



CITY COUNCIL WORKSESSION NOTICE

TUESDAY APRIL 19, 2022, 6:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- 1. ROLL CALL**
- 2. APPROVE AGENDA AS PRESENTED AND/OR AMENDED**
- 3. PUBLIC COMMENT (5 MINUTE TIME LIMIT FOR ITEMS NOT ON THIS AGENDA)**
- 4. WORKSESSION: DISCUSSION AND DIRECTION TO CITY ADMINISTRATOR**
 - a) Economic Development Proposals (Hy Point, Hatch, Jensen, Beerbower)
 - b) Ihle Fence
- 5. Council Goal Setting**

REGULAR MEETING APRIL 26, 2022

For more information on this and other agenda items, please call the City Clerk's Office at 515-597-2561 or visit the Clerk's Office, City Administration Building at 515 N. Main Ave. Council agendas are available to the public at the City Clerk's Office on Monday morning preceding Tuesday's council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email.

IN THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

THE CITY OF HUXLEY, IOWA, Plaintiff, vs. EVERETT A. IHLE and SHIRLEY M. IHLE, Defendant.	Case No. HUCICI008100 ORDER FOR DEFAULT JUDGMENT
--	--

On this date, this matter comes before the Court pursuant to Plaintiff, the City of Huxley, Iowa's, Written Application for Default Judgment pursuant to Iowa Rule of Civil Procedure 1.972 and Iowa Code section 364.22(7). Having reviewed the pleadings and affidavits of service on file in the above-captioned matter, the Court finds as follows:

1. The Court has jurisdiction over the parties and the subject matter of this above-captioned action.
2. Plaintiff filed an Original Notice and Civil Citation for Municipal Infraction in the above-captioned matter on September 17, 2021.
3. Defendant Shirley M. Ihle was personally served, and as such, Defendant Everett A. Ihle was served via substitute service, with the Civil Citation for Municipal Infraction on September 28, 2021.
4. An Affidavit of Service for Defendants was filed on September 29, 2021.
5. Pursuant to Iowa Rule of Civil Procedure 1.303(1), Defendants had twenty (20) days from the date of service in which to appear, move or answer.
6. Defendants have not appeared, moved, answered, or filed or served any other responsive pleading in this matter.

7. Defendants' failure to do so constitutes a default. See Iowa R. Civ. P. 1.971(1).

8. Plaintiff is entitled to the relief requested in the Civil Citation for Municipal Infraction, and judgment should be entered. See Iowa Code § 364.22(7) ("If the person named in the citation is served as provided in this section [364.22] and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.").

9. Defendants' own property locally known as 306 Oak Boulevard, Huxley, Iowa 50124, and legally described as Lot Seventeen (17) in Timberlane Plaza Plat No. 2 in the City of Huxley, Story County, Iowa.

10. Defendants' property is located within an R-1 District that does not immediately abut an M-1, C-1, C-2, or the right-of-way of a federal or State highway.

11. Defendants constructed an 8-foot-tall fence by City approved permit in 2000.

12. The 8-foot-tall fence consisted of 6 feet of wood paneling with 2 feet of lattice trim on the top.

13. The fence only encircled part of the Defendants' side or rear yard and not the entire perimeter. A photo of the fence was attached to the Infraction as Exhibit 1.

14. Huxley Code of Ordinances section 165.37(1) provides for fences and walls for side and rear yards as follows:

No fence or wall shall exceed six feet in height, except in M-1 and R-4 Districts, where fences may not exceed eight feet in height. However, fences not to exceed eight feet in height are permitted along the property line in any residential (R) District that immediately abuts an M-1 or C-1 or C-2 District or the right-of-way of a federal or State highway.

15. Accordingly, Defendants' fence was a non-conforming structure. See Huxley City Code § 165.05(41).

16. On August 10-11, 2020, a powerful derecho swept across the State of Iowa causing significant damage to personal property, trees, and fences.

17. During this storm, more than 50% of Defendants' fence was destroyed.

18. Huxley Code of Ordinances section 165.09(2) provides:

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

.....

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

19. After the fence was destroyed, Plaintiff informed Defendants that they needed a permit to rebuild the fence and could not rebuild the fence to a height of 8 feet.

20. Defendants applied for a fence permit and was approved for a 6-foot fence. The fence permit was attached to the Infraction as Exhibit 2.

21. However, despite Plaintiff's warnings and having a permit for only a 6-foot fence, Defendants ignored Plaintiff and the permit limitation, and rebuilt their fence at a height of 8 feet.

22. The rebuilt fence is in violation of Huxley Code of Ordinances section 165.37.

23. The aforementioned constitutes a violation of the Huxley Code of Ordinances, which is a municipal infraction. See Huxley Code § 3.01.

24. To date, Defendants have failed to abate the violations as required by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Written Application for Default Judgment against Defendants, Everett A. Ihle and Shirley M. Ihle, is GRANTED.

IT IS FURTHER ORDERED that Defendants shall immediately abate the non-conforming fence by removing it or otherwise bringing it into compliance with the six-foot height restriction set forth in Huxley Code of Ordinances section 165.37(1).

IT IS FURTHER ORDERED that if Defendant fails to immediately abate their violation of the Ordinances, the City of Huxley, Iowa, is authorized to abate and correct the violations, including removal of the non-confirming fence, and the City's costs for abatement or correction of the violation shall be entered as a personal judgment against the Defendants, jointly and severally, and assessed against the Defendants' property where the violations occurred.

IT IS FURTHER ORDERED that Defendants are enjoined from further violating the Huxley City Code of Ordinances.

IT IS FURTHER ORDERED that Defendants pay a civil penalty in the amount of Seven Hundred Fifty Dollars (\$750.00) for a First Offense, as provide in section 3.03(1)(A) of the Huxley City Code of Ordinances, and judgment is hereby entered for the civil penalty against the Defendants.

IT IS FURTHER ORDERED that Defendants shall pay the court costs herein.

Defendants are notified that pursuant to Iowa Code section 364.22(10)(b) if Defendants willfully violates the terms of this Order, Defendants may be found in contempt of court and punished accordingly.

SO ORDERED.



State of Iowa Courts

Case Number
HUCICI008100

Case Title
THE CITY OF HUXLEY IAVEVERETT A. & SHIRLEY M.
IHLE
Type: ORDER FOR JUDGMENT

So Ordered

Kimberly Voss-Orr, Magistrate
Second Judicial District of Iowa

Electronically signed on 2021-11-15 13:26:46

306 Oak Blvd



City of Huxley, Iowa
2022 Council Goal Setting-Staff Responses

Major Accomplishments of Last 2 Years

Additions of small businesses. Fenceline!
Paving of the HOINT and completion of Trails Master Plan
Water plant expansion financing process
Water treatment plant expansion underway, well managed conservation order 2020
Cohesiveness of City departments and willingness to work together.
Exterior improvements at the Plaza.
Derecho recovery including building and equipment repairs, cleanup and planting new trees
Communication with Story County on west HOINT extension
Storywalk
East 1st Street Reconstruction Project
Good street rehabilitation program
Mapping updates for infrastructure, land use, zoning
Computer upgrades and technology upgrades organization wide; less paper
Cleanup response to municipal infraction on Jerry's Automotive, rental property
Administrative offices reorganized for staff to have focused space
City debt reduction
Main Avenue Stakeholder Input and Draft Plan for Revitalization
Annual builder/developer meeting
Water Plant Filter Rehabilitation
North Lift Station Mitigation Project
Generator Installation at Oak Blvd Lift Station
Update and Installation of New Generator and Transfer Station at the old Wastewater Plant for North Lift Station Emergency Operations
Managing State and Federal Funds for COVID and Derecho; procurement policy
Grant Application and Award of \$500,000 ARP for water plant
Transfer of facility rentals to P & R and passports to Library
Completion of audio video upgrade for Council Chambers
Revision in building permit fee distribution
New format for development agreements using gap financing and showing City return
Improved ability to enforce construction site erosion control; draft CONSESCO ordinance
Kreg Tool Donation and Splashpad planning
Upgraded utility truck
CIPP lining on Railway, Maple, N 1st
New camera trailer
New vector
Maintaining lab certifications and IDNR approvals at wastewater plant
Straightening and paving of 560th Ave
Community survey and public input meetings on sidewalk and trail connectivity
Free Group Exercise Classes with Membership

Only those 14 and older allowed in 3 C's unattended
Party in the Parks
Pickleball/Tennis Court resurfacing at Centennial Park
City newsletter
Hiring Rita
Adding sixth Police Officer
Nearing completion of Story County Animal Control Agreement
Keeping public services going and meeting citizen needs during Covid times
Two-inch mill and overlay on Maple Drive, Lynnwood Drive, N. 1st Avenue, N. Central Avenue.
Installation of secondary storm sewer on W. 5th Street and Maple Avenue
Finished installation of sidewalks on city property
Purchased a new plow truck with a wing, brine system, and spreader
Replace three pickups and replaced them with newer used trucks from the IDOT
Replaced tornado siren at Nord Kalsem Park with a new one that has battery back-up
Water Main replaced on North 1st Ave.
Abandoned old 4" Water Main on East 1st. Reconnect services to the new 12" Main.
I-35 and Hwy. 210 Water Main Extension.
R.O. Pilot Study Completed.
Iron Filter Media replacement

Issues, Concerns, Trends, and Opportunities

Upcoming developments and new taxes, master planning for best opportunities
Need a larger commercial tax base and limit TIF \$\$ to developers.
Lack of commercial property to attract new businesses. Either land or structures.
Finalize growth boundary and utility plans
Follow through with South Main Revitalization.
Developing/Selling Kreg Tool buildings... A trampoline gym?! Seek investors.
New Public Works facility to consolidate operations and provide additional space
Review staff and compensation
Rational Sidewalk Installation Program
Continued annual program of street rehabilitation and street reconstruction projects
Reduction of Chlorides in City Waste Stream
Water Main Replacement Program
Ability to dedicate staff time to code enforcement, solid waste, zoning and building violations; evaluate Story County shared code enforcement position
Erosion Control
Asbestos Water Main Replacement
Need to limit industries with high water and sewer usage, protect city and plant with penalties in the event of violation in existing companies
Rising cost of Utilities and Chemicals to match the cost of producing water
Lead and Copper inventory
Number of youth participants in sports and programs has increased significantly (plan for future staff)

Continued CIP to commit funds to projects
Improve website and marketing
More opportunities for Senior citizens
Need swimming pool
Need seventh Police Officer
Need School Resource Officer
Need admin staff position-Deputy City Clerk

Significant Initiatives, Programs, or Policies

Finalize annexation study. Landowners involved need to have input and be listened to. Forced annexation seems completely unnecessary.
Flip side... annexation seems important when you look at Ankeny creeping north. 210 corridor needs to be explored.
Finalize comp plan update
Evaluate development pressure in Main Avenue area near HFR station and understand HFR options and preferences (stay, expand in place, relocate?)
HFR needs to be able to operate in the optimum centralized location to cover the service area
Support HFR in community outreach and department comradery building events
Include apparatus and vehicles in ongoing Fleet Management Program and CIP as needed
Recycling. At the very least a drop-off site (great example in Elkhart) but of course, curbside would be ideal.
Erosion Control adopted policy on developments and site plans
Storm Water Utility Fund
Up-date storm water protection policies to shadow an MS4 community policy
Finalize Equipment/vehicle replacement program
Continue work on downtown
Lighting project on area streets to improve safety
Get trail on 69 started
Hiring incentives and Shift Differential
City needs a policy revamp like PD did
Need more commercial business on Hwy 69
Need a public pool

Capital Projects / Equipment Purchases (included in current 5-10 year CIP)

Public Works Maintenance Facility Building
Splash Pad AND swimming pool
Space needs analysis for all city departments and facilities
Improve signage at the 3Cs building.
Replace Street Sweeper, Backhoe and Skid Loader
Utility trucks and pickups replaced as needed
Water Main Replacement Projects
Asbestos Pipe Replacement Project
Continue street rehab program

Bobcat UTV upgrade
Pave driveway and between public works buildings and park entrance
Repaint clarifiers
Demolition of old wastewater plant
Upgrade of Oak and North lift station
Continue CIPP lining projects
Manhole rehab
Blast and repaint Ground storage tank.
Emergency Water connection to another source.
Replace 4" water main on East 3rd from Hwy. 69 to North 2nd Ave.
Replace 4" water main on North 2nd Ave. from East 1st to Cul-de- Sac.
Extend dead end water main on Circle Dr. to North 2nd Ave.
Extend dead end water main on East 5th to Timberlane.

Teamwork

Town Hall type meetings with the public.
Direct public to City Administrator and appropriate staff when questions come up.
Discourage social media discussions.
Attend community events. Parks programs and classes. Fire Dept. training. Library programs. No one can do it all but be involved in something! And include ALL departments.
Would be nice to see council out at facilities to see what we have for equipment and buildings as well as get a better understanding of what we do daily, will help them understand CIP and budget
Open to City expansion
Support Rita and staff better, take in staff opinions through budget process and Council agenda
National Night out for Huxley PD
Ask staff more questions through email instead of asking a whole bunch of questions at council meetings, let us prepare and help better.