

AGENDA

City of University Heights, Iowa
City Council Meeting
Thursday, January 19, 2017
Community Center – One University Place
1302 Melrose Avenue

7:00 – 8:00 p.m.

Meeting called by Mayor Pro Tem Jerry Zimmermann

Time	Topic	Owner
7 :00	Call to Order Meeting	Jerry Zimmerman
	Public Input	Public Comments
	<u>Legal Report</u>	Steve Ballard
	-Consideration of <u>Resolution No. 17-03</u> accepting the resignation of Mayor Weldon E. Heitman (Wally).	
	-Consideration of <u>Resolution No. 17-04</u> giving notice of the council's intention to fill the vacancy created by Mayor Heitman's resignation by appointment.	
	-Consideration of <u>Resolution No. 17-06</u> requesting that the Johnson County Auditor set a special election to fill the vacancy created by Mayor Heitman's resignation.	
8 :00	Adjournment	Jerry Zimmermann

Next Regular City Council Meeting is February 14, 2017: Community Center - OUP

January '17 – Special Meeting - City Attorney's Report

Mayor's Resignation – Filling Vacancy. Having received Wally Heitman's letter of resignation, the Council will consider Resolution No. 17-03 accepting the resignation; the Resolution is attached. The Council will also discuss the process for selecting a replacement. My understanding is that Wally's resignation is effective immediately. The Council's options for determining a replacement are 1) appointment or 2) election, as follows:

1. The Council may decide to fill the vacancy by appointment. The Council would post and publish notice of its intention to appoint a replacement, then would consider applicants, and vote on those nominated by Council Members.
 - If appointment is the route selected, the Council may desire to make the appointment at the February 14, 2017, meeting, so that the Mayor's office is not vacant for longer than necessary.
 - The appointment must be made within 40 days after the vacancy occurs.
 - If the Council decides to fill the vacancy by appointment, the notice shall state that the council intends to fill the vacancy by appointment but that the electors of the City have the right to file a petition requiring that the vacancy be filled by special election.
 - Even if the Council decides to fill the vacancy by appointment, an election will be triggered by a petition signed by a requisite number of citizens (15 percent of the total votes cast for the office in the last election).
 - I calculate the number required to trigger an election to be 69 ($454 \text{ total votes cast for Mayor in 2015} \times 0.15 = 68.1$).
 - If a petition is presented, then an election will be held no sooner than 60 days after the Council notifies the Johnson County Auditor.
 - The petition may be presented within 14 days of publication of the notice to fill the vacancy by appointment or within 14 days of appointment.
 - If a valid petition is presented, the Council's appointment would be temporary and remain in effect only until the results of the election are certified.
 - If the Council intends to fill the vacancy by appointment, then the Council should adopt Resolution No. 17-04 at the Special Meeting January 19, 2017, directing staff to publish and post notice of the Council's intention.
 - The Council would then adopt Resolution No. 17-05 at its meeting February 14, 2017, appointing a citizen to fill the vacancy. (The Council would first receive applications and statements from interested citizens, as well as public comment.)

- Resolution No. 17-04 and Resolution No. 17-05 are attached, together with the notice that will be published in the Iowa City Press-Citizen, if the Council decides to fill the vacancy by appointment. If the Council decides to fill the vacancy by special election, then these Resolutions will not be considered, and the notice will not be published.
2. The Council may decide to fill the vacancy by a special election. The Council must give the Johnson County Auditor at least 60 days' advance notice of an intention to hold such an election.
 - So, if the Council decides to fill the vacancy by election, the soonest the election would occur would be mid-March; the Council could select a later date.
 - The Johnson County Auditor would publish notice of the special election in the Press-Citizen, as with other City elections.
 - A special election would cost approximately \$1,500.00.
 - I have drafted Resolution No. 17-06, requesting that the Johnson County Auditor set a special election to fill the vacancy. The Resolution is attached. If the Council decides to fill the vacancy by appointment, then this Resolution will not be considered.
 3. Regardless of whether selected by Council appointment or by special election, the new Mayor will remain in office and complete Wally's unexpired term (i.e., serve through December 31, 2017). Thereafter, the Mayor elected November 7, 2017, will serve.
 4. If the Council decides to fill the vacancy by appointment, and if the Council were to appoint an existing Council Member as Mayor, then this entire process would be repeated to fill the Council Member vacancy created by that appointment: the Council would decide whether to fill the Council vacancy by appointment or election, notice would be published, etc.).

**NOTICE OF INTENT TO APPOINT MAYOR
UNIVERSITY HEIGHTS, IOWA**

The University Heights City Council hereby gives notice that the position of Mayor of the City of University Heights, Iowa is vacant and that the Council intends to fill the vacancy by appointment at the February meeting of the Council, which begins at 7:00 p.m. Tuesday, February 14, 2017, at University Heights City Hall, 1302 Melrose Avenue, University Heights, Iowa. This meeting will be a public meeting.

Any qualified person interested in being appointed Mayor is encouraged to submit his or her name to the following address:

Ms. Christine M. Anderson, Clerk
CITY OF UNIVERSITY HEIGHTS, IOWA
1302 Melrose Avenue
Iowa City, Iowa 52246
email: city-clerk@university-heights.org

Candidates may submit a cover letter, resume, and/or other statement of qualifications and relevant experience if they desire. Candidates are not required to be present at the February 14 meeting, but the Council may permit candidates in attendance to make oral presentations.

Provided, however, that if within 14 days after publication of this notice or within 14 days after the appointment is made, a petition is filed with the University Heights City Clerk pursuant to Iowa Code §372.13 (2017) requesting a special election to fill the vacancy, then the appointment by the Council shall be temporary, and the Council shall call a special election to fill the vacancy permanently.

This notice is given pursuant to Iowa Code §§ 362.3 and 372.13.

Dated at University Heights, Iowa, this 19th day of January, 2017.

/s/ Christine M. Anderson, Clerk
CITY OF UNIVERSITY HEIGHTS, IOWA
1302 Melrose Avenue
Iowa City, Iowa 52246
email: city-clerk@university-heights.org

RESOLUTION NO. 17-03

**RESOLUTION ACCEPTING THE RESIGNATION
OF MAYOR WALLY HEITMAN**

BE IT RESOLVED by the City Council of the City of University Heights, Iowa, that the resignation of Weldon E. Heitman (Wally) as Mayor of the City of University Heights is hereby accepted by the City Council effective January 15, 2017.

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

	AYE	NAY	ABSENT	ABSTAIN
Haverkamp	_____	_____	_____	_____
Lane	_____	_____	_____	_____
Maher	_____	_____	_____	_____
Quezada	_____	_____	_____	_____
Zimmermann	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 19th day of January, 2017.

Jerry Zimmermann, MAYOR PRO TEMPORE

ATTEST:

Christine M. Anderson, City Clerk

RESOLUTION NO. 17-04

RESOLUTION GIVING NOTICE OF INTENT TO APPOINT CITIZEN TO FILL VACANCY CREATED BY MAYOR'S RESIGNATION

WHEREAS, Mayor Weldon E. Heitman (Wally) resigned as Mayor of the City of University Heights effective January 15, 2017; and

WHEREAS, the City Council of the City of University Heights, Iowa, accepted Mayor Heitman's resignation at its special meeting January 19, 2017, by adopting Resolution No. 17-03; and

WHEREAS, the City Council desires to fill to fill the vacancy created by Mayor Heitman's resignation by appointment at its meeting February 14, 2017, all as provided by Iowa Code § 372.13 (2017),

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of University Heights, Iowa, that the Council intends to fill the vacancy created by the resignation of Mayor Weldon E. Heitman (Wally) by appointment at its meeting February 14, 2017.

BE IT FURTHER RESOLVED that the City Clerk and City Attorney are directed to post and publish notice of the Council's intention to fill the vacancy created by Mayor Heitman's resignation and specifying how interested citizens may submit their names for consideration.

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

	AYE	NAY	ABSENT	ABSTAIN
Haverkamp	_____	_____	_____	_____
Lane	_____	_____	_____	_____
Maher	_____	_____	_____	_____
Quezada	_____	_____	_____	_____
Zimmermann	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 19^h day of January, 2017.

Jerry Zimmermann, MAYOR PRO TEMPORE

ATTEST:

Christine M. Anderson, City Clerk

RESOLUTION NO. 17-06

**RESOLUTION SETTING SPECIAL ELECTION TO FILL VACANCY
CREATED BY MAYOR’S RESIGNATION**

WHEREAS, Mayor Weldon E. Heitman (Wally) resigned as Mayor of the City of University Heights effective January 15, 2017; and

WHEREAS, the City Council of the City of University Heights, Iowa, accepted Mayor Heitman’s resignation at its special meeting January 19, 2017, by adopting Resolution No. 17-03; and

WHEREAS, the City Council desires to fill to fill the vacancy created by Mayor Heitman’s resignation by special election to be set by the Johnson County Auditor on earliest practicable day no sooner than March 20, 2017, all as provided by Iowa Code § 372.13 (2017),

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of University Heights, Iowa, that a special election shall be held to fill the vacancy created by the resignation of Mayor Weldon E. Heitman (Wally).

BE IT FURTHER RESOLVED that the City Clerk and City Attorney are directed to communicate the Council’s adoption of this Resolution to the Johnson County Auditor and request that a special election be set to fill the vacancy created by Mayor Heitman’s resignation on the earliest practicable day no sooner than March 20, 2017.

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

	AYE	NAY	ABSENT	ABSTAIN
Haverkamp	_____	_____	_____	_____
Lane	_____	_____	_____	_____
Maher	_____	_____	_____	_____
Quezada	_____	_____	_____	_____
Zimmermann	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 19^h day of January, 2017.

Jerry Zimmermann, MAYOR PRO TEMPORE

ATTEST:

Christine M. Anderson, City Clerk