

**MONDAY**

**-- JANUARY 23, 2017 --**

**\*\*\*\*\***

**REGULAR SESSION – 6:00 P.M.  
OF THE ANAMOSA CITY COUNCIL  
CITY HALL COUNCIL CHAMBERS  
AGENDA**

**PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF ANAMOSA IOWA, WILL MEET AT THE CITY HALL COUNCIL CHAMBERS, ANAMOSA, IOWA, REGULAR SESSION AT 6:00 P.M. ON MONDAY THE 23RD DAY OF JANUARY, 2017 TO CONSIDER THE MATTERS ENUMERATED IN THE AGENDA BELOW:**

**OPEN FORUM – IF YOU WISH TO ADDRESS THE CITY COUNCIL ON SUBJECTS PERTAINING TO TODAY'S MEETING AGENDA, PLEASE WAIT UNTIL THAT ITEM ON THE AGENDA IS REACHED. IF YOU WISH TO ADDRESS THE COUNCIL ON AN ITEM NOT ON THE AGENDA, WHEN AGENDA ITEM 12.0 IS REACHED PLEASE APPROACH THE PODIUM AND GIVE YOUR NAME AND ADDRESS FOR PUBLIC RECORD BEFORE DISCUSSING YOUR ITEM. EACH INDIVIDUAL WILL BE GIVEN NO MORE THAN FIVE (5) MINUTES.**

- 1.0) ROLL CALL**
- 2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:**
  - 2.1) January 9, 2017 – Regular Council Meeting**
- 3.0) PUBLIC HEARINGS: NONE**
- 4.0) PRESENTATION(S):**
  - 4.1) WHITNEY HALL – REGARDING ADA COMPLIANCE**
- 5.0) PROCLAMATIONS: NONE**

***COUNCIL ACTION ITEMS***

- 6.0) COMMUNITY BETTERMENT:**
  - 6.1) DISCUSSION AND POSSIBLE ACTION ON **RESOLUTION** APPROVING EXECUTION AND DELIVERY OF SUPPLEMENTAL DEED TO MAQUOKETA VALLEY RURAL ELECTRIC COOPERATIVE. **ROLL VOTE.****
- 7.0) PUBLIC SAFETY:**
  - 7.1) MOTION TO APPROVE THE RENEWAL OF BEER AND LIQUOR LICENSES: NONE**
- 8.0) PUBLIC WORKS:**
  - 8.1) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF IOWA DEPARTMENT OF TRANSPORTATION FEDERAL AID AGREEMENT FOR A SURFACE TRANSPORTATION PROGRAM PROJECT (STP).**
  - 8.2) DISCUSSION AND POSSIBLE ACTION APPROVING THE PLANS AND SPECIFICATIONS ON THE S. ELM STREET (STP) PROJECT.**

**9.0) FINANCE:**

- 9.1) DISCUSSION AND POSSIBLE ACTION APPROVING THE PAYMENT OF BILLS FOR THE MONTH OF JANUARY, 2017.
- 9.2) DISCUSSION AND POSSIBLE ACTION ON **RESOLUTION** APPOINTING ASSISTANT STREETS SUPERINTENDENT AND SETTING SALARY FOR FISCAL YEAR EINDING JUNE 30, 2017. **ROLL VOTE.**

**10.0) CITY ADMINISTRATORS REPORT:**

**11.0) MAYOR AND COUNCIL REPORTS:**

- 11.1) COUNCIL REPORTS ON BOARDS AND COMMISSIONS.

**12.0) PUBLIC WITH BUSINESS WITH THE COUNCIL ON ITEMS NOT ON THE AGENDA.**

**13.0) CLOSED SESSIONS:**

- 13.1) MOTION TO ENTER INTO CLOSED SESSION PER IOWA STATE CODE SECTION 21.5(C) – LITIGATION.
- 13.2) RETURN TO OPEN SESSION
- 13.3) DISCUSSION AND POSSIBLE ACTION ON CLOSED SESSION MATERIAL.
- 13.4) MOTION TO ENTER INTO CLOSED SESSION PER IOWA STATE CODE SECTION 21.5(I) – EMPLOYEE EVALUATION – CITY ADMINISTRATOR.
- 13.5) RETURN TO OPEN SESSION.
- 13.6) DISCUSSION AND POSSIBLE ACTION ON CLOSED SESSION MATERIAL.

**14.0) ADJOURNMENT**

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 FRONT DOOR IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.

  
Alan Johnson, City Administrator



To: Mayor & City Council Members  
From: Alan Johnson, City Administrator  
Subject: FYI  
Date: 19 Jan 17

**Agenda items.....**

**4.1 Presentation.** Whitney Hall who is the caretaker for a person with cancer will address the council on the lack of Disabled Accessibility at the police department (letter enclosed). Under ADA guidelines all public buildings should be accessible to the general public, including disabled persons. Small communities often have great difficulties meeting this requirement due to the costs involved. We do adhere to the premise of providing assistance whenever requested as per the Americans with Disabilities Act.

**6.1 Supplemental Deed to MVREC - Resolution.** Nick AbouAssaly, attorney for MVREC, had the abstract of title to the railroad right-of-way recently gifted to MVREC by the City updated and was issuing his final title opinion when he discovered that MMS had filed amended plats of survey for both parcels of right-of-way after the deed from the City to MVREC was recorded. To ensure there are no issues in the future with the difference between how the two parcels of right-of-way were described in the deed versus in the amended plats of survey, MVREC requests we give them a supplemental deed to incorporate the legal descriptions as set forth in the amended plats of survey. To accomplish that, a resolution and a supplemental deed has been prepared, copies of which are attached.

**8.1 Agreement for Federal Aid / Reconstruction of S. Elm Street. Surface Transportation Program Project.** An agreement for funding of Federal Aid for the total reconstruction of S. Elm Street is included for your approval. The agreement provides for 80% of the construction costs to come from federal monies except for the linear storm water mains and engineering.

**8.2 S. Elm Street Reconstruction Plans & Specifications.** Randy Williams, MMS Consultants, will be present to explain the plans & specifications of the total reconstruction of S. Elm Street. As the drawings are extensive and large, they will be in my office for review. The Iowa DOT will hold the public bid letting on these since it involves federal aid.

**13.1 – 13.6 Closed Sessions.**

**Items of interest.....**

◆ **Budget.** Due to the framework of the agenda Monday evening which includes two closed sessions, we will not have a budget workshop following the regular council meeting. We will need to concentrate on the budget process more at the following two Monday night budget workshops to be able to stay on track with the timelines for completion, hearing & adoption of the overall budget.

◆ **Sickness.** Several employees have been off sick due to various ailments and viruses. Trying to keep everyone healthy has been a challenge.

◆ **TAC-10.** Sheriff Greg Graver will be at our next budget work session to do a presentation to the council on the TAC-10 communications system as part of the police department budget.

◆ **Neighborhood Street Construction – Open House.** On the evening of February 8<sup>th</sup>, we will hold a public open house at the LCC for the neighborhood affected by the reconstruction of S. Elm Street. I like to do this when we have major construction that restricts or closes off travel for a period of time. When we finalize the time for the open house each property owner/tenant will be contacted as well as the news media inviting them to this opportunity to see the plans and ask questions of our engineers and local staff as to what restrictions will be placed on access, etc. There will be mapping of the project area showing their residence or place of business.

**HAVE A GREAT WEEKEND !!**

The City Council of the City of Anamosa met in Regular Session this January 7, 2017 in the Council Chambers at City Hall at 6:00 p.m. with Bill Feldmann, Rod Smith, Cody Shaffer and Betty Weimer present. Absent: Rick Sanborn (vacant) and Chuck Smith. (vacant). Mayor Dale Barnes presided. Also present were Alan Johnson, City Administrator; Tammy Coons, City Clerk; Rebecca Vernon, Library Director; Gregg Carpenter, Streets Superintendent; Jim Henson, Water Superintendent; Tyler Laing, Interim Parks & Recreation Director; Dan Smith, Wastewater Superintendent; Adrian Knuth, City Attorney; and Bob Simonson, Police Chief. Guests Present Addressing the Council: Dick Dearborn, 600 N. Williams St.; Mike Dearborn, 405 N. Division St. and Nancy Shaffer, 803 N. Division Ct. Mayor Dale Barnes called the meeting to order at 6:00 p.m. Roll call was taken with a quorum present.

#### **Council Minutes**

Motion by Feldmann, second by Rod Smith to approve the minutes from the December 12, 2016 Regular Council meeting. All Ayes. Motion Carried.

#### **COMMUNITY BETTERMENT:**

##### **Ordinance to Add Chapter 148 – Minimum Dwelling Standards to the Ordinances of the City of Anamosa, Iowa**

Motion by Feldmann, second by Rod Smith to approve the **third reading of Ordinance No. 913** to add Chapter 148 – Minimum Dwelling Standards to the Ordinances of the City of Anamosa, Iowa. Dick Dearborn, 600 N. Williams Street addressed the Council asking if there had been anyone who had come before the Council and show support of this. Weimer and Feldmann both stated that yes they had been contacted by people stating they were in favor of it and one member of the audience stated that she had stood before the Council expressing her approval of the ordinance. Dick then expressed concern over why the city was needing to perform this function as this should be enforced by the County especially with the City trying to make cuts and save money. He stated it is like having two entities doing the same work and the taxpayers are paying for it twice. Dick used the example of the City turning down a request from the State to plow the roads in the State Park. Feldmann stated that is his experience working at the County that the County only goes after nuisance properties in the County. They rely on the communities to take care of their areas. Alan clarified that these ordinances are only “minimum” standards. Discussion followed on the number of residences that are currently in violation of this ordinance and also the nuisance ordinance. Rod Smith stated that he had received a lot more comments from the public in favor of these “minimum” standards compared to comments against the ordinances. Mike Dearborn, 405 N. Division St. addressed the Council asking Rod Smith if he felt it was the County’s job to enforce these types of things and if these ordinances originated for health and safety reasons. Rod stated that these proposed ordinances would run parallel with the ordinances and they would work together. Mike asked the Council again if this is a County responsibility and several council members and Mayor stated that the City takes care of the City and the County takes care of the County. More discussion and examples followed on what the City takes care of and what other taxing entities take care of. Mike stated that he still remains in objection to ordinances 148 and 149. Roll Vote. 2 - Vacant, Chuck Smith and Sanborn. 1-Nay, Shaffer. All Remaining Ayes. Motion Carried.

##### **Ordinance to Add Chapter 149 – Minimum Living Standards to Ordinances of the City of Anamosa, Iowa**

Motion by Feldmann, second by Weimer to approve the **third reading of Ordinance No. 914** to add Chapter 149 – Minimum Living Standards to Ordinances of the City of Anamosa, Iowa. Shaffer questioned the licensed plumber requirement and garbage removal as assigned by the City. Alan explained that the City insurance carrier is encouraging the City to have all licensed trades register with the City and the assigned garbage haulers are permitted by the City. Nancy Shaffer, 803 N. Division Ct. addressed the Council asking for clarification on 149.05 and the licensed plumber requirement. Alan explained the State code requirements. Nancy also asked if the City would require proof of contract from the resident with their garbage hauler. Alan stated that this could be included in the permitting

process and that is also covered in the current curbside garbage pick-up ordinance. Questions and discussion

followed on who could identify these issues and how it relates to residents who have their water disconnected due to non-payment of a bill. Nancy expressed her concerns of displacing families and losing their homes. Alan and several council members agreed that this ordinance will be used with discretion, but these ordinances provide for a minimum. Discussion followed on when the Board of Health had been contacted by the City on these types of issues. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. 1-Nay, Shaffer. All Remaining Ayes. Motion Carried.

#### **Possible Appointments to fill Council Vacancies**

Feldmann recommended not filling the vacancies at this time with only two meetings before the special election. Weimer stated she was excited to see that twelve people had applied for the possible appointment.

Motion by Feldmann, second by Shaffer to not proceed with the appointments. All Ayes. Motion Carried.

#### **Resolution Calling for Special Election to Fill Vacancies**

Motion by Feldmann, second by Weimer to approve **Resolution 2017-01** Calling for Special Election to fill vacancies on the Council created by resignation of Rick Sanborn and death of Chuck Smith. Adrian Knuth, City Attorney clarified that the resolution calls for merging the polling locations into one location. Tammy Coons, City Clerk stated that per the Janine Sulzner, Jones County Auditor that this would allow for some cost savings for the City. Clarification on the process and timeline followed. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

#### **Re-Appointments to the Zoning Board of Adjustment**

Motion by Feldmann, second by Rod Smith to approve the re-appointments of Mary Achenbach and Judy Rose to the Zoning Board of Adjustment. All Ayes. Motion Carried.

### **PUBLIC SAFETY:**

#### **Beer and Liquor Licenses**

Motion by Feldmann, second by Weimer to approve the following liquor license renewals: Daly Creek Winer & Bistro – Class C Beer Permit, Class C Native Wine Permit with outdoor service area and Sunday Sales Privileges; ElTapatio – Class C Liquor License with Sunday Sales Privileges; Giggle Juice Liquor Station, LLC – Class B Wine Permit, Class C Beer Permit, Class E Liquor License with Sunday Sales Privileges; and Tapken's Convenience Plus – Class C Beer Permit with Sunday Sales Privileges. All Ayes. Motion Carried.

#### **Renewal of Waste Collections Licenses**

Motion by Feldmann, second by Rod Smith to approve the renewal of waste collection licenses for the following haulers: Waste Management of Cedar Rapids, Wapsi Waste Service, Frazier's Sanitation, Edwards Sanitation, VIP Sanitation and BFI Waste Services, LLC (dba Republic Services). All Ayes Motion Carried.

### **PUBLIC WORKS:**

#### **Action on Bids Received for the Purchase of Pickup for the Water Department**

Alan reviewed the specifications on the pickup for the Water Department and the low bid received from a local dealer, Wayne Hall in the amount of \$28,740 for a 2017 Dodge Ram ¾ ton. Discussion followed on the need to replace the 1992 Chevy ½ Ton that was purchased approximately 2 years ago.



Motion by Feldmann, second by Weimer to accept the low bid from Wayne Hall in the amount of \$28,740 for the 2017 Dodge Ram ¾ Ton pickup. Discussion followed. All Ayes. Motion Carried.

**FINANCE:**

**Approving the Bills Paid in December 2016**

Motion by Feldmann, second by Weimer to approve the bills paid in December, 2016. Discussion followed. All Ayes. Motion Carried.

**Approval of the Audit Report for Fiscal Year Ending June 30, 2016 as Prepared by Clifton LarsonAllen**

Motion by Feldmann, second by Rod Smith to approve the Audit Report for Fiscal Year Ending June 30, 2016 as prepared by Clifton LarsonAllen. Some discussion followed. All Ayes. Motion Carried.

**Proposed Fire Department Budget for Fiscal Year 2017-18**

Motion by Feldmann, second by Rod Smith to approve the proposed Fire Department Budget for Fiscal Year 2017-18. Alan explained the timing requirement on the Council approval of this budget as it relates to the County's need to levy taxes for the townships and that the Fire Service Board prepares this budget as per the 28E Agreement. All Ayes. Motion Carried.

**Resolution Appointing Interim Parks & Recreation Director**

Motion by Feldmann, second by Weimer to approve **Resolution 2017-02** Appointing Interim Parks & Recreation Director and Setting Interim Salary. Discussion followed. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

**Resolution Appointing Interim Program Assistant/Office Manager for Parks & Recreation Department and Setting Interim Salary**

Motion by Feldmann, second by Weimer to approve **Resolution 2017-03** Appointing Interim Program Assistant/Office Manager for Parks & Recreation Department and Setting Interim Salary. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

**Resolution Appointing Assistant Streets Superintendent and Setting Salary for Fiscal Year Ending June 30, 2017**

Motion by Feldmann, second by Weimer to approve **Resolution** Appointing Assistant Streets Superintendent and Setting Salary for Fiscal Year Ending June 30, 2017. Discussion followed on the history of this position, how long it had been vacant and the job description. Feldmann withdrew his motion and Weimer withdrew her second.

Motion by Rod Smith, second by Weimer to table this resolution until the next regular Council meeting to allow for review of the job description. All Ayes. Motion Carried.

**Resolution Hiring and Setting Salary of Part Time Employee for the Lawrence Community Center for Fiscal Year Ending June 30, 2017**

Motion by Feldmann, second by Rod Smith to approve **Resolution 2017-04** Hiring and Setting Salary of Part Time Employee for the Lawrence Community Center for Fiscal Year Ending June 30, 2017. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

**CITY ADMINISTRATOR'S REPORT:**

Alan explained that the council packet is now available on the City website at [anamosa-iowa.org](http://anamosa-iowa.org) and he also stated that the audit report for Fiscal Year ending June 30, 2016 was not included in the scanned packet due to the size of the report, but is always available at City Hall for anyone who wishes to review it. Alan also stated that the Council meeting videos are being uploaded to Youtube, but the process is

very time consuming due to the upload speed of our internet service. Tammy explained the current upload speed and the approximate cost to upgrade to the highest available speed.

**MAYOR AND COUNCIL:**

Weimer – Jones County Economic Development, reported that the strategic planning session is set for this Friday and it is being put on by Pat Callahan. Betty also reviewed and made comments and suggestions on the Department Head reports.

Feldmann – EMA/911, reported that they are going out for RFP's on a new trailer for EMA as the previous one has been sold. They are expecting the replacement cost to be around \$40,000 (+/-). He also stated that they are working on the budget for both EMA and 911 and they had approved spending \$40,000 to move equipment off the old tower to the south tower. He said some other equipment will be upgraded. Bill also explained that these funds come from the surcharge fee we all pay on our phone bills and cell phone bills.

**Public with Business with the Council on Items not on the Agenda - None**

**CLOSED SESSION**

Motion by Feldmann, second by Rod Smith to move into Closed Session per Iowa State Code Section 21.5(C) – litigation at 7:03 p.m. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

Council returned to Open Session at 8:32 p.m.

Motion by Feldmann, second by Shaffer to authorize counsel to proceed with litigation as discussed in closed session. Roll Vote. 2 - Vacant Chuck Smith and Sanborn. All Remaining Ayes. Motion Carried.

**Adjournment**

Motion by Rod Smith, second by Weimer to adjourn at 8:34 p.m. All Ayes. Motion Carried.

ATTEST:

\_\_\_\_\_  
Dale Barnes, Mayor

\_\_\_\_\_  
Tammy Coons, City Clerk



1-6-2017

Alan Johnson  
Anamosa City Administrator  
107 S. Ford St.  
Anamosa, IA 52205

Dear Mr. Johnson,

I am writing this document for you to outline the concern that I have in reference to the structure of the Anamosa Police Department at 100 East First Street. This will also serve as my formal complaint to the city. Please allow me to elaborate upon the concern that I have.

I was under the impression that all public structures were to be handicap accessible, including structures listed on the National Registry of Historical Places to the "maximum feasible extent", of which the Anamosa Police Department definitely is not. As the sole caregiver for a stage IV cancer patient whose ability to walk has deteriorated considerably and his mobility is now minimal, I find it disturbing and completely unacceptable that for him to gain entrance to a public building, the police department of all locations, I must nearly carry him up the stairs-- the uneven, crumbled, tedious stairs. This simple act of trying to get a handicapped citizen into the police department could be detrimental to both his safety and my own. These conditions are deplorable for the disabled citizens of our community. I am certain that there are numerous individuals in the community whose ability to enter the police department is negatively affected by the lack of handicap access and the absence of compliance with Americans with Disabilities Act standards. This is intolerable for any agency, but especially for the city police department, an agency whose goal is to apprehend those who engage in illegal activities and uphold the letter of the law.

I assert that this noncompliance with federal standards and regulations needs to be corrected as soon as possible. I have already been in contact with representatives of the Americans with Disabilities Act. They will be waiting to hear back from me on whether this issue is settled or if a complaint needs to be filed with their organization for lack of accessibility.

I look forward to hearing the updates as to how this issue will be handled and corrected and thank you for your time in hearing my concerns.

Respectfully,

A handwritten signature in dark ink, appearing to read "Whitney Hall", is written over a faint circular stamp.

Whitney Hall  
319-480-6549

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING EXECUTION AND DELIVERY OF SUPPLEMENTAL  
DEED TO MAQUOKETA VALLEY RURAL ELECTRIC COOPERATIVE**

WHEREAS, pursuant to Resolution No. 2016-53 passed by this Council on November 16, 2016, the City of Anamosa conveyed to Maquoketa Valley Rural Electric Cooperative the entirety of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way owned by the City lying between Huber Street and Ford Street and a portion of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way owned by the City lying between Davis Street and Huber Street to facilitate the expansion of Maquoketa Valley Rural Electric Cooperative's facility in the City of Anamosa; and,

WHEREAS the quit claim deed issued Maquoketa Valley Rural Electric Cooperative was recorded with the Jones County Recorder on November 23, 2016; and,

WHEREAS it has been brought to this Council's attention that subsequent to the issuance of the quit claim deed just referenced amended plats of survey were filed for both portions of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way owned by the City and conveyed to Maquoketa Valley Rural Electric Cooperative; and,

WHEREAS Maquoketa Valley Rural Electric Cooperative has requested the issuance of a supplemental deed to incorporate the change in the legal descriptions to both parcels of real estate resulting from the amended plats of survey; and,

WHEREAS this Council believes such a supplemental deed should issue;

BE IT RESOLVED, THEREFORE, that the Mayor and City Clerk are authorized to execute and deliver to Maquoketa Valley Rural Electric Cooperative a quit claim deed for the following two described parcels of real estate to supplement the quit claim deed previously given Maquoketa Valley Rural Electric Cooperative:

Parcel 2016-78, a portion of Parcel 2005-158, being a part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 84 North, Range 4 West of the 5<sup>th</sup> P.M., in the City of Anamosa, Jones County, Iowa, as shown by the Amended Plat of Survey recorded at Plat Book V, Page 147 (and as Doc. No. 2016-3719) of the Jones County, Iowa records;  
AND,

Parcel 2016-80, being part of the abandoned railroad right-of-way between Ford and Huber Streets in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 84 North, Range 4 West of the 5<sup>th</sup> P.M., in the City of Anamosa, Jones County, Iowa, as shown by the Amended Plat of Survey recorded at Plat Book V, Page 146 (and as Doc. No. 2016-3718) of the Jones County, Iowa records.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Dale Barnes, Mayor

ATTEST: \_\_\_\_\_  
Tammy Coons, City Clerk

**Return To:** Nick AbouAssaly, Simmons Perrine Moyer Bergman PLC, 115 3rd Street SE, Suite 1200, Cedar Rapids, IA 52401-1266

**Preparer:** Adrian T. Knuth, 320 W. Main St., P.O. Box 458, Anamosa, IA 52205, (319) 462-4378

**Taxpayer:** Maquoketa Valley Rural Electric Cooperative, 109 N. Huber Street, Anamosa, IA 52205

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### **QUIT CLAIM DEED**

For the consideration of Zero Dollar(s) but other valuable consideration, the City of Anamosa, Iowa, an Iowa municipal corporation, does hereby Quit Claim to Maquoketa Valley Rural Electric Cooperative all its right, title, interest, estate, claim and demand in the following described real estate in Jones County, Iowa:

Parcel 2016-78, a portion of Parcel 2005-158, being a part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 84 North, Range 4 West of the 5<sup>th</sup> P.M., in the City of Anamosa, Jones County, Iowa, as shown by the Amended Plat of Survey recorded at Plat Book V, Page 147 (and as Doc. No. 2016-3719) of the Jones County, Iowa records;  
AND,

Parcel 2016-80, being part of the abandoned railroad right-of-way between Ford and Huber Streets in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 84 North, Range 4 West of the 5<sup>th</sup> P.M., in the City of Anamosa, Jones County, Iowa, as shown by the Amended Plat of Survey recorded at Plat Book V, Page 146 (and as Doc. No. 2016-3718) of the Jones County, Iowa records.

This deed is given without additional consideration to supplement the deed previously given Grantee by Grantor on November 21, 2016, which deed was recorded November 23, 2016 as Instrument No. 2016-3328 in the Office of the Jones County Recorder and is, accordingly, exempt from the imposition of transfer tax pursuant to Section 428A.2(10) of the Iowa Code (2015).

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

Dated: \_\_\_\_\_

CITY OF ANAMOSA, IOWA

BY: \_\_\_\_\_  
Dale Barnes, Mayor

ATTEST: \_\_\_\_\_  
Tammy Coons, City Clerk

STATE OF IOWA                    )  
  ) ss  
JONES COUNTY                    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public in and for the State of Iowa, personally appeared Dale Barnes and Tammy Coons, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Anamosa, Iowa; that the seal affixed to the foregoing deed is the corporate seal of the City of Anamosa, Iowa, and that the instrument was signed and sealed on behalf of the City of Anamosa, Iowa, by authority of its City Council under Resolution No. \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and Dale Barnes and Tammy Coons acknowledged the execution of the foregoing deed to be their voluntary act and deed and the voluntary act and deed of the City of Anamosa, Iowa, by it voluntary executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

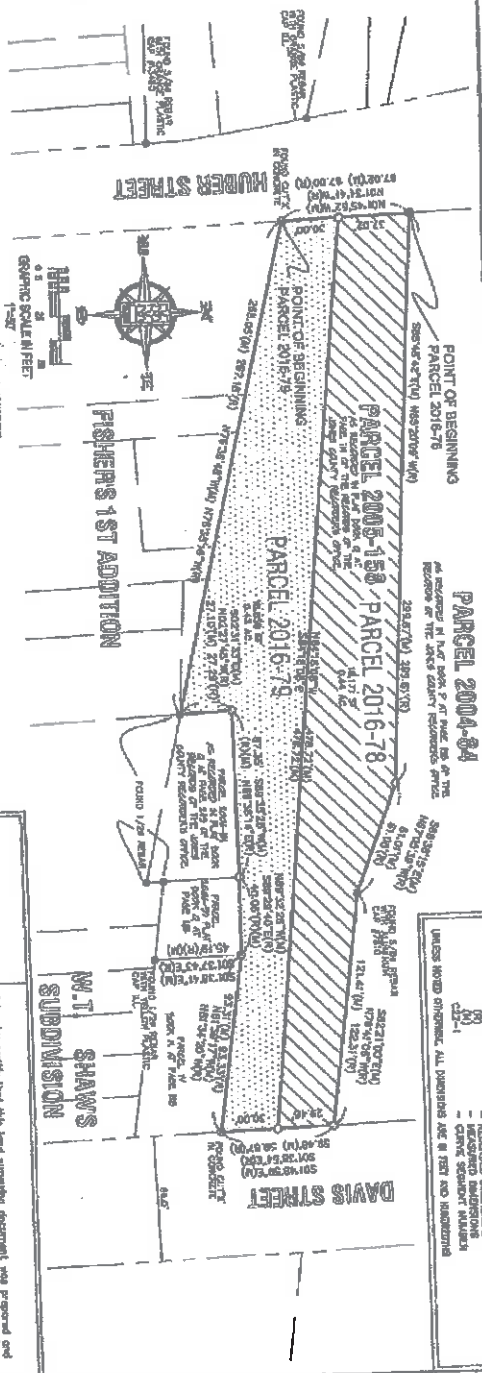
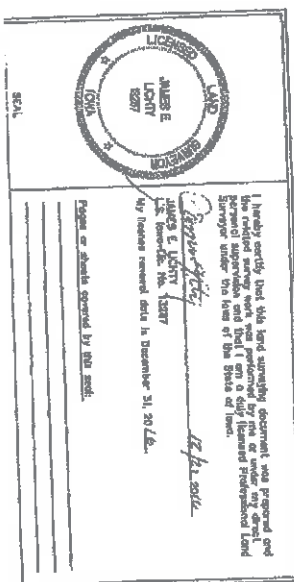
Instrument #: 2006-0710  
 2/20/2018 12:20:21 PM Total Pages: 2  
 to: SHERIFF/CLERK  
 Recording Fee: \$12.00 Transfer Fee: \$0  
 Doc # 1, James, Recorder, Jones County, Iowa

A. J. COTY PART OF U.S. 91.5 ON PART OF OFFICIAL PLOT. PORTION OF PARCEL 2006-168 IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE 36TH TOWNSHIP 34 N ANDHRA, SPENCER COUNTY, INDIANA	LAND SURVEYOR: ILLINOIS STATE LAND SURVEYOR/NOTARY: JAMES E. LUTHER, P.L.S. 197 SOUTH GILBERT STREET BOWA CITY, IOWA, 52004 PHONE: 319-351-4882
LAND SURVEYOR: CITY OF INDIANAPOLIS 1001 SOUTH BOON STREET INDIANAPOLIS, INDIANA 46203	LAND SURVEYOR: DOCUMENT PREPARED BY: LAND SURVEYOR

"AMENDED" PLAT OF SURVEY  
PARCEL 2016-78 AND PARCEL 2016-79  
ANAMOSA, JONES COUNTY, IOWA

### LEGEND AND NOTES

- [illegible]

[illegible]

CHA. ENGINEERS  
 LAND PLANNERS  
 LAND SURVEYORS  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL SPECIALISTS  
 1817 S. GILBERT ST.  
 IOWA CITY, IOWA 52240  
 (319) 335-0282  
[www.thamescorralldata.com.net](http://www.thamescorralldata.com.net)

ANAMOSA		
JONES COUNTY		
IOWA		
A LOCATION OF PAGES 2002-158 IDENTIFIED IN SW 1/4 OF SEC.2- T29N-R49E, S34 T1L.		
MNMS CONSULTANTS, INC. 09-21-2016		
Elected Designated By Drawn By Checked by Project No. IC 10005-201	JEL JEL RYAN JEL 10005-201	Serials Field Book No. 1150 1580 1580 1 1





**IOWA DEPARTMENT OF TRANSPORTATION  
Federal-aid Agreement  
for a Surface Transportation Program Project**

Recipient: City of Anamosa

Project No.: STP-U-0165(605)--70-53

Iowa DOT Agreement No.: 6-17-STPU-01

CFDA No. and Title: 20.205 Highway Planning and Construction

This is an agreement between the City of Anamosa, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44 provide for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds. Federal regulations require Federal funds to be administered by the Department.

The Recipient has received Federal funding through the Surface Transportation Block Grant Program (STP). STP funds are available for construction, reconstruction, rehabilitation, resurfacing, restoration and operational or safety improvement projects on Federal-aid highways, bridges on any public road, and several other types of projects, as specified in 23 U.S.C. 133(b). Federal-aid highways include all Federal Functional Classifications, except for rural minor collectors or local roads.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STP funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact person will be the District 6 Local Systems Engineer. The Recipient's contact person shall be the City Administrator or their designated representative.
3. The Recipient shall be responsible for the development and completion of the following described STP project:  
  
PCC Pavement - Grade and Replace- On S. Elm, from W. Main St. to Wapsipinicon Bridge
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STP funds. The portion of the project costs reimbursed by STP funds shall be limited to a maximum of either 80 percent of eligible costs or the amount stipulated in the East Central Iowa Council of Governments current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less.
6. The Recipient shall pay for all project costs not reimbursed with STP funds.
7. If the project described in Section 3 drops out of the East Central Iowa Council of Governments current TIP or the approved current STIP prior to obligation of Federal funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.
9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.

10. It is the intent of both parties that no third party beneficiaries be created by this agreement.
11. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same agreement.
12. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written approval of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

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**City Signature Block (City Projects Only)**

By \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Title of city official

I, \_\_\_\_\_, certify that I am the City Clerk of Anamosa, and  
that \_\_\_\_\_, who signed said Agreement for and on behalf of the city was duly  
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

City Clerk of Anamosa, Iowa

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**County Signature Block (County Projects Only)**

This agreement was approved by official action of the (County Name) County Board of Supervisors in official session  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chair, County Board of Supervisors

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IOWA DEPARTMENT OF TRANSPORTATION  
Highway Division

By \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

Kent L. Ellis, P.E.  
Local Systems Engineer  
District 6

## EXHIBIT 1

### General Agreement Provisions for use of Federal Highway Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

#### 1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: [http://www.iowadot.gov/local\\_systems/publications/im/lpa\\_ims.htm](http://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm). The Recipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.
- b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Recipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Recipient agrees to comply with the requirements outlined in I.M. 1.070, Title VI and Nondiscrimination Requirements.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. To the extent allowable by law, the Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
- e. As required by the 2 CFR 200.501 "Audit Requirements," a non-Federal entity expending \$750,000 or more in Federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in Subpart F of 2 CFR 200. The Federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal Domestic Assistance (CFDA) number and title as shown on the first page of this agreement. If the Recipient will pay initial project costs and request reimbursement from the Department, the Recipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Recipient shall not report this project on its SEFA.
- f. The Recipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170,
- g. The Recipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:
  - i. The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
  - ii. The Recipient shall comply with the requirements of I.M. 3.710, DBE Guidelines.
  - iii. The Department's DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the

Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

## **2. Programming and Federal Authorization.**

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, Federal funds cannot be authorized.
- b. Before beginning any work for which Federal funding reimbursement will be requested, the Recipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Recipient shall submit a written request for FHWA authorization to the Department. After reviewing the Recipient's request, the Department will forward the request to the FHWA for authorization and obligation of Federal funds. The Department will notify the Recipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with Federal funds.

## **3. Federal Participation in Work Performed by Recipient Employees.**

- a. If Federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.310, Federal-aid Participation in In-House Services.
- b. If Federal reimbursement will be requested for construction performed by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.810, Federal-aid Construction by Local Agency Forces.
- c. If the Recipient desires to claim indirect costs associated with work performed by its employees, the Recipient shall prepare and submit to the Department an indirect cost rate proposal and related documentation in accordance with the requirements of 2 CFR 200. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the Federal agency providing the largest amount of Federal funds to the Recipient. If approved, the approved indirect cost rate shall be incorporated by means of an amendment to this agreement.

## **4. Design and Consultant Services**

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.
- b. If the Recipient requests Federal funds for consultant services, the Recipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Recipient shall follow the procedures for selecting and using consultants outlined in I.M. 3.305, Federal-aid Participation in Consultant Costs.



- c. If Preliminary Engineering (PE) work is Federally funded, and if right-of-way acquisition or actual construction of the road is not started by the close of the tenth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay to the Department the amount of Federal funds reimbursed to the Recipient for such PE work. PE includes work that is part of the development of the PS&E for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.

## **5. Environmental Requirements and other Agreements or Permits.**

- a. The Recipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Recipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in I.M. 3.105, Concept Statement Instructions, 3.110, Environmental Data Sheet Instructions, 3.112, FHWA Environmental Concurrence Process, and 3.114, Cultural Resource Guidelines.
- b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Recipient shall follow the procedures in I.M. 3.120, Farmland Protection Policy Act Guidelines.
- c. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the procedures in I.M. 3.130, 404 Permit Process, 3.140, Storm Water Permits, 3.150, Highway Improvements in the Vicinity of Airports or Heliports, and 3.160, Asbestos Inspection, Removal and Notification Requirements.
- d. In all contracts entered into by the Recipient, and all subcontracts, in connection with this project that exceed \$100,000, the Recipient shall comply with the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Recipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

## **6. Right-of-Way, Railroads and Utilities.**

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.605, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no Federal funds are used for right-of-way activities. The Recipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal funding for right-of-way acquisition, the Recipient shall also obtain FHWA authorization before purchasing any needed right-of-way.
- b. If the project right-of-way is Federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay the amount of Federal funds reimbursed for right-of-way costs to the Department.
- c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way, and I.M. 3.680, Federal-aid Projects Involving Railroads.
- d. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's Policy for Accommodating Utilities on Primary Road System. Certain utility relocation,



alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal funding reimbursement. The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

- e. If the Recipient desires Federal reimbursement for utility costs, it shall submit a request for FHWA Authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in I.M. 3.650, Federal-aid Participation in Utility Relocations.

## **7. Contract Procurement.**

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

- a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- b. For projects let through the Department, the Recipient shall be responsible for the following:
  - i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with I.M. 3.505, Check and Final Plans and I.M. 3.510, Check and Final Bridge or Culvert Plans, as applicable.
  - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department
  - iii. Follow the procedures in I.M. 3.730, Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents and return to Department.
- c. For projects that are let locally by the Recipient, the Recipient shall follow the procedures in I.M. 3.720, Local Letting Process, Federal-aid.
- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 3.750, Project Development Certifications Instructions. The project shall not receive FHWA Authorization for construction or be advertized for bids until after the Department has reviewed and approved the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.
- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice the Iowa DOT has concurred in the contract award.

## **8. Construction.**

- a. A full-time employee of the Recipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
- c. For projects let through the Department, the project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <http://www.iowadot.gov/erl/current/IM/navigation/nav.htm>.

- d. For projects let locally, the Recipient shall provide materials testing and certifications as required by the approved specifications.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.
- f. The Recipient shall follow the procedures in I.M. 3.805, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

**9. Reimbursements.**

- a. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1 if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the Federal share of construction costs or 5% of the total Federal funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any Federal or State funds received, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
  - 1) in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
  - 2) refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate State fund account in the amount of refunds received from the Recipient.

**10. Project Close-out.**

- a. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final audit, in accordance with the procedures in I.M. 3.910, Final Review, Audit, and Close-out Procedures for Federal-aid Projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of Federal funds shall be made only after the Department accepts the project as complete.

- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the Federal Government. Copies of these materials shall be furnished by the Recipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Recipient of the record retention date.
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.

Jan 17 Council Vouchers

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01/19/2017 10:39:01 Disbursement Journal CITY OF ANAMOSA  
GL050S-V08.05 COVERPAGE  
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Report Selection: CK# 59457-59531

RUN GROUP... JANDSE COMMENT... JAN 17 COUNCIL VOUCHERS  
DATA-JE-ID DATA COMMENT  
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D-01232017-459 JAN 17 COUNCIL VOUCHERS

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ACS FINANCIAL  
01/19/2017 10:39:01

WARRANT DATE VENDOR

CITIZENS SAVINGS BANK

59472 01/23/17 CASEY'S GENERAL STOR  
59472 01/23/17 CASEY'S GENERAL STOR

59473 01/23/17 CENTRAL IOWA DISTRIB

59474 01/23/17 CHEM RIGHT LABORATOR

59475 01/23/17 CITIZENS SAVINGS BAN  
59475 01/23/17 CITIZENS SAVINGS BAN

59475 01/23/17 CITIZENS SAVINGS BAN

59476 01/23/17 CLIFTON LARSON ALLEN

59477 01/23/17 COCA-COLA - CEDAR RA

59478 01/23/17 COMPASS MINERALS AME  
59478 01/23/17 COMPASS MINERALS AME

59479 01/23/17 FAREWAY STORES, INC.

59480 01/23/17 FRANK/DANIEL

59481 01/23/17 GALL'S INC.

59482 01/23/17 HAWKINS, INC

59483 01/23/17 HOME DECORATING CENT  
59483 01/23/17 HOME DECORATING CENT

59483 01/23/17 HOME DECORATING CENT

59484 01/23/17 HOTSY CLEANING SYSTE

59485 01/23/17 HOWARD R GREEN

59485 01/23/17 HOWARD R GREEN

59486 01/23/17 INFRASTRUCTURE TECHN

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59487 01/23/17 IOWA ASSOC. OF MUNIC

59488 01/23/17 IOWA MUNICIPAL FINAN

59488 01/23/17 IOWA MUNICIPAL FINAN

Disbursement Journal

DESCRIPTION CLAIM INVOICE

PO#

F 9 S ACCOUNT

GL540R-V08.05 PAGE 2

CITY OF ANAMOSA

3169 OVERPAYMENT DEC 9.90CR  
3169 DEC FUEL PD:19.19 GAL 39.34  
29.44

\*CHECK TOTAL

147.80

145735

16960

76.10

43.78

43.77

163.65

\*CHECK TOTAL

1411847

98286

71568114

71573689

\*CHECK TOTAL

36016/3232

6718244

4005650

93542

93901/93902

93971

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170718

108918

109088

\*CHECK TOTAL

14912

14924

\*CHECK TOTAL

14344

2,331.20

COON 50.00

COON 50.00

100.00

\*CHECK TOTAL



INVESTMENT	DATE	VENDOR	CITIZENS SAVINGS BANK	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
59489	01/23/17	IOWA PRISON INDUSTRI	75 PRINTING ENVELOPES	151.00			727558		N D 01.00.2.4001.320020
59489	01/23/17	IOWA PRISON INDUSTRI	75 FURNACE FILTERS	51.35			86516/86499		N D 01.00.4.8410.268000
59489	01/23/17	IOWA PRISON INDUSTRI	75 SIGNS	1,618.60			942514/942515		N D 06.00.3.7000.320100
59489	01/23/17	IOWA PRISON INDUSTRI	75 SIGN RIVETS	472.75			942570		N D 06.00.3.7000.320100
59489	01/23/17	IOWA PRISON INDUSTRI	75 SIGN RIVETS	130.00			942637		N D 06.00.3.7000.320100
				2,423.70			*CHECK TOTAL		
59490	01/23/17	IOWA RURAL WATER ASS	4833 ANNUAL DUES	375.00					N D 51.00.3.5100.240000
59491	01/23/17	J & S TOWING	4780 RPL STARTER 1992 CHEV	235.60			5665		N D 51.00.3.5100.265000
59492	01/23/17	JOHN DEERE FINANCIAL	387 PAINT/JACK/SUPP	186.81					P N D 06.00.3.7000.320010
59492	01/23/17	JOHN DEERE FINANCIAL	387 OIL CHG MOWER/PARTS	86.47					P N D 51.00.3.5100.320011
59492	01/23/17	JOHN DEERE FINANCIAL	387 PAINT/BRUSHES/CAULK	224.20					N D 01.00.2.4041.310040
59492	01/23/17	JOHN DEERE FINANCIAL	387 MOWER PARTS	68.89					N D 51.00.3.5100.360020
59492	01/23/17	JOHN DEERE FINANCIAL	387 SHOP LIGHTS	236.52					N D 06.00.3.7000.260000
59492	01/23/17	JOHN DEERE FINANCIAL	387 WORK PANTS	93.91					N D 06.00.3.7000.310060
59492	01/23/17	JOHN DEERE FINANCIAL	387 TOOLS	64.98					N D 52.00.3.5200.180001
59492	01/23/17	JOHN DEERE FINANCIAL	387 RAMPS	192.73					N D 52.00.3.5200.310000
59492	01/23/17	JOHN DEERE FINANCIAL	387 SUPP/PROPANE TANKS	119.99					N D 01.57.3.5700.310000
59492	01/23/17	JOHN DEERE FINANCIAL	387 SHOIP TOWELS/DEGREASER	134.02					N D 52.00.3.5200.320010
				1,507.94			*CHECK TOTAL		N D 06.00.3.7000.320020
59493	01/23/17	JONES COUNTY ECONOMI	3105 3RD QTR FY 17 CONTR	2,184.50					N D 01.00.4.8001.290000
59494	01/23/17	JONES COUNTY ENGINEE	245 DEC FUEL: PD	842.17					P N D 01.00.1.1111.330010
59494	01/23/17	JONES COUNTY ENGINEE	245 DEC FUEL: FD	106.78					N D 01.14.1.1114.330010
59494	01/23/17	JONES COUNTY ENGINEE	245 DEC: FUEL WMTF	176.40					N D 52.00.3.5200.330010
59494	01/23/17	JONES COUNTY ENGINEE	245 DEC FUEL: WTR DEPT	138.15					N D 51.00.3.5100.330010
59494	01/23/17	JONES COUNTY ENGINEE	245 DEC FUEL: ST DEPT	1,307.87					N D 06.00.3.7000.330010
				2,571.37			*CHECK TOTAL		
59495	01/23/17	JONES COUNTY SOLID W	296 3RD QTR FY 17 ASSES	4,872.63			11558		N D 01.00.3.5400.236000
59496	01/23/17	JONES COUNTY TOURISM	295 2ND QTR FY 17 CONTR	6,898.48					N D 01.00.4.8001.290000
59497	01/23/17	KELTECK	5912 EQUIP 2017 SILVER	11,664.36			10013889		N D 01.00.1.1111.421000
59498	01/23/17	KNUTH/ATTY AT LAW AD	165 GEN LEGAL:11/21-12/20	852.67					M D 01.00.4.8210.230000
59498	01/23/17	KNUTH/ATTY AT LAW AD	165 PD LEGAL SVS:11/16-12	703.32					M D 01.00.1.1111.220010
				1,555.99			*CHECK TOTAL		
59499	01/23/17	KONICA MINOLTA BUSIN	5364 COPIER EQUIP MAINT	19.68			243300396		N D 01.00.1.1111.260000
59499	01/23/17	KONICA MINOLTA BUSIN	5364 COPIER EQUIP MAINT	82.51			243429871		N D 01.00.1.1111.260000
59499	01/23/17	KONICA MINOLTA BUSIN	5364 COPIER MAINT QTRLY	1-4	81.00		243459474		N D 01.00.4.8004.230070
				183.19			*CHECK TOTAL		

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CITIZENS SAVINGS BANK

59500	01/23/17	KONICA PREMIER FINAN
59501	01/23/17	MATRE ARMS & AMMUNIT
59502	01/23/17	MCALZER
59503	01/23/17	MEDIACOM
59503	01/23/17	MEDIACOM
59503	01/23/17	MEDIACOM
59504	01/23/17	MID-IOWA SOLID WASTE
59505	01/23/17	MIDWAY OUTDOOR EQUIP
59506	01/23/17	MISSISSIPPI VALLEY P
59507	01/23/17	MMS CONSULTANTS, INC
59508	01/23/17	MONKEYTOWN
59508	01/23/17	MONKEYTOWN
59509	01/23/17	NORLIN/GREG
59510	01/23/17	P & K MIDWEST, INC
59511	01/23/17	PUSH PEDAL PULL
59512	01/23/17	RADIO COMMUNICATIONS
59512	01/23/17	RADIO COMMUNICATIONS
59513	01/23/17	RECREATIONAL MOTOR S
59514	01/23/17	REECE ELECTRIC, INC
59514	01/23/17	REECE ELECTRIC, INC
59514	01/23/17	REECE ELECTRIC, INC
59515	01/23/17	RICKLEFS EXCAVATING
59516	01/23/17	SAM'S CLUB
59517	01/23/17	SEEHUSEN/MICHAEL
59518	01/23/17	SNYDER & ASSOCIATES
59518	01/23/17	SNYDER & ASSOCIATES

Disbursement Journal

DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
5907 COPIER MAINT	151.64		29671449		N D 01.00.4.8004.230070
5308 AMMO	1,027.00		1595		N D 01.00.1.1111.320010
5161 WATER COOLER RENT WWTP	17.00				N D 52.00.3.5200.320020
4769 JAN: INTERNET SVS L	63.02				N D 01.00.2.4001.270010
4769 JAN: INTERNET SVS	63.02				N D 51.00.3.5100.320020
4769 JAN: INTERNET SVS CH	109.95				N D 01.00.4.8004.230054
	235.99		*CHECK TOTAL		
5030 SWEEPER FILTERS	217.54		43042		N D 06.00.3.7000.260000
3558 MOWER OIL	23.84		440483		N D 06.00.3.7000.260000
3950 PULL INPSECT PUMPS	1,600.00		11381		N D 52.00.3.5200.260000
1004 ENG: 2017 STP PROJ	47,450.00		19826		N D 70.09.8.9070.220020
694 OFC SUPP	82.34		622443-1		N D 01.00.4.8004.320020
694 OFFICE SUPPLIES	142.62		622836-1		N D 01.00.1.1117.320020
	224.96		*CHECK TOTAL		
3478 JAN: QUARRY LEASE	300.00				M D 01.00.3.5400.237100
5811 SNOWBLOWER	469.00		2413978		N D 01.70.3.7000.310000
5070 RPR AIRDYNE	115.25		184929		N D 01.43.2.4043.310060
40 TECH SVS/ANTENNA/BATT	308.51		101318		N D 01.00.1.1111.260000
40 RPR PORTABLE RADIO	100.23				N D 01.00.1.1111.260000
	408.74		*CHECK TOTAL		
5741 MOWER PARTS	34.81		40444		N D 06.00.3.7000.260000
5817 RELAMP LIGHTS LED	784.91		567		N D 51.00.3.5100.360010
5817 RPR VOLTAGE ISSUE	798.00		568		N D 51.00.3.5100.360010
5817 CHECK ALARM	85.00		569		N D 51.00.3.5100.360010
	1,667.91		*CHECK TOTAL		
4362 SLUDGE LINE WWTP	7,346.06		1080		N D 52.00.3.5200.260050
4112 TANK YOU ITEMS	76.00				N D 01.00.2.4001.320090
5864 AIR DRILL	250.00		D7377		M D 06.00.3.7000.260000
1036 ENG: DISINFEC SYSTE	2,109.48		115.0526.08.18		N D 52.00.3.5200.220020
1036 ENG: 2ND ST LS IMP	22,450.00		116.0518.08.06		N D 72.03.8.9052.220020
	24,559.48		*CHECK TOTAL		

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CITIZENS SAVINGS BANK

59519	01/23/17	STATE INDUSTRIAL PRO	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
59520	01/23/17	STONE CITY QUARRIES	5677 PIT RAIDER	287.66		98079146		N D 52.00.3.5200.320000
59520	01/23/17	STONE CITY QUARRIES	385 SAND	1,474.08		168500		N D 06.00.3.7000.320110
			385 ROAD ROCK	715.97		168539		N D 52.00.3.5200.320020
				2,190.05		*CHECK TOTAL		
59521	01/23/17	STORM STEEL	4440 STEEL	59.05		372572		N D 06.00.3.7000.260000
59522	01/23/17	TAPKEN'S CONVENIENCE	740 DEC FUEL: 9.71 GAL	26.79				P N D 01.00.2.4001.330010
59522	01/23/17	TAPKEN'S CONVENIENCE	740 DEC: FUEL 107.06 GAL	315.05				N D 52.00.3.5200.330010
59522	01/23/17	TAPKEN'S CONVENIENCE	740 DEC: FUEL WTR 4.81 GAL	13.81				N D 51.00.3.5100.330010
				355.65		*CHECK TOTAL		
59523	01/23/17	THE SIGN SHOP	4448 STRIPING PKG 14 FORD	450.00		4218		N D 09.10.1.1111.421000
59524	01/23/17	THOMPSON TRUCK & TRA	5700 SWEEPER FILTERS	173.18		X101058712:01		N D 06.00.3.7000.330020
59525	01/23/17	TRUCK COUNTRY	4430 RPR TRUCK	600.71		R13078813:01		N D 06.00.3.7000.265000
59526	01/23/17	U.S. CELLULAR	4002 SQUAD MODEMS	423.15				N D 01.00.1.1111.230090
59527	01/23/17	UNIFORM DEN, INC	5465 SHIRTS/PANTS/VEST E	1,160.44		91315/91354-1		N D 01.00.1.1111.180001
59528	01/23/17	USA BLUE BOOK	4565 PARTS	959.26		136577		N D 51.00.3.5100.310000
59529	01/23/17	WALMART COMMUNITY BR	398 SUPPLIES	195.68				P N D 01.43.2.4043.320070
59529	01/23/17	WALMART COMMUNITY BR	398 PAPER TOWELS	39.88				P N D 06.00.3.7000.320010
				235.56		*CHECK TOTAL		
59530	01/23/17	WAPSI WASTE SERVICE,	4582 DEC: WASTE PU	320.00		1452		N D 01.00.3.5400.237000
59530	01/23/17	WAPSI WASTE SERVICE,	4582 DEC: WASTE PU	40.00		1452		N D 01.14.1.1114.268000
59530	01/23/17	WAPSI WASTE SERVICE,	4582 DEC: WASTE PU	40.00		1452		N D 52.00.3.5200.220000
				400.00		*CHECK TOTAL		
59531	01/23/17	WELAND CLINICAL LABS	5476 DRUG TESTING	102.00				N D 01.00.1.1111.220060
		CITIZENS SAVINGS BANK	TOTAL	163,324.15				

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REPORT TOTALS:

Disbursement Journal  
DESCRIPTION AMOUNT CLAIM INVOICE PO#  
163,324.15

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CITY OF ANAMOSA  
F 9 S ACCOUNT

RECORDS PRINTED - 000131

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Disbursement Journal

CITY OF ANAMOSA  
GL060S-V08.05 RECAPPAGE  
GL540R

FUND RECAP:

FUND	DESCRIPTION	
01	GENERAL FUND	
06	ROAD USE TAX FUND	44,748.30
09	LOCAL OPTION TAX	18,822.38
51	WATER FUND	450.00
52	WASTEWATER FUND	7,489.47
70	STREET PROJECTS	20,844.50
71	WATER PROJECTS	47,450.00
72	SEWER PROJECTS	1,069.50
		22,450.00
	TOTAL ALL FUNDS	163,324.15

BANK RECAP:

BANK	NAME	
CITI	CITIZENS SAVINGS BANK	163,324.15
	TOTAL ALL BANKS	163,324.15

DISBURSEMENTS

44,748.30  
18,822.38  
450.00  
7,489.47  
20,844.50  
47,450.00  
1,069.50  
22,450.00  
163,324.15

DISBURSEMENTS

163,324.15  
163,324.15

**RESOLUTION NO. 2017-\_\_**

***RESOLUTION APPOINTING ASSISTANT STREETS SUPERINTENDENT AND SETTING SALARY  
FOR FISCAL YEAR ENDING JUNE 30, 2017***

***WHEREAS***, there is need to create an Assistant Streets Superintendent position; and

***WHEREAS***, it is the recommendation of both the City Administrator and Streets Superintendent that Eric Lode be appointed to this position.

***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ANAMOSA, IOWA***, that Eric Lode be appointed to the position of Assistant Streets Superintendent, effective December 24, 2016 at the following wage.

Position	Employee Name	Hourly Wage
Assistant Streets Superintendent	Eric Lode	\$20.28/hour

***PASSED AND APPROVED*** this 9<sup>th</sup> of January, 2017.

**APPROVAL BY MAYOR**

I hereby approve the foregoing **Resolution No. 2017-\_\_** by affixing below my official signature as Mayor of the City of Anamosa, Iowa, this 9th day of January, 2017.

\_\_\_\_\_  
Dale Barnes, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Coons, City Clerk



<b>RECORD OF COUNCIL PROCEEDINGS</b>
--------------------------------------

The Council of the City of Anamosa, Iowa, met in regular session in the Council Chambers at the Anamosa City Hall, Anamosa, Iowa at 6:00 P.M. on the 9<sup>th</sup> day of January, 2017 with the Mayor Barnes presiding and the following Councilmembers present: Feldmann, Rod Smith, Shaffer and Weimer.

Absent: Rick Sanborn (vacant) and Chuck Smith (vacant).

Councilmember \_\_\_\_\_ introduced the foregoing **Resolution No. 2017-\_\_** and moved for its adoption. Councilmember \_\_\_\_\_ seconded the motion to adopt. The roll was called and the following indicates the result of the vote.

Council Member	AYE	NAY	ABSENT
VACANT			X
FELDMANN			
VACANT			X
ROD SMITH			
SHAFFER			
WEIMER			

The Mayor Barnes declared **Resolution No. 2017-\_\_** had passed.

**CLERK'S CERTIFICATION**

I, *Tammy Coons*, the duly appointed, qualified and acting City Clerk of the City of Anamosa, Iowa, do hereby certify that the foregoing **Resolution No. 2017-\_\_** is a true and exact copy of said Resolution. That said Resolution was duly adopted by the Council for the City of Anamosa, Iowa, at a meeting thereof as stated in the foregoing Record of Council Proceedings.

WITNESS my official signature and the seal of the City of Anamosa, Iowa, on the 9<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Tammy Coons, City Clerk

(SEAL)