

CITY OF HUXLEY

TUESDAY – OCTOBER 25, 2016 – HUXLEY CITY HALL

CITY COUNCIL MEETING – 6:00 PM

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF HUXLEY, IOWA, WILL MEET AT THE HUXLEY CITY HALL 515 N. MAIN AVE., HUXLEY, IOWA, FOR THEIR REGULAR COUNCIL MEETING AT 6:00 PM ON TUESDAY THE 25TH DAY OF OCTOBER, 2016 TO DISCUSS THE MATTERS ENUMERATED IN THE AGENDA LISTED BELOW.

ROLL CALL – QUORUM PRESENT

- 1.00) COMMENTS FROM THE PUBLIC AND RECEIVING OF PETITIONS AND/OR WRITTEN COMMUNICATIONS TO THE CITY COUNCIL ON AGENDA AND NONAGENDA ITEMS.
- 2.00) PRESENTATION(S): NONE
- 3.00) PROCLAMATION(S): NONE
- 4.00) CONSENT AGENDA:

ALL ITEMS LISTED WITHIN THIS SECTION ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OR ACTION ON THESE ITEMS UNLESS A COUNCIL MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS. AND CONSIDERED SEPARATELY.

- 4.01) TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:
October 25, 2016 -- Regular Council Meeting
- 4.02) TO APPROVE FINANCIAL REPORTS AND PAYMENT OF BILLS.
- 4.03) TO APPROVE BEER, WINE AND LIQUOR LICENSES AND CIGARETTE PERMITS/ RENEWALS.
- 4.04) TO APPROVE THE REAPPOINTMENT OF JENNIFER POTE AND MATT PETERSEN TO THE PARKS AND RECREATION BOARD
- 5.00) PUBLIC HEARING(S); NONE

AGENDA ITEMS:

- 6.00) COMMUNITY BETTERMENT:
 - 6.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-068 APPROVING CHANGE OF USE FROM MULTIFAMILY RESIDENTIAL DISTRICT TO SINGLE FAMILY AND DUPLEX RESIDENTIAL USE FOR LOT 52 IN PRARIE RIDGE PLAT 1 P.U.D. **TABLED**
 - 6.02) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-078 APPROVING THE FINAL PLAT FOR MEADOW LANE PLAT #2
 - 6.03) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-079 APPROVING THE FINAL PLAT FOR BELLA VISTA.

- 6.04) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-080 APPROVING THE REQUEST TO WAIVE THE REQUIREMENT FOR SIDEWALK PER REQUEST OF RANDY SHAEFFER.
- 6.05) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-081 APPROVING THE FINAL PLAT FOR 2 LOTS WITHIN BALLARD MINOR SUBDIVISION – RURAL DEVELOPMENT WITHIN 2 MILES
- 7.00) PUBLIC SAFETY: NONE
- 8.00) FINANCE:
- 8.01) DISCUSSION AND POSSIBLE ACTION ON THIRD READING OF ORDINANCE NO. 455 AMENDING CHAPTER 93 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING WATER RATES AND AMENDING CHAPTER 99 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING SEWER SERVICE CHARGES.
- 8.02) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-082 APPROVING THE PAY ESTIMATE #2 FOR THE HEART OF IOWA TRAIL.
- 9.00) LEISURE ACTIVITIES: NONE
- 10.00) ADMINISTRATIVE BUSINESS:
- 10.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-077 APPROVING FENCE ENCROACHMENT AGREEMENT. TABLED
- 10.02) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-083 HIRING WASTEWATER SUPERINTENDENT.

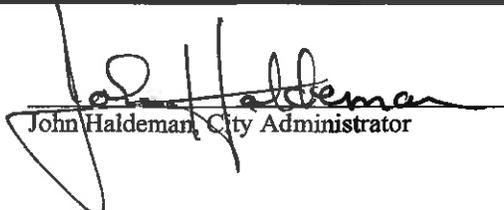
COMMENTS FROM STAFF, COUNCIL AND MAYOR.

ADJOURNMENT

WORKSESSION:

1. 28E
2. PERMIT DEPOSITS
3. PERSONNEL MANUAL CHANGES

THIS NOTICE IS HEREBY GIVEN AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE MEETING SPECIFIED ABOVE. THIS WAS DONE BY ADVISING THE NEWS MEDIA WHO HAVE FILED A REQUEST FOR NOTICE AND BY POSTING THE NOTICE ON THE WINDOW IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE AND VIEWABLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.


John Haldeman, City Administrator

4.00) CONSENT AGENDA

**Huxley City Council Minutes
Tuesday, October 11, 2016**

These minutes are as recorded by the City Clerk and are subject to City Council approval at the next regular council meeting.

COUNCIL MEETING: The Huxley City Council met in a regular council meeting on the above date pursuant to rules of the council, notice posted at city hall, posted on website and emailed to news media. Mayor Pro Tem Kuhn called the meeting to order at 6:00 pm.

COUNCIL MEMBERS PRESENT: Kuhn, Hemmen, Jensen, Roberts; absent – Deaton, Henry

CITY STAFF PRESENT: John Haldeman-City Administrator, Jolene Lettow- City Clerk, Mark Pote – Police Chief , Jeff Peterson – Public Works Director

CONSULTANTS PRESENT: Forrest Aldrich – City Engineer

GUESTS PRESENT: Paul and Caté Frey, Steve Quick, Richard Albaugh

CONSENT AGENDA:

MOTION-Hemmen, Second - Roberts to Approve the Following Items from the Consent Agenda

- September 27, 2016 Council Meeting
- Financial Reports and Payment of Bills

| | | |
|------------------------------|--------------------------------|-----------|
| • AFLAC | AFLAC | 189.26 |
| • ALLIANT ENERGY | GAS & ELECTRIC | 9,929.24 |
| • ARCPOINT DES MOINES | RANDOM DRUG SCREENING | 70.00 |
| • AVESIS INCORPORATED | VISION INS | 339.96 |
| • BOOK LOOK | BOOKS | 763.52 |
| • BRICK GENTRY BOWERS SWARTZ | 2015 CONSTRUCTION PROJECTS | 4,727.24 |
| • CARPENTER UNIFORM CO. | NEW DUTY UNIFORMS | 307.94 |
| • CENTERPOINT LARGE PRINT | HARDCOVER WESTERNS | 41.34 |
| • CENTRAL IOWA DISTRIBUTING | JANITORIAL SUPPLIES | 251.20 |
| • COMPASS MINERALS AMERICA | COURSE ROCK SALT | 3,292.35 |
| • CURTIS FAHRLENDER | 3C'S MEMBERSHIP REFUND | 72.75 |
| • D.J. GONGOL & ASSOCIATES | OAK LIFT STATION RELAY PARTS | 268.99 |
| • DELTA DENTAL PLAN OF IOWA | DENTAL INSURANCE | 1,742.24 |
| • ECMC | GARNISH-JOHN WESSELMANN -2749 | 2.50 |
| • EDWARD JONES | IRA | 250.00 |
| • ELECTRIC WHOLESALE CO. | EATON DIN RAIL | 21.44 |
| • EHC INSURANCE COMPANIES | DEFENSE EXPENSES | 1,299.18 |
| • FALLER, KINCHELOE & CO, PL | PREP OF ANNUAL FINANCIAL REPOR | 750.00 |
| • FREEDOM TIRE | TIRE TUBE | 24.95 |
| • GATEHOUSE MEDIA IOWA HOLDI | LEGAL PUBLICATIONS | 306.70 |
| • GERED BURKHARDT | BACKFLOW TESTING & REPORTING | 390.00 |
| • GREENLAND HOMES | BLDG PERMIT DEPOSIT REFUND | 1,000.00 |
| • HUXLEY COOP TELEPHONE CO. | PHONE, INTERNET, CABLE | 1,757.11 |
| • INTEGRATED PRINT SOLUTIONS | SOCCER SHIRTS | 764.75 |
| • INTERNAL REVENUE SERVICE | FED WITHOLDING TAX | 10,091.02 |
| • INTERSTATE ALL BATTERY CEN | FLASHLIGHT BATTERIES | 45.00 |
| • IOWA DNR | 2017 ANNUAL WATER USE FEE | 66.00 |
| • IOWA DOT | NOZZLE FIRE HOSE | 9,592.87 |
| • IPERS | IPERS | 12,802.10 |
| • LETTOW, JOLENE | REIMBURSEMENT FOR MEAL AT GCMO | 13.12 |
| • LIBERTY READY MIX | CONCRETE | 342.50 |
| • LINCOLN FINANCIAL GROUP | DISABILITY INSURANCE | 973.50 |
| • LOWE'S | SEE ATTACHED | 94.04 |
| • MARTIN BROS | JANITORIAL SUPPLIES | 267.72 |
| • MARTIN OIL WHOLESALE | UNLEADED AND DIESEL FUEL | 1,625.07 |
| • MASS MUTUAL RETIREMENT SER | DEFERRED COMPENSATION | 250.00 |

| | | |
|------------------------------|-------------------------------|---------------------|
| • MIDWEST QUALITY WHOLESALE, | CASE OF LAUNDRY SOAP | 49.85 |
| • MISCELLANEOUS VENDOR | ANDERSEN, WADE :US REFUND | 136.57 |
| • NICKOLAY CONSULTING, LLC | SEPTEMBER IT WORK | 502.49 |
| • NOVA FITNESS EQUIPMENT | PREVENTATIVE MAINTENANCE | 347.00 |
| • O'HALLORAN INTERNATIONAL | ABS SENSOR '07 SNOW PLOW | 65.89 |
| • OXEN TECHNOLOGY | MICROSOFT EXCHANGE ONLINE | 84.00 |
| • QUICK'S HARDWARE HANK | SEE ATTACHED | 317.16 |
| • RELIASTAR LIFE INSURANCE C | LIFE INSURANCE | 374.14 |
| • SAFE BUILDING COMPLIANCE & | BUILDING INSPECTIONS | 3,247.11 |
| • SIGN PRO | CITY DECAL ON TAHOE | 120.00 |
| • STAPLES ADVANTAGE | COPY PAPER, INK, COLOR PAPER, | 380.48 |
| • STORY COUNTY RECORDER | QUIT CLAIM DEED | 22.00 |
| • STORY COUNTY TREASURER | PRAIRIE RIDGE PLAT 1 LOT 54 | 2,364.00 |
| • TASC | FLEX BENEFIT PLANS | 570.80 |
| • TASC - CLIENT INVOICES | NOV. FLEX PLAN ADMIN FEE | 62.91 |
| • TREASURER, STATE OF IOWA | STATE WITHHOLDING | 3,386.00 |
| • UHC PLAN OF THE RIVER VALL | MEDICAL INSURANCE | 15,309.20 |
| • USA BLUEBOOK | CHEMICAL DRUM PUMP | 94.95 |
| • VALIC | DEFERRED COMPENSATION | 146.08 |
| • VAN-WALL EQUIPMENT INC. | TIRE | 89.95 |
| • VEENSTRA & KIMM, INC. | HEART OF IOWA TRAIL CONST. | 7,020.72 |
| • VERIZON WIRELESS | ADMIN CELL PHONE | 44.55 |
| WINDSTREAM IOWA COMMUNICAT | PD PHONE AT DISPATCH | 69.74 |
| PAYROLL EMPENSE | | <u>44,993.11</u> |
| TOTAL | | <u>\$144,524.30</u> |

Roll Call: Kuhn, Hemmen, Jensen, Roberts, voted yes. Motion carried.

MOTION – Roberts, Second – Jensen on Second Reading of Ordinance 454 to Provide for the Division of Taxes Levied on Certain Taxable Property. Roll Call: Jensen, Hemmen, Roberts, Kuhn voted yes. Motion carried.

MOTION – Hemmen, Second – Kuhn to Waive Third Reading of Ordinance 454. Roll Call: Jensen, Hemmen, Roberts, Kuhn voted yes. Motion carried.

MOTION – Hemmen, Second – Roberts on Second Reading of Ordinance 455 to Amend Chapter 93 of the City of Huxley Municipal Code Concerning Water Rates and Chapter 99 of the City of Huxley Municipal Code Concerning Sewer Service Charges. Roll Call: Kuhn, Roberts, Hemmen voted yes; Jensen voted no. Motion carried.

MOTION – Roberts, Second – Hemmen to TABLE Resolution No. 16-077 to Approve Fence Encroachment Agreement. Resident inquired as to whether his personal property insurance should be the only coverage on property as stated in agreement even though fence would be placed in city's right-of-way. Council decided to seek legal advice. Roll Call: Jensen, Hemmen, Roberts, Kuhn voted yes. Motion carried.

MOTION – Kuhn, Second – Hemmen with Final Plat Approval of Meadowlane Plat 2 Development Subject to City Engineer Approval. Developer requested special approval in order to get construction completed before winter. Elevation levels and topography corrections must be provided before engineer will approve. 4 ayes, 0 nays. Motion carried.

Miscellaneous

Mark Pote, Police Chief, informed council that work had begun to file a second nuisance abatement on property along East 1st Street.

Forrest Aldrich, City Engineer, reported that pavement was completed in Bella Vista development. Meadowlane development was ready to be paved and bike trail had been paved with new shoulders being installed.

Jolene Lettow, City Clerk, told council that city had received many complaints from residents regarding Service line Warranties mailings. Residents complained that too many mailings were being sent and letters were misleading and

allowed residents to think that city was offering services. Council's consensus was to no longer provide endorsement of program – no city logos or endorsements should be used on future mailings. Staff will contact organization.

Councilman Jensen asked to receive update on effect of membership rate increase at 3C's. Jensen also asked what status of Main Avenue Street project. City engineer responded that punch list had decreased from 300 to 100 items; major items were still not completed.

Bella Vista and Meadowlane final plat approvals possibly planned for next P&Z meeting on October 24.

Councilman Kuhn asked about status of trees being removed on Lynwood. Staff remarked that letters had been sent to residents regarding removal plans.

ADJOURNMENT: Motion – Roberts, Second - Hemmen to adjourn meeting at 6:54pm. 4 ayes, 0 nays. Motion carried.

Dave Kuhn, Mayor Pro Tem

Attest:

Jolene R. Lettow, City Clerk

10-25-16 COUNCIL CLAIMS

| | A | B | C |
|----|----------------------------|---|--------------|
| 1 | VENDOR NAME | DESCRIPTION | GROSS AMOUNT |
| 2 | ACCESS | DONATION | \$ 1,000.00 |
| 3 | ANKENY SANITATION | CENTENNIAL PARK, 3C'S, NORD-KALSEM, WWTP, MAINT. SHOP | \$ 293.34 |
| 4 | BAKER & TAYLOR ENTERTAINME | BOOKS | \$ 1,072.08 |
| 5 | BAKER GROUP | MAINT. AGREEMENTS | \$ 7,565.00 |
| 6 | BRIAN HARVEY | FLAG FOOTBALL REFEREE | \$ 60.00 |
| 7 | BUD'S AUTO REPAIR INC | FD OIL CHANGE ON 732, PD CHARGER SERVICE | \$ 623.53 |
| 8 | CAPITAL CITY EQUIPMENT CO. | CONNECTOR FOR SNOW BLOWER | \$ 227.76 |
| 9 | CASEY'S GENERAL STORES INC | GASOLINE | \$ 1,074.48 |
| 10 | CENTERPOINT LARGE PRINT | HARDCOVER WESTERNS | \$ 41.34 |
| 11 | CONSUMERS ENERGY | GAS AND ELECTRIC | \$ 9,211.16 |
| 12 | D & K PRODUCTS | FERTILIZER FOR LARSON FIELD | \$ 682.50 |
| 13 | DOLLAR GENERAL CORPORATION | WIPES, BOWLS, TISSUE, CANDY, ETC. | \$ 103.65 |
| 14 | ECMC | WAGE GARNISHMENT | \$ 2.50 |
| 15 | EMERGENCY MEDICAL PRODUCTS | STERILE WATER | \$ 41.90 |
| 16 | G & L CLOTHING | PW CLOTHING ALLOWANCES | \$ 1,089.02 |
| 17 | GENERAL INSURANCE AGENCY | INSURANCE ON TAHOE | \$ 753.00 |
| 18 | GREENLAND HOMES | BUILDING PERMIT DEPOSIT REFUND | \$ 500.00 |
| 19 | H.L. MUNN LUMBER CO. | MISC. SUPPLIES | \$ 207.36 |
| 20 | HANKS, MIKE | POSTAGE REIMBURSEMENT | \$ 5.42 |
| 21 | HD SUPPLY WATERWORKS, LTD. | METER SPUDS | \$ 70.00 |
| 22 | HOKEL MACHINE SUPPLY | OXYGEN & ACETYLENE | \$ 28.94 |
| 23 | INLAND TRUCK PARTS COMPANY | PRESSURE PROTECTION | \$ 53.36 |
| 24 | INTERNAL REVENUE SERVICE | PAYROLL TAXES | \$ 10,344.46 |
| 25 | INTERSTATE ALL BATTERY CEN | BATTERIES | \$ 49.90 |
| 26 | INTERSTATE BATTERIES | BATTERY | \$ 60.95 |
| 27 | IOWA DOT | GLOVES, BRAKE CLEAN, EARPLUGS | \$ 112.96 |
| 28 | IOWA LEAGUE OF CITIES | 2016 BUDGET WORKSHOP-LETTOW | \$ 40.00 |
| 29 | IOWA ONE CALL | EMAIL LOCATES | \$ 145.00 |
| 30 | ITRON, INC. | MAINT. FOR METER READING PROGR | \$ 2,124.04 |
| 31 | JIM'S JOHNS INC. | BATHROOMS AT SOCCER FIELDS | \$ 120.00 |
| 32 | KADE MILLER | YOUTH FLAG FOOTBALL REFEREE | \$ 90.00 |
| 33 | KEYSTONE LABORATORIES | MONTHLY SAMPLING & SPECIAL DW | \$ 311.60 |
| 34 | LANDSCAPES BY DESIGN, INC. | NEW ENTRY SIGN FOR HUXLEY | \$ 3,058.01 |
| 35 | LEGAL AID SOCIETY OF STORY | DONATION | \$ 1,700.00 |
| 36 | LIBERTY READY MIX | 3.5 YARDS OF CONCRETE | \$ 459.50 |
| 37 | MANATTS | CONCRETE | \$ 777.00 |
| 38 | MARCO, INC. | ADMIN & PD COPIER MAINT. AGREEMENT | \$ 367.07 |
| 39 | MARCO, INC. | COPIER MAINTENANCE FOR FD & LIBRARY | \$ 343.05 |
| 40 | MARY GREELEY MEDICAL CENTE | TIER | \$ 200.00 |
| 41 | MASIMO AMERICAS, INC. | REPAIR ON RAD-57C HANDHELD | \$ 249.00 |
| 42 | MENARDS | MISC. SUPPLIES | \$ 319.28 |

10-25-16 COUNCIL CLAIMS

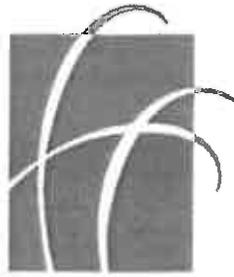
| | A | B | C |
|----|----------------------------|--------------------------------|----------------------|
| 43 | MICA | DONATION | \$ 300.00 |
| 44 | MUNICIPAL SUPPLY | TWENTY-FIVE METER SPUDS | \$ 750.05 |
| 45 | NAPA AUTO PARTS | MISC. AUTO SUPPLIES | \$ 136.11 |
| 46 | NOLAN SCHONHORST | YOUTH FLAG FOOTBALL REFEREE | \$ 100.00 |
| 47 | PEPSI-COLA | CASES OF POP FOR VENDING | \$ 1,035.70 |
| 48 | PETE'S TRUCK & DIESEL SERV | REPAIR TO STREET SWEEPER | \$ 1,308.20 |
| 49 | POLK COUNTY FIRE CHIEF'S A | 2016 MEMBERSHIP | \$ 25.00 |
| 50 | POPULAR SUBSCRIPTION SERVI | FY 17-18 MAGAZINE | \$ 530.12 |
| 51 | PREMIER OFFICE EQUIPMENT I | QUARTERLY MAINTENANCE | \$ 250.43 |
| 52 | ROCKY SMITH | COMMERCIAL APPLICATORS LICENSE | \$ 35.00 |
| 53 | SAM'S CLUB MC/SYNCB | SEE ATTACHED | \$ 2,441.57 |
| 54 | STAR EQUIPMENT, LTD | BLADE | \$ 343.59 |
| 55 | STORY COUNTY SHERIFF'S OFF | 2ND QTR DISPATCH | \$ 5,863.76 |
| 56 | STORY COUNTY TREASURER | PROPERTY TAXES | \$ 242.00 |
| 57 | SYNCB/AMAZON | MOVIES | \$ 207.61 |
| 58 | TASC | FLEX BENEFIT PLANS | \$ 570.80 |
| 59 | THE DES MOINES REGISTER | ANNUAL SUBSCRIPTION | \$ 240.02 |
| 60 | THE OLD FARMER'S ALMANAC | 2017 BOOK STORE EDITION | \$ 14.90 |
| 61 | VAN WALL EQUIPMENT | NEW WEED EATER | \$ 332.96 |
| 62 | VAN-WALL EQUIPMENT INC. | CHAIN SAW CHAIN AND FILTERS | \$ 168.75 |
| 63 | VERIZON WIRELESS | AMBULANCE & PW CELL PHONES | \$ 460.59 |
| 64 | VISA | SEE ATTACHED | \$ 1,662.73 |
| 65 | ZIEGLER INC | MISC. SUPPLIES | \$ 354.60 |
| 66 | Payroll Expense | | \$ 46,344.80 |
| 67 | GRAND TOTAL | | \$ 109,297.45 |
| 68 | | | |
| 69 | | FUND TOTALS | |
| 70 | 001 GENERAL FUND | \$ | 30,488.43 |
| 71 | 002 LIBRARY | \$ | 4,235.58 |
| 72 | 003 RECREATION | \$ | 3,223.24 |
| 73 | 004 FIRE AND RESCUE | \$ | 95.93 |
| 74 | 014 AMBULANCE | \$ | 1,955.42 |
| 75 | 100 PRAIRIE RIDGE DEVELOPM | \$ | 92.00 |
| 76 | 110 ROAD USE TAX | \$ | 5,883.42 |
| 77 | 600 WATER UTILITY | \$ | 8,236.39 |
| 78 | 610 SEWER UTILITY | \$ | 8,742.24 |
| 79 | 01 PAYROLL EXPENSE | \$ | 46,344.80 |
| 80 | GRAND TOTAL | \$ | 109,297.45 |

SAM'S MC BREAK DOWN

| | | |
|--------------|--------------------|----------------------------------|
| PD | \$ 3.83 | postage |
| PD | \$ 901.16 | two new computers |
| P & R | \$ 256.20 | poundfit drumsticks |
| P & R | \$ 70.00 | cprp renewal |
| P & R | \$ 59.99 | computer hard drive |
| P & R | \$ 470.04 | snacks for vending |
| P & R | \$ 165.00 | national p & r assoc. membership |
| Ambulance | \$ 172.00 | pink tshirts |
| Streets | \$ 83.98 | handheld cb radios |
| Wastewater | \$ 91.00 | pwo & iowa wea membership |
| Wastewater | \$ 9.45 | postage |
| Wastewater | \$ 40.00 | airport shuttle |
| Wastewater | \$ 30.00 | parking |
| FD | \$ 88.92 | glow stick bracelets |
| Total | \$ 2,441.57 | |

VISA

| | | |
|--------------|--------------------|--------------------|
| PD | \$ 69.97 | postage |
| PD | \$ 578.73 | qualification ammo |
| Admin | \$ 550.25 | forever envelopes |
| Library | \$ 100.78 | postage |
| Library | \$ 363.00 | movie licensing |
| Total | \$ 1,662.73 | |



HUXLEY

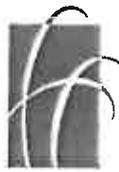
PARKS & RECREATION DEPARTMENT

MEMORANDUM

To: Honorable Mayor Craig Henry & City Council
From: Travis Bakken
Date: 10-19-16
Re: Re-Appointment of Huxley Park Board Members

The Parks and Recreation Department would like to recommend the re-appointment of Matt Petersen and Jennifer Pote to the park board each renewing their commitment to the board for another 3 years. They have both done a nice job contributing to the Parks and Recreation Department.

Thank You.



HUXLEY
— HEART OF THE PRAIRIE —

APPLICATION FOR APPOINTMENT TO BOARDS & COMMISSIONS

The City of Huxley appreciates your interest in serving the community and welcomes your application. Please complete all sections of this application. If you have any questions, please contact the City Clerk's Office at (515) 597-2561. Additional information may be found on the city website at www.huxleyiowa.org. The City of Huxley is committed to providing equal opportunity for citizen involvement.

Please indicate those Boards and/or Commissions on which you would be willing to serve by checking below:

- | | |
|---|--|
| <input type="checkbox"/> Library Board of Trustees | <input type="checkbox"/> Tree Board |
| <input type="checkbox"/> Zoning Board Of Adjustments | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Huxley Volunteer Fire Department |

Name: Petersen Matthew Date: 10/12/16
Last First Middle

Address: 1201 Sand Cherry Lane Huxley Ia
Street City State Zip

Occupation: Physical Therapist

Employer's Name & Address:

Mary Greeley Medical Center

Work Telephone No: 515 239 6770 Hours which you can be reached at this number: 7-6

Home Telephone No: 515 597 3416 Hours which you can be reached at this number: none

Cell Phone No. 515 244 9998 Hours which you can be reached at this number: all

Email: mppetersen11@gmail.com

How long have you resided in Huxley? 2004

Please list any previous Board membership positions (City, Church, School, Professional, etc.) and dates of service:

Park Board 2014-2017



HUXLEY
— HEART OF THE PRAIRIE —

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Please indicate those Boards and/or Commissions on which you would be willing to serve by checking below:

- | | |
|---|--|
| <input type="checkbox"/> Library Board of Trustees | <input type="checkbox"/> Tree Board |
| <input type="checkbox"/> Zoning Board Of Adjustments | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Huxley Volunteer Fire Department |

Name: Pote Jennifer K Date: 10-12-2016
Last First Middle

Address: 51295 300th St Cambridge IA 50016
Street City State Zip

Occupation: Fed Emp

Employer's Name & Address:

Work Telephone No: 515-323-7458 Hours which you can be reached at this number: 7-3³⁰

Home Telephone No: 515-229-5481 Hours which you can be reached at this number: 7-10^P

Cell Phone No. ↓ Hours which you can be reached at this number: _____

Email: jennifer.pote@va.gov

How long have you resided in Huxley? 10.5 yrs

Please list any previous Board membership positions (City, Church, School, Professional, etc.) and dates of service:

6.00) COMMUNITY BETTERMENT

RESOLUTION NO. 16-080

RESOLUTION APPROVING TEMPORARY WAIVER ON CONSTRUCTING SIDEWALK

WHEREAS, the City Council of the City of Huxley, Iowa received a letter from Randy Shaeffer requesting a waiver from installing a new sidewalk on the east side of their property at 201 North 5th Ave., letter is attached; and

WHEREAS, said waiver is based on the topography of the ground and elevation of the street, North 5th Ave. is not required at this time to have a sidewalk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HUXLEY, IOWA, that the City of Huxley City Council after reviewing said request agree that installing a new sidewalk along North 5th Avenue at this time would not be practical.

FURTHERMORE, it is felt by this Council that a waiver should not be permanent and that it should only be temporary until such time as the City has directed installation of sidewalks along North 5th Ave.

| Roll Call | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton | — | — | — |
| Dave Jensen | — | — | — |
| Dave Kuhn | — | — | — |
| Craig Hemmen | — | — | — |
| Tracey Roberts | — | — | — |

PASSED, ADOPTED AND APPROVED this ___th day of October, 2016.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 16-080** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this ___th day of October, 2016.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

October 13, 2016

To: Mayor, Huxley City Council

From: Randy Shaeffer

Re: Sidewalk Waiver

Due to the understanding that sidewalks are being held until 5th Avenue is lowered, I am requesting a waiver to install a sidewalk at 201 N. 5th Avenue.

Should you need any information you can contact me at 515-231-4741.

A handwritten signature in black ink that reads "Randy Shaeffer". The signature is written in a cursive style with a long, sweeping underline.

RESOLUTION NO. 16-081

**RESOLUTION APPROVING THE FINAL PLAT FOR 2 LOTS WITHIN BALLARD
MINOR SUBDIVISION – RURAL DEVELOPMENT WITHIN 2 MILES**

WHEREAS, Traci and William Jennings filed a minor subdivision Final Plat for two lots to be reviewed by the Story County Planning and Zoning; and

WHEREAS, this Final Plat lies within the 2 mile perimeter of the City of Huxley therefore it must be approved by the City before it can be finalized with Story County; and

WHEREAS, this final plat was received by the City within the month of October, 2016 for its review; and

WHEREAS, this review request came to Huxley’s Zoning Administrator who reviewed the main lot being split in two and it is referred to the City Council with a favorable recommendation from the Zoning Administrator..

BE IT RESOLVED, THEREFORE, that the Final Plat for the Ballard Subdivision has been submitted to the Huxley City Council and is approved.

PASSED, ADOPTED AND APPROVED this ___ day of October, 2016.

| Roll Call | Aye | Nay | Absent |
|-----------------------|------------|------------|---------------|
| Kevin Deaton | ___ | ___ | ___ |
| Craig Hemmen | ___ | ___ | ___ |
| Dave Jensen | ___ | ___ | ___ |
| Dave Kuhn | ___ | ___ | ___ |
| Tracey Roberts | ___ | ___ | ___ |

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 16-081** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this _____ day of October, 2016.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

Sub 10-16

Story County Planning and Development
900 6th Street, Nevada, Iowa 50201
(515) 382-7245 — PZWeb@storycounty.com — www.storycounty.com



SUBDIVISIONS

Applicant

If the Applicant is not the Property Owner, please attach consent and authority of the Property Owner for you to apply on his/her behalf.

(Last Name) Jennings (First Name) William J.
 (Address) 2162 110th Street (City) Story City (State) IA (Zip) 50248
 (Phone) _____ (Email) jenningsremax@gmail.com & reisinger@snobrough12w.com
 (Property Address) 30409 530th Avenue, Kelly (Parcel ID Numbers) 1316200480

Subdivision

Proposed Name: Ballard Subdivision

- Residential Parcel Plat (\$175)
- Agricultural Plat (\$175)
- Minor Plat (\$275)
- Major Plat- Preliminary (\$275)
- Major Plat- Final (\$175)
- Filing Fee
- Digital copy of all materials
- Legal description that will be used on all required legal documents

Vacation

Proposed Name: _____

- Right-of-way Plat
- Filing Fee: \$175
- Legal description that will be used on all required legal documents

Waiver

Current Name: _____
Proposed Name: _____

- Filing Fee: \$275
- Digital copy of all materials
- Written narrative explaining justification for proposed waiver and conformance to the legal principles outlined in Section 92.04(2) of the Story County Code of Ordinances

- Proposed subdivision plat
- All required submittal requirements as outlined in Chapter 87 of the Story County Code of Ordinances (87.06(3) for Residential Parcel, 87.07(3) for Agricultural, 87.08(3) for Minor, 87.09(3) for Major-Preliminary and 87.09(5) for Major-Final)

RECEIVED

OCT 04 2016
STORY CO. PLANNING & DEVELOPMENT

CERTIFICATION

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners** of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection, and, if necessary, post a public notice sign on the property.

SIGNATURE William J. Jennings DATE 9-30-16

Submit Application

Date Received 10/4/16
 Receipt No. 548905
 Receipt Amount \$175

ATTORNEY'S OPINION

I, Rebecca A. Reisinger, hereby state that I am an Attorney-at-Law, duly admitted to the practice of law in the State of Iowa, and an attorney of the Newbrough Law Firm, L.L.P., with offices at 612 Kellogg Ave., Ames, Story County, Iowa. I further state that I have examined the Abstract of Title to the following described real estate, to-wit:

Beginning at a point on the East line of Section Sixteen (16), Township Eighty-two (82) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, 1,982.9 feet South of the NE Corner of said Sec. 16, thence N89°43'W 526.7 feet, thence South 665.2 feet, thence N89°30'E 526.7 feet to the East line of said Sec. 16, thence North along the East line of said Sec. 16, 658 feet to the point of beginning,

to be known upon approval of the Final Plat of the proposed subdivision as, to-wit:

A subdivision of an existing parcel in the Southeast Quarter of the Northeast Quarter of Section 16, Township 82 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: Beginning at the East Quarter Corner of said Section 16; thence S89°34'36"W, 527.18 feet along the South line of said Northeast Quarter; thence N00°07'24"E, 665.48 feet; thence S89°36'59"E 526.74 feet to the East line of said Section 16; thence S00°05'14"W, 658.06 feet to the point of beginning, containing 8.00 acres, which includes 0.49 acres of existing public right of way,

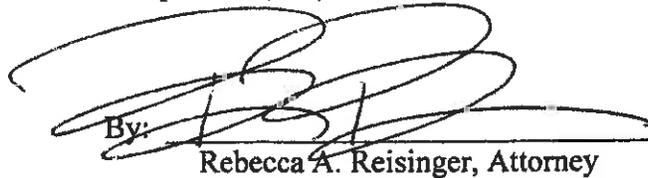
(hereinafter referred to as the "Real Estate") from the root of the title thereof, down to and including the 14th Day of September, 2016, 8:00 a.m., as last certified by Abstract and Title Services of Story County, Ames, Iowa (Title Guaranty Division Member #8650).

Based upon information within said Abstract of Title, it is my opinion that the fee simple title to the Real Estate is vested in **William J. Jennings and Traci L. Jennings, a Married Couple, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common.** The Real Estate is free from encumbrances excepting, however, the following:

1. The Real Estate is subject to two separate Limited Easements of record, both of which were given to Xenia Rural Water District for water pipelines. The first Limited Easement dated May 22, 2002, was filed on June 6, 2002, in the office of the Recorder of Story County, Iowa, as Instrument No. 02-08309. The second Limited Easement dated June 30, 2016, was filed on July 11, 2016, in the office of the Recorder of Story County, Iowa, as Instrument No. 16-06414. The second instrument allows for "any number of water service hook-ups" provided that adequate water supply is available.
2. The Real Estate is subject to zoning ordinances of Story County, Iowa.
3. The Real Estate is subject to an Open-End Mortgage given by William J. Jennings and Traci L. Jennings, Husband and Wife, to Luana Savings Bank, dated May 16, 2016, and filed in the office of the Recorder of Story County, Iowa, on May 17, 2016, as Instrument No. 16-04137.

Dated this 30th Day of September, 2016.

NEWBROUGH LAW FIRM, L.L.P.
612 Kellogg Avenue, P.O. Box 847
Ames, Iowa 50010-0847
Telephone: (515) 232-1761

By: 
Rebecca A. Reisinger, Attorney

Iowa Title Guaranty
Division Member #10317

SPACE ABOVE FOR RECORDER

Return To: Rebecca A. Reisinger, 612 Kellogg Ave., P.O. Box 847, Ames, IA 50010
Preparer: Rebecca A. Reisinger, 612 Kellogg Ave., P.O. Box 847, Ames, IA 50010; (515) 232-1761

CONSENT

KNOW ALL PERSONS BY THESE PRESENTS:

That **WILLIAM J. JENNINGS AND TRACI L. JENNINGS**, a Married Couple, do hereby covenant that they are the lawful owners of the following-described real estate situated in Story County, Iowa, to-wit:

Beginning at a point on the East line of Section Sixteen (16), Township Eighty-two (82) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, 1,982.9 feet South of the NE Corner of said Sec. 16, thence N89°43'W 526.7 feet, thence South 665.2 feet, thence N89°30'E 526.7 feet to the East line of said Sec. 16, thence North along the East line of said Sec. 16, 658 feet to the point of beginning,

The undersigned do hereby certify, acknowledge and declare that the platting of said real estate to be known as **BALLARD SUBDIVISION, STORY COUNTY, IOWA**, is with their free consent and in accordance with their desires as proprietors.

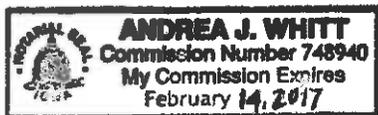
Dated this ___ day of September, 2016.


WILLIAM J. JENNINGS


TRACI L. JENNINGS

STATE OF IOWA, STORY COUNTY, SS:

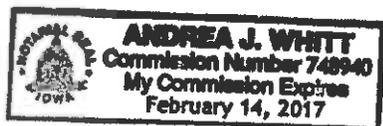
This instrument was acknowledged before me on this 30th day of September, 2016, by William J. Jennings.



Andrea J. Whitt
Notary Public in and for the State of Iowa
My Commission Expires: 02-14-2017

STATE OF IOWA, STORY COUNTY, SS:

This instrument was acknowledged before me on this 3rd day of October, 2016, by Traci L. Jennings.

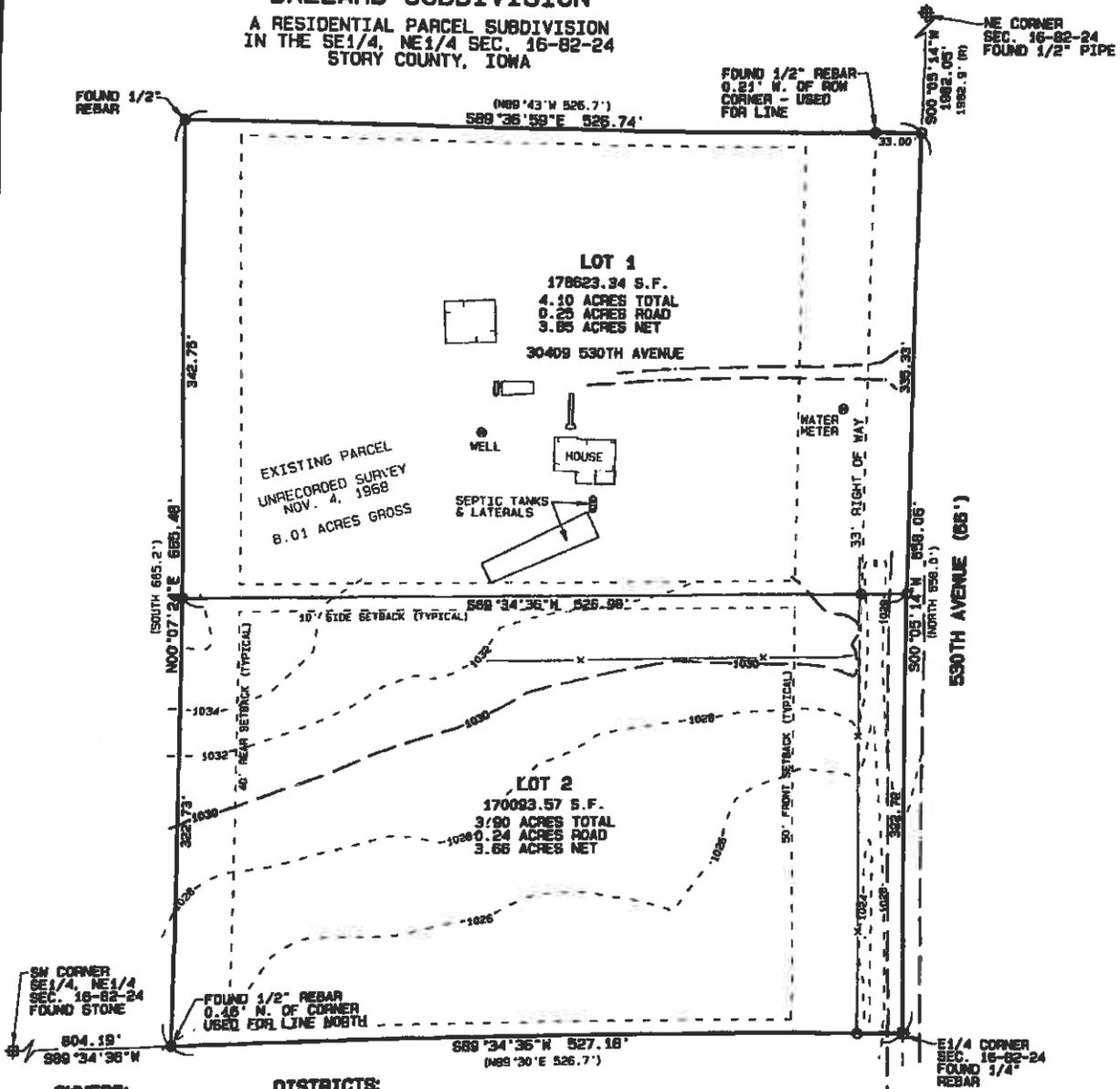


Andrea J. Whitt
Notary Public in and for the State of Iowa
My Commission Expires: 02-14-2017

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-293-3689

FINAL PLAT BALLARD SUBDIVISION

A RESIDENTIAL PARCEL SUBDIVISION
IN THE SE1/4, NE1/4 SEC. 16-82-24
STORY COUNTY, IOWA



OWNERS:
WILLIAM J. &
TRACI L. JENNINGS
2162 110TH ST
STORY CITY, IA 50248

DISTRICTS:
Fire: Slater
Ambulance: Auxley
School: Ballard
Zoning: A-1

NOTES:

1. Lot 1 is, and Lot 2 will be served by private septic and rural water.
2. All new lots shall require an E91 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E91 addresses shall be assigned by Story County at the request of the property owner.
3. Lot 1 is fully developed and will continue to be used as a single-family residence. Lot 2 is for construction of a new single family residence.

SURVEY DESCRIPTION:

A subdivision of an existing parcel in the Southeast Quarter of the Northeast Quarter of Section 16, Township 82 North, Range 24 East of the 5th P.M., Story County, Iowa, described as follows: Beginning at the East Quarter Corner of said Section 16; thence S89°34'36"W, 527.18 feet along the South line of said Northeast Quarter; thence N00°07'24"E, 688.48 feet; thence S89°35'36"E, 526.74 feet to the East line of said Section 16; thence S00°05'14"W, 688.06 feet to the point of beginning, containing 8.00 acres, which includes 0.48 acres of existing public right of way.

LEGEND

| | |
|--------------------------------------|-----|
| PROPERTY BOUNDARY | ——— |
| SECTION LINE | ——— |
| STREET CENTER LINE | ——— |
| RIGHT OF WAY LINE | ——— |
| EASEMENT LINE | ——— |
| BUILDING SETBACK LINE | ——— |
| SECTION CORNER FOUND OR SET AS NOTED | ⊕ |
| FOUND IRON PIN OR PIPE AS NOTED | ⊙ |
| SET 1/2" REBAR W/ YELLOW CAP #17161 | ○ |

GRAPHIC SCALE 1"=80'

**STUMBO & ASSOCIATES
LAND SURVEYING**

510 S. 17TH STREET, SUITE #102
AMES, IOWA 50010
PH. 515-293-3664 • FAX 515-293-4405

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo
R. Bradley Stumbo License #17161
My license renewal date is December 31, 2017

Date: 8/11/16



ORDINANCE 455

AN ORDINANCE AMENDING CHAPTER 93 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING WATER RATES AND AMENDING CHAPTER 99 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING SEWER SERVICE CHARGES.

Section 1. Be it ordained by the City Council of the City of Huxley, Iowa, that the following sections and subsections of the Municipal Code of the City of Huxley, Iowa, should be and the same is hereby repealed, and there be enacted in lieu thereof, the following sections and subsections:

Water Rates, Subsection 93.02(1) and (2) shall be repealed in their entirety and in lieu thereof replaced with the following:

On January 1, 2017, the rates shall automatically increase to the following amounts:

- (1) Basic User Fee shall increase to \$17.15 per month.
- (2) Usage Rate shall increase to \$4.45 per 1,000 gallons of water used per month.

Sanitary Sewer Charges, Subsection 99.01(1), (2) and (3) shall be repealed in their entirety and in lieu thereof replaced with the following:

On January 1, 2017, the rates shall automatically increase to the following amounts:

- (1) Basic User Fee shall increase to \$25.00 per month.
- (2) Usage Rate shall increase to \$4.45 per 1,000 gallons of water used per month.
- (3) Debt Service Levy. Beginning with the Fiscal Year 2013 Budget, a Debt Service Levy of \$2.55 per \$1,000 taxable valuation was put in place as part of the City's tax levy and it was to be used toward the retirement of general obligation bond payments sold for payment of a new wastewater facility. With this ordinance this section remains in force.

Section 3. All rates and levies associated with this ordinance shall be reviewed again within 1 year of the implementation of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

First Reading _____ (Date)

| Roll Call | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton | — | — | — |
| Craig Hemmen | — | — | — |
| David Jensen | — | — | — |
| Dave Kuhn | — | — | — |
| Tracey Roberts | — | — | — |

Second Reading _____ (Date)

| Roll Call | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton | — | — | — |
| Craig Hemmen | — | — | — |
| David Jensen | — | — | — |
| Dave Kuhn | — | — | — |
| Tracey Roberts | — | — | — |

Third Reading _____ (Date)

| Roll Call | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton | — | — | — |
| Craig Hemmen | — | — | — |
| David Jensen | — | — | — |
| Dave Kuhn | — | — | — |
| Tracey Roberts | — | — | — |

Passed and approved by the Council of the City of Huxley, Iowa, on October ____, 2016.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

Publication Date: _____

RESOLUTION NO. 16- 082

**RESOLUTION APPROVING PAY ESTIMATE NUMBER 2 FROM TK CONCRETE, INC.
FROM PELLA, IOWA FOR THE HEART OF IOWA TRAIL PROJECT**

WHEREAS, TK CONCRETE, INC. from Pella, Iowa was the low bidder with a bid of \$208,150.00 for the project; and

WHEREAS, this Pay Request Number 2 has been submitted and has been reviewed by the City's Engineer and was found to be acceptable and accurate and recommended for payment in the amount of \$133,688.12; and

BE IT RESOLVED, THEREFORE, that the attached pay request #2 is being submitted for approval by the Huxley City Council and the City Council, after reviewing said documents, is approving and authorizing payment to the contractor as per the attached statement subject to all required paperwork being submitted and that the project be accepted.

PASSED, ADOPTED AND APPROVED this ___ day of October, 2016.

| Roll Call | Aye | Nay | Absent |
|-----------------------|------------|------------|---------------|
| Kevin Deaton | ___ | ___ | ___ |
| Craig Hemmen | ___ | ___ | ___ |
| Dave Jensen | ___ | ___ | ___ |
| Dave Kuhn | ___ | ___ | ___ |
| Tracey Roberts | ___ | ___ | ___ |

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 16-082** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this _____ day of October, 2016.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk



VEENSTRA & KIMM, INC.

3000 Westown Parkway • West Des Moines, Iowa 50266-1320

515-225-8000 • 515-225-7848 (FAX) • 800-241-8000 (WATS)

October 3, 2016

TK Concrete, Inc.
1608 Fifield Rd
PO Box 111
Pella, Iowa 50219

HUXLEY, IOWA
HEART OF IOWA TRAIL
PARTIAL PAYMENT NO. 2

Enclosed are four copies of Partial Payment No. 2 in accordance with the contract between the City of Huxley and TK Concrete, Inc. for the Heart of Iowa Trail project.

By copy of this letter we are recommending payment by the City Council of the City of Huxley to TK Concrete, Inc. in the amount of \$133,688.12.

Please execute all copies of Partial Payment No. 2 in the spaces provided and forward all four copies to the City of Huxley for further processing.

If you have any questions or comments, please contact us at 515-225-8000.

VEENSTRA & KIMM, INC.

Original Signed By
Forrest S. Aldrich

Forrest S. Aldrich

FSA:dml

45218

Enclosures

cc: John Haldeman, City of Huxley w/enclosure
Pam Lee, IDOT w/enclosure

10.00)

**ADMINISTRATIVE
BUSINESS**

RESOLUTION NO. 16-077

**RESOLUTION APPROVING FENCE ENCROACHMENT AGREEMENT
WITH CATHLYN AND PAUL FREY**

BE IT RESOLVED, THEREFORE, that the City Council of Huxley, Iowa does hereby approve the Fence Encroachment Agreement with Paul and Cathlyn Frey, **as attached** and authorizes the Mayor to sign.

| Roll Call | Aye | Nay | Absent |
|-----------------------|------------|------------|---------------|
| Kevin Deaton | — | — | — |
| Craig Hemmen | — | — | — |
| Dave Jensen | — | — | — |
| Dave Kuhn | — | — | — |
| Tracey Roberts | — | — | — |

PASSED, ADOPTED AND APPROVED this ___th day of October, 2016.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 16-077** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this __th day of October, 2016.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

WHEN RECORDED RETURN TO:

Preparer Information: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450
SPACE ABOVE THIS LINE FOR RECORDER

Fence Encroachment Agreement

Whereas, Paul Frey and Cathlyn Frey (hereinafter "Frey") have requested permission to place a fence in a portion of the City of Huxley (hereinafter the "City") right of way, more particularly described as follows:

Right of Way adjacent to 201 Oak Boulevard, Huxley, Iowa,
legally described as Lot 3 in Northpark Estates Plat No. 1
(hereinafter "Right of Way").

and;

Whereas, the City is agreeable to allowing Frey to place the fence in a portion of the Right of Way under the terms and conditions stated herein.

Now, Therefore, it is hereby agreed as follows:

1. The City agrees to allow Frey to place the fence in a portion of the City's Right of Way which fence shall be placed at least three (3) feet from the City's sidewalk. Said fence installation shall otherwise comply with all agreements, ordinances and laws.
2. Frey, and/or Frey's successor-in-interest, agree to remove the fence, at no cost to the City, within seven (7) days of the City's request for said removal, for any reason, including the need to work on the sidewalk, utilities or roadway within the Right of Way. If Frey, and/or Frey's successor-in-interest, fails to remove said fence within seven (7) days of the City's request then the City shall have the right to remove said fence at Frey, and/or Frey's successor-in-interest, cost. In the event of a need for an emergency repair, the City shall have the right to remove said fence and bill the cost to Frey and/or Frey's successor-in-interest and Frey and/or Frey's successor-in-interest agrees to pay such cost.
3. The City agrees that in the event the fence is removed, and if at the time the fence is removed it is a legal nonconforming use, Frey shall have the right to rebuild the same fence that was removed in the same or a comparable location, at Frey expense.
4. Frey agrees to protect and indemnify and hold harmless the City from and against any and all loss, cost, damages and expenses occasioned by, or arising out of, any accident or other occurrence causing or inflicting injury and/or damage to any person or property happening or done, in, upon or about the City Right of Way, or due directly or indirectly to Frey use of the City's Right of Way, or any part thereof. Frey further agrees that they will at their own expense,

procure and maintain casualty and public liability insurance with a responsible company or companies authorized to do business in Iowa, protecting any person or persons and any property belonging to any person or persons, by reason of such casualty, accident or other happening on or about the City Right of Way.

In Witness Whereof, the parties have caused this Agreement to be duly executed.

Dated this ____ day of _____, 2016.

City of Huxley, Iowa

Paul Frey and Cathlyn Frey

By: _____
Craig Henry, Mayor

Attest:

By: _____
Jolene Lettow, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

STATE OF IOWA, COUNTY OF STORY, ss:

On the ____ day of _____, 2016, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared CRAIG HENRY and Jolene Lettow, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Huxley, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was Fence Encroachment and contained in the Resolution adopted by the City Council of Huxley, Iowa, on the ____ day of _____, 2016, and the said CRAIG HENRY and Jolene Lettow acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

On the ____ day of _____, 2016, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Paul Frey and Cathlyn Frey and executed the foregoing instrument.

Notary Public in and for the State of Iowa

Notary Public in and for the State of Iowa