

CITY OF HUXLEY

TUESDAY – APRIL 9, 2019 – HUXLEY CITY HALL

AGENDA 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 9th DAY OF APRIL, 2019 TO DISCUSS THE MATTERS ENUMERATED IN THE AGENDA LISTED BELOW.

QUORUM PRESENT

- 1.0) 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) PUBLIC HEARING(S): NONE
- 5.00) CONSENT AGENDA: ROLL CALL

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.

- 5.01) TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:
 - MARCH 26, 2019 -- Regular Council Meeting & Worksession
 - APRIL 2, 2019 – Special Planning Council Meeting with School Board
- 5.02) TO APPROVE FINANCIAL REPORTS AND PAYMENT OF BILLS.
- 5.03) TO APPROVE BEER, WINE AND LIQUOR LICENSES, CIGARETTE PERMITS RENEWALS.
- 5.04) TO APPROVE THE ACCEPTANCE OF QUIT CLAIM DEEDS AND RELATED MATERIAL FOR LOTS 1 & 2 OF HDC BUSINESS PARK PHASE III
- 5.05) TO APPROVE THE APPOINTMENT OF MICHAEL JOHN BUNNEY TO THE HUXLEY FIRE AND RESCUE.
- 5.06) TO APPROVE THE ACCEPTANCE OF QUOTE FOR FLOOR BIDS FOR NORD KALSEM.

AGENDA ITEMS:

- 6.00) **COMMUNITY BETTERMENT:**
 - 6.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-041 TO SET TIME AND DATE FOR THE PUBLIC HEARINGS REGARDING THE ANNEXATION REQUEST FROM LEONARD AND JAQUELINE LARSON I-35 AND HIGHWAY 210.
 - 6.02) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-042 TO SET TIME AND DATE FOR THE PUBLIC HEARINGS REGARDING THE ZONING REQUEST FROM LEONARD AND JAQUELINE LARSON I-35 AND HW 210.
 - 6.03) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-043 TO SET TIME AND DATE FOR HEARINGS REGARDING REZONING OF THE WESTVIEW DEVELOPMENT.
 - 6.04) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-044 TO SET TIME AND DATE FOR HEARINGS REGARDING ANNEXATION OF THE WESTVIEW DEVELOPMENT.

- 6.05) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-045 SETTING PUBLIC HEARING AND BID LETTING DATES FOR THE MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT.
- 6.06) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-046 ADOPTING A FRAUD REPORTING POLICY AND MANDATORY DISCLOSURES.
- 6.07) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-047 ACCEPTING EASEMENTS FOR THE HEART OF IOWA TRAIL PROJECT.
- 6.08) DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 493 PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE HUXLEY HOUSING URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA. POSSIBLE WAIVING OF 2ND AND 3RD READING.

7.00) PUBLIC SAFETY:

- 7.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-048 APPROVING POSTING OF TRAFFIC CONTROL SIGNS.
- 7.02) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-049 APPROVING PARKING TICKET COLLECTION PROCESS.
- 7.03) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 19-050 APPROVING THE SMALL WIRELESS FACILITY DESIGN GUIDELINES POLICY.

8.00) FINANCE: NONE

9.00) LEISURE ACTIVITIES: NONE

10.00) ADMINISTRATIVE BUSINESS: NONE

COMMENTS FROM STAFF, COUNCIL AND MAYOR.

ADJOURNMENT

WORKSESSION:

THE CITY COUNCIL WILL MEET FOR AN INFORMAL WORKSESSION TO WORK ON ITEMS AND NOT TAKE ANY ACTION ON THOSE ITEMS DURING THE WORKSESSION.

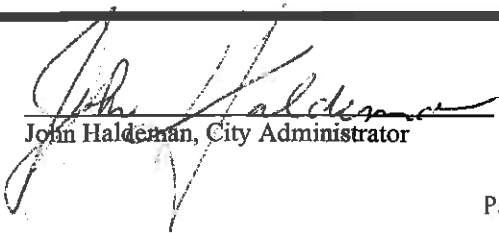
DISCUSSION TOPICS;

THAT THE FOLLOWING TOPICS ARE SUGGESTED AND THEY DO NOT REFLECT ALL THE POSSIBLE ITEMS THAT COULD BE DISCUSSED OR NOT. THE LISTING BELOW DOES NOT NECESSARILY REFLECT THE ORDER IN WHICH THE ITEMS WILL BE DISCUSSED OR IF THEY WOULD BE DISCUSSED AT THIS MEETING.

NO ACTION WILL BE TAKEN ON ANY OF THE ITEMS AND THE LIST MAY CHANGE PRIOR TO OR AT THE MEETING. NO PARTICULAR ORDER AT THIS TIME

- 1. DEVELOPMENT
- 2. FLEET SAFETY GUIDELINES

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

COMMUNICATIONS AND MONTHLY REPORTS

April 3rd, 2019

Mayor Henry and the Huxley City Council
Administrator Haldeman

RE: Ballard High School Mass Evacuation Drill

The Huxley Police Department and the Ballard High School will be conducting a mass evacuation drill at the Ballard High School during the month of April 2019. Every school is required by State law to have a high-quality safety and emergency plan for each classroom building no later than June 30th, 2019. We have done multiple ALICE classes with the Ballard students, but this will be our first mass evacuation drill at the high school.

If you should have any questions, please feel free to contact me at gstoll@huxleyiowa.org or call me cell at 515-231-4724.

Thank you,
Gerry Stoll
Huxley Police Chief



Protecting and Serving Cancer Families In Need

Cops Against Cancer®

***Law Enforcement & Family Fun Day
to help Story County Cancer families.***

**Saturday, April 13th, 2019
from 11:00 am to 3:00 pm
Huxley City Hall Complex,
515 N Main Ave, Huxley, Iowa**

**A day full of FUNdraising. Donations & proceeds
from this event will provide assistance & support
specifically to Story County Cancer families
undergoing medical treatments.**

**BBQ provided Cops Against Cancer's own
FIVE - 0 BBQ Team, Raffle, Vehicle and
Equipment Displays by Story County area law
enforcement and kids activities
sponsored by Huxley Park & Rec Dept.**

Since 2012, Cops Against Cancer, a registered 501c(3) Non-Profit has assisted over 1,500 plus cancer families directly in 78 of Iowa's 99 counties. Cops Against Cancer is proud for the past three years 85 cents of every dollar raised goes to the client assistance programs.

Cops Against Cancer has made it their commitment to making a difference in cancer patients' lives. As a value-focused organization, we are built on the pillars of recovery and extending the quality of life for cancer families, providing survivor and family support coaching, navigation and advocacy resource referrals, grief and loss support and financial assistance.

**Huxley Police Department
Monthly Report for the City of Huxley
March 2019**

March 1st, 2019 8:10 AM Officer responded to the Ballard High School for a student in possession of marijuana and paraphernalia. The student was referred into Juvenile Court for the offenses and released to her parents.

March 1st, 2019 1:10 PM Officer received a complaint of a broken mailbox post at the 100 block of Lynwood. A snow removal service struck the post which will be replaced when weather and ground thaw allows.

March 2nd, 2019 8:01 PM Officer received a complaint at a business located at the 900 block of Highway 69 of a counterfeit \$20 bill used. Surveillance was gathered but no suspect could be developed.

March 2nd, 2019 10:05 PM Officer responded to a welfare check at the 200 block of Oak Blvd. Contact was made and a Huxley resident was transported to the Hospital for treatment.

March 3rd, 2019 8:22 PM Officer responded to a domestic altercation at the 300 block of North 2nd Ave. The altercation was verbal and both parties agreed to cohabitate for the remainder of the night with no further problems.

March 4th, 2019 8:45 AM Officer responded to the Ballard High School for a harassment complaint. A Ballard student was referred into Juvenile Court for Harassment 3rd. She was released to her parents.

March 4th, 2019 3:20 PM Officer stopped a vehicle for a traffic violation on Highway 69 near Centennial Drive. The driver of the vehicle, a 17-year-old Ankeny driver, was suspended from driving. He was cited and released for Driving Under Suspension.

March 5th, 2019 6:51 PM Officer responded to a two-vehicle accident at the 200 block of E 2nd Street. A vehicle operated by a 23-year-old Huxley woman struck another vehicle while backing out of a driveway causing \$1500 in damage.

March 6th, 2019 1:56 AM Officer responded to shots fired call at the 100 block of National Drive. Witnesses and victims were interviewed, and two suspects had been developed. Iowa Department of Criminal Investigations has agreed to assist with the case and remainder of the investigation.

March 6th, 2019 7:39 AM Officer responded to a two-vehicle accident at the 900 block of Highway 69 in a parking lot. Minimal damage was done to both vehicles and driver's information was exchanged.

March 15th, 2019 5:47 PM Officer stopped a vehicle for a traffic violation on Highway 210 near 560th. The driver of the vehicle, a 58-year-old Des Moines man, was arrested for OWI 2nd. He was transported to the Story County Jail in Nevada.

March 16th, 2019 2:25 AM Officer stopped a vehicle for a traffic violation on Highway 69 near E 5th Street. The driver of the vehicle, a 35-year-old Madrid man, was arrested for OWI 1st. He was transported to the Story County Jail in Nevada.

March 16th, 2019 12:00 Officer issued a bus stop arm violation to a 52-year-old Ames woman for passing by the stopped bus at the 100 block of Main.

March 17th, 2019 12:30 PM Officer received a possible fraud report at a business on the 900 block of Highway 69. A male had made an unusual purchase at several Casey's stores throughout the county using a credit card.

March 17th, 2019 4:27 PM Officer was asked by Story County Deputies to respond to a traffic complaint in Slater. Contact was made with a Runnells man who had a warrant for his arrest out of Polk County. He was transported to the County Line and given to Polk County Deputies.

March 19th, 2019 7:15 PM Officer received a theft complaint at the 500 block of E 1st Street. A customer had stolen several hand-held torches with a total value of \$58.96. A suspect was developed and arrested.

March 25th, 2019 6:00 PM Officer was met at the police department by a parent who was having issues with his 17-year-old daughter. Services were discussed and the juvenile was spoken with.

March 26th, 2019 9:30 PM Officer responded to a child endangerment call at the 500 block of E 4th Street. A 23-year-old Huxley man was accused of striking a juvenile child leaving visible red marks. The man then fled the area and is believed to have gone to Nebraska. An arrest warrant for the suspect has been requested.

March 29th, 2019 8:45 AM Officer received a theft complaint at the 900 block of Ballard Drive. A necklace and headphones were missing from the resident's basement and can not be found. No suspects at this time.

March 29th, 2019 1:30 PM Officer opened an investigation at the Ballard Middle School for a report of a graphic selfie photo of a Ballard student that has been sent to several other students' cell phones. Investigation is ongoing.

March 29th, 2019 5:30 PM Officer responded to a two-vehicle accident on Highway 69 near National Drive. Two vehicles had a minor accident with minimal damage as one entered the highway intersection where the other vehicle was stopped. No injuries.

**Huxley Police Department
Monthly Report for the City of Cambridge
March 2019**

March 11th, 2019 6:43 PM Officer received a harassment complaint at the 400 block of Race Street. A juvenile male reported being continually harassed / bullied while at High school. Report was complete and contact will be made with the harassing party when the parent of the victim gives the department permission to pursue the case further.

March 25th, 2019 10:44 PM Officer responded to a domestic altercation at the 400 block of Race Street. A 50-year-old Cambridge woman was arrested for Domestic Assault and taken to the Story County Jail in Nevada.

March 27th, 2019 4:30 PM Officer responded to a dog bit at the 100 block of Vine. A dog had escaped the front door and bit a juvenile who had rang the doorbell. No serious injuries. Both child and child's parents believed no further action was needed.

Huxley Officers had one arrests for the month for Domestic Assault. One abatement / municipal infraction was served. Officers received seventeen calls for service and had forty-two contacts for the month. Officers used 16.25 hours toward investigations or answering calls for service and gave 76.25 hours of general patrol.

Gerry Stoll

Chief of Police

CONSENT AGENDA

Huxley City Council Minutes

Tuesday, March 26, 2019

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 Henry called the meeting to order at 6:02 pm.

COUNCIL MEMBERS PRESENT: Kuhn, Peterson, Jensen, Mulder, Roberts

CITY STAFF PRESENT: John Haldeman-City Administrator, Jolene Lettow-City Clerk, Gerry Stoll- Police Chief, Jeff Peterson – Public Works Director, Kevin Deaton – Asst. Fire Chief, Ryan Vincent – Deputy Chief of EMS

CONSULTANTS PRESENT: Jim Nervig – city attorney, Forest Aldrich – city engineer

GUESTS PRESENT: Scott Wilson, Roger Wheeler, Eric Hand, Steve Quick, Adam Walters, Katie Nelson, Todd Nelson, Jacob Clark, Jeff Begg, Dustin Ingram

PRESENTATION:

Meadow Lane Concept: Eric Snyder, engineer from Snyder & Associates, spoke to council on the Meadow Lane concept. Development lots would be 65-70 feet in width. Council directed questions pertaining to detention, Oak Blvd. connection, etc. Councilman Mulder asked about connectivity to bike trail. Mayor to talk to Park Board and bring information back to council.

Westview Heights Concept: Roger Wheeler, Century 21 realtor, told council development would be 133 acres. Three zones in development would include lot widths of 74 feet, 80 feet and larger estate lots. Project will have 4 phases in an eight year period. Councilman Kuhn inquired about land being available for a park. Residents from nearby residential area expressed concerns with current drainage issues and fear of new development causing greater concerns. Preliminary plat to be presented to P&Z Board at April 16th meeting and to council by April 23rd meeting.

CONSENT AGENDA:

MOTION- Jensen, Second - Peterson to approve all agenda items as listed:

- March 12th, 2019 Regular Council Meeting and Work Session Minutes
- Financial Reports and Payment of Bills
- Approve Beer, Wine and Liquor Licenses
- Approve Resolution No. 19-012 to Approve and Amend the Substituted Resolution Making Final Determination on the Sale of Lot 8 in Huxley Development Corporation Plat 3 and to Authorize the Execution of Purchase Agreement by and between the City of Huxley and DZ Flex Space LLC.
- Approve 2% Inflation Factor for FY20 Salaries
- Approve Purchase of Lockers for Fire Department
- Approve Appointment of Ryan Vincent to Deputy Chief of EMS and to Waive 35.07 of the City Code to Allow Vincent to Live Outside of Three Mile Radius of Town Until August 1, 2019. Also, to Waive Residency Requirement for Chief Chad Anthony.
- Receive and File Requests for Annexation and Direct Staff to Prepare Necessary Documents for Westview Heights, Kum 'N Go
- Direct Staff to Have Bond Counsel Prepare Development Agreement for Iowa Earth Works.
- Approve Appointment of Jeff Begg and Tim Wilson to Zoning Board of Adjustment.

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

Claims:

AMERICAN BUSINESS PHONES
ARNOLD MOTOR SUPPLY
BAKER & TAYLOR ENTERTAINME
CARDMEMBER SERVICE
CEDAR RIVER SIGNS, INC.

NEW PHONE SYSTEM
WIPER BLADES FOR ALL VEHICLES
BOOKS
SEE ATTACHED
DOOR LOGOS FOR TRUCKS

16,157.26
638.71
207.04
3,380.71
209.12

COMPASS MINERALS AMERICA
COMPUTER RESOURCE SPECIALI
CONSUMERS ENERGY
CUSTOM STEEL SERVICE
D.A. DAVIDSON & CO.
DIGITAL ALLY
DOLLAR GENERAL-REGIONS 410
ED M. FELD EQUIPMENT CO. I
ELECTRIC WHOLESALE CO.
FIRE SERVICE INSTITUTE
GALLS, LLC- DBA CARPENTER
GATEHOUSE-AMES TRIBUNE
HACH COMPANY
INTERNAL REVENUE SERVICE
INTERSTATE BATTERIES
IOWA DOT
JERRY CARNEY AND SONS INC.
KERRIE MULDER
KEYSTONE LABORATORIES
LEEDS, JESSICA
M.R. PROPERTIES LC
MIDWEST AUTOMATIC FIRE SPR
MOODY ELECTRIC, INC.
NEW CENTURY FS INC
NICKOLAY CONSULTING, LLC
O'HALLORAN INTERNATIONAL
OXEN TECHNOLOGY
PCC AN AMBULANCE BILLING S
PEPSI-COLA
POSTMASTER
PREMIER OFFICE EQUIPMENT I
PRO-VISION, INC.
SHAFFER'S AUTO BODY CO INC
TASC
TONYA BECKER
TRINITY UNITED METHODIST C
U.S. BANK EQUIPMENT FINANC
UNITYPOINT
VERIZON WIRELESS
VULCAN INDUSTRIES INC.
WINDSTREAM IOWA COMMUNICAT
ZIEGLER INC

COARSE ROCK SALT 3,589.84
IT FOR PHONE SYS, FIREWALL, ET 3,123.72
GAS AND ELECTRIC 11,634.49
SHOWER REPAIR 14.79
BOND ISSUES 1,000.00
FLASH CARDS 108.00
JANITORIAL SUPPLIES 82.50
EQUIPMENT ADAPTERS 59.00
P5 WHITE SWITCH PLATE 9.78
FIRE SCHOOL-MEINERS 115.00
DANGER UNIFORM PARTS 59.99
LEGAL PUBLICATIONS 543.53
WATER & SEW TREATMENT CHEMS 163.75
FED WITHOLDING TAX 11,100.77
ECONO BATTERY 40.00
JANITORIAL SUPPLIES 373.62
REAR BUMPER FOR /03 CHEVY 275.00
TRAVEL REIMBURSEMENT 19.72
WASTEWATER SAMPLING 128.70
REIMBURSE FOR STORAGE CONTAINERS 36.40
DEVELOPER'S AGREEMENT 4,199.45
3C'S BACKFLOW INSPECTIONS 321.25
DEMO AND REPAIR IN LIBRARY 7,000.00
UNLEADED AND DIESEL FUEL 2,616.67
MAILJET HOSTING 105.00
WIPER ARM FOR '90 DUMP 81.75
MICROSOFT OFFICE UPGRADE 135.00
OCTOBER AMBULANCE BILLING 1,207.45
VENDING PRODUCT 753.49
POSTMASTER 351.47
B/W AND COLOR COPIES 48.72
BODY CAMERA MOUNT 33.47
2016 FORD EXPLORER REPAIR 8,890.31
FLEX BENEFIT PLANS 558.28
FALL 2018 TRX FUSION INSTRUCTOR 533.21
ELECTRIC FOR CITY SIGN 328.74
LIBRARY COPIER LEASE 100.28
FD PHYSICAL 197.00
AMBULANCE CELL PHONES 428.51
WATER MANIFOLD 322.00
DISPATCH PHONE 73.07
MIRROR FOR BACKHOE 50.17

	<u>Fund Expenses</u>	<u>Fund Revenues</u>
001 GENERAL FUND	21,843.59	18,167.64
002 LIBRARY	10,711.20	304.96
003 RECREATION	5,638.46	21,113.84
004 FIRE AND RESCUE	2,193.68	576.00
014 AMBULANCE	2,231.88	2,997.96
110 STREET	7,969.14	2,544.66
321 DEVELOPMENT DONATIONS	4,199.45	
324 CITY PROPERTY SALES		137,988.30
600 WATER UTILITY	12,262.91	66,497.89
610 SEWER UTILITY	14,356.42	73,900.84
PAYROLL/MISC	49,523.95	
GRAND TOTAL	130,930.68	324,092.09

Motion – Peterson, Second – Kuhn to Amend Resolution 19-035 to Approve Requests to Calculate Development Agreements from 100% to 75% of the Public Infrastructure Costs for the Meadow Lane and Westview Heights Developments and Ask Staff to Direct Attorneys to Proceed Putting Documents Together. Council discussed various options. Steve Quick, Corey Kautz and Roger Wheeler approached council explaining the need for developers to get 100% reimbursement. Councilman Kuhn rescinded his seconding to the motion. There was then a motion made by Roberts and seconded by Mulder to Approve 100% of Public Infrastructure Costs in Development Agreements. Roll Call: Mulder, Kuhn, Roberts voted yes; Peterson voted no; Jensen abstained. Motion carried.

Motion – Peterson, Second – Mulder on Resolution No. 19-036 to Approve Agreement with Story County for the Joint Project for the Paving of 560th Avenue. Roll Call: Kuhn, Roberts, Peterson, Jensen, Mulder voted yes. Motion carried.

Motion – Roberts, Second – Peterson on Resolution No. 19-037 to Approve Engineering Contract for Paving 560th Avenue. Roll Call: Kuhn, Roberts, Peterson, Jensen, Mulder voted yes. Motion carried.

Motion – Mulder, Second – Roberts on Resolution 19-038 to Approve Extension Agreement for Gas and Electric from Alliant. Roll Call: Kuhn, Roberts, Peterson, Mulder voted yes; Jensen abstained. Motion carried.

No action taken on Resolution 19-039.

Motion – Roberts, Second – Peterson on Resolution No. 19-040 to Approve Water Treatment Facility Expansion Study Professional Services Agreement. Estimated cost: \$35,000. Roll Call: Kuhn, Roberts, Peterson, Jensen, Mulder voted yes. Motion carried.

Miscellaneous

- Kevin Deaton, Assistant Fire Chief, thanked council for approval of new lockers for Fire Department.
- Forrest Aldrich, city engineer, remarked that Main Avenue Storm Sewer Repairs project bid dates would be available at next council meeting
- Jolene Lettow, City Clerk, informed council that Wi-Fi was available in all areas of 3C's building
- Councilman Roberts thanked residents from Centennial West for attending council meeting and providing input
- Councilman Kuhn suggested City form a Board of Appeals for Code complaints. Stated it was a five member board to consider appeals.

Motion – Mulder, second – Roberts to move into a closed session in accordance with Iowa Code Section 21.5© to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the government body in that litigation. Motion – Roberts, second – Peterson to close hearing @ 8:09 pm. 5 ayes. Motion – Kuhn, second – Roberts to direct staff to move forward with an attorney letter and give one week notice. 5 ayes.

Request from Scott Wilson – Mayor had spoken to Tree Board regarding situation and discussed putting various **grasses** in between 3C's parking lot and residential property. Council suggested replacing trees with new trees with a \$2,000 budget. Plan to be discussed with Tree Board.

Development - Dustin Ingram from Ames Economic Development Commission spoke with council regarding putting together an application and matrix for the development incentives program. Drafts will be developed for council to review.

ADJOURNMENT: Motion – Mulder, second – Peterson to adjourn meeting at 8:50 pm. 5 ayes, 0 nays. Motion carried.

Craig D. Henry, Mayor

Attest:

Jolene R. Lettow, City Clerk

Huxley City Council and Ballard School District Joint Work Session

Tuesday, April 2, 2019

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

WORK SESSION: The Huxley City Council met in a work session on the above date pursuant to rules of the council, notice posted at City Hall, posted on website and emailed to news media. Mayor Henry called the meeting to order at 6:03 pm.

COUNCIL MEMBERS PRESENT: Kuhn, Peterson, Jensen, Roberts; absent - Mulder

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

CONSULTANTS PRESENT: Forest Aldrich – city engineer

BALLARD SCHOOL DISTRICT MEMBERS PRESENT: Darin Wohlgemuth, Jean Saveraid, Ottie Maxey, Steve Domino

JOINT WORK SESSION: Mayor called the meeting to order at 6:03pm

Roger Wheeler, Century 21 realtor, spoke with council and school representatives stating there were three developers that were interested in property that included the bus barn, two houses that school purchased on Main Avenue and some of Nord Kalsem park. Mr. Wheeler asked if school had any funds available to move bus barn. There was discussion on possible changes to Nord Kalsem park and whether city and school would be interested in building one facility that would combine school and city property. School representatives reported there were currently no funding resources available. Council and school representatives decided to reconvene on May 14th at 5:30pm to discuss possible options or alternatives to issue.

ADJOURNMENT: Motion – Peterson, second – Kuhn to adjourn meeting at 7:20 pm. 5 ayes, 0 nays. Motion carried.

Craig D. Henry, Mayor

Attest:

Jolene R. Lettow, City Clerk

4-9-19 Claims List

	A	B	C
1	VENDOR NAME	DESCRIPTION	GROSS AMOUNT
2	AFLAC	AFLAC	\$ 4.00
3	ALLIANT ENERGY	GAS AND ELECTRIC	\$ 13,744.96
4	ARNOLD MOTOR SUPPLY	AIR & OIL FILTERS, OIL, WHEELS	\$ 134.45
5	BRICK GENTRY P.C.	LEGAL FEES	\$ 5,988.15
6	DAVE WHITE PLUMBING, INC.	BATHROOM REPAIRS	\$ 1,073.40
7	DELTA DENTAL PLAN OF IOWA	DENTAL INSURANCE	\$ 1,472.22
8	DIGITAL ALLY	RMA REPAIR FEE	\$ 395.00
9	EBS	MEDICAL INSURANCE	\$ 15,730.15
10	EDWARD JONES	IRA	\$ 250.00
11	FIDELITY SECURITY LIFE	VISION INS	\$ 286.33
12	GRIMES ASPHALT & PAVING	COLD PATCH	\$ 503.70
13	H.L. MUNN LUMBER CO.	TRIM FOR NK WINDOWS	\$ 540.42
14	HARRISON TRUCK CENTERS	CABLES AND VALVES	\$ 43.11
15	HAWKINS, INC.	WATER TREATMENT CHEMICALS	\$ 1,475.60
16	HOKEL MACHINE SUPPLY	BOLTS AND NUTS	\$ 84.12
17	HUXLEY COMMUNICATIONS COOP	PHONE, CABLE, INTERNET	\$ 1,408.84
18	INTERNAL REVENUE SERVICE	PAYROLL TAXES	\$ 10,894.67
19	INTERSTATE POWER & LIGHT	GAS EXTENSION TO HUX BUS. PARK	\$ 38,697.17
20	IOWA DOT	STEEL ANGLE	\$ 26.56
21	IOWA ONE CALL	EMAIL LOCATES	\$ 63.00
22	IPERS	IPERS	\$ 14,603.75
23	KEMPKER'S TRUE VALUE AND R	SEE ATTACHED	\$ 533.53
24	KEN'S APPLIANCE	WASHER REPAIR FOR 3C'S	\$ 103.08
25	LAW ENFORCEMENT SYSTEMS IN	CITATIONS	\$ 92.96
26	LINCOLN FINANCIAL GROUP	LIFE & DISABILITY INSURANCE	\$ 1,115.96
27	LOWE'S	SUPPLIES FOR NORD KALSEM REMOD	\$ 572.76
28	MASS MUTUAL RETIREMENT SER	DEFERRED COMPENSATION	\$ 200.00
29	MISCELLANEOUS VENDOR	UTILITY DEPOSIT REFUNDS	\$ 125.28
30	MOSQUITO CONTROL OF IOWA	2018 MOSQUITO CONTROL	\$ 11,535.00
31	NICKOLAY CONSULTING, LLC	MONTHLY IT SUPPORT	\$ 105.00
32	OXEN TECHNOLOGY	OXEN TECHNOLOGY	\$ 224.00
33	QUILL CORPORATION	PURCHASE ORDERS	\$ 87.09
34	SAFE BUILDING COMPLIANCE &	BUILDING INSPECTIONS	\$ 4,613.24
35	STAPLES BUSINESS CREDIT	OFFICE SUPPLIES	\$ 363.61
36	TASC	FLEX BENEFIT PLANS	\$ 558.28
37	TREASURER, STATE OF IOWA	STATE WITHHOLDING	\$ 3,550.00
38	VAN-WALL EQUIPMENT INC.	FILTER ELEMENT & BOWL	\$ 53.04
39	VEENSTRA & KIMM, INC.	ENGINEERING FEES	\$ 388.50
40	VERIZON WIRELESS	CITY ADMIN CELL PHONE	\$ 44.68
41	YELLOWBLUE LED	LED LIGHTING FOR FLAG & SIGN	\$ 797.15
42	Payroll Expense		\$ 48,416.57
43	GRAND TOTAL		\$ 180,899.33
44			
45			
46			

4-9-19 Claims List

	A	B	C
47		FUND TOTALS	
48			
49	001 GENERAL FUND	49,088.47	
50	002 LIBRARY	5,440.44	
51	003 RECREATION	4,303.78	
52	004 FIRE AND RESCUE	1,216.63	
53	014 AMBULANCE	1,573.78	
54	110 ROAD USE TAX	12,204.97	
55	125 TIF	38,697.17	
56	600 WATER UTILITY	10,573.08	
57	610 SEWER UTILITY	9,384.44	
58	01 PAYROLL EXPENSE	48,416.57	
59	GRAND TOTAL	180,899.33	
60			
61			
62			
63	TRUE VALUE BREAK DOWN		
64	PD	windshield fluid	\$ 2.79
65	Buildings & Grounds	kitchen tube, drain trap	\$ 12.48
66	Water	bits, plumbers putty, wash fluid, pipe sealant	\$ 27.25
67	Library	paint	\$ 65.25
68	Fire	fire nozzles	\$ 14.99
69	Ambulance	bleach, cleaner	\$ 10.78
70	Streets	epoxy gel, lock ease, cold patch, tack cloth, degreaser, mixing container, thinner, clevis link, adhesive, paint marker,	\$ 217.20
71	Nord Kalsem	hole saw, valve, drill bits	\$ 34.46
72	Wastewater	milk house heater, pvc pipe, nipples, ball valves, hose barb, bulbs, seal tape, adapter, nuts & bolts, bit, rain gauge, threaded rod	\$ 133.50
73	P & R	nuts & bolts, drill bit	\$ 14.83
74	Total		\$ 533.53

Huxley RECAP**March-19**

<u>Account No.</u>	<u>Account Name</u>	<u>Statement No.</u>	<u>Balance Due</u>
15398.000	Municipal	297582	\$3,500.65
15398.001	Prosecutions	297586	\$112.50
15398.002	Fire and Rescue		
15398.005	Litigation		
15398.006	Bond Claims	297579	\$37.50
15398.011	Planning & Zoning		
15398.012	Public Works	297587	\$212.50
15398.013	Police	297585	\$62.50
15398.014	Parks		
15398.015	Nuisance Abatement	297584	\$275.00
15398.016	HDC	297583	\$675.00
15398.017	Library		
15398.018	Development	297580	\$1,112.50
Total:			\$5,988.15

Prepared By: Karen L. Karr, 666 Grand Avenue, Suite 2000, Des Moines, Iowa 50309, 515.242.2400
Taxpayer Information/Return to: City of Huxley, 515 N. Main Avenue, Huxley, Iowa 50124-9416

Quit Claim Deed

For the consideration of One Dollar (\$1.00) and other valuable consideration, KREG Enterprises, Inc., an Iowa corporation ("Grantor"), does hereby quit claim to City of Huxley, an Iowa municipal corporation, all of its right, title and interest, estate, claim and demand in and to the following described real estate in Story County, Iowa (the "Real Estate"):

LOTS 1 AND 2, HUXLEY DEVELOPMENT CORPORATION, PLAT 3, IN THE CITY OF HUXLEY, STORY COUNTY, IOWA, SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

This deed is exempt under Iowa Code Section 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Effective Date: 4-4-19, 2019.

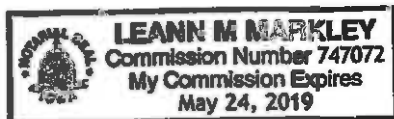
GRANTOR:

KREG ENTERPRISES, INC.,
AN IOWA CORPORATION

By: Todd Sommerfeld
TODD SOMMERFELD, CEO

STATE OF IOWA) SS:
COUNTY OF STORY)

This record was acknowledged before me on April 4th, 2019 by Todd Sommerfeld as President of KREG Enterprises, Inc., an Iowa corporation.



Leann M. Markley
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

March 21, 2019

PRELIMINARY TITLE OPINION

City of Huxley, Iowa
Attn: John Haldeman, City Administrator
515 North Main Avenue
Huxley, IA 50124

Re: Lots One (1) and Two (2), Huxley Development Corporation, Plat 3,
Huxley, Story County, Iowa

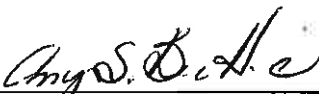
We have examined the accompanying Abstract No. 1903120455 to the above-described real property last continued by Abstract & Title Services Story County from Root of Title to March 13, 2019 at 8:00 a.m. We find the prevailing record title to said property as shown by said abstract as follows:

KREG Enterprises, Inc., an Iowa corporation

by virtue of a Warranty Deed dated February 5, 2015, filed February 5, 2015 as Inst. No. 15-00953 in the Story County Recorder's Office.

Upon due satisfaction or approval of the Special Exceptions and subject to the Standard Exceptions, it is our opinion that the abstract will show a marketable title to said property in City of Huxley, Iowa.

BRICK GENTRY, P.C.

By: 
Amy S. Beattie

SPECIAL EXCEPTIONS

1. **MORTGAGE.** At Entry No. 92 of the abstract appears a Mortgage by KREG Enterprises, Inc., d/b/a KREG Tool Company to Huxley Development Corporation, Inc. dated February 5, 2015, recorded February 5, 2015 as Inst. No. 15-00954 in the records of the Story County Recorder's Office. This mortgage remains outstanding of record and counts as a first and paramount lien on the property under examination. **This Examiner will require a release of this Mortgage.**

2. **RESTRICTIVE COVENANTS AND REGULATIONS FOR HUXLEY DEVELOPMENT CORPORATION, PLAT 3, HUXLEY, STORY COUNTY, IOWA.** At Entry No. 80 appears a Plat dated December 16, 2014, recorded December 22, 2014 as Instrument No. 14-11364 in the records of the Story County Recorder's Office. Within the plat recording are the Restrictive Covenants and Regulations for Huxley Development Corporation, Plat 3, Huxley, Story County, Iowa. A copy of the restrictions is attached for your reference. Please be advised that these restrictions may have an effect upon your use of the property under examination.

3. **EASEMENTS.** The following easements appear of record against the property under examination and may have an effect on your use of it:

- (a) Utility easement as recorded January 14, 1997 as Inst. No. 97-00425 in the Story County Recorder's Office.
- (b) Easements as recorded December 22, 2014 as Inst. No. 14-11365 in the Story County Recorder's Office.

4. **AGREEMENT FOR SIDEWALK.** At Entry No. 81 appears an Agreement for Sidewalk dated November 29, 2014, recorded December 22, 2014 as Inst. No. 14-11366 in the Story County Recorder's Office.

5. **REAL ESTATE TAXES.** At Entry No. 95 of the abstract it shows:

Fiscal Tax Year: 2017-18

First Installment:	\$37.00	Paid
--------------------	---------	------

Second Installment:	\$37.00	Paid
---------------------	---------	------

Taxed as Parcel No. 13-26-260-010

Fiscal Tax Year: 2017-18

First Installment:	\$34.00	Paid
--------------------	---------	------

Second Installment:	\$34.00	Paid
---------------------	---------	------

Taxed as Parcel No. 13-26-260-020

6. **ZONING.** The property under examination is subject to the zoning ordinances of the City of Huxley, Story County, Iowa. You should contact the Planning and Zoning Office of that city to determine the exact specification for zoning purposes and to determine whether or not your proposed use is in compliance with said zoning ordinances.

7. **PERSONAL LIEN SEARCHES.** Searches for personal liens have been conducted for a period of ten years prior to this title opinion, against the titleholder and the appropriate predecessors in interest.

STANDARD EXCEPTIONS

Parties in possession, if other than the titleholder(s), may have rights of which you must take notice not appearing in the abstract.

Easements, or claims of easements, may exist which are not shown of record and do not appear in the abstract.

Liens may exist for labor and materials furnished in the improvement of the property for a period of ninety (90) days after the furnishing thereof without being placed of record so as to show in the abstract.

Special assessments may subsequently be filed of record against the property: i) for municipal services rendered prior to closing, and ii) by virtue of a resolution of necessity having been adopted by the taxing authority where the property is located but not certified to the County Treasurer.

No survey has been furnished. An accurate survey may show encroachments, overlappings or shortages not shown in the abstract. You must satisfy yourself as to the boundaries of the property and as to the location of any improvements thereon.

The abstract of title does not disclose the existence of environmental deficiencies such as underground storage tanks, wells, solid waste, hazardous wastes, asbestos, or radon gas. Liability for removal and remediation may be imposed by virtue of ownership of the property even though one may not have been responsible for the deficiency.

Judgment and other searches must show clear subsequent to the date of recording of your conveyance documents. The abstract should be continued in final certified, typewritten form and returned for review and final opinion.

This opinion is provided to the City of Huxley, Iowa only and it is not to be relied upon by any other person or entity.

**PLEASE NOTIFY US WHEN THIS TRANSACTION IS
COMPLETED SO WE CAN FORWARD THE ABSTRACT TO
THE TITLE COMPANY TO BE UPDATED FOR A
CERTIFICATE OF TITLE. THANK YOU.**

ABSTRACT & TITLE SERVICES

**RESTRICTIVE COVENANTS AND REGULATIONS FOR
HUXLEY DEVELOPMENT CORPORATION, PLAT 3, HUXLEY, STORY
COUNTY, IOWA states:**

WHEREAS, the undersigned Huxley Development Corporation, Inc. ("HDC"), being the current owner of Lots 1 through 11 (each, a "Lot" or collectively, the "Lots") contained in Huxley Development Corporation, Plat 3, Huxley, Story County, Iowa (the "Subdivision"); and

WHEREAS, all Lots will be developed and governed in accordance with these restrictive covenants and regulations; and

WHEREAS, for their own protection and for the benefit of subsequent owners of said Lots within said Subdivision, the said owner desires to restrict the use thereof in certain particulars;

NOW, THEREFORE, the parties hereto, in consideration of the covenants and agreements contained herein, by these presents, covenant, bargain and agree for themselves for their successors and assigns, as follows:

ARTICLE I

GENERAL PROVISIONS

1. **Parking.** Owners of Lots shall not permit their employees or tenants to regularly park during business hours on public streets within the Subdivision. It will be the responsibility of the owners, their successors, assigns, or other persons holding under them to provide adequate off-street parking for employees and visitors within their property lines. All off-street parking, loading, and maneuvering areas shall be well drained and dust free. All parking areas shall be covered with a hard paved surface.

2. **Open Storage.** Outdoor storage yards shall be screened from public view and shall be placed so as to conform to the building line restrictions. Open storage shall only be permitted when screened by a solid fence, wall, or other suitable material at least 6 feet in height, and in no case shall materials be stocked or stored so as to exceed the height of the screening. No open storage shall be permitted within a required front setback area.

3. **Building Separation.** At least 20 feet of open space shall separate all buildings.

4. **Condition of Property.** The owner of any site or Lot shall at all times keep premises, buildings, improvements, and appurtenances in a safe, clean, wholesome condition and comply in all respects with all government, health, fire, and police requirements and regulations; the owner will remove at his or her own expense any rubbish of any character whatsoever which may accumulate on the site or Lot. In the event the owner fails to comply with any or all of the specifications or requirements, HDC shall have the right, privilege, and license to enter upon the premises and make any and all corrections or improvements that may be necessary to meet the standards and to charge the owner the expenses incurred in doing so.

5. **Permitted and Prohibited Uses.** Permitted uses allowed within the Subdivision are those permitted uses in the M-1 District except the following which are not normally permitted: animal hospitals, kennels, and pounds with outside runs; automobile and farm implement sales; contractor's shop with substantial outside storage; lumber and material yards; pottery, brick, and clay products; rental storage with outside multiple doors for separate access and truck and freight terminal repair unless approved otherwise by the Board of Directors of HDC (the "Board").

No site or lot shall be used for any purpose or business which is considered dangerous or unsafe, or which constitutes a nuisance, or is noxious or offensive by reason of emission of dust, odor, gas, smoke, fumes, or noise, unless mitigated to the satisfaction of the Board.

ARTICLE II

ARCHITECTURAL CONTROL

1. **Approval of Plans.** Before commencing construction or alteration of all buildings, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to any site or lot within the Subdivision, the property owners shall first submit site plans or plans and specifications to the Board for its written approval. The Board shall be provided a full color rendering of the building exterior. Samples of the materials used for the exterior shell shall be

provided for the Board to review and approve. In the event that the Board fails to approve or disapprove the building plans, specifications, or site plans within 60 days after submittal to the Board, and no suit has been filed to enjoin approval, the approval will not be required and this covenant will be deemed to have been complied with.

2. Compliance with City Regulations. All requirements shall comply with Code of Ordinances of the City of Huxley, Iowa (the "Huxley Code").

3. Building Site Ratio. The ratio of building coverage to the total site area will be subject to the approval of the Board. Green open space shall be no less than 25% of each site or Lot unless approved otherwise by the Board.

4. Resolution of Disagreement. In the event of disagreement regarding any item in this Article II between the owner of record of any Lot or Lots in the Subdivision and HDC or its representatives, the disagreement shall be referred to a committee of 3 disinterested architects, with each party to the disagreement selecting an architect and the 2 architects selecting a third, with the decision of 2 of the 3 architects being binding.

ARTICLE III

CONSTRUCTION

1. Materials. The exterior walls of all buildings shall be masonry or all steel construction, its equivalent, or better. The interior shell framework shall be steel. Use of wood framing is allowable in non-load bearing interior walls. The use of materials shall be subject to the approval of the Board.

2. Frontal Materials. On the front of the building facing the street, at least 1/3 of the side will be composed of significantly different construction materials unless approved otherwise by the Board.

3. Construction Period. All building structures or improvements of any kind must be completed within 12 months of the commencement date of construction. IF CONSTRUCTION HAS NOT BEGUN ON A LOT WITHIN 12 MONTHS OF THE EXECUTION DATE OF A CONTRACT FOR THE SALE OF ANY LOT LYING WITHIN THE SUBDIVISION, OR AFTER THE EXPIRATION OF 12 MONTHS FROM THE DATE OF COMPLETION OF UTILITIES, WHICHEVER DATE IS LATER, THEN THE OWNER OF RECORD, AT THE REQUEST OF HDC, AGREES TO CONVEY THE LOT OR LOTS BACK TO HDC FOR 75% OF THE ORIGINAL PURCHASE PRICE WITH NO ADJUSTMENT FOR TAXES, CLOSING COSTS, OR INTEREST AT THE TIME OF CONVEYANCE TO HDC. HDC WILL PAY ONLY FOR DEED PREPARATION, RECORDING FEES, AND TRANSFER TAXES. ON ISSUANCE OF AN OCCUPANCY PERMIT FOR A BUILDING STRUCTURE OR IMPROVEMENT ON AN APPLICABLE LOT, THIS RIGHT TO REPURCHASE SHALL TERMINATE AS TO THAT LOT. However, HDC, its successors or assigns, may extend in writing the time at which construction may begin.

4. Loading Docks. No loading dock shall be constructed facing on any public street unless the loading dock and every part of it is at least 100 feet inside the right-of-way line of the street on which the loading dock fronts.

ARTICLE IV

EASEMENTS, SETBACKS, AND UTILITIES

1. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded final plat of the Subdivision. Within these easements no structure or other building shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change in direction of flow of drainage channels in the easement, but the same may be used for landscaping, parking, and other purposes that do not interfere with the use of said easement for public utility and drainage purposes. The easement area of each Lot and all improvements in it shall be maintained continuously by the owner of the Lot, except for those improvements for which public authority or utility company is responsible.

2. Setbacks. No building shall be constructed on any Lot nearer than 25 feet to the right-of-way of streets. In the case of corner Lots, both 25 foot front setbacks will apply. There must be maintained a strip of 10 feet minimum of landscaped ground along and within the street property lines, exclusive of drives and walks. Minimum side yards shall be 10 feet and shall aggregate 20 feet on each individually owned Lot. Rear yard setback is 10 feet. In the event more than 1 Lot is owned by the same person or

entity and the improvement of the Lot or tract a building shall be erected on more than 1 Lot, then the side line restriction on the interior line shall be waived. If a part of a Lot is sold before any improvement is erected, then the line between the part sold and the part retained shall be the property line to which this setback restriction applies. The Huxley Code shall control where more restrictive than the above.

3. Utility Service and Communications. All service from utility company sources shall be brought in underground to the facility to be served, in a manner acceptable to the utility company providing service.

4. Sidewalks. Where the Huxley Code requires the construction of public sidewalks, the sidewalks shall be constructed within 12 months following the sale of any Lot from HDC or at the time of occupancy of any improvement on a Lot, whichever occurs first.

ARTICLE V

SIGNS

1. Approval. Plans and specifications for the construction, installation, or alteration of all outdoor signs shall be first submitted to and have the written approval by HDC, its successors or assigns.

2. Construction. There shall be no advertising signs other than 1 sign perpendicular with each public street announcing the name and/or insignia or products of the company or companies on the site. Necessary direction signs will be permitted.

ARTICLE VI

LANDSCAPING

1. Approval. Specifications of the landscaping plans for the site shall be first submitted to and have the written approval of HDC, its successors, and assigns.

2. Maintenance. Once the plantings have been made in accordance to the landscaping plans, it shall be the owner's responsibility to preserve and maintain all existing plantings, replacing trees and shrubbery, and reseeding or sodding all lawn areas as may be required from time to time.

3. Drainage. All open portions of any Lot shall have adequate grading and drainage, and shall be continuously maintained in a dust free condition by suitable landscaping with trees, shrubs or planted ground cover. Construction of buildings, parking areas, rail siding, and making provisions for continuation of said drainage.

ARTICLE VII

MISCELLANEOUS

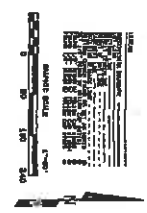
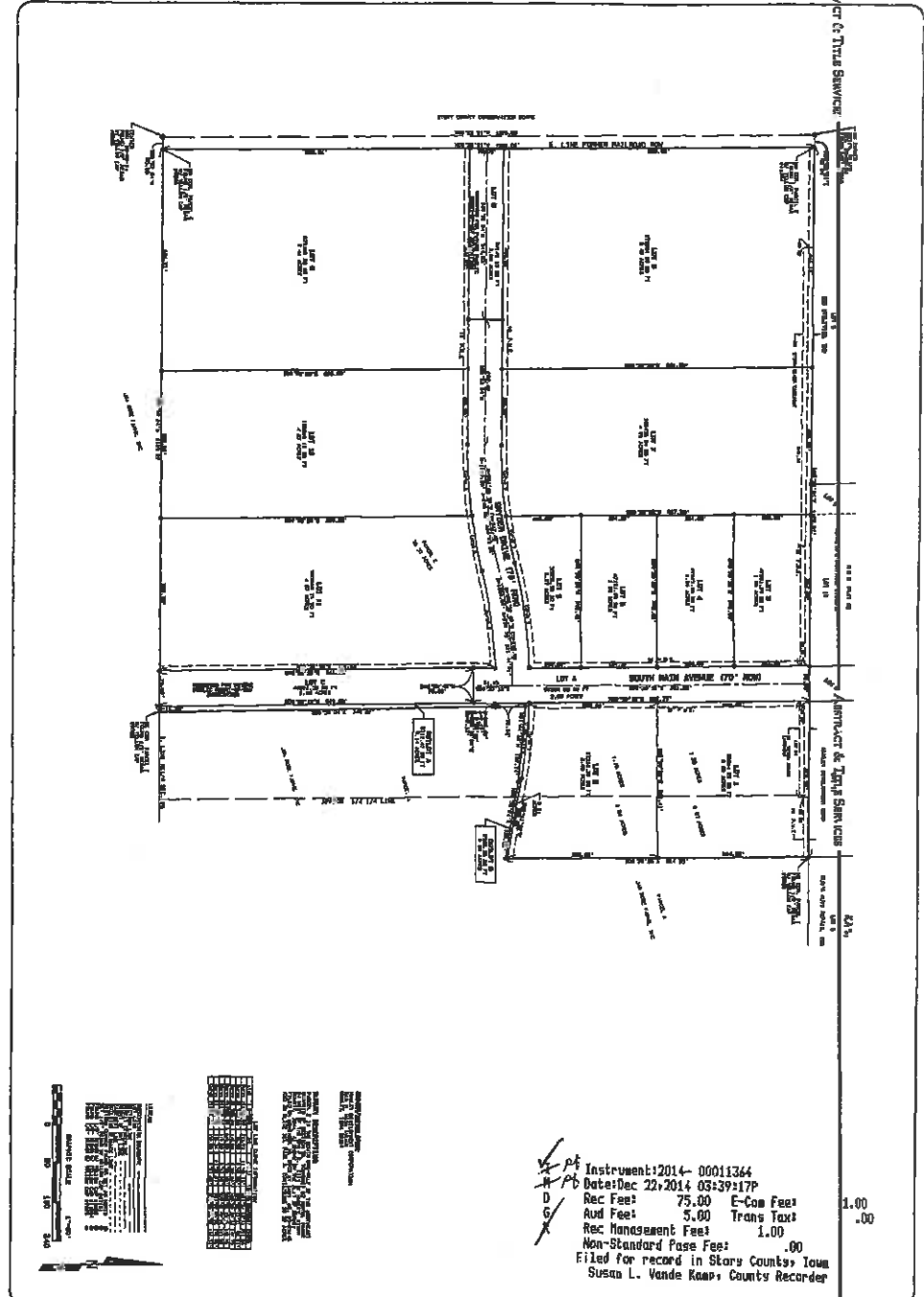
1. Term. All of these restrictions shall be deemed to be covenants running with the land and shall endure and be binding upon all parties hereto, their successors and assigns, for a period of 21 years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

2. Enforcement. In case of violation of any of the covenants, any person then owning a Lot in said Subdivision or the City of Huxley, Iowa, is authorized to resort to an action of law or equity for relief, either by injunction or in damages, against the person so violating said covenants.

3. Partial Invalidity. Invalidation of any of these covenants by judgment or court order shall in no way affect the validity of any of the other provisions, but they shall remain in full force and effect.

4. Beneficiaries. These restrictions and covenants are made for the benefit of any and all persons who may now own, or who may hereafter own, property in the Subdivision. Such persons are specifically given the right to enforce these restrictions and covenants by injunction or other lawful procedure, and to recover damages from any violation thereof.

See plat shown following. (Said plat also shown recorded as Inst. No. 14-11363.)



Instrument: 2014-00011344
 Date: Dec 22, 2014 03:39:17P
 Rec Fee: 75.00 E-Com Fee: 1.00
 Aud Fee: 5.00 Trans Tax: .00
 Rec Management Fee: 1.00
 Non-Standard Page Fee: .00
 Filed for record in Story County, Iowa
 Susan L. Vande Kamp, County Recorder

STUMBO & ASSOCIATES
LAND SURVEYING
 510 S. HILL STREET, SUITE 102, AMES, IOWA 50010
 PHONE 515-233-3604 FAX 515-233-4400

FINAL PLAT
HUXLEY DEVELOPMENT
CORPORATION, PLAT 3
 PARCELS E IN THE S1/2, NE1/4 SECTION 26-82-24,
 CITY OF HUXLEY, STORY COUNTY, IOWA
 JOB #15300FP DATE: 12/18/14 PAGE: 1 of 1

17381
 12/18/14

RETURN TO: FOX Engineering Associates, Inc., Aspen Business Park,
 414 South 17th St., Suite 107, Ames, Iowa 50010



Huxley Fire and Rescue

104 Railway
Huxley, Iowa 50124

April 4, 2019

Huxley City Council:

Please consider the approval of Michael John Bunney, EMT, for part time staffing for the Huxley Fire Department. We feel he would be a great asset to the department.

Sincerely,

A handwritten signature in black ink that reads "Chad Anthony (B. Fobbs)". The signature is written in a cursive, flowing style.

Chad Anthony,
Fire Chief

5 April 2019

To: Mayor, City Council

From: Jolene Lettow, City Clerk

Re: Nord Kalsem Damages/Repairs

On a cold winter's day this past February, it was discovered that a water pipe had frozen in the Nord Kalsem Community Center. The destruction began in the bathroom of the facility and spread. Damages included walls, flooring, a water heater and water pipes. The city's insurance company was notified and an adjustor was sent to survey the damages.

City staff repaired the walls in the bathroom and replaced the water pipes. The building's water heater burnt up and the flooring was bad enough that it needed to be replaced. A new water heater was purchased and installed and the city contacted a local flooring expert to give an estimate on replacing the floor. Painters were also contacted to put fresh paint on the walls. While working on the flooring estimate, the flooring expert detected that asbestos may be beneath the old, tile flooring. City staff contacted an asbestos abatement company to test the flooring. Yes, it was asbestos. An estimate for asbestos removal was provided and turned into the insurance company. The asbestos abatement company removed the old tiles and the asbestos.

The insurance company has been involved with all the repairs necessary in the shelter house. There is a \$5,000 deductible that comes with our insurance coverage. Due to city requirements, the council must approve any purchases over \$5,000. Therefore, attached are two bids that were received to replace the flooring in Nord Kalsem. Three companies were contacted but the third party has not yet submitted a quote.

The quotes are as attached for council review. There is a difference of \$934.75 between the two quotes. However, the higher quote is with a local provider and the floor covering can be delivered two weeks sooner. Council and staff can discuss at council meeting.

ES901979

ESTIMATE

Sold To CITY OF HUXLEY 515 N. MAIN AVE. HUXLEY, IA 50124		Ship To NORD KALSEM COMMUNITY CENTER 204 W 5TH STREET HUXLEY, IA 50124	
Quote Date 03/25/19	Tele #1 515-597-2561	PO Number S/O-LVF-204 W 5TH ST.	Quote Number ES901979

Style/Item	Color/Description
METRO 7X48 PLANK	DN124105
SOUTH & NORTH ROOMS INCLUDING THE OFFICE & THE KITCHEN & THE BATHROOM, HALL, & RAMP. DOES NOT INCLUDE SMALL STORAGE ROOM OR MECHANICAL ROOM	
METRO 7X48 PLANK	DN124105
THIS IS OPTIONAL. ATTIC STOCK (LEFT OVER FOR FUTURE REPAIRS)	
PREVAIL 600	4-GALLON PAIL
JO 4" VINYL COVE BASE PC	TO BE DETERMINED
NXT LEVELER	50 LBS GRAY
PLANI PATCH	45LB PAIL
COMMERCIAL LVT/LVP GLUE DOWN	
INSTALL	
COMMERCIAL VINYL COVE BASE	
INSTALL	
VINYL OR RUBBER MOLDINGS INSTALL	
FLOOR PREP	
MOVE FURNITURE- STANDARD	
THIS IS OPTIONAL!	
1 TIME ONLY. MOVE THE FURNITURE OUT OF THE NORTH SIDE TO THE SOUTH SIDE AFTER INSTALL..	
MOVE APPLIANCE	
THIS IS OPTIONAL!	
1 TIME ONLY. MOVE THE APPLIANCES OUT OF THE NORTH SIDE TO THE SOUTH SIDE AFTER INSTALL..	

04/04/19

9:38AM

Sales Representative(s):
DANA BILYEU

ESTIMATE TOTAL: \$13,680.00

ES901979

ESTIMATE

Sold To CITY OF HUXLEY 515 N. MAIN AVE. HUXLEY, IA 50124		Ship To NORD KALSEM COMMUNITY CENTER 204 W 5TH STREET HUXLEY, IA 50124	
Quote Date 03/25/19	Tele #1 515-597-2561	PO Number S/O-LVF-204 W 5TH ST.	Quote Number ES901979

Style/Item

Color/Description

Demolition of existing broadloom carpet to be performed by others and is not included in this pricing.

Minor floor prep only to include Saw Joints and Minor Spalling. Additional requirements will be performed Time and Materials basis. Existing VCT will be prepped for installation over it and transition joints will be tapered down to existing substraight.

Pricing will be adjusted if Furniture Moving is performed by owner. Pricing will be adjusted if Attic Stock is not wanted.

Product selected has a lead time of 6 -8 weeks for production. Other color/product options could/should be considered if schedule does not allow for this.

Material deposit will be required prior for order placement. Final payment for project will be required at the time of completion.

A project scheduling meeting prior to starting the project with City Staff to coordinate the installation.

Thank you, I look forward to work with you on this project.

Dana Bilyeu

04/04/19

9:38AM

Sales Representative(s):

DANA BILYEU

ESTIMATE TOTAL: \$13,680.00

FLOORING AMERICA-2
1205 SE 16TH CT
ANKENY, IA 50021
Telephone: 515-963-9401 Fax: 515-963-9402

Page 3

ES901979

ESTIMATE

Sold To

CITY OF HUXLEY
515 N. MAIN AVE.
HUXLEY, IA 50124

Ship To

NORD KALSEM COMMUNITY CENTER
204 W 5TH STREET
HUXLEY, IA 50124

Quote Date

03/25/19

Tele #1

515-597-2561

PO Number

S/O-LVF-204 W 5TH ST.

Quote Number

ES901979

Style/Item

Color/Description

04/04/19

9:38AM

Sales Representative(s):

DANA BILYEU

ESTIMATE TOTAL: \$13,680.00

EF234929

QUOTE

Sold To:

BIRDSALL FLOORCOVERING
606 STORY ST
SLATER, IA 50244

Ship To:

Quote Date:

04/02/19

Work Phone:

515-460-8453

PO Number:

CITY OF HUXLEY-1

Quote Number:

EF234929

Inventory	Style/Item	Color/Description	Quantity Units	Price	Extension
39390	METROFLOR DEJA NEW 7X48	DN124105 CHALK	1,790.40 SF	1.89	3,383.86
39015	PREVAIL 6000 4 GALLON	PR-6000-4G	3.00 EA	205.55	616.65
CB##4X1/8X4"W/	VINYL COVE BASE 4 X 1/8 X 4 FT	TO BE DETERMINED	200.00 LF	1.00	200.00
TOE	STRIP W/TOE				
43 440 30	HENRY 440 COVE BASE ADHESIVE 30OZ	30 OZ	4.00 EA	7.03	28.12

**** INSTALLATION ****

LVT Install: 1,785 sf x \$2.00 = \$3,570.00

Install Cove Base: 200 l/f x \$1.50 = \$300.00

Concrete Patch Work: \$250.00

Total Labor: \$4120.00

— 04/02/19 —

11:01AM —

Sales Representative(s):
WEST, RYAN

Material: 4,228.63

Service: 0.00

Misc. Charges: 0.00

Sales Tax: 0.00

Misc. Tax: 0.00

QUOTE TOTAL: \$4,228.63

EF234926

QUOTE

Sold To BIRDSALL FLOORCOVERING 606 STORY ST SLATER, IA 50244	Ship To 515 N MAIN AVE HUXLEY-50124 AMY KAPLAN 515-597-2561
--	---

Quote Date 04/02/19	Work Phone 515-460-8453	PO Number CITY OF HUXLEY-2	Quote Number EF234926
-------------------------------	-----------------------------------	--------------------------------------	---------------------------------

Inventory	Style/Item	Color/Description	Quantity Units	Price	Extension
39390	METROFLOR DEJA NEW 7X48	DN124105 CHALK	1,268.20 SF	1.89	2,396.90
39015	PREVAIL 6000 4 GALLON	PR-6000-4G	2.00 EA	205.55	411.10
CB##4X1/8X4'W/	VINYL COVE BASE 4 X 1/8 X 4 FT	TO BE DETERMINED	200.00 LF	1.00	200.00
TOE	STRIP W/TOE				
43 440 30	HENRY 440 COVE BASE ADHESIVE 30OZ	30 OZ	4.00 EA	7.03	28.12

**** INSTALLATION ****

LVT Install: 1,240 sf x \$2.00 = \$2,480.00
 Install Cove Base: 200 l/f x \$1.50 = \$300.00
 Build Ramp: \$200.00
 Remove Wax Finish on VCT: \$250.00

Total Labor: \$3230.00

— 04/02/19 —		11:00AM —	
Sales Representative(s):		Material:	3,036.12
WEST, RYAN		Service:	0.00
		Misc. Charges:	0.00
		Sales Tax:	0.00
		Misc. Tax:	0.00
		QUOTE TOTAL:	\$3,036.12

COMMUNITY BETTERMENT

RESOLUTION NO. 19-041

**A RESOLUTION PROVIDING FOR THE GIVING OF NOTICE AND HEARING
OF THE CITY COUNCIL OF THE CITY OF HUXLEY REGARDING THE
REQUESTED ANNEXATION OF A PARCEL OF REAL ESTATE OWNED BY
LEONARD AND JAQUELINE LARSON**

WHEREAS, the Leonard and Jaqueline Larson have requested annexation of certain real estate to the City of Huxley, Iowa:

LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29" EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET; THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH 86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET; THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County lying Southeast of Huxley City Limit

WHEREAS, Iowa Code Section 368.7 provides that notice of the Annexation shall be published in an official county newspaper at least ten business days prior to the action by the City Council; and

WHEREAS, the said Section provides that a copy of the application for the requested annexation shall be mailed by certified mail to cities whose boundary adjoin the territory or are within two miles of the territory, each affected public utility, the County Board of Supervisors and the regional planning authority at least fourteen days business days prior to the action of the City Council.

WHEREAS, the City Council of the City of Huxley, Iowa deems it appropriate that a public hearing be held on such proposed annexation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley, Iowa as follows:

1. A public hearing before this Council on the annexation described in the preamble to this resolution is hereby set for 6:00 P.M. on the 23rd day of April, 2019.
2. The City Clerk is authorized and directed to publish notice of such hearing at the time and manner required by law.

Roll Call	Aye	Nay	Absent
David Jensen	_____	_____	_____
David Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this th day of April, 2019.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-041** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this th day of April, 2019

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

Published in the _____ on _____, 2019.

**NOTICE OF PUBLIC HEARING ON ANNEXATION OF PROPERTY
OWNED BY LEONARD AND JAQUELINE LARSON**

TO: ALL CITIZENS AND RESIDENTS OF THE CITY OF HUXLEY, IOWA, AND TO ALL OTHER PERSONS WHO MAY BE ENTITLED TO NOTICE OF ANNEXATION UNDER THE PROVISIONS OF IOWA CODE SECTION 368.7.

YOU ARE HEREBY NOTIFIED that, Leonard and Jaqueline Larson, titleholder of a tract of land, legally described as follows:

LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29" EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET; THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH 86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET; THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County lying Southeast of Huxley City Limit

has requested Annexation of said tract to the City.

YOU ARE FURTHER AND SPECIFICALLY NOTIFIED that a hearing before City Council on the above described Annexation has been set to commence on the 23rd day of April, 2019, at 6:00 P.M. in the Safe Room, 515 North Main Avenue in the City of Huxley, Iowa, at which time and place any person wishing to speak for or against said Annexation will be given the opportunity to be heard.

Submitted by

Jolene Lettow, City Clerk

RESOLUTION NO. xxxxxxxxxxxx

**A RESOLUTION ANNEXING A CERTAIN PARCEL OF REAL ESTATE
OWNED BY LEONARD AND JAQUELINE LARSON**

WHEREAS, Leonard and Jaqueline Larson have filed an application requesting that the following described real estate be annexed to the City of Huxley Iowa:

LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29" EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET; THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH 86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET; THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County lying Southeast of Huxley City Limit

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley Iowa, that the above-described real estate should be annexed and is hereby annexed to and made a part of the City of Huxley, Iowa.

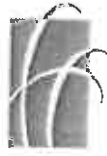
BE IT FURTHER RESOLVED by the City Council of the City of Huxley, Iowa, that the City Clerk be and is hereby authorized to forward the annexation proposal to the City Development Board along with all required materials, all as provided in the Code of Iowa.

DATED at Huxley Iowa, this 23rd day of April, 2019.

Craig Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk



HUXLEY
--- HEART OF THE COUNTRY ---

April 2, 2019

Re: Annexation and Rezoning of 56892 HWY 210 Cambridge Iowa 50046 (HWY 210 & I-35 SE Corner)

Dear Property Owner:

Enclosed you will find material concerning the annexation and rezoning of 56892 HWY 210 Cambridge Iowa 50046 (HWY 210 & I-35 SE Corner).

Your attendance is welcome at the following hearings in the Huxley Safe Room located at 515 N Main Ave:

- Monday April 8th at 6:30 PM—Planning and Zoning Commission informal hearing
- Tuesday April 23rd at 6:00 PM—City Council formal public hearing

Should you have any questions, please call 515.597.2561.

Sincerely,

John Haldeman
City Administrator/Zoning Administrator

Enc:

Rezoning Map
Annexation Map
Legal Description

January 30, 2019

Huxley City Council
515 North Main Avenue
Huxley, Iowa 50124

RE: Voluntary Annexation Request

Dear Mayor Henry and Huxley City Council Members:

As owner of property located at 56800 Highway 210, I am writing to you in request of voluntary annexation to incorporate 4.58 acres of land into the City of Huxley. This land is located at the southeast corner of the intersection of Interstate 35 and Highway 210 and abuts current Huxley city limits to the land's north side. The land is legally described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31,
TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY,
IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH
89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST
QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29"
EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET;
THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF
INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE,
197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF
WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH
86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET;
THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING
4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT
CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

Enclosed with this request, you will find an Annexation Exhibit, which identifies the property's location and its relation to the City of Huxley.

Please consider this request as soon as practical and let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leonard Larson', written in a cursive style.

Leonard Larson

Copy: Emmy Meyer, Kum & Go
Keith Weggen, CDA

Prepared by John Haldeman, City Administrator, for the City Council meeting to be held on the 9th day of April, 2019.

RESOLUTION NO. 19-042

**RESOLUTION PROVIDING FOR THE NOTICE AND HEARING
BEFORE THE CITY COUNCIL OF THE CITY OF HUXLEY, IOWA, ON
A PROPOSAL TO REZONE CERTAIN PROPERTY OWNED BY
LEONARD AND JAQUELINE LARSON FROM AGRICULTURAL (A-1)
TO GENERAL COMMERCIAL DISTRICT (C-2) CLASSIFICATION
AFTER ANNEXATION INTO THE CITY OF HUXLEY, IOWA.**

WHEREAS, the City of Huxley, Iowa has received a request for annexation of certain real estate to the City of Huxley, Iowa which will require the rezoning of the below-described property from Agricultural (A-1) to General Commercial District (C-2) zoning classification; and

WHEREAS, the City Council of the City of Huxley, Iowa, deems it necessary to hold public hearing on the proposed rezoning of the following property:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29" EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET; THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH 86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET; THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Southeast of Huxley City Limit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley, Iowa, as follows:

1. A public hearing shall be held at 6:00 p.m. on April 23, 2019 in the Safe Room, City Hall, 515 North Main Avenue, Huxley, Iowa, on the question of rezoning the above-

described property from A-1 to C-2 zoning classification, as specifically described above.

2. The Council Administrator is hereby authorized and directed to give notice of such hearing at the time and in the manner required by law.

Roll Call	Aye	Nay	Absent
David Jensen	_____	_____	_____
David Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this th day of April, 2019.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-042** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this th day of April, 2019

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

Published in the _____ on _____, 2019.

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL ON THE
REZONING OF CERTAIN PROPERTY OWNED BY LEONARD AND
JAQUELINE LARSON FROM AGRICULTURAL (A-1) TO GENERAL
COMMERCIAL DISTRICT (C-2) CLASSIFICATION AFTER ANNEXATION
INTO THE CITY OF HUXLEY, IOWA**

TO: ALL CITIZENS AND RESIDENTS OF THE CITY OF HUXLEY, IOWA, AND TO ALL OTHER PERSONS WHO MAY BE ENTITLED TO NOTICE OF A PUBLIC HEARING ON THE REZONING OF PROPERTY ANNEXED INTO THE CITY OF HUXLEY, IOWA.

YOU ARE HEREBY NOTIFIED that the City Council is considering the annexation of certain real estate to the City of Huxley, Iowa:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 82 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 89°51'29" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 836.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°51'29" EAST ALONG SAID NORTH LINE, 264.00 FEET; THENCE SOUTH 00°04'23" EAST, 320.98 FEET; THENCE SOUTH 89°55'37" WEST, 770.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 35; THENCE NORTH 26°44'29" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 197.41 FEET; THENCE NORTH 41°24'32" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 103.60 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 210; THENCE NORTH 86°32'45" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 349.54 FEET; THENCE NORTH 00°04'23" WEST, 47.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.58 ACRES (199,622 SQUARE FEET). PROPERTY SUBJECT TO ROADWAY EASEMENT CONTAINING 0.29 ACRES (12,426 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Southeast of Huxley City Limit.

YOU ARE FURTHER AND SPECIFICALLY NOTIFIED that a hearing before City Council to consider rezoning in light of the requested annexation has been set to commence on the 23rd day of April, 2019 at 6:00 p.m. in the Safe Room, 515 North Main Avenue in the City of Huxley, Iowa, at which time and place any person wishing to speak for or against said rezoning will be given the opportunity to be heard.

Submitted by

Jolene Lettow, City Clerk

Published in the _____ on _____, 2019.

RESOLUTION NO. 19-043

**A RESOLUTION PROVIDING FOR THE NOTICE AND HEARING
BEFORE THE CITY COUNCIL OF THE CITY OF HUXLEY, IOWA, ON
A PROPOSAL TO REZONE CERTAIN PROPERTY OWNED BY
DICKSON AND LUANN JENSEN FROM AGRICULTURAL (A-1) TO
SINGLE FAMILY RESIDENTIAL DISTRICT (R-1); SINGLE FAMILY
AND DUPLEX RESIDENTIAL (R-2); AND SINGLE FAMILY
RESIDENTIAL DISTRICT (R-1A) CLASSIFICATION AFTER
ANNEXATION INTO THE CITY OF HUXLEY, IOWA.**

WHEREAS, the City of Huxley, Iowa has received a request for annexation of certain real estate to the City of Huxley, Iowa which will require the rezoning of the below-described property from Agricultural (A-1) to Single Family Residential District (R-1), Single Family Residential and Duplex Residential (R-2), and Single Family Residential District (R-1A) zoning classifications; and

WHEREAS, the City Council of the City of Huxley, Iowa, deems it necessary to hold public hearing on the proposed rezoning of the following property:

R-1 ZONING

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 435.19 FEET; THENCE NORTH 89°58'02" WEST, 226.25 FEET; THENCE SOUTH 00°01'58" WEST, 291.38 FEET; THENCE NORTH 89°58'02" WEST, 1220.51 FEET; THENCE SOUTH 00°01'58" WEST, 395.00 FEET; THENCE SOUTH 89°58'02" EAST, 1220.43 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 59.16 FEET AND WHOSE CHORD BEARS SOUTH 00°26'11" WEST, 59.16 FEET; THENCE SOUTH 00°36'21" WEST, 334.05 FEET TO THE SOUTH LINE OF OUTLOT 'E', WESTVIEW HEIGHTS PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 89°24'39" WEST ALONG THE SOUTH LINE OF SAID OUTLOT 'E', 30.00 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'E'; THENCE NORTH 00°36'21" EAST ALONG THE WEST LINE OF SAID OUTLOT 'E', 181.92 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 'E'; THENCE NORTH 89°18'39" WEST ALONG THE NORTH LINE OF LOTS 3 THROUGH 11, SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 753.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°00'52" WEST ALONG THE WEST LINE OF SAID LOT 11, A DISTANCE OF 183.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE NORTH 89°24'39" WEST ALONG THE EASTERLY LINE OF OUTLOT 'A', SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 70.00 FEET; THENCE SOUTH 00°05'25" WEST

CONTINUING ALONG SAID EASTERLY LINE, 35.36 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 965.00 FEET, WHOSE ARC LENGTH IS 34.64 FEET AND WHOSE CHORD BEARS SOUTH 01°07'08" WEST, 34.64 FEET; THENCE NORTH 89°24'39" WEST CONTINUING ALONG SAID EASTERLY LINE AND THE WESTERLY EXTENSION THEREOF, 313.55 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 36.86 FEET AND WHOSE CHORD BEARS SOUTH 48°21'21" WEST, 33.61 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 830.00 FEET, WHOSE ARC LENGTH IS 11.88 FEET AND WHOSE CHORD BEARS SOUTH 06°31'57" WEST, 11.88 FEET; THENCE NORTH 83°03'27" WEST, 60.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 42.04 FEET AND WHOSE CHORD BEARS NORTH 41°14'03" WEST, 37.26 FEET; THENCE NORTH 00°35'21" EAST, 70.00 FEET; THENCE SOUTH 89°24'39" EAST, 4.25 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.51 FEET AND WHOSE CHORD BEARS NORTH 45°18'40" EAST, 35.53 FEET; THENCE NORTH 00°01'58" EAST, 158.80 FEET TO THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 89°18'39" WEST ALONG SAID SOUTH LINE, 1101.38 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE NORTH 00°04'22" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 1326.56 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°30'36" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 1340.07 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 89°30'36" EAST CONTINUING ALONG SAID NORTH LINE, 1237.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 65.84 ACRES (2,867,980 SQUARE FEET).

R-2 ZONING

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 435.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'35" WEST ALONG SAID WEST RIGHT OF WAY LINE, 901.62 FEET TO THE NORTHEAST CORNER OF LOT 1, WESTVIEW HEIGHTS PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 00°08'31" EAST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, 180.48 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°19'43" WEST ALONG THE SOUTH LINE OF LOTS 1 AND 2, SAID WESTVIEW HEIGHTS PLAT 1, 200.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89°24'39" WEST ALONG THE NORTH LINE OF LOT 'A', SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 30.00 FEET; THENCE NORTH 00°36'21" EAST, 334.05 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 100.02 FEET AND WHOSE CHORD BEARS NORTH 00°19'09" EAST, 100.02 FEET; THENCE NORTH 00°01'58" EAST, 645.52 FEET; THENCE SOUTH 89°58'02" EAST, 226.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.63 ACRES (245,225 SQUARE FEET).

R-1A ZONING

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 726.57 FEET; THENCE NORTH 89°58'02" WEST, 226.19 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°01'58" WEST, 354.14 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 40.86 FEET AND WHOSE CHORD BEARS SOUTH 00°08'59" WEST, 40.86 FEET; THENCE NORTH 89°58'02" WEST, 1220.43 FEET; THENCE NORTH 00°01'58" EAST, 395.00 FEET; THENCE SOUTH 89°58'02" EAST, 1220.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.07 ACRES (482,100 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Northwest of the Huxley City Limit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley, Iowa, as follows:

1. A public hearing shall be held at 6:00 p.m. on April 23, 2019 in the Safe Room, at, 515 North Main Avenue, Huxley, Iowa, on the question of rezoning the above-described property from A-1 to R-1, R-2 and R-1A zoning classification, as specifically described above.
2. The City Clerk is hereby authorized and directed to give notice of such hearing at the time and in the manner required by law.

PASSED, ADOPTED AND APPROVED this ____ day of April, 2019.

Roll Call	Aye	Nay	Absent
Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-043** my affixing below my official signature as Mayor of the City of Huxley, Iowa, this 9th day of April, 2019.

Craig D. Henry, Mayor

ATTEST:

Jolene R. Lettow, City Clerk

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL ON THE
REZONING OF REZONE CERTAIN PROPERTY OWNED BY DICKSON AND
LUANN JENSEN FROM AGRICULTURAL (A-1) TO SINGLE FAMILY
RESIDENTIAL DISTRICT (R-1); SINGLE FAMILY AND DUPLEX
RESIDENTIAL (R-2); AND SINGLE FAMILY RESIDENTIAL DISTRICT (R-1A)
CLASSIFICATION AFTER ANNEXATION INTO THE CITY OF HUXLEY,
IOWA**

TO: ALL CITIZENS AND RESIDENTS OF THE CITY OF HUXLEY, IOWA, AND TO ALL OTHER PERSONS WHO MAY BE ENTITLED TO NOTICE OF A PUBLIC HEARING ON THE REZONING OF ANNEXED PROPERTY IN THE CITY OF HUXLEY, IOWA.

YOU ARE HEREBY NOTIFIED that the City Council is considering the rezoning of certain real estate once annexed into the City of Huxley, Iowa:

R-1 ZONING

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 435.19 FEET; THENCE NORTH 89°58'02" WEST, 226.25 FEET; THENCE SOUTH 00°01'58" WEST, 291.38 FEET; THENCE NORTH 89°58'02" WEST, 1220.51 FEET; THENCE SOUTH 00°01'58" WEST, 395.00 FEET; THENCE SOUTH 89°58'02" EAST, 1220.43 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 59.16 FEET AND WHOSE CHORD BEARS SOUTH 00°26'11" WEST, 59.16 FEET; THENCE SOUTH 00°36'21" WEST, 334.05 FEET TO THE SOUTH LINE OF OUTLOT 'E', WESTVIEW HEIGHTS PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 89°24'39" WEST ALONG THE SOUTH LINE OF SAID OUTLOT 'E', 30.00 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'E'; THENCE NORTH 00°36'21" EAST ALONG THE WEST LINE OF SAID OUTLOT 'E', 181.92 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 'E'; THENCE NORTH 89°18'39" WEST ALONG THE NORTH LINE OF LOTS 3 THROUGH 11, SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 753.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°00'52" WEST ALONG THE WEST LINE OF SAID LOT 11, A DISTANCE OF 183.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE NORTH 89°24'39" WEST ALONG THE EASTERLY LINE OF OUTLOT 'A', SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 70.00 FEET; THENCE SOUTH 00°05'25" WEST CONTINUING ALONG SAID EASTERLY LINE, 35.36 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 965.00 FEET, WHOSE ARC LENGTH IS 34.64 FEET AND WHOSE CHORD BEARS SOUTH 01°07'08" WEST, 34.64 FEET; THENCE NORTH 89°24'39" WEST CONTINUING ALONG SAID EASTERLY LINE AND THE WESTERLY EXTENSION THEREOF, 313.55 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 36.86 FEET AND WHOSE CHORD BEARS SOUTH 48°21'21" WEST, 33.61 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 830.00 FEET, WHOSE ARC LENGTH IS 11.88 FEET AND WHOSE CHORD BEARS SOUTH 06°31'57" WEST, 11.88 FEET; THENCE NORTH 83°03'27" WEST, 60.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS

25.00 FEET, WHOSE ARC LENGTH IS 42.04 FEET AND WHOSE CHORD BEARS NORTH 41°14'03" WEST, 37.26 FEET; THENCE NORTH 00°35'21" EAST, 70.00 FEET; THENCE SOUTH 89°24'39" EAST, 4.25 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.51 FEET AND WHOSE CHORD BEARS NORTH 45°18'40" EAST, 35.53 FEET; THENCE NORTH 00°01'58" EAST, 158.80 FEET TO THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 89°18'39" WEST ALONG SAID SOUTH LINE, 1101.38 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE NORTH 00°04'22" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 1326.56 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°30'36" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 1340.07 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 89°30'36" EAST CONTINUING ALONG SAID NORTH LINE, 1237.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 65.84 ACRES (2,867,980 SQUARE FEET).

R-2 ZONING

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14 AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 435.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'35" WEST ALONG SAID WEST RIGHT OF WAY LINE, 901.62 FEET TO THE NORTHEAST CORNER OF LOT 1, WESTVIEW HEIGHTS PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 00°08'31" EAST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, 180.48 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°19'43" WEST ALONG THE SOUTH LINE OF LOTS 1 AND 2, SAID WESTVIEW HEIGHTS PLAT 1, 200.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89°24'39" WEST ALONG THE NORTH LINE OF LOT 'A', SAID WESTVIEW HEIGHTS PLAT 1, A DISTANCE OF 30.00 FEET; THENCE NORTH 00°36'21" EAST, 334.05 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 100.02 FEET AND WHOSE CHORD BEARS NORTH 00°19'09" EAST, 100.02 FEET; THENCE NORTH 00°01'58" EAST, 645.52 FEET; THENCE SOUTH 89°58'02" EAST, 226.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.63 ACRES (245,225 SQUARE FEET).

R-1A ZONING

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 82 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HUXLEY, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, WRIGHT SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 00°02'35" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 69, A DISTANCE OF 726.57 FEET; THENCE NORTH 89°58'02" WEST, 226.19 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°01'58" WEST, 354.14 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 10000.00 FEET, WHOSE ARC LENGTH IS 40.86 FEET AND WHOSE CHORD BEARS SOUTH 00°08'59" WEST, 40.86 FEET; THENCE NORTH 89°58'02" WEST, 1220.43 FEET; THENCE NORTH 00°01'58" EAST,

395.00 FEET; THENCE SOUTH 89°58'02" EAST, 1220.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.07 ACRES (482,100 SQUARE FEET).

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Northwest of the Huxley City Limit.

YOU ARE FURTHER AND SPECIFICALLY NOTIFIED that a hearing before City Council to consider rezoning in light of the requested rezoning has been set to commence on the 23rd day of April, 2019 at 6:00 p.m. in the Safe Room, 515 North Main Avenue in the City of Huxley, Iowa, at which time and place any person wishing to speak for or against said rezoning will be given the opportunity to be heard.

Submitted by

Jolene Lettow, City Clerk

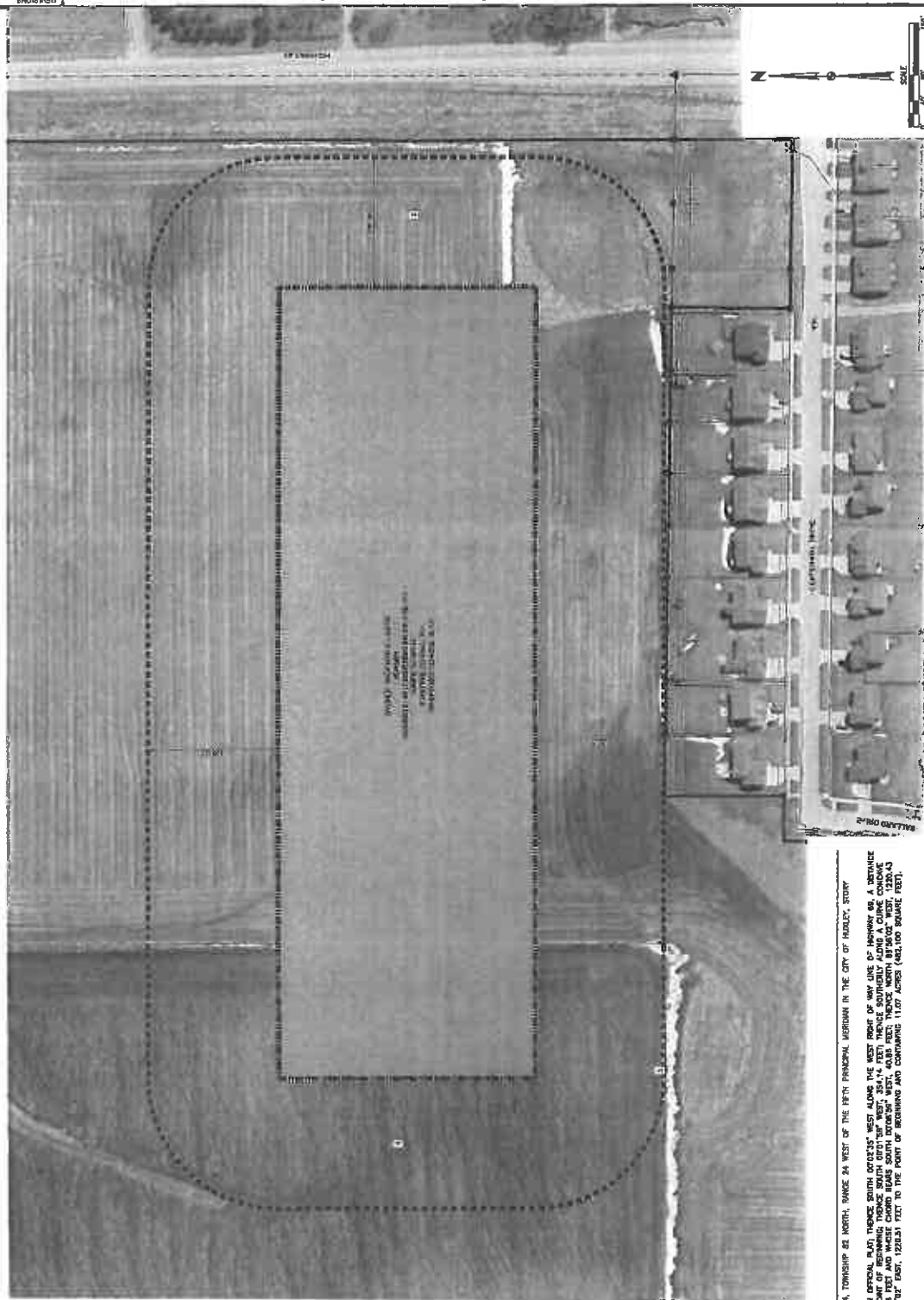
ZONING:	
EXISTING:	R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT
PROPOSED:	R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT

[illegible]

OWNER / APPLICANT:
HARVESTER LAND HOLDINGS LC
CONTACT: DICKSON JENSEN
16511 MORTENSEN ROAD, SUITE 106
JAMES, IA 50014
PH (515) 233-2752

REPTILES AND AMPHIBIANS BY COUNTRY OR CLASSIFICATION					
		Name of Reptile or Amphibian	Vetting Address	Special Areas or Areas of Interest	% of Total
1	1	Colubridae & Lacertidae	49111 Main Street, Suite 100 Arlington, VA 22204	2,742,400	23.4%
2	2	Geophiliidae & Scincidae	41111 Main Street, Suite 100 Arlington, VA 22204	1,800,120	20.4%
3	3	Elapidae & Lacertidae	49111 Main Street, Suite 100 Arlington, VA 22204	2,742,400	23.4%
		TOTAL		772,920	100.0%

REZONING BOUNDARY DESCRIPTION

[illegible]

ZONING:	
EXISTING:	R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT
PROPOSED:	R-2: SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT

ENGINEER / SURVEYOR:
CIVIL DESIGN ADVANTAGE, LLC
CONTACT: ERIN O'LENNIK
3400 S.E. CROSSROADS DRIVE, SUITE G
OAKLAND, IOWA 50111
PH: (515) 388-4400

OWNER/APPLICANT:
HARVESTER LAND HOLDINGS LC
CONTACT: DICKSON JENSEN
4611 MORTENSEN ROAD, SUITE 106
AMES, IA 50014
PH: (515) 233-2752

[illegible][illegible]

Prepared by John Haldeman, City Administrator, for the City Council meeting to be held on the
9th day of April, 2019.

RESOLUTION NO. 19-044

**A RESOLUTION PROVIDING FOR THE GIVING OF NOTICE AND HEARING
OF THE CITY COUNCIL OF THE CITY OF HUXLEY REGARDING THE
REQUESTED ANNEXATION OF A PARCEL OF REAL ESTATE OWNED BY
DICKSON AND LUANN JENSEN**

WHEREAS, the Westview Heights has requested annexation of certain real estate to the City of Huxley, Iowa:

LEGAL DESCRIPTION:

THE SW ¼ OF THE SW ¼ OF SECTION 14, TOWNSHIP 82, RANGE 24 WEST OF THE 5TH
P.M., STORY COUNTY, IOWA.

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Northwest of the Huxley City Limit;

WHEREAS, Iowa Code Section 368.7 provides that notice of the Annexation shall be published in an official county newspaper at least ten business days prior to the action by the City Council; and

WHEREAS, the said Section provides that a copy of the application for the requested annexation shall be mailed by certified mail to cities whose boundary adjoin the territory or are within two miles of the territory, each affected public utility, the County Board of Supervisors and the regional planning authority at least fourteen days business days prior to the action of the City Council.

WHEREAS, the City Council of the City of Huxley, Iowa deems it appropriate that a public hearing be held on such proposed annexation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley, Iowa as follows:

1. A public hearing before this Council on the annexation described in the preamble to this resolution is hereby set for 6:00 P.M. on the 23rd day of April, 2019.
2. The City Clerk is authorized and directed to publish notice of such hearing at the time and manner required by law.

Roll Call	Aye	Nay	Absent
David Jensen	_____	_____	_____
David Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this th day of April, 2019.

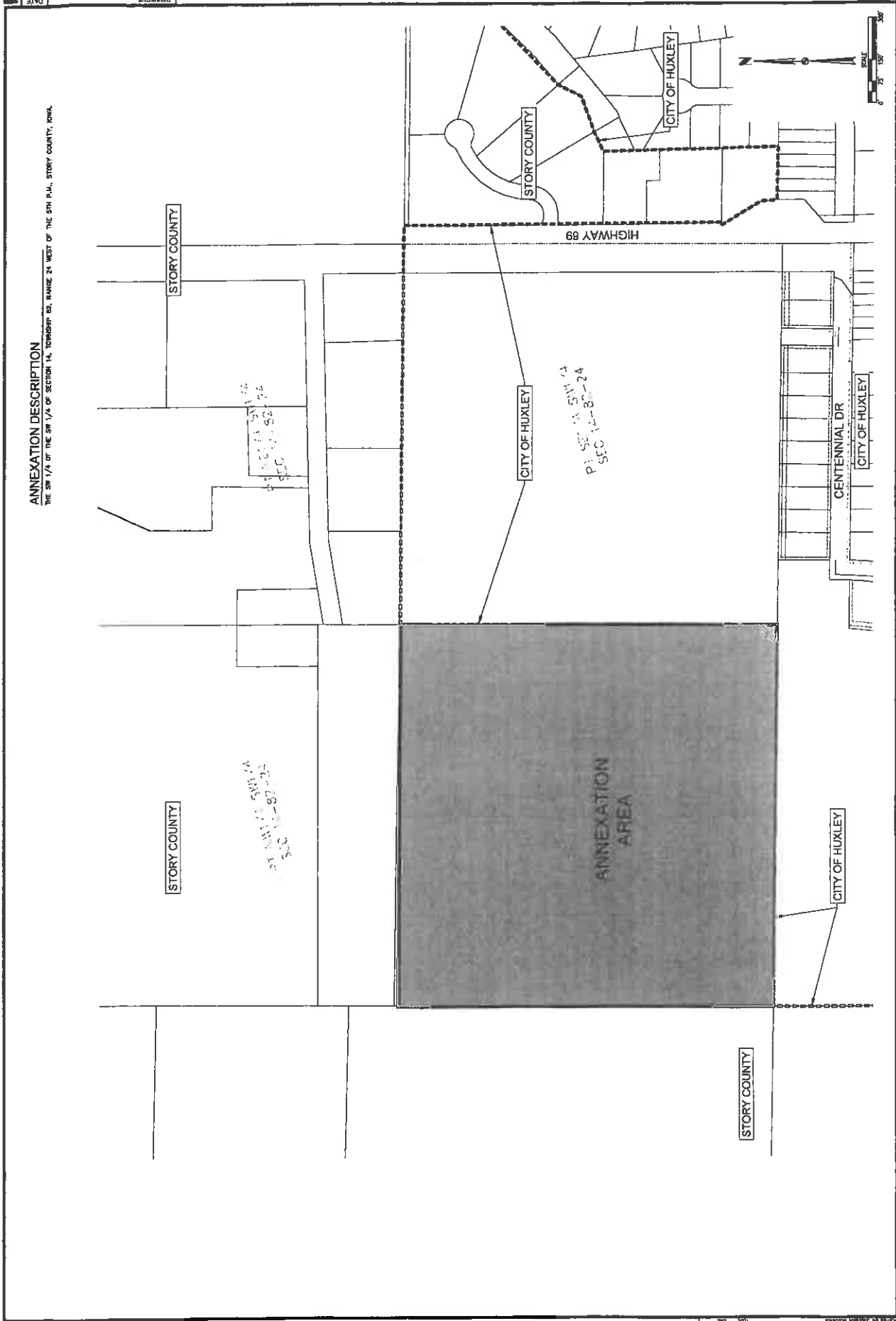
APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-044** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this th day of April 2019

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk



**NOTICE OF PUBLIC HEARING ON ANNEXATION OF PROPERTY
OWNED BY DICKSON AND LUANN JENSEN**

TO: ALL CITIZENS AND RESIDENTS OF THE CITY OF HUXLEY, IOWA, AND TO ALL OTHER PERSONS WHO MAY BE ENTITLED TO NOTICE OF ANNEXATION UNDER THE PROVISIONS OF IOWA CODE SECTION 368.7.

YOU ARE HEREBY NOTIFIED that, Dickson and Luann Jensen, Titleholder of a tract of land, legally described as follows:

LEGAL DESCRIPTION:

THE SW ¼ OF THE SW ¼ OF SECTION 14, TOWNSHIP 82, RANGE 24 WEST OF THE 5TH
P.M., STORY COUNTY, IOWA.

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Northwest of the Huxley City Limit

has requested Annexation of said tract to the City.

YOU ARE FURTHER AND SPECIFICALLY NOTIFIED that a hearing before City Council on the above described Annexation has been set to commence on the 23rd day of April, 2019, at 6:00 P.M. in the Safe Room, 515 North Main Avenue in the City of Huxley, Iowa, at which time and place any person wishing to speak for or against said Annexation will be given the opportunity to be heard.

Submitted by

Jolene Lettow, City Clerk

Published in the _____ on _____, 2019.

RESOLUTION NO. 19-XXX

**A RESOLUTION ANNEXING A CERTAIN PARCEL OF REAL ESTATE
OWNED BY DICKSON AND LUANN JENSEN**

WHEREAS, Westview Heights has filed an application requesting that the following described real estate be annexed to the City of Huxley Iowa;

LEGAL DESCRIPTION:

THE SW ¼ OF THE SW ¼ OF SECTION 14, TOWNSHIP 82, RANGE 24 WEST OF THE 5TH
P.M., STORY COUNTY, IOWA.

LAYMAN'S DESCRIPTION:

Property in Story County, Iowa lying Northwest of the Huxley City Limit

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huxley Iowa, that the above-described real estate should be annexed and is hereby annexed to and made a part of the City of Huxley, Iowa.

BE IT FURTHER RESOLVED by the City Council of the City of Huxley, Iowa, that the City Clerk be and is hereby authorized to forward all required materials to the Iowa Secretary of State, all as provided in the Code of Iowa.

DATED at Huxley Iowa, this 23rd day of April 2019.

Roll Call	Aye	Nay	Absent
David Jensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Kuhn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Mulder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Peterson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tracey Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED, ADOPTED AND APPROVED this 23 th day of April, 2019.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-044** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 23 th day of April 2019

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

RESOLUTION NO. 19-045

RESOLUTION SETTING PUBLIC HEARING AND BID LETTING DATE FOR THE MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT

WHEREAS, plans and specifications have been developed for the **HUXLEY MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT**.

BE IT RESOLVED, THEREFORE, that **NOTICE IS HEREBY GIVEN** that the City Council of the City of Huxley in Story County, Iowa will meet in the Council Chambers, City Hall, 515 N. Main Avenue, Huxley, Iowa on the 14th day of May, 2019 at 6:00 p.m. and will hold a public hearing on the proposed plans, specifications, form of contract and estimated cost for the construction of the **HUXLEY MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT**. At said public hearing, any interested persons may appear and state or file objections to the proposed plans, specifications, form of contract or estimated cost for the project, and the Huxley City Council will consider all objections to said items and hear interested persons. Thereafter, the Huxley City Council will enter its decision on the plans, specifications, form of contract and estimated cost by resolution.

BE IT FURTHER RESOLVED, that notice is also hereby given that sealed bid proposals will be received by the City of Huxley, Iowa in the office of the City Clerk at the Huxley City Hall, 515 N. Main Avenue, Huxley, Iowa 50124, until 2:00 p.m. on the 8th day of May, 2019 relating to the supplying of all labor, equipment, tools and materials necessary for the said project and work incidental thereto as hereinafter generally described and as detailed in the proposed plans and specifications and form of contract for the **HUXLEY MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT** on file in the office of the City Clerk as of April 9, 2019.

City Clerk is directed to publish said notices in a timely manner.

PASSED, ADOPTED AND APPROVED this ____ day of April 2019.

Roll Call	Aye	Nay	Absent
David Jensen	___	___	___
David Kuhn	___	___	___
Greg Mulder	___	___	___
Rick Peterson	___	___	___
Tracey Roberts	___	___	___

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-045** by affixing below my official signature as Mayor of the City of Huxley, Iowa, on this the ____th day of April, 2019.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

RESOLUTION NO. 19-045

**RESOLUTION SETTING PUBLIC HEARING AND BID LETTING DATE FOR THE MAIN
AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT**

WHEREAS, plans and specifications have been developed for the **HUXLEY MAIN
AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT**.

BE IT RESOLVED, THEREFORE, that **NOTICE IS HEREBY GIVEN** that the City Council of the City of Huxley in Story County, Iowa will meet in the Council Chambers, City Hall, 515 N. Main Avenue, Huxley, Iowa on the 14th day of May, 2019 at 6:00 p.m. and will hold a public hearing on the proposed plans, specifications, form of contract and estimated cost for the construction of the **HUXLEY MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT**. At said public hearing, any interested persons may appear and state or file objections to the proposed plans, specifications, form of contract or estimated cost for the project, and the Huxley City Council will consider all objections to said items and hear interested persons. Thereafter, the Huxley City Council will enter its decision on the plans, specifications, form of contract and estimated cost by resolution.

BE IT FURTHER RESOLVED, that notice is also hereby given that sealed bid proposals will be received by the City of Huxley, Iowa in the office of the City Clerk at the Huxley City Hall, 515 N. Main Avenue, Huxley, Iowa 50124, until 2:00 p.m. on the 8th day of May, 2019 relating to the supplying of all labor, equipment, tools and materials necessary for the said project and work incidental thereto as hereinafter generally described and as detailed in the proposed plans and specifications and form of contract for the **HUXLEY MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS PROJECT** on file in the office of the City Clerk as of April 9, 2019.

City Clerk is directed to publish said notices in a timely manner.

PASSED, ADOPTED AND APPROVED this ____ day of April 2019.

Roll Call	Aye	Nay	Absent
David Jensen	___	___	___
David Kuhn	___	___	___
Greg Mulder	___	___	___
Rick Peterson	___	___	___
Tracey Roberts	___	___	___

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-045** by affixing below my official signature as Mayor of the City of Huxley, Iowa, on this the ____th day of April, 2019.

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)

March 29, 2019

John Haldeman
City Administrator
City of Huxley
515 N. Main Avenue
Huxley, Iowa 50124

HUXLEY, IOWA
MAIN AVENUE STORM SEWER UNDERGROUND REPAIRS
PROJECT SCHEDULE

The following is the proposed schedule for the Main Avenue Storm Sewer Underground Repairs project:

Council action to order construction of project and to set date of Public Hearing and Letting	April 9, 2019
Post Notice to Bidders	April 12, 2019
Publish Notice of Public Hearing	May 2, 2019
Receive and open bids	May 8, 2019
Public Hearing and Award of Contract	May 14, 2019
Begin construction of project	June 3, 2019
Complete construction of project	November 27, 2019

John Haldeman
March 29, 2019
Page 2

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

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read "Forrest S. Aldrich". The signature is fluid and cursive, with the first name "Forrest" being more prominent than the last name "Aldrich".

Forrest S. Aldrich

FSA:kld
45234/2

cc: Jeff Peterson, City of Huxley (e-mail)
Amy Beattie, Brick Gentry (e-mail)
Jolene Lettow, City of Huxley (e-mail)

RESOLUTION NO. 19-046

**RESOLUTION ADOPTING A FRAUD REPORTING POLICY AND MANDATORY
DISCLOSURES.**

WHEREAS, our current policy regarding fraud only meets some of the requirements in 2 CFR Part 200; and

WHEREAS, the City will need to update their policy in order to comply with this part of the CFR.

BE IT RESOLVED, THEREFORE, the non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.

If a City department or employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to one of the following: **Department Head, City Administrator, Mayor or Police Chief**

The above named is/are responsible for reporting the violation to the relevant federal agency or pass-through agency in writing and in a timely manner.

PASSED, ADOPTED AND APPROVED this ____ day of March 2019.

Roll Call	Aye	Nay	Absent
Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-____** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 9th day of April, 2019.

Craig D. Henry, Mayor

ATTEST:

Jolene R. Lettow, City Clerk

RESOLUTION NO. 19-047

**RESOLUTION APPROVING EASEMENT ACQUISITIONS AND SETTLEMENT IN
CONJUNCTION WITH THE HEART OF IOWA TRAIL IMPROVEMENTS
PROJECT**

WHEREAS, it is necessary for the City of Huxley to acquire permanent and temporary easements for the infrastructure in conjunction with the City of Huxley "THE HEART OF IOWA TRAIL IMPROVEMENTS PROJECT"; and

WHEREAS, agreement has been reached with property owners;

BE IT RESOLVED, THEREFORE, that the City Council of the City of Huxley, approves for the Mayor and City Clerk to sign the attached "Agreement" for the needed easements/right of ways.

Section 1. This resolution rescinds any previous resolutions and parts of resolutions in conflict herewith are hereby repealed.

Roll Call	Aye	Nay	Absent
Rick Peterson	___	___	___
Greg Mulder	___	___	___
Dave Kuhn	___	___	___
Tracey Roberts	___	___	___
David Jensen	___	___	___

PASSED, ADOPTED AND APPROVED this ____ day of ____, 2019.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-047** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this ____ day of ____ 2019.

Craig D. Henry, Mayor

Attest:

Jolene Lettow, City Clerk

WHEN RECORDED RETURN TO:

Amy S. Beattie
6701 Westown Parkway, Suite 100
West Des Moines, Iowa 50266

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

SPACE ABOVE THIS LINE FOR RECORDER

INGRESS-EGRESS EASEMENT

This Ingress-Egress Easement is entered into this 28th day of March 2019 by and between the City of Huxley, Iowa, an Iowa municipal corporation ("City") and Dennis W. Heinen and Sharon M. Heinen, Husband and Wife ("Heinen").

Whereas, the City of Huxley, Iowa, is the current owner of Lot 3, Railroad Subdivision No. 2 in the City of Huxley, Story County, Iowa ("City Parcel"); and

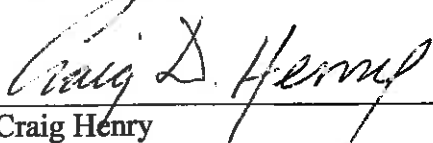
Whereas, the City of Huxley, Iowa is willing to grant Heinen an Ingress-Egress Easement across the property shown on Exhibit "E-2" and more specifically described as Beginning at the Northwest corner of said Lot 3; thence North 83°54'30" East (all bearings referenced to Grid North Iowa State Plane Coordinate System North Zone), 25.12 feet along the North line of said Lot 3; thence South 00°24'10" East, 102.67 feet; thence South 90°00'00" West, 25.00 feet to the West line of said Lot 3; thence North 00°24'10" West, 100.00 feet along said West line to the point of beginning, containing 2,533 square feet, more or less ("Easement Area).

Said Easement shall be granted subject to the following terms and conditions:

1. **Erection of Structures Prohibited.** Heinen shall not erect any landscaping or structure over or within the Easement Area without obtaining the prior written approval of the City.
2. **Change of Grade Prohibited.** Heinen shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City.
3. **Right of Access.** Heinen shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area, including but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.
4. **Maintenance of Easement.** Heinen shall be responsible for any and all maintenance of the Easement Area.

5. Easement Benefit. The Easement shall be for the benefit of Heinen, including tenants, permittees, licensees and business invitees.
6. Easement Runs With Land. This Easement shall be deemed to run with the land and shall be binding on the parties, their successors and assigns.
7. Property to be Restored. Upon completion of any construction, reconstruction, repair or maintenance of any driveway in the Easement Area, Heinen shall restore the area in a good and workmanlike manner, including restoration of lawns by sodding or seeding.

City of Huxley, Iowa


Craig Henry

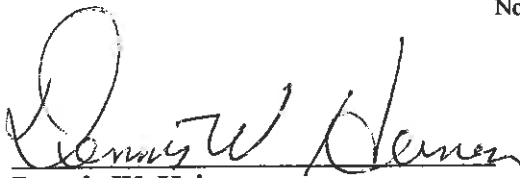
Attest:

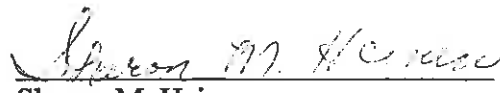
Jolene Lettow

STATE OF IOWA, STORY COUNTY, ss:

On this ____ day of March, 2019, 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, respectively, of the City of Huxley, Iowa; that the seal affixed to the foregoing instrument to which this is attached is the corporate seal of the City; that the instrument was signed and sealed on behalf of the City by authority of its City Council, as contained in Ordinance Resolution No. ____ passed by resolution of the City Council under Roll Call No. ____ of the City Council on the ____ day of ____, 2019, and that Craig Henry and Jolene Lettow, as such officers, acknowledged the execution of the instrument to be the voluntary act and deed of the City, by it and by them voluntarily executed.

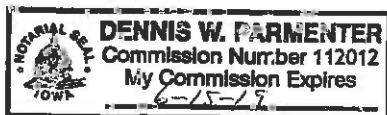
Notary Public in and for the State of Iowa

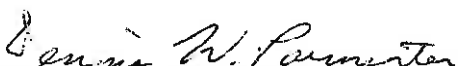

Dennis W. Heinen


Sharon M. Heinen

STATE OF IOWA, STORY COUNTY, ss:

On this 28th day of March 2019, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dennis W. Heinen and Sharon M. Heinen.




Notary Public in and for the State of Iowa

OWNER:
 CITY OF HUXLEY, IA

EASEMENT DRAWING

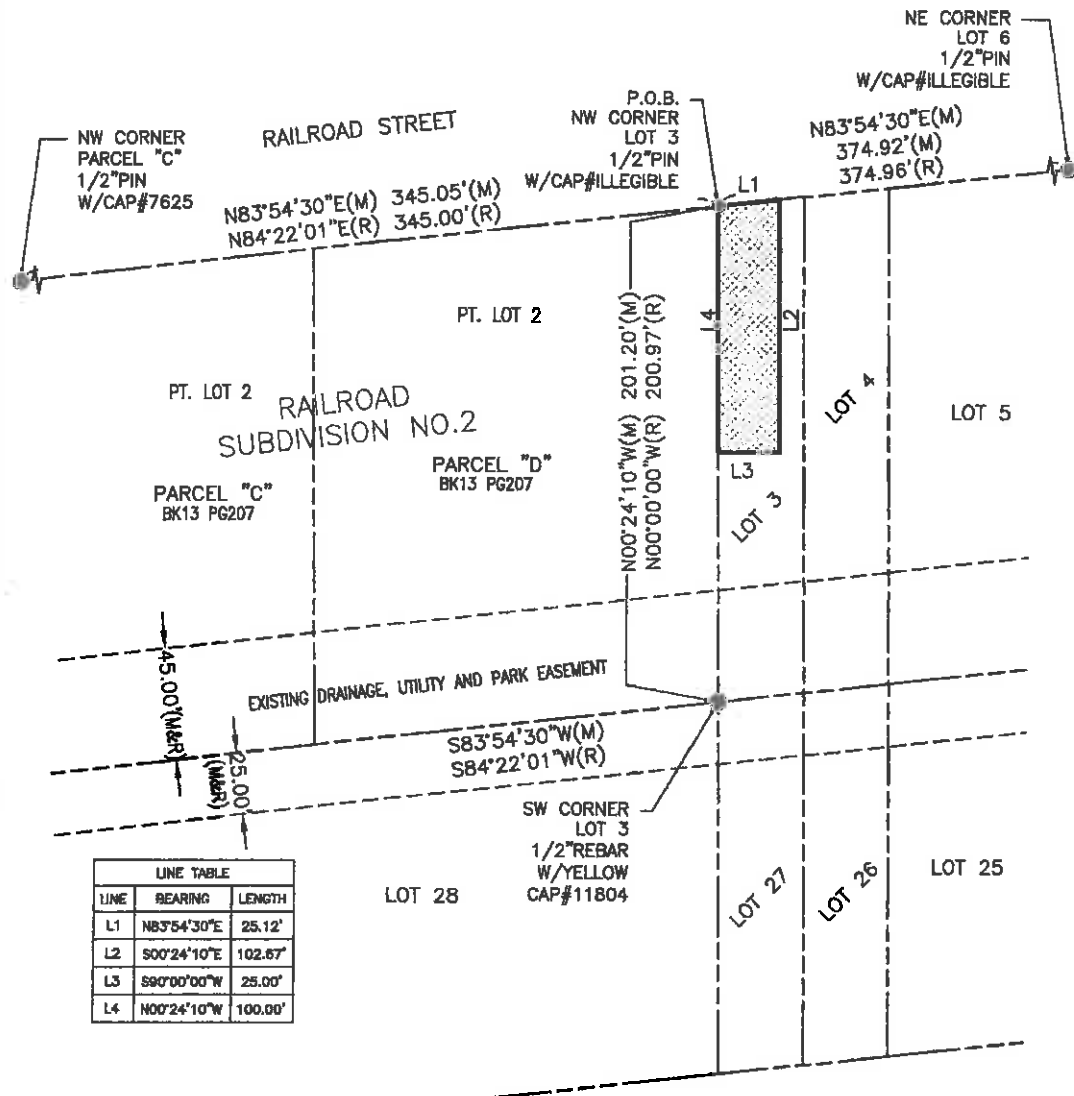
FOR INGRESS/EGRESS
 BEING CONVEYED TO
 DENNIS W. HEINEN &
 SHARON M. HEINEN

PARCEL NO.:
 13-26-221-020

PHYSICAL ADDRESS:
 EAST OF
 204 W RAILROAD ST
 HUXLEY, IA 50124

BOOK 267 PAGE 89

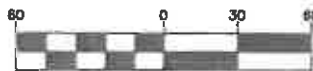
DRAWN TJP CHECKED BJM APPROVED J.E. DATE 01-07-19



LEGEND

- ▲ SECTION CORNER MONUMENT FOUND (AS NOTED)
- PROPERTY MONUMENT FOUND (AS NOTED)
- (M) "AS MEASURED" DISTANCE OR BEARING
- (R) "AS RECORDED" DISTANCE OR BEARING
- ▨ PERPETUAL EASEMENT 2,533 SQUARE FEET

GRID NORTH
 IOWA STATE PLANE
 COORDINATE SYSTEM
 SOUTH ZONE



1 Inch = 60 ft.



HEART OF IOWA NATURE TRAIL

VEENSTRA & KIMM, INC.
 3000 WESTOWN PARKWAY
 WEST DES MOINES, IOWA 50266-1320
 515-225-8000

EXHIBIT

E-2

SHEET 1 OF 1

Rev/By

Prepared by Amy Beattie, City Attorney and reformatted by John Haldeman, City Administrator,
for the City Council meeting to be held on the 9th day of April, 2019

ORDINANCE NO. 493

**AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED
ON TAXABLE PROPERTY IN THE HUXLEY HOUSING URBAN
RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF
IOWA**

WHEREAS, the City Council of the City of Huxley, Iowa (the "City") previously enacted an ordinance entitled "An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa"; and

WHEREAS, pursuant to that ordinance, certain taxable property within the Huxley Housing Urban Renewal Area in the City was designated a "tax increment district"; and

WHEREAS, the City Council now desires to clarify the boundaries of the "tax increment district" by correcting the legal description of certain taxable parcels currently situated in the Huxley Housing Urban Renewal Area;

BE IT ENACTED by the Council of the City of Huxley, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Huxley Housing Urban Renewal Area of the City of Huxley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Huxley to finance projects in such area.

Section 2. Definitions. For use within the remainder of this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Huxley, Iowa.

"County" shall mean Story County, Iowa.

"Tax Increment Financing District" shall mean certain real property situated in the Huxley Housing Urban Renewal Area, legally described as follows:

A PARCEL OF LAND IN OUTLOT X AND OUTLOT Y, MEADOW LANE PLAT 1 EAST, AN OFFICIAL PLAT, RECORDED IN INSTRUMENT NUMBER 2005-00013561, CITY OF HUXLEY, STORY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS:

- BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'X', SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11 OF SAID MEADOW LANE PLAT 1 EAST
- THENCE S89°46'56"E, 188.24 FEET ALONG THE NORTH LINE OF OUTLOT 'X', SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 11, TO THE SW CORNER OF LOT 'D' OF SAID MEADOW LANE PLAT 1 EAST
- THENCE N00°04'20"E, 10.89 FEET ALONG THE EAST LINE OF SAID LOT 'D', AND SAID NORTH LINE OF OUTLOT 'X', TO THE SW CORNER OF LOT 12 OF SAID MEADOW LANE PLAT 1 EAST
- THENCE N89°52'12"E, 125.02 FEET ALONG THE SOUTH LINE OF SAID LOT 12, AND SAID NORTH LINE OF OUTLOT 'X', TO THE SE CORNER OF SAID LOT 12, SAID POINT ALSO BEING THE NE CORNER OF SAID OUTLOT 'X'
- THENCE S00°04'36"W, 630.45 FEET ALONG THE EAST LINE OF SAID OUTLOT 'X' TO A POINT
- THENCE S21°29'12"E, 62.50 FEET TO A POINT
- THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET, A CHORD BEARING OF N70°59'44"E, AN ARC LENGTH OF 26.88 FEET TO A POINT
- THENCE S16°40'15"E, 60.00 FEET TO A POINT
- THENCE S00°17'53"W, 203.22 FEET TO A POINT
- THENCE N89°44'20"W, 375.07 FEET TO A POINT
- THENCE N00°01'26"W, 223.57 FEET TO THE NE CORNER OF OUTLOT Y, HUXLEY TOWNHOMES, SAID POINT ALSO BEING ON THE SOUTH LINE OF OUTLOT 'X'
- THENCE N00°03'31"W, 704.8 FEET ALONG THE SAID WEST LINE OF OUTLOT 'X', AND THE EAST LINE OF SAID MEADOW VIEW PLAT 1, TO THE POINT OF BEGINNING

ALL CONTAINING 7.06 ACRES MORE OR LESS

MEADOWLANE PLAT 3 EAST .

PARCEL A OF OUTLOT W, MEADOWLANE PLAT II EAST, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF HUXLEY, STORY COUNTY, IOWA, ALSO KNOWN AS PARCEL #13-24-381-010.

(By virtue of Ordinance No. 454, the City previously added a portion of this property to the tax increment district for Huxley Housing Urban Renewal Area Addition. This action is to correct the legal description for the property intended for including in the Tax Increment Financing District.)

"Urban Renewal Area" shall mean the entirety of the Huxley Housing Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment Financing District. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment Financing District each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Tax Increment Financing District is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of

the taxable property in the Tax Increment Financing District, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Tax Increment Financing District on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Tax Increment Financing District to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Tax Increment Financing District exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Tax Increment Financing District shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Tax Increment Financing District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, including Ordinance No. 454.

Section 5. Saving Clause. 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.

Publication Date: _____

Record Of Vote of Ordinance No. 493

First Reading _____ (Date)

Roll Call	Aye	Nay	Absent
-----------	-----	-----	--------

Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

Second Reading _____ (Date)

Roll Call	Aye	Nay	Absent
-----------	-----	-----	--------

Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

Third Reading _____ (Date)

Roll Call	Aye	Nay	Absent
-----------	-----	-----	--------

Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Huxley, Iowa, the 9th day of April, 2019.

Mayor

Attest:

City Clerk

• • • • •

There being no further business to come before the meeting, it was upon motion adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA

SS:

COUNTY OF STORY

I, the undersigned, County Auditor of Story County, in the State of Iowa, do hereby certify that on the ____ day of _____, 2019, the City Clerk of the City of Huxley, Iowa, filed in my office a copy of an ordinance of such City shown to have been adopted by the Council and approved by the Mayor thereof on the 9th day of April, 2019, entitled: "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa", and that I have duly placed a copy of the ordinance on file in my records.

WITNESS MY HAND this ____ day of _____, 2019.

County Auditor

STATE OF IOWA
STORY COUNTY SS:
CITY OF HUXLEY

I, the undersigned, City Clerk of the City of Huxley, State of Iowa, do hereby certify that I caused to be published "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa," of which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, on the date and in the newspaper specified in such affidavit, and that such newspaper has a general circulation in said City.

WITNESS MY HAND this ____ day of _____, 2019.

City Clerk

(Attach hereto publisher's affidavit of publication with clipping of ordinance as published.)

STATE OF IOWA
STORY COUNTY SS:
CITY OF HUXLEY

I, the undersigned, City Clerk of the City of Huxley, State of Iowa, do hereby certify that the attached is a true, correct and complete copy of all the records of the Council of such City relating to the adoption of an ordinance entitled "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

WITNESS MY HAND this ____ day of _____, 2019.

City Clerk



April 5, 2019

VIA EMAIL

John Haldeman
City Administrator/City Hall
Huxley, IA

Re: Huxley Housing Urban Renewal Area – TIF District
Our File No. 419996-46

Dear John:

Attached please find proceedings for use by the City Council at their April 9, 2019 meeting covering the adoption of the tax increment ordinance for certain property in the Huxley Housing Urban Renewal Area. The City Council should waive the statutory requirement that an ordinance be considered at two meetings prior to the meeting at which it is finally adopted. This waiver requires the affirmative vote of not less than four of the five Council Members.

Once the ordinance has been finally adopted, it must be published and a copy must be filed with the County Auditor of Story County. Please print extra copies of the ordinance for publishing and filing. Certificates are included in the proceedings to attest to each of those acts.

We will appreciate receiving executed copies of these proceedings as soon as they are available. Please contact John Danos or me if you have any questions.

Kind Regards,

Amy Bjork

Attachments

cc: Jolene Lettow

MINUTES PROVIDING FOR PASSAGE OF
AN ORDINANCE ESTABLISHING A TAX
INCREMENT FINANCING DISTRICT FOR
THE HUXLEY HOUSING URBAN
RENEWAL AREA

419996-46

Huxley, Iowa

April 9, 2019

The City Council of the City of Huxley, Iowa, met on April 9, 2019, at _____ o'clock
_____.m., at the _____ in the City.

The Mayor presided and the roll was called showing members present and absent, as follows:

Present: _____

Absent: _____.

Council Member _____ introduced an ordinance entitled "Ordinance
No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in
the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member _____ and seconded by Council
Member _____ that the ordinance be adopted. The Mayor put the question
on the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried and declared that the ordinance
had been given its initial consideration.

It was moved by Council Member _____ and seconded by Council
Member _____ that the statutory rule requiring an ordinance to be
considered and voted on for passage at two Council meetings prior to the meeting at which it is to
be finally passed be suspended. The Mayor put the question on the motion and the roll being
called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member _____ and seconded by Council Member _____ that the ordinance entitled "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Huxley Housing Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa," now be put upon its final consideration and adoption. The Mayor put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted, as follows:

PUBLIC SAFETY

RESOLUTION NO. 19-048

**RESOLUTION APPROVING LOCATIONS FOR TRAFFIC CONTROL
AND STREET SIGNS AT VARIOUS LOCATIONS**

WHEREAS, Huxley Municipal Code Section 61.01 provides that any new traffic controls in the City after February, 2005, shall be established by resolution of the council; and

WHEREAS, the Police Chief has studied the areas mentioned and brings forward the attached locations.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Huxley, Iowa, that the attached Chief's recommendation is being submitted and are being recommended for approval.

FURTHERMORE, this resolution declares null and void any sections of previously approved salary resolutions in conflict with sections of this resolution.

Roll Call	Aye	Nay	Absent
David Jensen	_____	_____	_____
David Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this 9 th day of April 2019

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-048** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 9 th day of April, 2019.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

April 3rd, 2019

Mayor Henry and the Huxley City Council
Administrator Haldeman

RE: Deerwood Dr street sign placement

I would like placement of the signs as follows;

- Stop Sign in the northwest corner of Deerwood Dr and E 1st St intersection for southbound traffic on Deerwood Dr.
- No Parking signs for northbound and southbound traffic on Deerwood Dr. Signs should be placed starting from the Deerwood Dr and E 1st St intersection going north at 150', 450', 750, and 950'.
- 25mph Speed Limit signs for the northbound and southbound traffic on Deerwood Dr. Signs should be placed starting from the Deerwood Dr and E 1st St intersection going north at 150' and 750'.

If you should have any questions, please feel free to contact me at gstoll@huxleyiowa.org or call me cell at 515-231-4724.

Thank you,
Gerry Stoll
Huxley Police Chief

April 3rd, 2019

Mayor Henry and the Huxley City Council
Administrator Haldeman

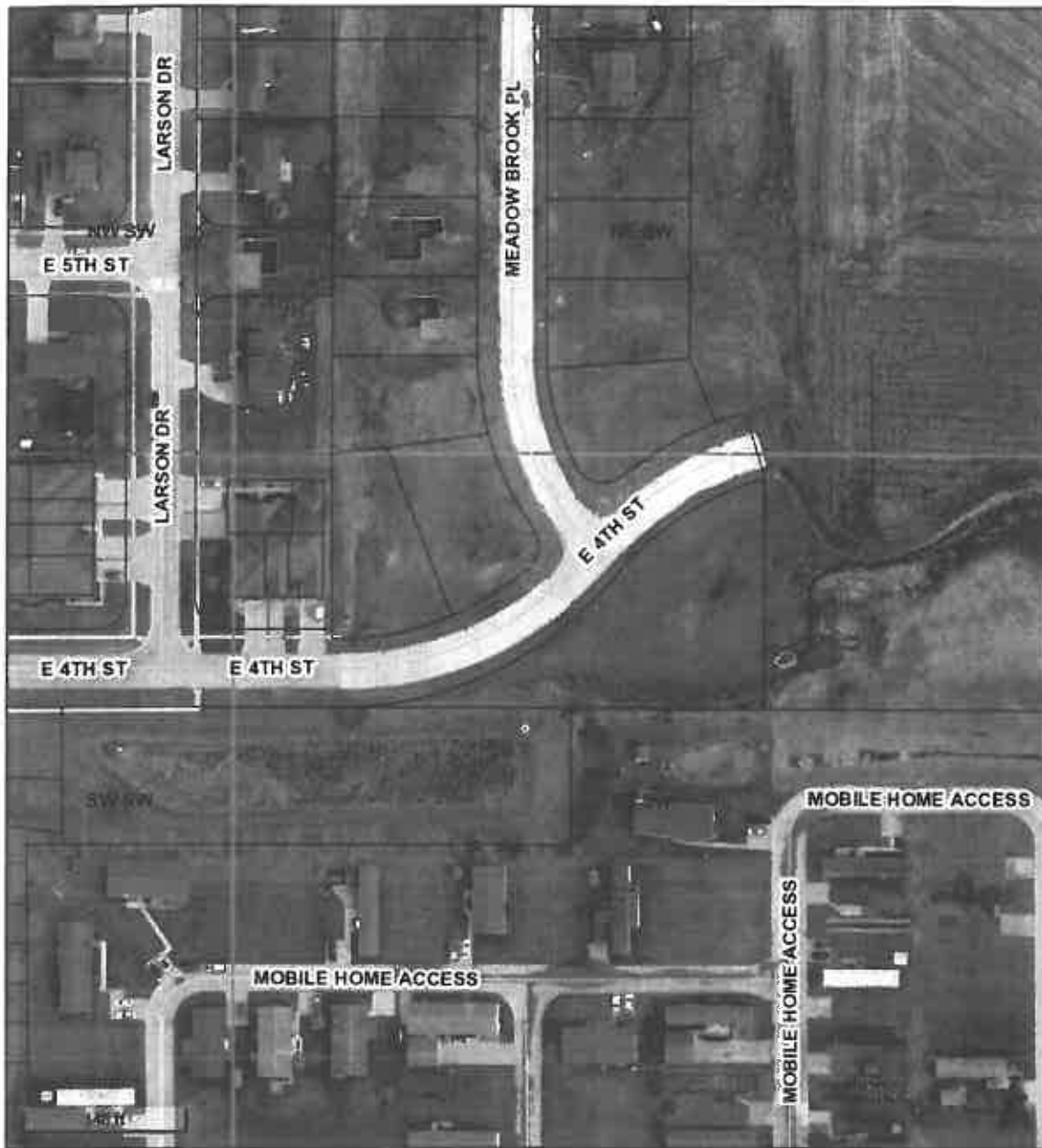
RE: E 4th St sign placement

On the westbound side of E 4th St between Highway 69 and Larson Dr we currently have No Parking signs. I would like to add three more No Parking signs on the westbound side of E 4th St from Larson Dr to south of Meadow Brooke PL. I would like placement of the signs as follows;

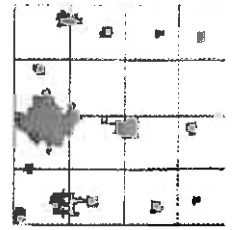
- Approximately 160' south of Larson Dr
- Approximately 70' north of Meadow Brooke PL
- Approximately 70' south of Meadow Brooke PL

If you should have any questions, please feel free to contact me at gstoll@huxleyiowa.org or call me cell at 515-231-4724.

Thank you,
Gerry Stoll
Huxley Police Chief



Overview



Legend

- ☐ Parcels
- Lots
- ☐ Townships
- ☐ Corporate Limits
- Road Centerlines

Concerning Assessment Parcels and Platted Lots Within the City of Ames Jurisdiction:

The solid parcel boundary lines represent the legal description as recorded and are not necessarily the official platted lot lines. Dashed lines are official platted lots. If a parcel contains dashed lines, please contact the Ames Planning & Housing Department (515-239-5400) to determine which lines can be recognized for building permit or zoning purposes. If you have questions regarding the legal description or parcel measurements, please contact the Story County Auditor's office (515-382-7210).

Date created: 4/1/2019

Last Data Uploaded: 3/29/2019 11:24:06 PM

Developed by  **Schneider**
GEOSPATIAL

RESOLUTION NO. 19-049

**RESOLUTION APPROVING DELINQUENT PARKING TICKET
PROPOSAL**

WHEREAS, Huxley Municipal Code Section 61.01 provides that any new traffic controls in the City after February, 2005, shall be established by resolution of the council; and

WHEREAS, the Police Chief has studied the proposal and brings forward the attached proposal.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Huxley, Iowa, that the attached Chief's proposal is being submitted and are being recommended for approval.

FURTHERMORE, this resolution declares null and void any sections of previously approved salary resolutions in conflict with sections of this resolution.

Roll Call	Aye	Nay	Absent
David Jensen	_____	_____	_____
David Kuhn	_____	_____	_____
Greg Mulder	_____	_____	_____
Rick Peterson	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this th day of April 2019

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-049** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this th day of April, 2019.

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk

April 3rd , 2019

Mayor Henry and the Huxley City Council
Administrator Haldeman

RE: Delinquent Parking Tickets

Since Huxley Police Department began issuing parking tickets, we have never had a way to collect delinquent tickets. Since the beginning of the year we have issued 32 parking tickets and most of the tickets are for snow removal (\$25 fine). At this point 21 parking tickets have not been paid within the 30-day period and become delinquent. This is very common to have parking tickets not be paid.

On 3-8-18 I met with the newly elected Story County Treasurer Ted Rasmusson. He told me that he could assist Huxley with the collection of delinquent parking tickets through motor vehicle registration renewal. He explained that I would provide him a list of vehicle registration plate numbers assigned to the delinquent parking tickets and he would put a hold on renewing the vehicle registration until the vehicle owner paid the Huxley parking ticket. This would only apply to Iowa registered vehicles and would cost a \$5.00 processing fee. If the Council decided to go this route, I would suggest adding a \$5.00 penalty to delinquent tickets or just raising all fines \$5.00. I would also suggest making several public announcements prior to starting the collection process.

At this time, I am respectfully asking the City Council for its consideration and action to approve the new delinquent parking ticket collection process.

If you should have any questions, please feel free to contact me at gstoll@huxleyiowa.org or call me cell at 515-231-4724.

Thank you,
Gerry Stoll
Huxley Police Chief

RESOLUTION NO. 19-050

RESOLUTION APPROVING THE SMALL WIRELESS FACILITY POLICY.

WHEREAS, the City of Huxley recognizes the need for a policy to establish and define the general requirements for the installation of small wireless (4G/LTE/5G) technology within City of Huxley public rights-of-way; and

WHEREAS, the goal of the policy is to ensure the installations are completed in the most context sensitive manner through the establishment of minimum standards; and

WHEREAS, the provisions of the policy will allow the installation of a small wireless infrastructure while preserving public health, safety and welfare in the City of Huxley.

BE IT RESOLVED, THEREFORE, that the City Council of Huxley, Iowa does hereby approve the said policy and guidelines, which is attached, and authorizes the Mayor to sign.

All resolutions or parts thereof in conflict herewith are hereby repealed.

Roll Call	Aye	Nay	Absent
Kevin Deaton	_____	_____	_____
Dave Jensen	_____	_____	_____
Dave Kuhn	_____	_____	_____
Craig Hemmen	_____	_____	_____
Tracey Roberts	_____	_____	_____

PASSED, ADOPTED AND APPROVED this 9 th day of April, 2019

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 19-050** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 9 th day of April, 2019

Craig D. Henry, Mayor

ATTEST:

Jolene Lettow, City Clerk



1. Executive Summary

1.1 Background

The City of Huxley, as with communities across the country and around the world, is facing the next wave of communications technology. While the economic benefits are immense, it has the potential to impact the safety, aesthetic values, and enjoyment of our community in a manner and to a degree that is far more extensive than cellular phones and other types of recent technology.

Small wireless communications, also known as 5G technology, utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed at the spacing of streetlights or fire hydrants rather than 2+/- miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way are the optimal location to install the required equipment. The Federal Communications Commission (FCC) has adopted the declaratory ruling and third report and order FCC 18-133 outlining the extent to which local agencies may or may not regulate the installation of these facilities within the public rights-of-way and the use of existing public infrastructure.

Similar to the advent of the telephone which required extensive wires, switch boxes, poles and other structures to provide these services, small wireless communications technology will require a structure to mount a transmitter approximately every 400 to 500 feet with fiber and power connections to each one.

Absent the adoption of guidelines to assure that installations are context sensitive, service providers would be free to install equipment with no concern for the visual impact that they create. This document seeks to accommodate the implementation of the new technology while assuring that the new infrastructure is installed using context sensitive solutions.

In addition, the equipment needs to be located where it will not interfere with visibility for drivers, interference with sidewalks, or other common amenities found in public rights-of-way.

Other issues such as safety, noise and accommodating multiple providers at each location are also addressed within these guidelines.

1.2 FCC Order

On September 26, 2018, the Federal Communications Commissions (FCC) adopted a Declaratory Ruling and Third Report and Order, titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” (the Order). The Order establishes fees, “shot clocks,” and provides safe harbors for local governments’ control of small wireless infrastructure.

The FCC Order establishes fees as follows:

- \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each small wireless facility beyond five
- \$1,000 for non-recurring fees for a new pole (not a collocation) intended to support one or more small wireless facilities.
- \$270 per small wireless facility per year for all recurring fees, including any possible ROW access fee or fee



for attachment to municipally-owned structures in the ROW

The following shot clocks are the FCC's permit review times for new small wireless facilities:

- A 60-day review period for collocation of small wireless facilities
- A 90-day review period for construction of new small wireless facilities

Existing shot clocks for non-small wireless facilities deployments remain in place:

- 90 days for collocation on an existing structure
- 150 days for deployment on a new structure

According to the FCC Order, the shot clock rules are as follows:

- Both the new and existing shot clocks apply to “any approval that a siting authority must issue under applicable law prior to deployment.” This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights-of-way, leases for use of municipal poles or property in the rights-of-way, electric permits and road closure permits, among others.
- For small wireless facilities deployments, shot clocks are reset if the siting authority notifies the applicant within 10 days after submission that the application is incomplete. For subsequent determinations of incompleteness, the shot clock would toll—not reset—if the siting authority provides written notice within 10 days that the supplemental submission did not provide the requested information.
- For non-small wireless facilities, shot clocks begin to run when an application is first submitted, and can be paused—not reset—if the siting authority notifies the applicant within 30 days that the application is incomplete. For subsequent determinations of incompleteness, the process is the same as described above for small wireless facilities.
- Failure to act within the new small wireless facility shot clock constitutes a presumptive violation of the Communications Act and applicants may seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. There is no “deemed granted” remedy.

The FCC Order, limits aesthetic reviews and requirements (including undergrounding, spacing, and historic/environmental requirements) to what is:

- (a) reasonable
- (b) no more burdensome than those applied to other types of infrastructure deployments
- (c) objective and published in advance

The effective date of the 2018 Order with respect to the new limitations on rights-of-way fees and deadlines for acting on permit applications was January 14, 2019, and the new limitations on aesthetic standards will go into effect April 15, 2019.

1.3 Goal Statement

The City of Huxley Small Wireless Facility Design Guidelines are hereby established with the goal of accommodating the installation of small wireless (4G/LTE/5G) technology within City of Huxley public rights-of-way provided that the installations are completed in the most context sensitive manner through the establishment of minimum standards for:



- Aesthetics
- Location
- Spacing of facilities along streets
- Accommodation of two to three providers at each location
- Safety
- Noise
- Equitable allocation of space within public rights-of-way

2. General Information

2.1 Introduction and Purpose

These Small wireless Design Guidelines provide objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the City shall consider in reviewing an application.

- (a) The location of any ground-mounted small wireless facilities including their relationship to other existing or planned small wireless sites
- (b) The location of a small wireless facility on a wireless support structure
- (c) The appearance and concealment of small wireless facilities, including those relating to materials used for arranging, screening, and landscaping
- (d) The design and appearance of a wireless support structure including any height requirements adopted in accordance with this chapter

It is the goal of the City to allow the installation of a small wireless infrastructure with a minimum foot print. This shall be accomplished by small wireless siting and the use of multi-cell poles that can accommodate multiple applicants.

The provisions of these Guidelines shall not limit or prohibit the City's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from these Small Wireless Design Guidelines that do not conflict with state or federal law.

2.2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Review means ministerial review of an Application by the City relating to the review and issuance of a Permit, including review by the Public Works Director or designee, if desired, to determine whether the issuance of a Permit is in conformity with the applicable provisions of these Guideline and all City Codes.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means any code drafted and adopted by the City as well as uniform building, fire, safety, electrical, plumbing, Uniform Traffic Control or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the City, including any amendments adopted by the City, or otherwise are applicable in the jurisdiction.



Applicant means the person submitting an application.

Application means the process by which a person submits a request to perform construction activity and/or indicates a desire to be granted permission in any way to utilize the rights-of-way of all, or a part, of the City. An application includes all written documentation, in whatever form or forum, made by a person to the City concerning: the installation of any type of public improvements, public utility facilities, the construction of a cable system or any type of information or telecommunications system over, under, on or through the rights-of-way.

Attached wireless facilities are those affixed to a structure except optical fiber, wires, coaxial cable and the mounting hardware used to attach optical fiber, wires, and coaxial cable. Examples of attached facilities include but are not limited to antennas, telephone boxes, power boxes, and other equipment boxes and cabinets on structures located on the ground.

Batched Applications is the submission of multiple siting applications at one time. Batched applications shall not exceed 10 individual Small Wireless Facilities.

City means the City of Huxley.

City cost means all costs borne by the City for the administration of this chapter.

City Council means the Huxley City Council.

City Administrator means the Huxley City Administrator or designee.

Code means the Huxley City Code.

Collocate means to install or mount a Small Wireless Facility in the Public ROW on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. “Collocation” has a corresponding meaning.

Communications Facility means collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

Construction permit means the authorization to undertake any type of excavation or work, as defined herein, in the rights-of-way or to construct public improvements, as defined herein, in the City or undertake any construction activity within the City. A construction permit can be issued either as a ROW construction permit or as a site construction permit, as applicable.

Contractor means a person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements or public improvements covered by this chapter, that requires work to be undertaken and workers, and/or equipment to be in the ROW in the process of performing the above-named operations. Contractor, as the term is defined herein, should include any and all types of general contractor and subcontractor and successors or assigns of said contractor.

Development Code means Chapters 165-170 of the City Code, as amended.

Director means the Public Works Director for the City.

Equipment Concealed Whenever technically feasible, antennas, cabling, and equipment shall be fully concealed within a Pole, or otherwise camouflaged to appear to be an integrated part of a Pole.



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Excavate or excavation means to dig into, including boring into, or in any way remove, distribute or penetrate any part of a ROW.

Facilities means any and all equipment, structures, materials or tangible components located in the rights-of-way and used to provide a service, including without limitation: all plants, whether inside or outside, fiber strands or optic lines, electronic equipment, amplification equipment, optic equipment, transmission and distribution structures, antennas of any type, lines, termination equipment, pipes, poles, ducts, mains, conduits, inner ducts, regenerators, repeaters, underground lines, vaults, manholes, pull boxes, splice closures, wires and cables, and all other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and/or providing such service. Facilities shall include, as the context dictates, wireless telecommunication facilities, as defined herein.

Franchise means a right granted by the City for use of the rights-of-way, or any other City-owned or City-controlled real property designated to be or actually used by public utilities, cable providers, or other operators/entities for which a franchise can be granted pursuant to law, for the construction, operation and/or maintenance of a public utility, or any type of cable system or other operations within all of the City or such portions thereof as may be proposed and authorized for such construction operation and/or maintenance, including the City's growth area. Any such authorization, in whatever form granted, shall not mean and shall not include any license or permit required for the privilege of transacting and carrying on a business within the City as required by Code, other ordinances, resolutions or regulations of the City.

Height means maximum height of the small wireless facility, including antenna, above established grade measured at the base of the structure

Indemnification means that any provider who owns or operates Small Wireless Facilities or Wireless Support Structures in the ROW shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Wireless Facilities and wireless service in the ROW, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the Rights-of-Way.

Inspector means the person designated by the City within the Public Works Department or the City development department to fulfill the responsibilities that have been empowered with such position.

Landscape means any combination of living plant material, such as trees, shrubs, vines, ground covers, flowers, vegetables, turf or grass; natural features, such as land and water forms; and structural features, including but not limited to landscaped pedestrian plazas, fountains, reflecting pools, screening, walls, fences and benches.

Major Wireless Telecommunications Facility means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

Ordinary Maintenance and Repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

Permittee means any person making application for or in possession of any type of construction permit to perform any construction activity, excavation, or work within the corporate limits of the City.



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Provider means any person including a franchisee who is providing or is in the process of seeking permission to provide a service to citizens of the City through the placement of facilities or structures either owned or leased in and thereby occupying the rights-of-way, as defined herein.

Public improvements means any item placed or constructed in public rights-of-way intended for public use including, but not limited to: roadways, streets, alleys, sidewalks, curbs, gutters, trails, crosswalk or other traffic markings or traffic structures, utilities (water, sanitary sewer, or storm sewer) either owned by or dedicated to the City, or over which the City has or there is recorded a public easement, any private access either owned or dedicated to the City, parking lots, or landscaping, whether privately or publicly owned or maintained, unless otherwise specifically exempted within this chapter.

Responsible party means any person or entity who owns facilities or structures located or to be located in the City rights-of-way and/or who is liable, whether financially or otherwise, for any installation, repair, or maintenance of facilities, or public improvements, either public or private, placed on or to be placed in the City rights-of-way.

Rights-of-way or ROW means the surface and space above and below any real property in which the City has a real property interest and/or which have been dedicated to the public or is hereafter dedicated to the public and maintained under public City or by others at the direction of the public City and located within the City including, but not limited to, public: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, easements, public ways and similar public property and areas.

ROW construction permit means a category of the general construction permit under this chapter.

Sidewalk means a paved walkway or pathway for the purpose of pedestrian traffic abutting or running parallel or adjacent to a street.

Site construction permit means a category of the general construction permit that is issued under this chapter.

Signage Signage is prohibited on all small wireless facilities and wireless support structures, including stickers, logos, and other non-essential graphics and information unless required by the FCC, except for a small placard identifying the service provider and contact information, which shall be placed at 6-feet above grade, facing away from the public rights-of-way.

Small Wireless Facility(ies) are low powered antennas that provide cellular and data coverage to small geographic areas supplementing the larger cellular network. It includes all equipment required for the operation and maintenance of radio-frequency communications systems that transmit and/or receive signals but are not "major wireless telecommunications facilities," including antennas, electronics, and other types of equipment required for the transmission or receipt of such signals.

Alternatively, Small Wireless Facility means either of the following:

- (a) Micro wireless facilities that are no larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, of no more than eleven (11) inches in length; or
- (b) A wireless service facility where each antenna is located inside an enclosure of no more than 6 cubic feet in volume and where primary equipment enclosures associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume and shall be placed underground unless it is integrally incorporated inside the customary pole structure or base.

Standards and Specifications means the City of Huxley Standards and Specifications for the Design and Construction of Public and Private Improvements, latest revision, as adopted by ordinance.



Street, highway or roadway means the entire width between the boundary lines of every ROW or easement publicly or privately maintained and open to the use of the public for the purposes of vehicular travel.

Structure means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, service cabinets, junction boxes, foundations, fences, retaining walls, awnings, balconies, and canopies.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunication service(s) means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Telecommunication service provider or telecommunications applicant means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. Section 226).

Telecommunication system means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. A system that provides both cable and telecommunications or information services may be considered both as a cable system and a telecommunications system pursuant to this Code.

Utility distribution pole means a structure that supports aerial electric or communications cables with or without a streetlight attached.

Utility Pole an upright pole or similar structure owned and utilized in a whole or in part by a public utility, municipality. It is designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.

Wireless facility(ies) means capital equipment and property, including but not limited to the optical fiber, wires, pipes, mains, conduits, ducts, pedestals, antennas, cabinets and electronic equipment located in the streets used for transmitting, receiving, distributing, providing or offering wireless telecommunication services over the spectrum of radio frequencies licensed by the Federal Communications Commission.

Work means any and all types of construction activity or excavation performed within the City, in the ROW, and/or related to installation of public or private improvements in or on any property that is within the City limits or will be dedicated to the City as ROW.

2.3 Application Guidelines

Complete application requirements can be found in the City's Rights-of-Way Code. As a minimum the application must include the following documentation. Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Public Works Director. An application is not complete until both the paper and electronic copies are received by the Public Works Director.

No application will be considered complete until all requirements of the City's ROW Code are met. Shot clocks shall not begin until the City determines the application is complete.

- a. Detailed site and engineering plans.
- b. An area map showing the location of all existing above ground poles and facilities within 1,000 feet and the location or locations of all proposed Small Wireless Facilities proposed in that application. Identify what existing facility will be used or replaced including any identifying numbers for the specific pole or a general



description of the location such as nearest address or distance and direction from nearest intersection.

- c. Photographs or drawings of proposed equipment including make, model and color with dimensions.
- d. Visual impact analysis with photo simulations to scale showing before and after conditions.
- e. A load analysis completed, sealed and signed by a Professional Engineer licensed and registered by the State of Iowa which indicates that the pole to which the small cell facility will be attached will safely support the loads. If requested, by the City, a copy of the detailed before and after PLA results shall be made available.
- f. Certification by a certified RF engineer demonstrating compliance with the FCC standards for radio frequency emissions as they relate to the general public, including aggregate emissions for all co-located equipment.
- g. Written documentation demonstrating a good faith effort to locate the facility in the least intrusive location and screened to the greatest extent feasible.
- h. The applicant must submit proof that a notice has been mailed to all owners of property within 600 feet of the proposed installation site that the applicant is seeking to place or modify wireless facilities in the ROW. The notice must include: (i) the proposed location of the facility, (ii) a description and scaled image of the proposed facility, and (iii) an email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.
- i. Indemnification agreement that indicates the applicant's agreement with the Indemnification definition included in this chapter.
- j. A written description identifying the geographic service area for the subject installation, accompanied by a plan and maps showing anticipated future installations and modifications for the following two years, in addition to the master plan described by this section.
- k. One entity may submit up to 10 individual applications at one time in a batch. If that entity submits more applications within 30 days of the first batch, the City has the right to retain outside expertise to review those additional applications. All costs for the outside expertise shall be the responsibility of the submitting entity and must be paid before permits are issued.
- l. Permit fees for small wireless facilities shall be submitted with the application. The City reserves the right to do a rate study at a future date to establish the permit fees for small wireless facilities. Furthermore, the City, as a regulator, reserves the right to apply annual rate fee increases.
 - (a) The City's Utility Permit fee is \$25.00. The fee is a required and is part of the City's Utility Permit Application ordinance.
 - (b) The fee permissible in the most current FCC regulations but not less than \$500 for non-recurring fees, including a single up-front application for collocation applications that includes up to five Small Wireless Facilities, with an additional \$100 or the fee permissible in the most current FCC regulations, for each Small Wireless Facility beyond five;
 - (c) The fee permissible in the most current FCC regulations but not less than \$1,000 for non-recurring fees for a new pole (*i.e.*, not a collocation) intended to support one or more Small Wireless Facilities; and



- (d) The fee permissible in the most current FCC regulations but not less than \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.

3. Pole Design Guidelines

3.1 Utility Distribution Poles

All attachments to utility distribution poles shall be approved by MidAmerican Energy prior to installation. All equipment shall meet MidAmerican Energy requirements and Huxley's Rights-of-Way permit requirements.

All small wireless facility equipment shall be shrouded. Only two enclosures including the disconnect and antenna shall be installed on any individual utility pole location. Micro wireless facilities that are no larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, of no more than eleven (11) inches in length; or

A wireless service facility where each antenna is located inside an enclosure of no more than three (3) cubic feet or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements shall fit within an enclosure of no more than three (3) cubic feet.

Ground mounted enclosures, including backup power supply, and electric meters must be concealed within the pole, in existing above-ground cabinets, or placed in a flush-to-grade underground equipment vault or within approved design standard treatments adopted by the City. For additional requirements refer to section 4.4 *Related Ground Equipment* in this chapter

3.2 Utility Streetlight Poles

No existing utility pole whose sole purpose is for street lighting can be used to attach small wireless facilities. With the City and Utility approval, the pole may be replaced with a metal monopole specifically designed to house two or more applicant's small wireless facility equipment.

The City reserves the right to require a second (or third) applicant for the same general space to install a new pole capable of collocating both (or all three) applicants internally in the pole. The first (and second) applicant is required to allow the subsequent applicant to replace the pole with a multi-cell pole. The original pole shall be made available to the installing applicant to salvage. If not retrieved in 30 days the pole shall be declared abandoned and disposed. As an alternative, an applicant may install a new pole that has multiple cells for additional applicants. The City shall have exclusive rights to the extra cells. If the City requires a second applicant to use the extra cell, half of the initial material costs will be refunded to the applicant who installed the pole.

ALTERNATIVE

No small wireless facility shall be located on any Utility street light pole. If possible, the applicant will place the small wireless pole within 5 feet of an existing Utility pole. The City will have the Utility streetlight removed. The applicant will furnish and install a LED streetlight on the small wireless pole. The applicant will wire the streetlight into the small wireless power source. The City shall reduce the one-time application fee to reimburse for the streetlight. The City will also reduce the annual reoccurring fee to cover the cost of power. The small wireless pole shall have space for at least two (2) internal bays, one of which will be available to another applicant with City approval. Designs will be in accordance with the designs shown in **Appendix A**.

3.3 Municipal Poles

Applicants may submit applications to install small wireless facilities on municipally owned poles. The City will consider such applications assuming the pole is not expected to be used for emergency communications or tolling



equipment. If allowed, an applicant may be limited to one municipally owned pole within 500 feet. Applicants shall provide their own power and fiber (or other communications medium) to their small wireless facility. All wiring will be inside poles. The City may require upgrades or replacement of poles if attaching small wireless facilities is determined to be functionally or aesthetically, problematic. In cases of wood poles, the applicant(s) shall replace the wood pole with an acceptable monopole.

3.4 New Poles

New poles shall be consistent with the pole designs detailed in **Appendix A**. New poles shall match the shape, color, and texture of existing poles in the area. For Huxley that means new poles on arterials will be [insert Huxley's preferred color] unless another color is approved in advance by the City. Neighborhoods currently may have a variety of colors and designs. Replacement could result in establishing a new citywide standard, however, they will be replaced incrementally as various telecommunication service providers expand their 5G service through neighborhoods and through the City. Support facilities shall be concealed within the pole, in existing above-ground cabinets, or placed in a flush-to-grade underground equipment vault or within approved design standard treatments adopted by the City.

For all new pole installations, the City reserves the right to require a second applicant for the same general space to install a new pole capable of collocating both applicants internally in the pole. The first applicant is required to allow the subsequent applicant to replace the pole with a multi-cell pole. The original pole shall be made available to the installing applicant to salvage. If not retrieved in 30 days the pole shall be declared abandoned and disposed.

4. Pole Siting Requirements

4.1 Location

The City reserves the right to approve all proposed pole locations and to modify those locations as necessary for future City needs, functional and/or aesthetic reasons. The City will work with the applicant to find a suitable location for both the City and the applicant.

Wireless communication facilities shall not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure and shall not interfere with prominent vistas or significant public view corridors. New small wireless poles shall be located no closer than 500 feet to other poles containing a small wireless facility from the same provider without City approval.

At the sole discretion of the City, multiple poles may be placed at intersections, however, each applicant may apply for only one additional pole at an intersection. Poles shall be located where ever possible on property lines and not in sidewalks or within 10 feet of a driveway. Where ever possible the poles shall be sited to take advantage of existing screening.

All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel.

Poles shall not be located:

1. Within 30 feet of a fire hydrant unless replacing an existing pole in the same location, reduced distances can be approved by the City;
2. In any manner which would obstruct a public sidewalk or roadway including reducing vertical clearances required by the City;
3. Closer than 2 feet from curb or sidewalk.



In general, Small Wireless Facilities shall be located in areas defined in the City's zoning as follows (Most Preferred to Least Preferred):

1. Industrial areas if not adjacent to a Municipal park, residential area, Historic district or Design District.
2. Highway Rights-of-Way areas if not adjacent to a Municipal park, residential area, Historic district or Design District.
3. Retail and Commercial areas if not adjacent to a Municipal park, Residential area, Historic district or Design District.
4. Residential Areas and Parks. A Telecommunication service provider is prohibited from installing a Small wireless pole in a ROW without written consent from the City Council if the ROW is located in or adjacent to a street or thoroughfare that is adjacent to a Municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. A Telecommunication service provider installing a Small Wireless Facility or a Small wireless pole in a ROW shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
5. Historic districts and Design Districts. A Telecommunication service provider is prohibited from installing a Small Wireless Facility or a Small wireless pole in the ROW in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic district unless such Small Wireless Facility or a new Small wireless pole is camouflaged and other locations listed above are not available as suitable alternatives.

4.2 Height Requirements

The height of a pole used for a small wireless facility within the jurisdiction of Huxley, Iowa shall not exceed the height of surrounding existing poles, unless the **Public Works Department** finds, based on clear and convincing evidence provided by the applicant, that locating the **small wireless facilities** on the rights-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the rights-of-way is the least intrusive means to do so.

Antennas must be located at a minimum of 20 feet above established grade measured at the base of the wireless support structure

4.3 Noise

The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations. The maximum allowable noise emitted by the Small Wireless Facility shall not exceed 30 dB measured at a distance of 3 feet from any portion of the facility.

4.4 Related Ground Equipment

The applicant is required to ensure that ground equipment meets the following design criteria to minimize the aesthetic and safety impacts of supporting equipment on the public.

1. Ground Equipment near street corners and intersections: Ground equipment should be minimal and the least intrusive. To minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a ROW the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at Street corners and intersections and to minimize hazards at those



locations, ground equipment may not be installed within the visibility triangle or as prohibited by sight distance calculations set out in other applicable law.

2. Ground Equipment near Municipal parks. For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Telecommunication service provider shall not install ground equipment in a ROW that is within a Municipal park or within 250 feet of the boundary line of a Municipal park, unless approved by the City Administrator or designee in writing.
3. Minimize Ground equipment density: To enhance the public safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Telecommunication service provider installs Small Wireless Facility ground equipment where existing ground equipment within 100 feet radius already occupies a footprint of a total of 25 sq. ft. or more.

5. Safety Requirements

Prevention of failures and accidents. Any Person who owns a Small Wireless Facility and/or Wireless Support Structure sited in the ROW shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

Compliance with fire safety and FCC regulations. Small Wireless Facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

Changes in state or federal standards and regulations. If state or federal standards and regulations are amended, the owners of the Small Wireless Facilities and/or Wireless Support Structures governed by this chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring Small Wireless Facilities and/or Wireless Support Structures into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

Surety bond or equivalent financial tool for cost of removal. All owners must procure and provide to the City a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of this chapter. The bond must be maintained for as long as the owner has Small Wireless Facilities and/ or Wireless Support Structures located in the ROW. The bond or equivalent financial method must specifically cover the cost of removal of unused or Abandoned Small Wireless Facilities and/ or Wireless Support Structures or damage to City property caused by an Operator or its agent of each Small Wireless Facility and/ or Wireless Support Structure in case the City has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

WORKSESSION

City of Huxley Fleet Safety Program (Non-DOT)

Purpose

The operation of motor vehicles is a necessary part of City of Huxley business. The operation of motor vehicles exposes our company to the risk of loss – through injury to employees or the general public, damage to property and to our company's overall reputation. Therefore, as a part of management's commitment to operate all aspects of the business in a safe and responsible manner, we have created the following Fleet Safety Program.

The purpose of this Fleet Safety Program is to detail the policies and procedures City of Huxley takes to minimize the frequency and severity of vehicle accidents. All employees are required to follow the procedures outlined in this program. Any deviations from this program must be immediately brought to the attention of the Fleet Safety Program Administrator.

Scope

This policy applies to all drivers of company-owned, leased, rented or borrowed vehicle and all drivers of non-owned company vehicles while being operated on company business regardless of the amount of time spent in the vehicle.

The Fleet Safety Program Administrator is responsible for the program's implementation, management and recordkeeping requirements.

Program Responsibilities

Management. The management of City of Huxley is committed to the Fleet Safety Program. Management supports the efforts of the Fleet Safety Program Administrator by pledging financial and leadership support towards the identification and control of hazards related to motor vehicle operation.

Fleet Safety Program Administrator. The Program Administrator reports directly to upper management and is responsible for this program. All driver selection, vehicle maintenance, training and other program components will be coordinated under the direction of the Program Administrator in collaboration with management. The Program Administrator monitors the results of the program to determine needed modifications or additional areas of focus. The Program Administrator also performs the following duties:

- Evaluates applicants to determine if they are eligible to drive our vehicles or other vehicles on company business
- Authorizes those persons who are allowed to operate vehicles
- Ensures vehicles are maintained in safe condition
- Develops and enforces fleet safety rules and policies
- Investigates all vehicle accidents and recommends any necessary corrective actions
- Annually reviews this written program and makes any changes needed. Documents the annual review on the proper forms (found in **Appendix A**) and submits the report to upper management

Employees. Every employee of City of Huxley is responsible for conducting himself/herself in accordance with this program. Employee involvement is an essential element to the success of our fleet safety efforts. Employees may be solicited for their input regarding vehicle selection, safety features, training programs and other topics related to this program.

Driver Selection

City of Huxley will check the driving history of all applicants through the use of a Motor Vehicle Record (MVR) before they are granted driving privileges and obtain an updated MVR for all approved drivers annually thereafter. MVRs will also be checked whenever an employee is involved in a motor vehicle accident. A driver list is maintained and updated annually, including the last date of an MVR for each driver. The approved drivers' list will be recorded on the proper form found in **Appendix B** and maintained by the Program Administrator.

Employees will be prohibited from operating vehicles on company business under any of the following conditions:

- Employee is under 18 years of age
- Employee does not have a valid driver's license, or the license has been suspended or revoked
- Employee does not have at least one year of verifiable driving experience
- Employee's MVR indicates more than two at-fault accidents, or three moving violations, or two moving violations plus one at-fault accident in the past three years
- Employee's MVR indicates any one of the following major violations within the past five years:
 - Driving under the influence
 - Reckless driving/speed contests
 - Hit and run
 - Vehicular manslaughter/homicide
 - Leaving the scene of an accident
 - Fleeing/eluding a police officer
 - Passing a stopped school bus
 - Speeding 15 or more miles over the speed limit
 - Refusing a chemical test
 - Operating with a suspended or revoked license
- Employee has tested positive in an alcohol or drug test while in our employment

Authorized Vehicle Use

The Program Administrator determines who is authorized to operate vehicles on company business. No employee or nonemployee (for example, an employee's spouse or child) is allowed to operate a company vehicle, or their own vehicle on company business, unless the Program Administrator has authorized that person to drive. Before any nonemployee is permitted to use a company vehicle, he or she must meet the same qualifications as those for employees. Use of company vehicles by employees and nonemployees under the age of 18 is prohibited.

Vehicle Maintenance

To extend the useful life of vehicles, regular inspections and maintenance will be completed on all company owned and operated vehicles per the manufacturer's recommendations. If during an inspection any of the items are found "not okay," the vehicle will be removed from service until it can be repaired or replaced. All problems must be promptly reported to the Program Administrator. Each driver will inspect the vehicle before each use. The inspection will consist of all items listed in the Vehicle Self-Inspection Report (form located in **Appendix C**). All vehicle Self-Inspection Reports will be submitted to the Program Administrator within one business day.

In states that require emissions testing, all vehicles will comply with the state's requirements.

Driver Safety Rules

All motor vehicle operators must obey all state laws and posted signs when operating vehicles. In addition, the following rules must be followed at all times.

Cell Phones and Other Distractions. The use of handheld or hands-free cell phones, or other devices that take attention away from the driving task, are prohibited when driving company vehicles. Passengers may use devices only if the use will not be distracting to the driver. Cell phone calls should be made prior to or at the completion of a trip. If a call must be made during a trip, drivers must pull into a safe location and stop before making the call. If the driver receives an incoming call while driving, they must allow the call to go to voicemail and return the call when stopped in a safe location. Eating while driving is prohibited. Nonalcoholic drinks may be consumed with great discretion and only in situations where driving hazards are minimal (i.e., not in traffic, through road construction, etc.)

Seat Belts. Seat belts must be properly worn by all drivers and passengers while the vehicle is in operation. Children being transported in a company vehicle must remain properly secured in a child safety seat or booster seat according to state law.

Drugs and Alcohol. Drivers will not operate a motor vehicle at any time when his/her ability is impaired, affected or influenced by alcohol, illegal drugs, medication, illness, fatigue or injury. The sale, purchase, transfer or possession of any controlled substance (except medically prescribed drugs) is strictly prohibited while using a company vehicle, while on the company premises or while engaged in company business.

Severe Weather. Extreme caution must be exercised when driving in severe weather conditions. If a driver has any doubt about the safety of travel, they must contact their supervisor or the Program Administrator for guidance.

Radar Detectors. The use of radar detectors or any other device with the purpose of detecting or interfering with police radar is prohibited.

Glass. Damaged glass should be reported immediately to the Program Administrator. To reduce windshield damage, drivers will:

- Keep a safe distance between vehicles, especially on gravel roads
- Use clean, greaseless, dry cloths to wipe the windshield
- Replace worn wiper blades as soon as they begin to streak
- Use plastic or rubber ice scrapers, never metal

Towing. Only vehicles specifically approved for towing by the Program Administrator may be used to tow trailers of any size or type.

Traffic Violations and Citations

Drivers are responsible for all citations received. Traffic citations must be reported to the Program Administrator as soon as possible. The Program Administrator will review the driving privileges of any employee charged with a serious offense. Disciplinary action may include warnings, probation or suspension of driving privileges. For those jobs that require operation of a company vehicle, loss of driving privileges may result in termination.

Vehicle Accident Investigation. Vehicle accident investigations are handled internally and may utilize external documents such as police reports. Vehicle accident reports are to be filled out by the driver and returned to the Program Administrator as soon as reasonably possible. The Program Administrator will determine accident preventability and the proper course of disciplinary action that might be necessary. The Program Administrator will also determine if additional training is needed to prevent similar accidents from occurring in the future. Trends in types of accidents or multiple accidents by the same driver will receive additional scrutiny, as they may signal the need for additional training or changes to driver selection procedures.

When in an accident, drivers must:

- Stop your vehicle and protect the scene to prevent a secondary accident.
- Call for medical assistance and assist any injured people, if necessary.
- Call the police and the Program Administrator or supervisor as soon as possible.
- Locate any witnesses and get important information from them. If possible, get names, addresses and phone numbers.
- Exchange pertinent information with other drivers.
- Take photos of the accident.
- Fill out a vehicle accident report form and send it to the Program Administrator (forms are in **Appendix D**).
- Never admit fault or apologize. Apologies could be interpreted as an admission of fault.
- Never argue with other drivers or witnesses.
- Never argue with the police.
- Never make a statement to the media. Refer them to the Program Administrator.
- Never discuss details of the incident with anyone except a representative of City of Huxley or the police.
- Report every accident no matter how small to the Program Administrator.

Vehicle Accident Report forms must be kept in each company vehicle for use after an accident. If the vehicle you are driving does not have a Vehicle Accident Report form in it, contact the Program Administrator.

Periodic Program Review

At least annually, the Program Administrator will conduct a program review to assess the progress and success of the Fleet Safety Program. The review will consider the following:

- Evaluation of all training programs and records
- The frequency and severity of vehicle accidents during the previous year
- The need for changes to the Fleet Safety Program, based on evaluation of the program and results
- The need for changes to the driver selection/disqualification criteria

Record Retention

All records will be retained for 3 years years.

Revision History

02/23/2019

Appendix A – Annual Evaluation Report

Date of Evaluation:	Evaluated by (list all present):
Written Program Reviewed: Yes No	
Comments on Written Program:	
Do vehicle accident records indicate a need for additional employee training on the program? Yes No	
The following content was added/modified/removed from the written program: 	
Comments:	

Appendix B – Driver List

Those listed below have been authorized to operate motor vehicles on company business and have received instruction regarding the City of Huxley Fleet Safety Program.

[illegible]

Appendix C – Vehicle Self-Inspection Report

If an item is defective, check the box and give details in the remarks section.

Inspection Completed By:					Date:	
Vehicle Make:		Model:		Year:		No.:
Beginning Mileage:				Ending Mileage:		
Not OK	OK	Before Starting Engine		Not OK	OK	After Starting Engine
		Body				Brakes
		Brake/head/tail/clearance lights				Parking brake
		Direction signals/emergency flashers (4-way)				Engine/drive train
		Mirrors (inside and outside)				Gauges (oil/fuel/temp/air)
		Windows/windshield				Heater/defroster/air conditioner
		Wheels and tires				Speedometer
		–Air pressure to manufacturers recommendation				Steering
		–Minimum of $\frac{3}{16}$ inch tread depth				Transmission
		–No visible sign of the tire deterioration				Other:
		Windshield wipers and washers				
		Horn				
		Seat belts (all seating positions)		Remarks:		
		Seats securely fastened to the floor				
		Battery				
		Belts/hoses				
		Fluid levels/leaks				
		Muffler and exhaust system				
		License plate(s)				
		Suspension system				
		Fire extinguisher				
		First aid kit				
		Reflectors/flags/flammables				
		Other:				

Condition of above vehicle is ☐ Satisfactory ☐ Unsatisfactory

Signature: _____

TO PASSENGERS AND OTHERS

My employer requires that I report details of all accidents. If you witnessed this one, please assist me by writing your name below. Write a brief description of your version of the accident on the reverse side, even if you consider me at fault.

Name _____

Home Address _____ Tel. _____

Business Address _____ Tel. _____

Date _____ 20 _____

THE ACCIDENT

Date: _____ Hour: _____ (A.M. / P.M.)

Location: _____

On which side of the street were you? _____

Driving which way? _____

How far from curb? _____

Did you sound horn? ☐ Yes ☐ No

Were your lights on? ☐ Yes ☐ No

Condition of weather: _____

Road conditions: _____

Describe how accident occurred _____

DAMAGE TO PROPERTY OF OTHERS

Name of owner: _____

Address: _____

Name of driver: _____

Address: _____

Driver's license No. _____

Name of insurance company _____

Policy Number _____

Nature of Damage _____

INJURED PERSONS

Name: _____

Address: _____

Name of driver: _____

Where taken after accident: _____

By Whom: _____

Attending physician: _____

Address: _____

Name: _____

Address: _____

Name of injured: _____

Where taken after accident: _____

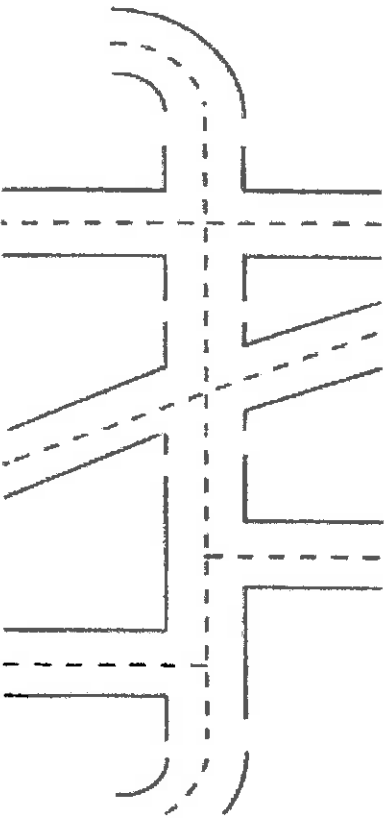
By Whom: _____

Attending physician: _____

Address: _____

ACCIDENT DIAGRAM

Show names of streets, locations of vehicles, travel directions of vehicles, and prominent objects. Clearly indicate the direction of North.



INSTRUCTIONS:

1. Use solid lines to show path of vehicle before accident.
2. Use dotted line to show path of vehicle after accident.
3. Number each vehicle and show direction of travel with an arrow.
4. Show pedestrians with an X.

Police Officer Information Accident Report Number

Officer Name(s) & Badge Number(s)

EMC
Insurance Companies

Count
EMC

DATE: 1/1/01

ACCIDENT REPORT FORM

Keep this form in your vehicle.
Complete the report in case of accident
and return promptly to:

DRIVER'S RESPONSIBILITY

Any driver involved in a traffic accident is responsible for completing an accident report. Following an accident, the driver must contact the Fleet Manager and collect all information requested on the accident report form. Even minor incidents should be brought quickly to management's attention in order to protect against potential claims.

Your accident report and contact of the accident scene is very important. What is said and done at the accident scene can either help or hinder the successful settlement of an accident case. All drivers must know and understand what to do and say, and be equipped to handle situations as they arise.

The following steps should be taken at the scene of a traffic accident in which you are involved:

1. Stop the vehicle immediately and shut off engine. Failure to stop at the scene of an accident in which you are involved is a criminal offense which may subject you to the penalty of the law in addition to disciplinary action by your employer.
2. Turn on the 4-way flashers and (if available) set out emergency flares (reflectors or cones) in accordance with DOT regulations -- use neither 100 feet in each direction from the scene and one must be sure. If the accident occurs near a curve or hill crest, set the markers further away, but not further than 500 feet from the scene.
3. Assist any injured person, but DO NOT move them unless absolutely necessary to prevent further injury (e.g., from fire). Keep any injured person as warm and quiet as possible while waiting for the arrival of emergency personnel.
4. Notify all help, such as police and ambulance, as summoned to the scene.
5. If you are the victim of a hit-and-run, or the other party of an accident refuses to remain at the scene or give you information, notify the police and give them all the details you can. This way, your report kept on the police log can protect you if the other party tries to make a claim against you at a later date.
6. Be polite. Provide only the information on your report, claims, and the insurance card in your accident packet. Do not enter information concerning the accident to anyone except the police.
7. Complete the accident report form and return it to the Fleet Manager as promptly as possible. The following information must be provided:

Appendix E – Annual Motor Vehicle Driver's Certificate of Violations

I _____ certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date	Offense	Location (City/State)	Type of Vehicle Operated

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

Driver Signature

Date

ANNUAL REVIEW OF DRIVING RECORD

I certify that I have carefully reviewed the driving record of _____ to determine whether or not he or she meets the minimum requirements for safe driving specified in this program or is disqualified to drive a commercial motor vehicle.

In reviewing this driver's record, I certify that I have considered any evidence that the driver has violated any company rules or applicable regulations. I have considered the driver's accident record and any evidence that the driver has violated laws governing the operations of motor vehicles. I have given great weight to violations that indicate that the driver has exhibited a disregard of the safety of the public and company policies, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs.

A copy of the response from each state agency inquired is attached. This form shall be maintained in the driver's qualification file.

Reviewer Name

Review Date

Title

Reviewed By Signature