



HUXLEY
— HEART OF THE PRAIRIE —

CITY COUNCIL MEETING NOTICE
TUESDAY AUGUST 23, 2022, 6:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- a) **CALL TO ORDER REGULAR MEETING: ROLL CALL**
- b) **APPROVE AGENDA AS PRESENTED AND/OR AMENDED**
- c) **PUBLIC COMMENT (5 MINUTE TIME LIMIT FOR ITEMS NOT ON THIS AGENDA)**
- d) **PUBLIC HEARINGS**
- e) **CONSENT AGENDA – *These are routine business items and will be acted upon by one Roll Call Vote without separate discussion unless a Councilmember or citizen requests an item to be removed or considered separately.***
 - a) Approve Minutes from August 9, 2022 Council Meeting
 - b) Approve Payment of Bills
 - c) Approve Resolution No. 22-073 Authorizing the Signatories and Placement of Funds in Various Depositories
 - d) Approve Resolution No. 22-074 Payment Application No. 4 Manatt’s Street Rehabilitation Project
- f) **BUSINESS ITEMS**
 - a) Approve Resolution No. 22-075 Acceptance of Resignation and Release Agreement for Rita Anne Conner
- g) **INFORMATIONAL ITEMS-DIRECTION TO CITY STAFF**
 - a) Direction to Staff on Search for City Administrator
- h) **MAYOR AND COUNCIL REPORTS**
- i) **SEPTEMBER 6 WORKSESSION PREVIEW: DIRECTION TO CITY STAFF ON ITEMS TO PREPARE**
 - Continued Review of FY 23 Draft Capital Improvement Plan (CIP)
 - Ames Economic Development Commission Agreement (AEDC)
 - Council Items Tracking Sheet

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

HUXLEY CITY COUNCIL MEETING MINUTES

Tuesday, August 9, 2022

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 held a meeting on the above date pursuant to rules of the council, notice posted at City Hall and onto website. Mayor Deaton called the meeting to order at 6:00 pm.

ROLL CALL: Kuhn, Echer, Thompson, Pilcher, Roberts

AGENDA APPROVAL: Motion by Pilcher, second by Echer to approve agenda as presented. Roll Call: Kuhn, Echer, Pilcher, Thompson, Roberts voted yes. Motion carried.

CITY STAFF PRESENT: Rita Conner – City Administrator, Jolene Lettow - City Clerk

CONSENT AGENDA: Motion by Kuhn, second by Echer to Approve Consent Agenda Items as Listed:

- a. Approve Minutes from July 26 Council Meeting and August 2 Work Session
- b. Approve Payment of Bills
- c. Approve Resolution No. 22-069 Payment Application No. 9 Water Treatment Plant Expansion
- d. Approve Resolution No. 22-070 Authorizing the Signatories and Placement of Funds in Various Depositories
- e. Approve Alcohol Permit for Fenceline
- f. Approve Alcohol Permit for Prairie Fest
- g. Approve Appointment of Dan Nebbe to the Zoning Board of Adjustment

Claims:

ALEX GREENFIELD	BOOT CAMP INSTRUCTOR	110.00
ALLIANT ENERGY	JUNE17-JULY 18 2022	13,053.45
ANNA DEHAMER	INSTRUCTOR REVENUE	2,317.50
ARNOLD MOTOR SUPPLY	2.5 GAL DEF X12	822.60
BOUND TREE MEDICAL	MEDICAL GLOVES	291.54
BRICK GENTRY P.C.	LEGAL FEES	2,575.00
CARDMEMBER SERVICE	CARDMEMBER SERVICE	4,720.93
CAROLYN MAI	FAREWAY-REIMBERSEMENT	36.53
CENTRAL IOWA LAWN & LANDSC	IGNITION SWITCH	14.56
CENTRAL IOWA TOWING & RECO	TOW FOR 606	176.25
CHAVARRIA, MICHELLE	REFUND FOR SOCCER	47.00
CLARKE MOSQUITO CONTROL	2ND PAYMENT FOR MOSQUITO SPRAY	2,940.00
CONSUMERS ENERGY	CONSUMERS ENERGY	10,075.01
DAVID WILCOX	BOOT CAMP INSTRUCTOR JUNE	135.00
DELTA DENTAL PLAN OF IOWA	DENTAL INSURANCE	1,391.08
DEZURIK, INC.	BYPASS PLUG VALVE	1,408.64
DIGITAL ALLY	BODY CAM 1ST YEAR PAYMENT	5,302.92
DOLLAR GENERAL-REGIONS 410	PROGRAM SUPPLIES	25.40
EBS	MEDICAL INSURANCE	18,200.08
EDWARD JONES	IRA	250.00
FIDELITY SECURITY LIFE	VISION INS	290.93
FJELLAND, MATT	YOUTH TENNIS INSTRUCTOR	0.00
GANNETT HOLDINGS - CENTRAL	LEGALS PRINTING	585.94
GENESIS HOMES OF IOWA LLC	PERMIT REFUND	1,000.00
GREAT-WEST LIFE & ANNUITY	DEFERRED COMPENSATION	273.08
HEARTLAND CO-OP	SUMMER FILL PARKS	63.50
HEARTLAND DOOR AND FRAME,	PANIC DOOR INSTALL-CITY HALL	1,017.74
INROADS, LLC	PAVING CENTENNIAL	42,402.00
INTEGRATED PRINT SOLUTIONS	B-BALL CHAMPIONSHIP SHIRTS	195.00
INTERNAL REVENUE SERVICE	FED WITHOLDING TAX	30,321.50
IOWA DEPARTMENT OF NATURAL	WATER SUPPLY OPERATIONS FEE23	467.45
IPERS	IPERS	19,801.44
JOHN DEERE FINANCIAL	DEHUMIDIFIER	169.99
KEN'S APPLIANCE	WASHER/DRYER/ 3 YR WARRANTY	2,678.16
LEXIPOOL LLC	ANNUAL POLICE TRAINING/MANUAL	5,050.96
LIFESTYLE OFFROAD	COUNCIL CHAMBERS WINDOW COVERI	950.00
LINCOLN FINANCIAL GROUP	DISABILITY INSURANCE	1,279.88
MANATTS	#2 & 3 STREET PAVING PROJECT	245,837.20
MARCO, INC.	COPIES	11.54
MENARDS	3/4' SDS MAX DRILLBIT	47.98
MENARDS - AMES	CITH HALL LAUNDRY ELECTRICAL	716.25

METERING & TECHNOLOGY SOLU	BARE METERS/HRE METER REGISTER	3,463.90
MICROBAC LABORATORIES INC	BACT SAMPLES/TESTING	278.75
MISCELLANEOUS VENDOR	KNUDSEN, DAVE :US REFUND	295.82
MONROE, GINGER	PARK SHELTER REFUND	25.00
MUNICIPAL SUPPLY	OMNI COMP/CAR WASH	355.50
NEW CENTURY FS INC	FUEL JUNE 20 2022	4,584.85
NORTHLAND SECURITIES, INC.	ANNUAL CONSULTING DISCLOSURE	2,625.00
ORTON HOMES LLC	PERMIT REFUND	1,000.00
OXEN TECHNOLOGY	OXEN- EMAIL/ MICROSOFT 365	191.50
RACOM	RADIO SERVICE CONTRACT ANNUAL	1,620.00
STATE HYGIENIC LABORATORY	BAC-T SAMPLES-TOWER	54.00
STORY COUNTY ANIMAL CONTRO	6/24/22 ANIMAL INCIDENT	47.00
STORY COUNTY SHERIFF'S OFF	1ST QUARTER PAYMENT DISPATCH	8,151.64
SYNCB/AMAZON	BOOKS/DVD'S PROGRAMS, MAINTAIN	608.35
TASC	FLEX BENEFIT PLANS	1,508.26
TONYA BECKER	TRX FUSION CLASSES	105.00
TREASURER, STATE OF IOWA	STATE WITHHOLDING	5,074.00
TRENT MEINERS	PARADE CANDY SLATER	75.50
U.S. BANK EQUIPMENT FINANC	PRINTER COPIER LEASE	104.92
USA BLUEBOOK	WATER CHEMICALS	3,307.98
VAN WALL EQUIPMENT	MOWER BLADES	360.82
VERIZON WIRELESS	UBLIC WORKS JUNE CELL BILL	366.69
WINDSTREAM IOWA COMMUNICAT	DISPATCH PHONE JULY	84.41
ZIEGLER INC	AUTO SHUT DW	224.79

	REVENUES	EXPENSES
001 GENERAL FUND	356,261.39	128,707.10
002 LIBRARY	588.65	18,412.42
003 RECREATION	18,698.79	17,445.67
004 FIRE AND RESCUE	0.00	3,375.29
014 AMBULANCE	4,286.66	7,228.33
110 ROAD USE TAX	30,866.55	41,859.73
124 LMI		1,831.59
125 TIF		59,036.48
325 E. 1 ST ST. RECONSTRUCTION		365,338.90
398 DERECHO	121,916.72	8,851.39
600 WATER UTILITY	115,546.07	41,227.40
610 SEWER UTILITY	<u>90,563.78</u>	55,658.05
PAYROLL EXPENSE		<u>68,833.29</u>
GRAND TOTAL	\$780,839.69	\$61,058,581.17

Consent Agenda Roll Call: Kuhn, Echer, Pilcher, Thompson, Roberts voted yes. Motion carried.

BUSINESS ITEMS:

Motion – Kuhn, second – Roberts on Resolution No. 22-071 to Hire Building and Grounds Custodial Maintenance Employee. Roll Call: Thompson, Pilcher, Roberts, Kuhn voted yes; Echer voted no. Motion passed.

Motion – Kuhn, second – Thompson on Resolution No. 22-072 to Approve Blue Sky Estates Plat 1 Engineering Services Agreement. Roll Call: Kuhn, Echer, Roberts, Pilcher, Thompson vote dyes. Motion passed.

INFORMATIONAL ITEMS:

Highway 69 Trail Connection – Landing to West Centennial: City applied for State of Iowa grant. Engineering costs are \$135,000. Councilman Kuhn noted that city is responsible for 5 feet of sidewalk that is on residential property.

Process Update on 120 South, LLC: Memorandum of Understanding sent to developer.

ADJOURNMENT: Motion – Pilcher, second – Kuhn to adjourn meeting at 6:50pm. 5 ayes, 0 nays. Motion carried.

Attest:

Kevin Deaton, Mayor

Jolene R. Lettow, City Clerk

CLAIMS
8/23/2022

VENDOR		AMOUNT
ACTIVE 911, INC	YEARLY SUB 22/23	\$450.00
BAKER & TAYLOR ENTERTAINMENT	BOOKS	\$147.65
BOOR, JESSICA	DEPOSIT REFUND WATER	\$120.00
BOUND TREE MEDICAL	MEDICAL GLOVES	\$126.30
BROOKS, SHARON	VOLLEYBALL OVER PAID	\$40.00
CARDMEMBER SERVICE	FACEBOOK AD-3C'S	\$2.71
CARDMEMBER SERVICE	ADOBE	\$15.89
CARDMEMBER SERVICE	ZOMM MONTHLY FEE	\$114.95
CARDMEMBER SERVICE	BECKER BACKGROUND CHEC	\$45.00
CARDMEMBER SERVICE	KAHLER BACKGROUND CHEC	\$15.00
CARDMEMBER SERVICE	AMAZON PRIME-JEFF	\$16.04
CARDMEMBER SERVICE	LOWES	\$38.48
CARDMEMBER SERVICE	DOUBLE DIPPED	\$18.72
CARDMEMBER SERVICE	HOBBY LOBBY	\$562.75
CARDMEMBER SERVICE	HOBBY LOBBY	\$34.02
CARDMEMBER SERVICE	USPS	\$5.15
CARDMEMBER SERVICE	USPS	\$5.21
CARDMEMBER SERVICE	USPS	\$3.03
CARDMEMBER SERVICE	ILA CONFERENCE	\$185.00
CARDMEMBER SERVICE	AMAZON-BOWLS	\$59.99
CARDMEMBER SERVICE	IOW ALEAGUE GUEST TICKET	\$130.00
CARDMEMBER SERVICE	AMAZON-HYDRAULIC PUMP	\$405.90
CARDMEMBER SERVICE	PAPER TOWELS	\$56.94
CARDMEMBER SERVICE	STICKERS/MARKING FLAGS	\$30.78
CARDMEMBER SERVICE	BUSINESS CARD SHEETS	\$18.99
CARDMEMBER SERVICE	HOBBY LOBBY	\$5.30
CARDMEMBER SERVICE	PAPER TOWELS- AMAZON	\$25.96
CARDMEMBER SERVICE	COFFEE	\$25.26
CARDMEMBER SERVICE	2 UTV TIRES	\$184.76
CARDMEMBER SERVICE	16 FIRST AID KITS-YOUTH SP	\$199.36
CARDMEMBER SERVICE	DOLLAR GENERAL	\$27.60
CARDMEMBER SERVICE	WHITE TOWELS	\$125.98
CARDMEMBER SERVICE	VENDING MACHINE SUPPLIE!	\$379.65
CARDMEMBER SERVICE	MOP BUCKET-SAM'S	\$48.94
CARDMEMBER SERVICE	DONUTS-SAM'S	\$13.96
CARDMEMBER SERVICE	PAPER TOWELS	\$37.96
CARDMEMBER SERVICE	SHL CLASS REGISTRATION	\$200.00
CARDMEMBER SERVICE	PRESSURE WASHER NOZZLE	\$74.48
CARDMEMBER SERVICE	TIRE REPAIR- JEFF	\$42.95
CARDMEMBER SERVICE	BOWLS	\$20.15
CARDMEMBER SERVICE	USPS	\$11.60
CARDMEMBER SERVICE	NORD KALSEM TABLES	\$1,320.00
CARDMEMBER SERVICE	IOWA EMPLOYEMENT CONF	\$682.08
CARDMEMBER SERVICE	IOWA LEAGUE OF CITIES	\$230.00
CARDMEMBER SERVICE	IOWA LEAGUE OF CITIES	\$220.00
CARDMEMBER SERVICE	HOTEL PILCHER-EXPEDIA	\$228.50

CLAIMS
8/23/2022

CARDMEMBER SERVICE	HOTEL LETTOW-EXPEDIA	\$228.50
CARDMEMBER SERVICE	USPS- ENVELOPES	\$1,091.30
CARDMEMBER SERVICE	NFM-OFFICE FURNITURE	\$2,065.00
CARDMEMBER SERVICE	USPS- SHIPPING	\$11.25
CARDMEMBER SERVICE	WINDOW AMY'S OFFICE	\$193.30
CENTRAL IOWA LAWN & LANDSCAPE	PTO SWITCH	\$38.46
COMPUTER RESOURCE SPECIALISTS	COMPUTER EXPENSES	\$1,080.00
CONSUMERS ENERGY	JULY BILL	\$10,313.21
GALLS, LLC- DBA CARPENTER UNIF	UNIFORMS	\$678.39
GATEHOUSE-DB IOWA HOLDINGS	PUBLICATION OF MINUTES	\$947.66
GRAINGER	SOLENOID	\$96.26
GREENLAND HOMES	PERMIT REFUND X2	\$2,000.00
HACH COMPANY	TREATMENT CHEMICALS	\$564.49
HAWKINS, INC.	WATER CHEMICALS	\$2,540.54
INLAND TRUCK PARTS COMPANY	BRAKE HOSE/CALIPER/CORE	\$649.77
IOWA PRISON INDUSTRIES	STREET SIGNS	\$165.00
MARCO, INC.	COPIER FEE	\$16.74
MR. STORAGE, LLC	PERMIT REFUND	\$1,000.00
NEW CENTURY FS INC	JULY FUEL BILL	\$6,874.35
O'HALLORAN INTERNATIONAL	506 TRUCK REPAIR	\$66.00
OVERDRIVE, INC.	BRIDGES E-BOOKS CONTENT	\$1,191.24
OXEN TECHNOLOGY	REMOTE LABOR/MONTHLY F	\$95.50
PREMIER	PRINTER FEES	\$54.39
QUALIFICATION TARGETS INC.	100 FBI Q R2	\$32.04
RIGLER, CORY	FLAG FOOTBALL REFUND	\$62.00
SAFE BUILDING COMPLIANCE & TEC	JULY INVOICE	\$3,425.56
SCHUMANN KATI	REFUND SOCCER	\$47.00
STAR EQUIPMENT LTD.	2250 LBS DOT TAR	\$2,002.50
SYNCB/AMAZON	BOOKS/DVD/OFFICE	\$231.93
U.S. BANK EQUIPMENT FINANCE	COPIER LEASE	\$104.92
VAN WALL	BEARING/PLATE/8MM LOCK	\$26.64
VERIZON WIRELESS	PUBLIC WORKS JULY PHONE	\$366.69
VESSCO INC.	AERSEN INTAKE FILTERS	\$821.96
WASHER SYSTEMS OF IOWA, INC.	SWIVEL FOR POWER WASHEI	\$30.00
ZIEGLER INC	DIAGNOSE BREAKER FAULT	\$218.93
	TOTA	\$46,084.51

RESOLUTION NO. 22-073

RESOLUTION APPROVING AND AUTHORIZING THE SIGNATORIES AND PLACEMENT OF FUNDS IN VARIOUS DEPOSITORIES AS APPROVED BY THIS RESOLUTION.

WHEREAS, from time to time it becomes necessary to review the status and position of funds in banks where we have them placed as designated depositories; and

WHEREAS, on August 9, 2022 the City Council updated the depository resolution designating the location and the maximum amount where City funds can be placed; and designated signatories

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HUXLEY, IOWA, that the City of Huxley's City Council does hereby approve the following list of financial institutions to be depositories for the City of Huxley, Iowa funds in conformance with all applicable provisions of the Iowa Code, and

FURTHERMORE, the following people are hereby authorized as signatories for each depository and as such may deposit funds for the City of Huxley in amounts not to exceed the maximum approved for each respective financial institution as set forth below.

Authorized Depositors/Signatories:

Kevin Deaton	
Jolene Lettow	Gerry Stoll
Amy Kaplan	Jackie Kahler

Authorized Depositories:

SOUTH STORY BANK AND TRUST – HUXLEY	
Maximum balance in effect under this resolution	\$18,000,000.00
FIDELITY BANK – HUXLEY	
Maximum balance in effect under this resolution	\$5,000,000.00

PASSED, ADOPTED AND APPROVED this 23th day of August, 2022

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 22-073** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 23rd day of August, 2022.

Kevin Deaton, Mayor

ATTEST:

Jolene R. Lettow, City Clerk

COUNCIL COMMUNICATION

AGENDA HEADING:

Approving Payment Application No. 4 for the Manatt's Street Rehabilitation Projects

SUBMITTED BY: Jolene Lettow, City Clerk; Mat Kahler, Street Superintendent

SYNOPSIS:

Payment application No. 4 Manatt's (1775 Old 6 Rd, Brooklyn, IA 52211) for work completed on the Street Rehabilitation Projects.

Additional information is below and in the attachments.

FISCAL IMPACT:

Amount: \$82,275.70

Funding Source: City of Huxley: Fund code to be provided by the City Clerk/Finance Officer

ADDITIONAL INFORMATION: NO

PREVIOUS COUNCIL ACTION(S):

- | | |
|--------------------|--|
| • October 12, 2021 | Council approval of contract totaling \$663,374.50 |
| • April 26, 2022 | Council approval of Change Order No 1 |
| • May 10, 2022 | Council approval of Payment Application No. 1 |
| • June 1, 2022 | Council approval of Change Order No. 2 |
| • July 12, 2022 | Council Approval of Payment Application No. 2, 3 |

RECOMMENDATION: APPROVAL

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Continued work on the project
- Inspection and presentation of the public improvements for Council action and acceptance

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RESOLUTION NO. 22-074

**RESOLUTION APPROVING PAYMENT APPLICATION NO. 4
TO MANATT’S FOR THE STREET PAVING PROJECTS**

WHEREAS, the City of Huxley held a bid letting for the Street Paving Projects on October 7, 2021 and;

WHEREAS, Manatt’s was the low bid for the projects in the amount of \$663,374.50.

WHEREAS, the fourth payment application has been received and is recommended for approval for work completed to date in the total amount of \$469,309.74.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Huxley, Iowa, as follows: Payment No. 4 in the total amount of \$82,275.70 is hereby approved as presented.

Roll Call	Aye	Nay	Absent
Tracey Roberts	—	—	—
David Kuhn	—	—	—
Rory Echer	—	—	—
Niko Pilcher	—	—	—
Kevin Thompson	—	—	—

PASSED, ADOPTED AND APPROVED this 23rd day of August 2022.

APPROVAL BY MAYOR

I hereby approve the foregoing **Resolution No. 22-074** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this 23rd day of August 2022.

Kevin Deaton, Mayor

ATTEST:

Jolene Lettow, City Clerk

Project Number: 2021 Street Repairs/HMA Rehabilitation		Contract Amount	\$ 663,374.50
Contract ID:		Change Order #1	
Accounting ID:		Change Order #2	
PA Estimate: #4		Change Order #3	
8/4/2022		Revise Contract Amount	\$ 663,374.50

Item Number	Item Code	Description	Units	Quantity	Unit Price	Amount	Quantity Est	Quantity to Date	Amount
1	2101-0850001	SUBGRADE PREPARATION, 11"	SY	1308	\$6.00	\$ 7,848.00	0.00	1308.00	\$ 7,848.00
2	2102-2710070	WATER MAIN TRENCHED, PVC, 8 INCH	LF	1645	\$71.00	\$ 116,795.00	41.00	1465.00	\$ 104,015.00
3	2104-2710020	WATER MAIN TEE, 8"X8"X8"	EA	5	\$1,545.00	\$ 7,725.00	1.00	6.00	\$ 9,270.00
4	2105-8425015	WATER MAIN BEND, 8"	EA	2	\$1,080.00	\$ 2,060.00	2.00	2.00	\$ 2,060.00
5	2115-0100000	FITTING, REDUCER, 8"X6"	EA	8	\$1,030.00	\$ 8,240.00	0.00	6.00	\$ 6,180.00
6	2123-7450020	WATER SERVICE, 1" COPPER, LONG SIDE	EA	10	\$3,090.00	\$ 30,900.00	3.00	10.00	\$ 30,900.00
7	2301-0690210	WATER SERVICE, 1" COPPER, SHORT SIDE	EA	16	\$1,445.00	\$ 24,710.00	12.00	17.00	\$ 26,265.00
8	2303-1031750	VALVE, GATE, 8"	EA	6	\$3,080.00	\$ 18,540.00	2.00	6.00	\$ 18,540.00
9	2303-1032750	FIRE HYDRANT ASSEMBLY	EA	3	\$6,695.00	\$ 20,085.00	0.00	3.00	\$ 20,085.00
10	2303-1033500	FIRE HYDRANT ASSEMBLY REMOVAL	EA	3	\$2,060.00	\$ 6,180.00	1.00	3.00	\$ 6,180.00
11	2303-1251343	INTAKE, SW-SOL	EA	2	\$5,000.00	\$ 10,000.00	0.00	5.00	\$ 10,000.00
12	2401-6745625	MANHOLE ADJUSTMENT, MINOR	EA	12	\$1,800.00	\$ 21,600.00	0.00	5.00	\$ 10,800.00
13	2402-2720000	DRIVEWAY PCC, 6"	SY	485	\$75.00	\$ 36,375.00	0.00	180.00	\$ 13,500.00
14	2403-0100010	CURB AND GUTTER, PCC	LF	996	\$42.00	\$ 41,832.00	\$36.00	1346.50	\$ 49,088.00
15	2404-7775005	PAVEMENT, HMA STANDARD TRAFFIC (57) SURFACE, 1 1/2", SB-285	TON	1444	\$85.00	\$ 122,740.00	0.00	896.77	\$ 76,222.45
16	2414-6424110	PAVEMENT, HMA STANDARD TRAFFIC (57) BASE, 3/4", SB-285	TON	258	\$80.00	\$ 20,640.00	0.00	304.66	\$ 24,372.80
17	2416-0100024	REMOVAL OF SIDEWALK	SY	228	\$10.50	\$ 2,400.50	0.00	135.00	\$ 1,417.50
18	2435-0140200	REMOVAL OF DRIVEWAY	SY	408	\$10.50	\$ 4,284.00	0.00	180.00	\$ 1,890.00
19	2501-0201042	SIDEWALK, PCC, 6"	SY	187	\$65.00	\$ 12,155.00	0.00	89.80	\$ 5,847.00
20	2501-5478042	SIDEWALK, PCC, 6"	SY	78	\$125.00	\$ 9,750.00	0.00	51.70	\$ 6,462.50
21	2503-0114224	DETECTABLE WARNING	SF	150	\$30.00	\$ 4,500.00	0.00	98.00	\$ 2,940.00
22	2507-6800061	FULL DEPTH PATCHES	SY	916	\$50.00	\$ 45,800.00	0.00	474.10	\$ 23,705.00
23	2510-6745850	MILLING	SY	12603	\$3.00	\$ 37,809.00	0.00	7733.00	\$ 23,199.00
24	2524-9100030	CURB AND GUTTER REMOVAL	LF	996	\$12.00	\$ 11,952.00	0.00	1010.50	\$ 12,126.00
25	2526-8285000	TEMPORARY TRAFFIC CONTROL	LS	1	\$3,000.00	\$ 3,000.00	0.00	1.00	\$ 3,000.00
26	2528-2518000	CONSTRUCTION SURVEY	LS	1	\$7,200.00	\$ 7,200.00	0.00	1.00	\$ 7,200.00
27	2528-8445110	MOBILIZATION	LS	1	\$35,000.00	\$ 35,000.00	0.00	1.00	\$ 35,000.00
28		EW0 1 Water Main Trenched, Ductile Iron, 8"	LF	225	\$128.00	\$ 28,800.00	193.00	221.00	\$ 28,800.00
29		EW0 2 Water Main Trenched, Ductile Iron, 6"	LF	48	\$66.00	\$ 3,168.00	0.00	48.00	\$ 3,168.00
30		EW0 2 Water Main Fittings, Tee, 6"x6"x6"	EA	1	\$1,778.00	\$ 1,778.00	0.00	0.00	\$ 1,778.00
31		EW0 2 Water Main Fittings, 45 Bend, 8"	EA	4	\$1,676.00	\$ 6,704.00	0.00	4.00	\$ 6,704.00
32		EW0 2 Water Main Fittings, 45 Bend, 6"	EA	4	\$1,593.00	\$ 6,372.00	0.00	4.00	\$ 6,372.00

Checked and Approved as to quantities and amount:

Engineer: City of Huxley Public Works

By: _____

Public Works Director

Date: 8/17/22

Total	\$ 577,888.25
Retention 5%	\$ 28,864.41
Amount This Estimate	\$ 548,423.84
Less Previous	\$ 466,148.14
Amount Due This Estimate	\$ 82,275.70

Checked and Approved as to final quantities and final amount:

Contractor: Manattis, Inc.

By: Scott Johnson, Gen Supt.

Name, Title

Date: 8/14/22

Approved for Payment:

City of Huxley

By: _____

Name, Title

Date: _____

RESOLUTION NO. 22-075

**APPROVAL OF RESIGNATION ACCEPTANCE
AND RELEASE AGREEMENT**

The purpose of this Resolution is for Council approval of an agreement with Rita Anne Conner accepting her resignation, formally terminating her employment agreement, releasing any claims between the parties, and providing certain payments and benefits to Ms. Conner.

WHEREAS, an Employment Agreement between Rita Anne Conner and the City of Huxley, Iowa was executed on or about December 15, 2019, which is set to expire on December 15, 2022; and

WHEREAS, Ms. Conner submitted a resignation agreement effective August 18, 2022, seeking to terminate her Employee Agreement early; and

WHEREAS, a draft agreement accepting Ms. Conner's resignation, formally terminating the Employment Agreement between the City and Ms. Conner, and releasing all claims between the parties has been prepared and attached to this resolution. This agreement, titled Resignation Acceptance and Release Agreement, also provides for certain payments and benefits to be made to Ms. Conner from the date of her resignation through December 31, 2022.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Huxley, Iowa hereby authorizes approval of the attached agreement.

Moved by _____ and seconded by

_____.

This Resolution passed by the Huxley City Council on August 23, 2022.

APPROVED:

Kevin Deaton, Mayor

ATTEST:

Jolene Lettow, City Clerk

RESIGNATION ACCEPTANCE AND RELEASE AGREEMENT

This Agreement is a Resignation Acceptance and Release (“Agreement”), between the City of Huxley, Iowa (“City”), and Rita Anne Conner (“Employee”).

1. Purpose. The intent of this Agreement is to accept Employee’s resignation, formally terminate the December 15, 2019, Employment Agreement, release any claims between the parties, and provide Employee benefits to which she would not otherwise be entitled.
2. Separation Date. Employee’s last day of employment was August 18, 2022 (the “Separation Date”).
3. Additional Benefits. As consideration for the commitments and releases in this Agreement, City will provide Employee with the following benefits to which she is not otherwise entitled. Employee acknowledges that any benefits will not be provided before the expiration of the Recission Period under this Agreement.

Payment. City will provide Employee with an amount totaling forty-six thousand five hundred fifty-four dollars and fifteen cents (\$46,554.15) to be paid from the date of this Agreement through December 31, 2022. The payments will be made at the same time and in the same manner as the payroll for City employees. These payments will be treated like standard wages and Employer will deduct all required deductions and tax withholdings.

Medical Insurance. City will continue to pay Employee’s portion of her City-provided medical insurance premiums from the Separation Date through December 31, 2022.

Benefits Payout. Employee will receive fifteen thousand seven hundred fourteen dollars and seventy cents (\$15,714.70) for accrued but unused vacation hours as of the Separation Date.

Unemployment Benefits. In exchange for Employee releasing (and not revoking her release of) all Older Workers Benefits Protection Act and Age Discrimination in Employment claims, Employer agrees to not contest a job service claim filed by Employee for unemployment benefits.

4. Other Benefits. All other of Employee’s benefits shall cease as of the Separation Date.
5. Release and Waiver. In consideration of the additional benefit payments and other benefits set forth in this Agreement, Employee releases, waives and forever discharges City, and its elected officials, officers, agents and employees, both present and former, from all claims, demands, obligations, damages and liabilities of every kind and nature and from all actions and causes of action which Employee may now have or may have or maintain hereafter, whether in law or in equity, known or unknown, arising in any way on or before the Effective Date of this Agreement, including all claims arising out of Employee’s employment or separation from employment with City.
 - a. Included Statutes. This Release and Waiver includes, but is not limited to, all claims—including claims for attorney fees, arising under: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*; the Older Workers Benefits Protection Act, as amended; the Americans with Disabilities Act, as amended; the Family and Medical Leave Act, as amended; the United States Constitution; the Iowa Civil Rights Act, as amended; the Age Discrimination in Employment Act, 29 U.S.C. §621, *et seq.*; the Employee Retirement Income Security Act of 1974, as amended; any claims alleging wrongful discharge and/or breach of any alleged employment contract; any claims alleging tort, such as invasion of privacy, defamation, fraud, and/or infliction of emotional distress; any whistleblower claims; any retaliation claims; any other civil rights or human rights

statutes; any other local, state or federal statute or ordinance; and/or any other claims rooted in common or contract law.

- b. Included Claims. Except those benefits expressly set forth in this Agreement, this Release and Waiver also includes, but is not limited to, all claims for past or future wages, severance pay, bonuses, commissions, vacation pay, sick pay, medical benefits, life or disability insurance, and other benefits and all claims for violation of any express or implied agreement, written or verbal, that occurred before the execution of this Agreement.
- c. Excluded Claims. Employee is not waiving or releasing any rights or claims that cannot be released under applicable law, to include: (1) Employee's right to the payments called for under this Agreement; (2) Employee's right to any vested qualified retirement plan account attributable to Employee's service up to the Separation Date; and/or (3) Employee's right to continue, at Employee's expense, COBRA continuation coverage.

- 6. ***Age Claims Rescission***. *Employee understands that this Agreement involves the release of all claims alleging violations of the Older Workers Benefits Protection Act and/or the Age Discrimination in Employment Act. Employee is advised to consult with an attorney prior to executing this Agreement. Employee has twenty-one (21) days after receiving this Agreement to sign it; however, Employee has the right to execute this Agreement at any time before the end of said twenty-one (21) day period—but is under no obligation to do so. Employee has the right to rescind this Agreement within seven (7) calendar days after Employee signs it; however, such rescission must be delivered in person or by certified mail, return receipt requested, and postmarked within the seven (7) day period to: Amy Beattie, Brick Gentry P.C., 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266 If Employee rescinds this Agreement, City shall treat the rescission as effective only with respect to the Older Workers Benefits Protection Act and/or the Age Discrimination in Employment Act claims—in which case the General Release in this Agreement shall remain effective with respect to all Claims other than the Older Workers Benefits Protection Act and/or the Age Discrimination in Employment Act claims, and all other provisions of this Agreement shall remain in full force and effect.*
- 7. Breach of Agreement. If Employee breaches this Agreement and City incurs costs and/or attorney's fees to enforce rights under this Agreement, Employee shall be liable for repayment of any amounts paid under this Agreement, as well as all costs and reasonable attorney's fees.
- 8. Knowing and Voluntary Agreement. Employee agrees that Employee has been given the opportunity to fully review this Agreement, has thoroughly reviewed it, fully understands its terms and knowingly and voluntarily agrees to all of its provisions including, but not limited to, the release and other provisions listed above.
- 9. Non-admission of Liability. By execution of this Agreement, City specifically denies any wrongdoing as to Employee, and specifically disclaims any violation of any law, contract, public policy, or the commission of any tort.
- 10. Non-retention of Material. Employee has returned or will immediately return to City all City materials including, without limitation, reports, files, memoranda, records, drawings, credit cards, access cards, keys, instruction manuals, client or customer lists and information, electronic storage devices, phones, smartphones, computers and other physical or personal property which Employee received, prepared or helped to prepare, in connection with Employee's employment with City.

11. Binding Effect. This Agreement shall be binding on Employee, Employee's spouse, heirs, and assigns. This Agreement and its releases apply not only to the City, but to all departments or affiliated entities, and to the elected officials, assigns, agents, officers, employees and other representatives of each.
12. Separability. The invalidity of any paragraph or subparagraph of this Agreement shall not affect the validity of any other paragraph or subparagraph of this Agreement.
13. Governing Law and Choice of Forum. The validity, interpretation, and construction of this Agreement are to be governed by Iowa law, without regard to choice-of-law rules. Any action or proceeding seeking to enforce any provision of, or based on any right arising out of, this Agreement may only be brought against any of the parties in the courts of the State of Iowa, or, if they have or can acquire jurisdiction, in the United States District Courts for the District of Iowa, and Employee expressly consents to the personal jurisdiction of such courts (and of the appropriate appellate courts) in any such action or proceeding and expressly waives any objection to such venue.
14. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will constitute the same instrument.
15. Entire Agreement. This Agreement contains the entire understanding of the parties and supersedes all previous verbal and written agreements. There are no other agreements, representations or warranties not referenced or set forth in this Agreement.

The parties have executed this Agreement on the day and year set forth below.

PLEASE READ CAREFULLY. THIS SEPARATION AGREEMENT AND GENERAL RELEASE INCLUDES A RELEASE OF ALL KNOWN AND UNKNOWN CLAIMS.

Date:

EMPLOYEE

Rita Anne Conner

CITY OF HUXLEY, IOWA

Kevin Deaton, Mayor