swimmers, exercise class participants and open swim. This month, Season Pool Pass revenues totaled \$3,760; Daily Pool Fees totaled \$2,798; Pool Rentals totaled \$875 and Concessions revenues totaled \$0.

**Weight & Exercise Area / Track:**

Weight fee revenues totaled \$14,784; Split membership revenues totaled \$4,592.75.

We had 3,267 active memberships for the month.

We had 1,657 point of sale transactions for the month.

**Gymnasiums:**

Gymnasium Rental revenues totaled \$2,110.

**Rentals:**

Community Center Rental revenues totaled \$2,073.75; Shelter rental revenues totaled \$42.50;

Field Rental revenues totaled \$37.50.

**Revenues:**

Revenues for this month totaled \$50,665.87.

**Additional Reports:** Recdesk Monthly Revenue, Dashboard Summary, Membership Summary and Organizational Activity.

# Revenue By Period - GL Account Summary

Start Date: **2/1/2023 12:00 AM**      End Date: **2/28/2023 11:59 PM**

Payment Methods: **CA, CK, CC, IC, EC, CR**

User(s)/Cashier(s): **- All -**

## Regular Revenue

		DEBITS									CREDITS	
<u>**Gross</u>	<u>**Net</u>	<u>Cash</u>	<u>Check</u>	<u>CC (Gross)</u>	<u>CC (Net)</u>	<u>ACH (Gross)</u>	<u>ACH (Net)</u>	<u>Internal CC</u>	<u>Acct Credit</u>	<u>Other</u>	<u>Refunds</u>	<u>Other</u>
<b>000 - Household Credit Account</b>												
<b>412.67</b>	<b>412.67</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,463.34	0.00	-1,050.67
<b>001-0000-4310-01 - Pool Rentals</b>												
<b>875.00</b>	<b>848.75</b>	0.00	0.00	875.00	848.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>001-0000-4310-02 - Community Center Rentals (Room Rental)</b>												
<b>2,073.75</b>	<b>2,023.82</b>	332.50	52.50	1,663.75	1,613.82	0.00	0.00	0.00	25.00	0.00	0.00	0.00
<b>001-0000-4310-03 - Gymnasium Rentals</b>												
<b>2,110.00</b>	<b>2,046.70</b>	0.00	40.00	2,110.00	2,046.70	0.00	0.00	0.00	0.00	0.00	-40.00	0.00
<b>001-0000-4310-04 - Shleter Rental</b>												
<b>42.50</b>	<b>41.23</b>	0.00	0.00	42.50	41.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>001-0000-4310-05 - Field Rentals/Tennis Courts</b>												
<b>37.50</b>	<b>36.38</b>	0.00	0.00	37.50	36.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>001-0000-4500-10 - Weight Fees</b>												
<b>14,784.00</b>	<b>14,458.68</b>	3,583.00	352.00	10,886.87	10,561.55	0.00	0.00	0.00	58.13	0.00	-96.00	0.00
<b>001-0000-4500-11 - Class/Programs</b>												
<b>3,062.70</b>	<b>2,972.93</b>	375.00	213.75	2,992.00	2,902.23	0.00	0.00	0.00	28.50	0.00	-546.55	0.00
<b>001-0000-4500-13 - Before/After School</b>												
<b>11,790.00</b>	<b>11,425.50</b>	0.00	0.00	12,150.00	11,785.50	0.00	0.00	0.00	50.00	0.00	-410.00	0.00
<b>001-0000-4500-19 - Season Pool Pass</b>												
<b>3,760.00</b>	<b>3,670.76</b>	60.00	445.00	2,974.50	2,885.26	0.00	0.00	0.00	280.50	0.00	0.00	0.00

# Revenue By Period - GL Account Summary

Start Date: **2/1/2023 12:00 AM** End Date: **2/28/2023 11:59 PM**

Payment Methods: **CA, CK, CC, IC, EC, CR**

User(s)/Cashier(s): **- All -**

001-0000-4500-20 - Daily Pool Fees												
2,798.00	2,751.53	861.00	385.00	1,549.00	1,502.53	0.00	0.00	0.00	3.00	0.00	0.00	0.00
001-0000-4500-21 - Swim Lessons												
2,316.00	2,233.06	150.00	0.00	2,764.50	2,681.56	0.00	0.00	0.00	42.50	0.00	-641.00	0.00
001-0000-4500-22 - Aquatic Program/Classes												
1,924.00	1,874.22	476.00	28.00	1,650.50	1,600.72	0.00	0.00	0.00	34.50	0.00	-265.00	0.00
NONE - Unassigned												
-13.00	-13.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-13.00	0.00
Split - Membership - Black & Gold												
4,692.75	4,537.97	45.00	0.00	5,159.25	5,004.47	0.00	0.00	0.00	0.00	0.00	-511.50	0.00
<b>50,665.87</b>	<b>49,321.19</b>	5,882.50	1,516.25	44,855.37	43,510.69	0.00	0.00	\$0.00	522.13	1,463.34	-2,523.05	-1,050.67

\*\* Difference between GROSS and NET calculation is that NET uses CC (Net) value instead of CC (Gross) value

## Sales Tax

		DEBITS									CREDITS	
<u>**Gross</u>	<u>**Net</u>	<u>Cash</u>	<u>Check</u>	<u>CC (Gross)</u>	<u>CC (Net)</u>	<u>ACH (Gross)</u>	<u>ACH (Net)</u>	<u>Internal CC</u>	<u>Acct Credit</u>	<u>Other</u>	<u>Refunds</u>	<u>Other</u>
		0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	0.00	0.00		0.00

\*\* Difference between GROSS and NET calculation is that NET uses CC (Net) value instead of CC (Gross) value



Dashboard Summary; Feb 1-28, 2023:

Today is Tuesday, February 28, 2023

Home **Recent Registrations** Recent Reservations Recent Memberships Recent Members CRM+

Time Period: Last 30 Days

**Top 5 Programs - Registrations**

Program	Registrations
BASP Feb. PM	~45
BASP All Day March 3	~25
BASP Feb. AM	~20
BASP All Day March 3	~15
BASP All Day Feb. 17	~10

**Top 5 Programs - Revenue**

Program	Revenue
BASP Feb. PM	~\$9,000
BASP Feb. AM	~\$1,500
BASP All Day March 3	~\$1,000
BASP All Day Feb. 17	~\$500
Easy Does It (Mar)	~\$500

**Total Program Registrations** **373**

- In-house (In Person) 216
- Online 157

**Total Receipts** **\$59,448.75**

- RecDesk Credit Card [\\$50,556.87](#)
- Cash [\\$6,590.50](#)
- Check [\\$1,766.25](#)
- Household Credit [\\$535.13](#)
- Refunds [\\$2,831.05](#)

**Invoices - Balance Due**

- Open: [\\$52,075.25](#)
- Overdue: [\\$5,343.50](#)

**Alerts & Notices**

Membership Counts; Feb 1-28, 2023:

**Membership Counts (By Period)**

Time Range: This Month From Date: 2/1/2023 To Date: 2/28/2023

**Summary By Month**

	Feb, 2023
New Primaries	365
All New	482
Primary Renewals	102
All Renewals	146
Active Primaries	2379
All Active	3267

Organization Activity; Feb 1-28, 2023:

Time Period: Last 30 Days ▼

Export t

## Organization Activity

From 1/29/2023 to 2/28/2023

	Registrations	Reservations	Memberships	Check-Ins	Profiles Created	POS Transac
<b>All</b>	372	100	724	8899	312	1657
<b>Resident</b>	248	59	526	5874	172	
<b>Non-Resident</b>	124	40	198	3025	140	
<b>No Residency Set</b>	0	0	0	0	0	
<b>Demographics</b>						
<b>&lt; 18</b>	200	0	170	999	65	
<b>18 - 65</b>	70	94	439	5256	208	
<b>65+</b>	102	3	115	2642	39	
<b>Male</b>	135	51	395	5352	129	
<b>Female</b>	237	48	327	3544	182	
<b>Other Genders</b>	0	0	2	3	1	
<b>Online vs In-House</b>						
<b>Online</b>	157	0	51	N/A	170	
<b>In-Person</b>	215	99	673	N/A	142	

**Database Breakdown:**

Residents: 12,367  
 Non-residents: 7,606  
 Total Database: 19,977

North Liberty (Residents) 12,367; (Outside city limits – 805)  
 Iowa City 1,769  
 Coralville 1,705  
 Tiffin 834  
 Solon 715  
 Other 1,778



To **Mayor and City Council**  
CC **City Administrator Ryan Heiar**  
From **Street Superintendent Michael Pentecost**  
Date **March 1, 2023**  
Re **Street Department Staff Monthly Report for February**

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The following items took place in the month of **February** that involved the Streets Department.

- Locating of All City Utilities (70 job tickets) ongoing
  - a. This is a decrease of 36% from February 2022
- Continued animal control services (13 responses to animal issues)
- Cemetery plot locates (0 in total)
- Projects/Meetings
  - a. North Ranshaw Way paved shoulder project
    - i. 50% design completed
    - ii. Staff and Shive met to discuss
  - b. Storm Water GPS Data gathering
    - i. Met with vendor to discuss final locations for data collection
    - ii. New projects and completed subdivisions added to scope of work to maintain up to date and accurate maps
- TIM (Traffic Incident Management) meeting with IDOT and area agencies to discuss projects slated for 2023 that will affect regional traffic
- Construction Plan Review group met to discuss recent submittals
- Removal of all holiday décor from locations and placed in storage
- Training
  - a. Annual lanyard and safety harness inspection with documentation
- Street sign repairs and replacement
  - a. Staff conducted sign evaluation in older sections of town to identify needed replacements to posts, traffic signs, and street identification names
  - b. We will replace these over the course of this summer
- Staff conducted monthly safety inspections for all street equipment and buildings
- Monthly warning siren testing in all 8 locations
  - a. Quail Ridge Park siren did not operate correctly and is scheduled for repair ASAP
- Service and maintenance of various equipment
- Cold patching street repairs in various locations
- Gravel shoulder work on Ranshaw Way to repair edge of road potholes
- Continued FY24 budget work on Emergency Management and Animal Control budgets to find additional cuts

- Traffic Signals
  - a. Troubleshoot and replacement of hardware in I380/W Forevergreen traffic cabinet
- Storm Sewer
  - a. Heritage Dr stream restoration project
    - i. Coordination with utility conflicts
    - ii. Contractor has started installation of large erosion stone
  - b. Mike Wolfe and Michael Pentecost worked with communication staff to produce “Eye on North Liberty” video explaining storm water system, structures, common questions, and give overall information to the public
  - c. Removal of vegetation and debris around Muddy Creek areas to help with flash flooding
  - d. Inspected and cleared drainage structures plugged during 2” rain event on 2-27
- Snow operations
  - a. Snow/ice events on 2-9, 2-16 and 2-22
  - b. Anti-ice applied totals for February
    - i. 27,163 gallons of brine used to treat 511 miles of roadway at a cost of \$3,044
    - ii. For the 2-22 ice event we were able to use strictly brine solutions to maintain safe streets
    - iii. I estimate using only brine for this event was 1/5<sup>th</sup> of the cost if both dry and liquid material were used
  - c. Dry salt material totals for February
    - i. 274,000 lbs of salt (137 Ton) applied at a cost of \$13,048
    - ii. 200 tons of salt has been delivered and restacked in salt building
  - d. We have been able to install material usage sensors as well as storm data monitoring equipment on the majority of our snow removal fleet
    - i. This allows for better managerial data to help with individual storms and budgeting but also helps staff anticipate changing conditions to select the optimal material usage rates for each particular event
  - e. Staff worked 110 extra hours of OT during weather conditions
  - f. All equipment used for snow operations gets cleaned, inspected, services, and repaired (if needed) after each snow event



Instrumentation in snow fleet to display material usage and air/road temperatures.

(Temperature readings in picture reflect inside shop)



To **City Council, Mayor, and City Administrator**  
From **Drew Lammers**  
Date **Mar. 1, 2023**  
Re **February 2023 Water Pollution Control Plant (WPCP) Report**

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1. All scheduled preventative maintenance at the plant and lift stations was completed. Staff stayed busy with numerous operational jobs throughout the month.
2. This month's staff safety meeting topic was Blood-Born Pathogens. Staff completed target solutions online and reviewed the topic as a group.
3. Maintenance staff performed annual tests on all spare submersible pumps. Pumps are submerged into a water filled test pit, wired for power and alarms, then ran for several minutes. Staff observes the pump operation, checks motor amperage and also performs an insulation test on the electrical wires and motor windings. One pump failed the insulation test and is currently being repaired.
4. Annual Biosolids reports were completed and filed with the Federal EPA and State IDNR. Teir 2 Hazardous Chemicals annual report was also completed and filed. This report along with a chemical location map is shared with local emergency management and fire department.
5. University of Iowa engineering students toured the wastewater facility. Students asked several questions in relation to both biological and mechanical treatment techniques and their effects on final water quality. The tour was led by WPCP operations staff.
6. Staff worked with electricians troubleshooting and testing several alarms during the replacement membrane blower start-up. Additional alarms and safety devices were added to the membrane blower system to prevent future issues.
7. Veolia (membrane system manufacture) sent an engineer to visit our facility and review the blower fire incident. Veolia provided a root cause analysis report that was also reviewed during the visit. We tested other membrane system operations and alarms and updated equipment operational sequence charts and wiring diagrams as well.

Drew Lammers - WPCP Superintendent



To **North Liberty Mayor and City Council Members**  
CC **City Administrator Ryan Heiar**  
From **Water Superintendent Greg Metternich**  
Date **March 3, 2023**  
Re **Monthly Report – February 2023**

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In the month of February, we treated a total of 31,359,000 gallons of water, our average daily flow was 1,120,000 gallons, and our maximum daily flow was 1,381,000 gallons. The total amount of water used in the distribution system was 1.4% higher than February 2022.

We have had a busy month with 9,127 accounts read, 55 re-reads, 77 service orders, 85 shut-offs, 85 re-connects for water service, 222 shut-off notices delivered, 2 new meter set inspections, 13-meter change outs, 14 MIU change outs, assisted 21 customers with data logging information, 46 calls for service, and 13 after hour or emergency calls. Our monthly total service work averaged 35 service orders per day.

We repaired two water main leaks on Cherry Street last month. The first repair was made to a fire hydrant located in front of the Rec Center. We used the hydrant isolation valve to stop the leak, that allowed us to schedule the water main shut-down, notify several businesses and residents in the area that would be affected, in the process of shutting down the water main one of the valves used broke in the off position and starting leaking. We repaired the hydrant and scheduled another shut-down a few days later. The second repair effected a larger area, included more businesses, and required a boil order after the repair. The water main could not be shut off until after 5 p.m. This repair was very challenging because water main was over 10 feet deep and the valve was located between a gas main and several fiberoptic lines. We had the water turned back on and took our first bacteria test around 4:30 a.m. the next day.

Staff has been working on collecting all necessary information for the Lead and Copper Revision Rule. The EPA has made some minor changes to the rule that have allowed us to put our primary focus on service lines that were installed prior to 1988. The goal of the rule change is to identify lead service lines for possible replacement, and base sampling protocol from the inventory. We will still be required to complete the entire service line inventory by October of 2024 but going forward if we have any services listed as unknown that were constructed after 1988 it will not trigger any additional requirements. Congress amended the Safe Drinking Water Act in 1986 prohibiting the use of Lead in public water systems or plumbing in facilities providing water for human consumption. Currently we have collected data on 6,096 properties and have 3,220 unknown. We were able to identify 403 services in the month of February. As of the date of this report, I am not aware of any Lead service lines and we have not found any connected to our distribution system.

Water Superintendent  
Greg Metternich



**Planning Commission**  
**March 7, 2023**  
**Council Chambers, 1 Quail Creek Circle**

**Call to Order**

Chair Josey Bathke called the March 7, 2023 Planning Commission to order at 6:30 p.m. in the Council Chambers at 1 Quail Creek Circle. Commission members present: Barry A'Hearn, Josey Bathke, Sheila Geneser, Jason Heisler, Patrick Staber, Vincent, Willer; absent: Brian Vincent and Dave Willer.

Others present: Ryan Rusnak, Grant Lientz, Kevin Trom, Tracey Mulcahey, Bob Downer, Jon Marner, and other interested parties.

**Approval of the Agenda**

Heisler moved, Staber seconded to approve the agenda. The vote was all ayes. Agenda approved.

**North Ridge Parts 2 & 3 Preliminary Subdivision Plat**

*Staff Presentation*

Rusnak presented the request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37-lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE. Staff recommends approval with the following findings:

1. The preliminary plat, which proposes residential development and park space, would achieve consistency with the Comprehensive Plan Future Land Map designation, which are Urban Low Intensity and Parks, Open Space, respectively;
2. The preliminary plat warrants approval of a variation from the design standards regarding the use of a private street for a portion of the development in accordance with Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances (with variation granted), which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

*Applicant Presentation*

Bob Downer was present on behalf of the applicant and offered additional information on the agreement between the Scanlon Family and the Fjords North neighborhood.

*Public Comments*

No comments were offered.

*Questions and Comments*

The Commission had no questions or comments on the application.



*Recommendation to the City Council*

Heisler moved, Staber seconded that the Planning Commission accept the three listed findings and forward the preliminary plat to the City Council with a recommendation for approval. The vote was: ayes –Heisler, Staber, Geneser, A’Hearn, Bathke; nays – none; absent – Vincent, Willer. Motion carried.

**Solomons Entertainment District Preliminary Subdivision Plat**

Staff Presentation

Rusnak presented the request of Pratt Real Estate Management, Inc. to approve a Preliminary Subdivision Plat for a 3-lot subdivision on approximately 8.82 acres. The property is located at the northwest corner of West Penn Street and North Jones Boulevard. Staff recommends the Planning Commission accept the following two findings:

1. The preliminary plat, which proposes commercial development, would achieve consistency with the Comprehensive Plan Future Land Map designation, which is Urban High Intensity; and
2. The preliminary plat, with conditions recommended by City staff, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary plat submittal requirements and design standards, respectively;

and forward the request of Pratt Real Estate Management, Inc. to approve a Preliminary Subdivision Plat for a 3-lot subdivision on approximately 8.82 acres with approval subject to the following conditions:

1. That development may proceed on Lots 1 and 2 without the right-of-way for Saratoga Place and corresponding roadway and infrastructure improvements being constructed and dedicated to the City of North Liberty. Said development shall abide by size and unit restrictions as described as follows:

Use	Max Size
Bowing Alley	36K SQ FT
Recreational Community Center	40K SQ FT
High Turnover Sit-Down Restaurant	9K SQ FT
Coffee/Donut Shop with Drive-Through window and no indoor Seating*	N/A

Through window and no indoor Seating\*

\*One drive-through lane. Located within the Recreational Community Center

The City reserves the right to require an additional traffic study if changes to the development are requested by the developer.

2. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty, roadway and infrastructure improvements constructed thereon and the traffic signal at the Saratoga Place/West Penn Street intersection be installed by the Developer and accepted by the City prior to development of Lot 3.

Applicant Presentation

Jon Marner, MMS Consultants, was present on behalf of the applicant and offered additional information on the application.

### Public Comments

No comments were offered.

### Questions and Comments

The Commission had no questions or comments on the application.

### Recommendation to the City Council

A'Hearn moved, Geneser seconded that the Planning Commission accept the two listed findings and forward the preliminary plat to the City Council with a recommendation for approval subject to the conditions recommended by City staff. The vote was: ayes – Geneser, A'Hearn, Staber, Heisler, Bathke; nays – none; absent – Vincent, Willer. Motion carried.

### **Approval of Previous Minutes**

Heisler moved, A'Hearn seconded to approve the minutes of the February 7, 2023 meeting. The vote was all ayes. Minutes approved.

### **Old Business**

Rusnak reported that the Comprehensive Plan was adopted by the City Council.

### **New Business**

Rusnak reported that April's agenda will be full.

### **Adjournment**

At 6:49 p.m., Staber moved, Geneser seconded to adjourn. The vote was all ayes. Meeting adjourned.

Signed:

Tracey Mulcahey, City Clerk



## Parks & Recreation Commission Minutes

February 2, 2023, 7:00pm

City Council Chambers, 1 Quail Creek Circle, North Liberty, Iowa

Attending: Gwen Johnson, Richard Grugin, Shannon Greene, Amy Chen, Kevin Stibal, Jamie Gade, Shelly Simpson

Absent: Jeremy Parrish

Others Present: Brian Motley, Tim Hamer, Guy Goldsmith

1. Call to Order
2. Approval of Minutes
  - a. January 5, 2023
  - b. Motion by Gwen Johnson, Second by Amy Chen, Unanimous approval
3. Reports
  - a. Parks Report
    - i. Continuing maintenance at park shop and Babe Ruth building
    - ii. Continuing equipment maintenance of trucks, mowing equipment
    - iii. Continuing snow removal as needed
    - iv. Tim and Guy attended an Iowa Workforce Seminar on current hiring practices. Guy mentioned there are job postings online.
      1. Amy asked what topics the seminar touched on. Guy said workplaces need to offer more flexibility.
      2. Shannon asked if compensation was part of the talk. Guy said it was, and North Liberty is on the low end for recommended compensation. \$15.45 is around where North Liberty hires. Recommended compensation is \$20 per hour.
    - v. Beat the Bitter event went well. Able to use the ice rink on the day of the event as weather allowed.
  - b. Recreation/Pool Report
    - i. January memberships were on the rise. Youth basketball has been happening on Saturdays.
    - ii. Continuing the process of looking for custodial position.
    - iii. New fitness classes have started. Next week there is a coordination balance and strength class starting with a new instructor.
    - iv. Coordinating with Iowa City Senior center on walk with ease class for seniors.
      1. Shannon asked about transportation options. Shelly said seniors get a booklet on the class. Richard mentioned Johnson County SEATS has programs for individuals who qualify for low priced transportation options.
    - v. January swim lessons has 290 participants. Indoor soccer has 52 participants. The soccer league is new and happens on Tuesday nights.
      1. Shannon asked about price rates and how they have been maintained throughout the years. Shelly said prices have stayed the same mostly for classes.

2. Shannon asked about rec center membership prices. Brian said our prices currently are in line and are at a good number.
  - a. Amy asked how prices are figured out based on capacity. Shelly said she configured costs by an estimate on how many estimated times members would come per week.
  - vi. Shelly and Brian explained how basketball leagues work and locations based on ages and grades of kids participating. North Liberty works with Coralville and Tiffin on basketball.
  - vii. Richard mentioned there are about 10,000 school age kids that live in North Liberty.
  - viii. Brian mentioned there is a field baseball lottery at the rec center next week.
  - ix. There is a posting for an intern at the rec center on the IPRA site.
  - x. Ice fishing event is this weekend.
  - xi. Kyle, a rec center staff member of 15 years, is resigning at the end of March.
    1. Shannon asked what his position's hours are. Brian and Shelly mentioned his hours have been flexible. They are currently looking at updating the job description.
- c. Questions, Concerns, Updates
4. New Business
5. Old Business
6. Next Meeting
  - a. Thursday, March 2, 2023, at 7:00pm.
7. Adjourn
  - a. Motion by Amy Chen, second by Kevin Stibal, unanimous approval.