

**REGULAR CITY COUNCIL MEETING
TUESDAY – DECEMBER 3, 2019 – 6:00 PM
EVANSDALE CITY HALL**

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Approval of the December 3, 2019 agenda
5. Approval of the Consent Agenda – All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion
 - a. Approval of November 19, 2019 regular meeting minutes
6. Resolution 6370 authorizing payment of bills and transfers
7. Resolution 6371 setting date of public hearing for December 19, 2019 to receive comments and questions concerning the proposed conveyance of real property
8. Resolution 6372 authorizing the mayor to sign a lease addendum with the City of Elk Run Heights for the portion of land abutting Mayor's Park
9. Request from Public Works Director to approve the removal and replacement of 3 storm sewer intakes; 2 at 121 Lawrence and 1 at 522 Jones in the amount of \$4,600 with Frickson Brothers Excavating
10. Accept resignation of Sharon Loftus from the Utility Board of Trustees
11. Appointment-Utility Board of Trustees:
 - a. Dottie Wear - term beginning December 12, 2019 through December 31, 2021
12. Council to consider the abatement of the business located at 945 Mc Coy Road
13. Public discussion: non-agenda items
14. Mayor/Council Reports
15. Adjournment

CITY HALL
EVANSDALE, IOWA, NOVEMBER 19, 2019
CITY COUNCIL
DOUG FAAS, MAYOR, PRESIDING

The City Council of the City of Evansdale, Iowa met in regular session, according to law, the rules of said Council and prior notice given each member thereof, in the Council Chambers of City Hall of Evansdale, Iowa at 6:00 p.m. on the above date. Council members present in order of roll call: Dewater, Seible, Bender, Walker, and Loftus. Quorum present.

Walker/Loftus to approve November 19, 2019 agenda. Ayes-Five. Motion carried.

Walker/Loftus to approve the following items on the November 19, 2019 consent agenda, except for item c. Tobacco Permit: New permit – The Smoking Dragon, 3521 Lafayette. a. Approval of November 6, 2019 regular meeting minutes. b. Accept and place on file the minutes and reports from the following Departments, Boards, and Commissions (n/a = not available): Ambulance & Fire Report (Oct), Building Inspection Report (Oct), Clerk/Treasurer Report (Oct), Code Enforcement Report (Oct), Evansdale Municipal Housing (Sept/Oct), Library (Oct), Parks & Rec Dept. (Oct), Planning & Zoning (n/a), Police Dept. (Oct), Storm Water Commission (n/a), and Water Works (Oct). Roll call vote: Ayes-Five.

Walker/Dewater to deny the approval of the new Tobacco Permit for The Smoking Dragon, 3521 Lafayette. Councilor Dewater stated that after he received the email from Police Chief Dean that it was apparent that the business wasn't in compliance with the City's Code of Ordinance. Councilor Walker stated that it was a head shop and that the city didn't need another business operating in this fashion. Mayor Faas stated that it was a tobacco permit for vapor only products but appeared by the photos they were selling drug paraphernalia. Roll call vote: Ayes-Four. Nays-One (Bender).

Public Hearing: Lafayette Road Rehabilitation Project. Walker/Dewater to open the public hearing at 6:07 p.m. Barrett Hubbard with Shive-Hattery gave an overview of the rehabilitation of Lafayette Road project to include the rehabilitation from 70' East of Evans Road to Bridge Over Elk Run Creek. The overlay would include 12-foot lanes, the tie in of the driveways, and the reconstruction of the shoulders at 8 feet wide instead of 10 feet. Mayor Faas added that the footprint of the roadway from ditch-to-ditch would not change. Mr. Hubbard also stated that as a safety issue the roadway would have a sturdy shoulder for a motorist to pull off as well as students that utilize the shoulders as a walkway to get to school. The project would also include removal of the intersection islands located at Roosevelt and Grand Blvd and flashing beacon lights be installed for pedestrian traffic at the intersection of Roosevelt. Faas stated that council questioned what the cost would be to engineer the road back to 10 feet lanes and they replied that it would be over \$100,000 to re-engineer. Councilor Bender stated that the road was not wide enough for a truck with plow and a regular vehicle to pass without extreme caution. Marcus Januario with Shive-Hattery stated that 10-foot roads were no longer safe, and engineers no longer design them. Mr. Hubbard discussed the time frame of the project to include place plans for bid on December 4th, bid opening on December 20th, acceptance of the low bid 1st meeting in January 2020 and start date scheduled for April 6th but no later than June 1st with a completion date of October 2nd. Troy Beatty, 1763 Timberline Drive, Mayor elect, stated that he had procured the same bid for that road project by a company that handles most of the asphalt overlays in this area for \$745,000 for a crack and seat and 4-inch overlay. The message to everyone here and the folks on their way out is to stop the spending. This process as quoted was completed in the City of Waterloo on the 2nd heaviest traveled road in the city, you were voted out and the message was to stop spending. Councilor Seible motioned to table the project until the 1st of the year for the new administration to decide

the direction of the project. Faas responded that it won't be completed next year if the bidding process is stopped and the City has spent over \$193,000 for engineering fees and that we weren't comparing apples to apples with the above-mentioned project quote. Mr. Beatty responded that Faas stated inaccurate information and stated if the crack and seat didn't work why would the City of Waterloo utilize the process. Councilor Dewater stated that it wouldn't cost the City any additional funds to have the project bid. Mr. Beatty responded that the citizens do not want to fund the project as proposed. Mr. Hubbard stated that the interlayer component proposed for this project has been proven to give the roadway longevity. Seible stated that it was quoted by the Mayor that the project would be \$660,000 less if the roadway width stayed the same. Mayor Faas responded that he stated merely his opinion and had asked the engineer as council requested after the last meeting and the road width only reduced the project by \$100,000. Seible stated that the project should be put off until the first of the year. Bender stated that she had spoken to multiple residents that were in favor of the project and questioned how the project would be funded. The Mayor responded that it would be partially funded by road use, LOST, and TIF. Councilor Walker questioned if we were to approve the final plans and the project bidding tonight if we would have construction plan options. Mr. Hubbard responded yes. Tom Nichols, 616 Grand Blvd., questioned why we couldn't wait a month and that he disagreed with the mayor in that the TIF funding portion does affect our schools, county and other taxing bodies as they have to charge more tax for what they lose with TIF allocations. Loraine Atkins, 715 Central Ave., #203, stated she was opposed to this project and felt that the engineers are high pressured salesmen the higher the project the more money they make but questioned why the project plans couldn't be put on hold for the new administration. Mayor Faas questioned if we had a 2nd to the motion on the table. Seible responded that we are still in the public hearing. Williams Nichols, 221 Oakwood Dr., stated that the project could wait. Dewater/Walker to close the public hearing at 6:42 p.m. Ayes-Five. Motion carried.

Seible motioned to table. Denied for lack of a second. Walker/Bender to approve Resolution 6366 approving final plans and specifications, form of contract and final cost estimate; setting date of bid letting; and authorize engineer to advertise for bids for the Lafayette Road Rehabilitation Project. Councilor Bender questioned if the council wanted to re-evaluate the plans after the bids were received could they do so. Mayor Faas responded yes. Councilor Dewater questioned if the City could substantially change the plans after the lowest bidder had been accepted. Mr. Hubbard responded yes. Faas stated that it would have to be re-engineered. Shive-Hattery confirmed that the plans would have to be re-engineered. Tom Nichols, 616 Grand Blvd., wanted the new administration to review the plans before it went out for bid. Councilor Bender responded that it wouldn't cost the citizens anymore whether we go out for bid now or later. Councilor Walker stated that we already signed a contract and the contract total would be paid regardless if we go out for bid or we don't. Roll call vote: Ayes-four. Nays-One (Seible).

Dewater/Seible to approve Resolution 6367 authorizing payment of bills and transfers. Roll call vote: Ayes-Five.

Walker/Bender to approve Resolution 6368 approving the canvass of the 2019 Municipal Election. Roll call vote: Ayes-Five.

Dewater/Seible to approve Resolution 6369 authorizing City Clerk to certify TIF Debt with County Auditor. Councilor Seible questioned the certification. Clerk Kobliska responded that the certification is to pay the debt for fiscal year 2021. Roll call vote: Ayes-Five.

Walker/Bender to approve Ordinance 669 approving modification to Chapter 52 Weeds, first reading. Roll call vote: Ayes-Five.

Seible/Bender to approve motion to suspend rules for Ordinance 669 approving modification to Chapter 52 Weeds. Roll call vote: Ayes-Five.

Walker/Seible to approve motion to adopt Ordinance 669 approving modification to Chapter 52 Weeds. Roll call vote: Ayes-Five.

Walker/Bender to approve Ordinance 670 approving modification to Chapter 136 Sidewalk Regulations, first reading. Councilor Seible questioned what would happen if the street plows blow snow on a sidewalk after the sidewalk has been cleared. Mayor Faas responded that it is a natural part of the winters in Iowa and it would happen as we must keep the roadways cleared. Ron Nichols stated that it was a burden on the residents that have sidewalks and that the sidewalks should either be torn out or everyone should be required to have sidewalks to maintain. Mayor Faas questioned how that project would be funded. Nichols responded that the homeowner's taxes would be assessed. Roll call vote: Ayes-Five.

Seible/Bender to approve motion to suspend rules for Ordinance 670 approving modification to Chapter 136 Sidewalk Regulations. Roll call vote: Ayes-Five.

Walker/Seible to approve motion to adopt Ordinance 670 approving modification to Chapter 136 Sidewalk Regulations. Roll call vote: Ayes-Five.

Walker/Seible Request from Police Chief Dean to purchase 4 new in-car and body camera systems in the amount of \$29,715; grants have been applied for and received in the amount of \$10,000 the balance to be paid from fund 177 Drug Forfeiture. Ayes-Five. Motion carried.

Public discussion-non-agenda items: Ken Nichols, 610 East End Ave., questioned what the status was for 945 Mc Coy Rd. Mayor Faas responded that the new administration would have to deal with it due to the lengthy timeline involved in the process. William Nichols, 221 Oakwood Dr., questioned after stating that council was doing a good, if there were any plans for improvements in Casebeer Heights. Councilor Dewater questioned what he would like accomplished. Nichols responded anything would be nice. Dewater responded that the park equipment had been painted.

Mayor/Council Reports: Mayor Faas stated that there would be a webinar on the steps to apply for a federal grant for up to 90% funding on a new ambulance.

There being no further discussion, Seible/Walker to adjourn the meeting at 7:09 p.m. Ayes-Five. Motion carried.

ATTEST:

Doug Faas, Mayor

DeAnne Kobliska, City Clerk

RESOLUTION 6370

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, THAT
THE FOLLOWING BILLS BE PAID AND THE TRANSFERS ARE HEREBY ALLOWED**

	ADVANCED AUTOMOTIVE	BI-LOF/AIR FILTER #64	60.02
A-08/20/19	AECOM	SR-WWTP HYDRAULIC MODELING	2,453.08
	ALL STATE RENTAL	RU-FORKLIFT-CHRISTMAS LIGHTS	175.00
	ALLEN OCC HEALTH	PD-PHYSICAL	636.91
		FD-PRE-EMPLOYMENT PHYSICAL	438.28
		TOTAL	1,075.19
	AUTO PLUS	RU-HORN/FILTER #59/HORN #58	53.46
	BHC TREASURER	PD-FY20 2ND QTR RADIO FEES	1,129.57
		FD-FY20 2ND QTR RADIO FEES	1,540.33
		TOTAL	2,669.90
	BMC AGGREGATES	RU-BUILDING 3 ROCK	156.53
	BOUND TREE MEDICAL	FD-MEDICAL SUPPLIES	558.69
	WATERPRO SUPPLIES	RU-4-PLOW CURB GUARDS	900.00
	CENTURY LINK	SR-INTERNET	78.99
	CITY LAUNDERING	LIB-MONTHLY MATS	44.28
		CH-MONTHLY MATS	77.15
		TOTAL	121.43
A-06/04/19	COMPASS MINERALS	RU-ROAD SALT	14,042.11
		RU-ROAD SALT	9,471.92
		RU-ROAD SALT	2,355.36
		TOTAL	25,869.39
	COURIER	PY-FY2019 AFR	84.58
		PY-NUISANCE ABATEMENT	46.18
		PY-ORD #668	25.21
		PY-11/6 MINUTES/BILLS	211.79
		PY-PH LFYTTE RD REHAB PRJCT	11.53
		TOTAL	379.29
	COVENANT MEDICAL CENTER	FD-MEDICAL SUPPLIES	64.14
	CULLIGAN WATER	RU-WATER	20.00
	EMERGENCY MED PROD	FD-MEDICAL SUPPLIES	225.87
	FAREWAY	SR-DISTILLED WATER/ICE	11.03
	FARNSWORTH ELECTRONICS	SR-ELECTRICAL PLUGS #71	249.10
		SR-ELECTRICAL PLUGS #71	136.00
		SR-ELECTRICAL PLUGS #71	(10.24)
		TOTAL	374.86
	GORDON FLESH	FD-COPIER CONTRACT	38.89
	HARRISON TRUCK	RU-WORK LIGHTS #71	176.34
	IOWA ONE CALL	RU-OCTOBER LOCATES	14.10
		SR-OCTOBER LOCATES	14.10
		TOTAL	28.20
	IOWA WALL SAWING	SR-CORE DRILLING-LFT STNS	460.00
	MEDIACOM	PD-INTERNET/83849500300902	128.45
		FD-INTERNET/83849500300902	128.45
		BI-INTERNET/83849500300904	47.38
		CH-INTERNET/83849500300904	47.38
		RU-INTERNET/83849500300903	96.90
		RU-INTERNET/83849500300001	136.90
		RU-INTERNET/83849500300904	47.38
		SR-INTERNET/83849500300904	47.38
		TOTAL	680.22
	MENARDS	SR-LUMBER/INSULATION	226.89
		SR-RETRACTABLE CORD #71	29.97
		TOTAL	256.86
	MIDWEST SAFETY COUNSELORS	SR-PARTS-GAS MONITOR	173.00
	MUNICIPAL PIPE TOOL	SR-BLOWER TEMP SENSOR	164.34
A-08/20/19		SR-FOOTAGE COUNTER #71	2,528.43

	TOTAL	2,692.77
MUTUAL WHEEL	RU-PLOW MARKERS/BATTERY	107.82
	RU-WIRE	48.00
	SR-STROBES #71	196.00
	TOTAL	351.82
PLATINUM PEST	LIB-PEST CONTROL	11.25
	CH-PEST CONTROL	33.75
	TOTAL	45.00
RIVER FOREST TRUCK REPAIR	RU-HOSE REPAIR #59	44.20
SCOT'S SUPPLY	RU-TUBES/PINS	80.42
CONSTRUCTION SUPPLY	PK-VBALL COURT TUBES	80.76
	RU-CONCRETE MIX	46.44
	TOTAL	127.20
TESTAMERICA	SR-OCTOBER TESTING	566.00
THE SMOKING DRAGON	PY-REFUND-TOBACCO PERMIT	56.25
U.S. CELLULAR	FD-CELL PHONE	68.21
	BI-CELL PHONE	88.01
	PK-CELL PHONE	36.27
	RU-CELL PHONE	189.08
	SR-CELL PHONE	101.01
	TOTAL	482.58
HD SUPPLY FACILITIES	SR-CAPS	52.58
	SR-COUPPLERS/CAPS	338.70
	TOTAL	391.28
UTILITY EQUIPMENT	RU-FITTINGS	42.00
	SR-DUCTILE IRON CAP	324.24
	TOTAL	366.24

001 GENERAL FUND	5,919.58
005 STREETS	96.90
110 ROAD USE TAX	27,930.72
610 SEWER FUND	8,316.94
GRAND TOTAL:	42,264.14

PREPAYS:

84613	BAKER & TAYLOR	LIB-BOOKS/DVD'S	1,475.81
84614	BHC 911 SRV BOARD	PD-FY20 1ST QTR RADIO FEES	1,129.57
		FD-FY20 1ST QTR RADIO FEES	1,540.33
84615	CAPITAL ONE	LIB-POSTAGE/INK CARTRIDGE	74.75
84616	JENSEN, SHANNON	LIB-RMBRSE/VINYL LETTERING-SIGN	40.00
84617	UTILITY EQUIPMENT	SR-REPAIR CLAMP	254.61
84618	AFLAC	P/R DEDUCTION	76.44
DRAFT	ADVANTAGE ADMIN	HEALTH INS	2,418.48
DRAFT	IPERS	RETIREMENT	8,845.58
84619	METLIFE	LIFE/DENTAL/VISION	2,923.48
84621	MFPRSI	RETIREMENT	9,946.91
84622	POLICE ASSOC	P/R DEDUCTION	60.00
DRAFT	TREAS-STATE OF IA	P/R DEDUCTION	3,343.00
84623	WELLMARK	HEALTH INS	18,046.46
		TOTAL PREPAYS	50,175.42

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, ON THIS 3RD DAY OF DECEMBER 2019

ATTEST:

Doug Faas, Mayor

DeAnne Kobliska, City Clerk

RESOLUTION 6371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, PROPOSING THE CONVEYANCE OF AN INTEREST IN REAL PROPERTY AND SETTING THE DATE OF PUBLIC HEARING TO RECEIVE COMMENTS AND QUESTIONS CONCERNING THE PROPOSED CONVEYANCE OF REAL PROPERTY

WHEREAS, a public hearing is required in order that the City Council of the City of Evansdale, Iowa, may hear any objections to the conveyance of said real property from any interested party.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Evansdale, Iowa, that the City is desirous of disposing of, by conveyance, the aforementioned real property known as Parcels E and F Part of the NE ¼ SE ¼, Sec. 1, T88N-R13W and Part of Lot 10 in River Forest Subdivision Evansdale, Black Hawk County, Iowa, and that the date of public hearing for receiving comments and questions on disposal by conveyance be set for December 19, 2019 at 6:00 p.m. in the Evansdale City Hall.

BE IT FURTHER RESOLVED that the City Clerk of the City of Evansdale be and is hereby directed and authorized to publish notice of the public hearing in conformance with state law and send notification of said public hearing and pending conveyance of said real property to the adjacent property owners.

PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER 2019

ATTEST:

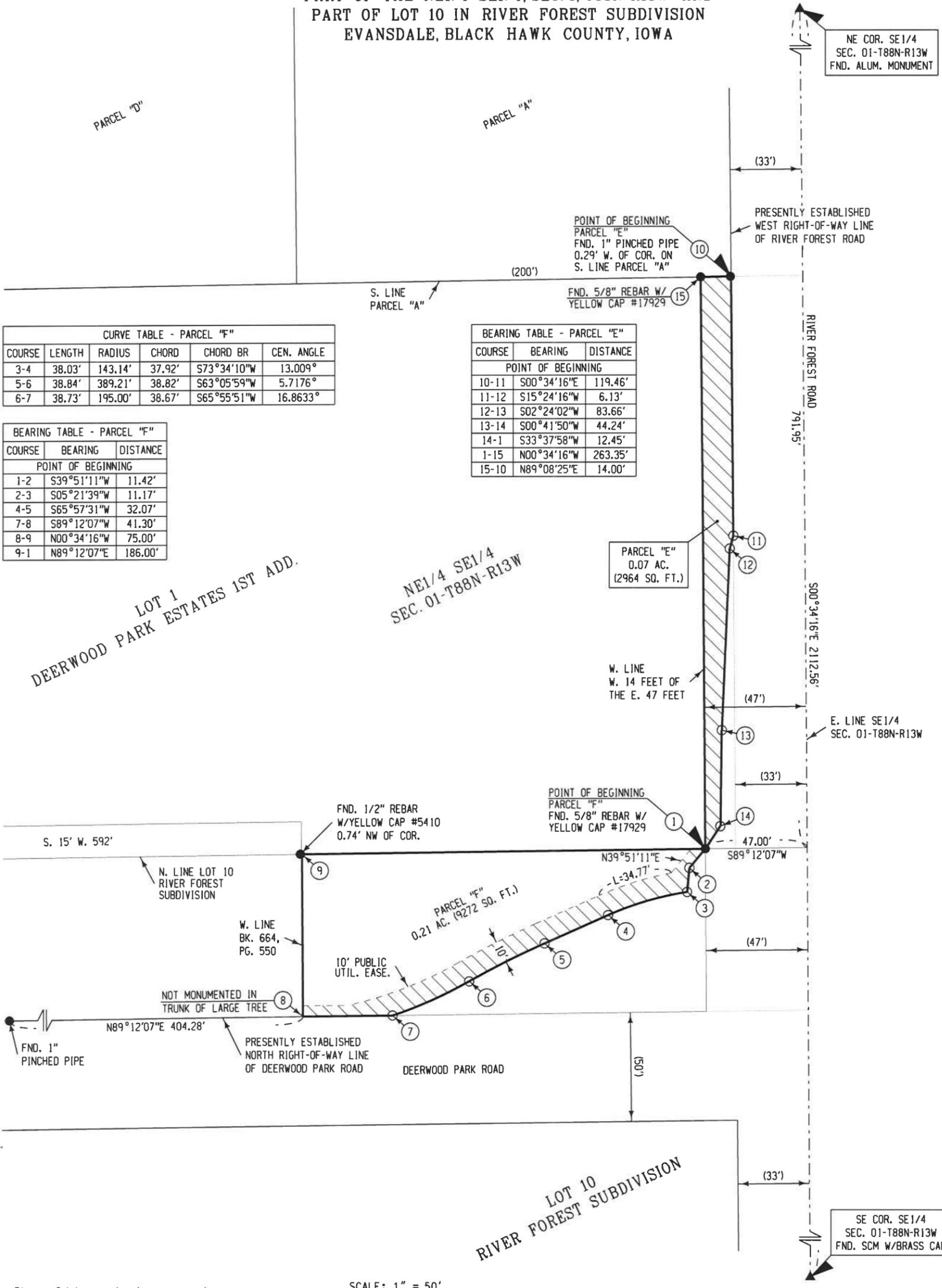
Doug Faas, Mayor

DeAnne Kobliska, City Clerk

INDEX LEGEND

LOCATION:	DESCRIPTION
	PART OF THE NE1/4 SE1/4, SEC. 1, T88N-R13W AND PART OF LOT 10 IN RIVER FOREST SUBDIVISION
TOTAL AREA:	PARCEL "E": 0.07 TOTAL ACRES, PARCEL "F": 0.21 TOTAL ACRES
OWNER / PROPRIETOR:	CITY OF EVANSDALE
SURVEY REQUESTED BY:	MICHAEL BRUSTKERN 755 SKYVIEW RD., WATERLOO, IA 50703
PREPARED BY / RETURN TO:	GREAT PLAINS SURVEY, INC. PH: (319) 342-4774 ATTN: JEFFREY R. HUTTON, P.L.S. 407 SYCAMORE ST., LA PORTE CITY, IA 50651
DATE OF FIELDWORK:	NOVEMBER, 2019

PLAT OF SURVEY - PARCELS "E" AND "F" PART OF THE NE1/4 SE1/4, SEC. 1, T88N-R13W AND PART OF LOT 10 IN RIVER FOREST SUBDIVISION EVANSDALE, BLACK HAWK COUNTY, IOWA

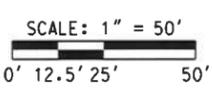


COURSE	LENGTH	RADIUS	CHORD	CHORD BR	CEN. ANGLE
3-4	38.03'	143.14'	37.92'	S73°34'10"W	13.009°
5-6	38.84'	389.21'	38.82'	S63°05'59"W	5.7176°
6-7	38.73'	195.00'	38.67'	S65°55'51"W	16.8633°

COURSE	BEARING	DISTANCE
POINT OF BEGINNING		
10-11	S00°34'16"E	119.46'
11-12	S15°24'16"W	6.13'
12-13	S02°24'02"W	83.66'
13-14	S00°41'50"W	44.24'
14-1	S33°37'58"W	12.45'
1-15	N00°34'16"W	263.35'
15-10	N89°08'25"E	14.00'

COURSE	BEARING	DISTANCE
POINT OF BEGINNING		
1-2	S39°51'11"W	11.42'
2-3	S05°21'39"W	11.17'
4-5	S65°57'31"W	32.07'
7-8	S89°12'07"W	41.30'
8-9	N00°34'16"W	75.00'
9-1	N89°12'07"E	186.00'

This Plat or Subdivision has been reviewed by the City of Evansdale _____
Zoning Administrator or Designee Date



- LEGEND:**
- ▲ FOUND SECTION CORNER AS NOTED
 - FOUND MONUMENT AS NOTED
 - SET 5/8" REBAR W/YELLOW CAP #17929 UNLESS OTHERWISE NOTED
 - () RECORD BEARING/DISTANCE
 - ▨ PUBLIC UTILITY EASEMENT



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

JEFFREY R. HUTTON LICENSE NO. 17929 DATE _____
My license is subject to renewal on December 31, 2019. This certification applies only to the page upon which it appears.



PLAT OF SURVEY - PARCELS "E" AND "F"
PART OF THE NE1/4 SE1/4, SEC. 1, T88N-R13W AND
PART OF LOT 10 IN RIVER FOREST SUBDIVISION
EVANSDALE, BLACK HAWK COUNTY, IOWA

LEGAL DESCRIPTION PARCEL "E":

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION ONE (1), TOWNSHIP EIGHTY-EIGHT (88) NORTH, RANGE THIRTEEN (13) WEST OF THE 5TH PRINCIPAL MERIDIAN, BLACK HAWK COUNTY, IOWA, ALSO DESCRIBED AS THAT PART OF THE WEST FOURTEEN (14) FEET OF THE EAST FORTY-SEVEN (47) FEET OF THE LAND DESCRIBED IN LAND DEED BOOK 540, PAGE 660 IN THE OFFICE OF THE BLACK HAWK COUNTY RECORDER; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL "A" IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION ONE (1), TOWNSHIP EIGHTY-EIGHT (88) NORTH, RANGE THIRTEEN (13) WEST OF THE 5TH PRINCIPAL MERIDIAN, AS RECORDED IN BOOK 328, PAGE 715 IN THE OFFICE OF THE BLACK HAWK COUNTY RECORDER; THENCE SOUTH $00^{\circ}34'16''$ EAST ALONG THE PRESENTLY ESTABLISHED WEST RIGHT-OF-WAY LINE OF RIVER FOREST ROAD 119.46 FEET; THENCE SOUTH $15^{\circ}24'16''$ WEST, 6.13 FEET; THENCE SOUTH $02^{\circ}24'02''$ WEST, 83.66 FEET; THENCE SOUTH $00^{\circ}41'50''$ WEST, 44.24 FEET; THENCE SOUTH $33^{\circ}37'58''$ WEST, 12.45 FEET TO THE NORTH LINE OF LOT 10 IN RIVER FOREST SUBDIVISION, BLACK HAWK COUNTY, IOWA; THENCE NORTH $00^{\circ}34'16''$ WEST ALONG SAID WEST LINE OF THE WEST FOURTEEN (14) FEET A DISTANCE OF 263.35 FEET TO THE SOUTH LINE OF SAID PARCEL "A" THENCE NORTH $89^{\circ}08'25''$ EAST ALONG SAID SOUTH LINE 14.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "A" AND ALSO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL "F":

THAT PART OF LOT TEN (10) IN RIVER FOREST SUBDIVISION IN BLACK HAWK COUNTY, IOWA, DESCRIBED IN THE DEED RECORDED AS BOOK 664, PAGE 550 IN THE OFFICE OF THE BLACK HAWK COUNTY RECORDER; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BOOK 664, PAGE 550; THENCE SOUTH $39^{\circ}51'11''$ WEST, 11.42 FEET; THENCE SOUTH $05^{\circ}21'39''$ WEST, 11.17 FEET TO THE BEGINNING OF A 143.14 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHERLY; THENCE SOUTHWEST 38.03 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH $73^{\circ}34'10''$ WEST, 37.92 FEET; THENCE SOUTH $65^{\circ}57'31''$ WEST, 32.07 FEET TO THE BEGINNING OF A 389.21 FOOT RADIUS TANGENT CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWEST 38.84 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH $63^{\circ}05'59''$ WEST, 38.82 FEET TO THE BEGINNING OF A 195.00 FOOT RADIUS REVERSE CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY 38.73 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH $65^{\circ}55'51''$ WEST, 38.67 FEET TO THE PRESENTLY ESTABLISHED NORTH RIGHT-OF-WAY LINE OF DEERWOOD PARK ROAD; THENCE SOUTH $89^{\circ}12'07''$ WEST ALONG SAID RIGHT-OF-WAY LINE 41.30 FEET TO THE WEST LINE OF SAID BOOK 664, PAGE 550; THENCE NORTH $00^{\circ}34'16''$ WEST ALONG SAID WEST LINE 75.00 FEET TO THE NORTH LINE OF SAID LOT 10; THENCE NORTH $89^{\circ}12'07''$ EAST ALONG SAID NORTH LINE 186.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.21 ACRES, MORE OR LESS.

N



SHEET NO.
2 of 2

RESOLUTION 6372

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA AUTHORIZING THE MAYOR TO SIGN A LEASE ADDENDUM WITH THE CITY OF ELK RUN HEIGHTS FOR THE PORTION OF LAND ABUTTING MAYOR'S PARK

WHEREAS, the City of Evansdale owns land abutting Mayor's Park in Elk Run Heights;
and,

WHEREAS, the land owned by Evansdale is primarily unmaintained timber on the east side of Elk Run Creek, with Parcel ID numbers 8912-33-451-004, 8912-33-376-009, and 8812-05-176-003 and the land legally-described in the attached Exhibit A (collectively "the Property") as Elk Run Heights desires to develop the property for a disc golf course; and

THEREFORE, the parties agree as follows:

Per Attached Agreement

WHEREAS, the City of Elk Run Heights agrees to pay the City of Evansdale \$1 per fiscal year. The payments shall be due commencing on April 16, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Evansdale, Iowa, authorizes the Mayor to sign said Lease Addendum.

PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER 2019

ATTEST:

Doug Faas, Mayor

DeAnne Kobliska, City Clerk

LEASE ADDENDUM

This Lease Addendum is made and entered this ____ day of December 2019, and is added to and amends the Lease by and between the City of Evansdale, Iowa (hereinafter "Evansdale") and the City of Elk Run Heights, Iowa (hereinafter "Elk Run Heights") dated April 16, 2019 (hereinafter "Lease"). This Addendum will be interpreted along with the Lease and, except as herein modified, all of the terms and conditions of the Lease shall remain in full force and effect.

In consideration of the covenants and obligations contained herein and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Lease as follows:

1. PROPERTY AND TERM. Evansdale leases to Elk Run Heights the land owned by Evansdale on the east side of Elk Run Creek, with Parcel ID numbers 8912-33-451-004, 8912-33-376-009, 8812-05-176-003, and the land legally-described in the attached Exhibit A (collectively "the Property"), for a term beginning on April 16, 2019, and ending on April 15, 2029, upon the condition that Elk Run Heights performs as provided in this Lease.

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

THE ABOVE ADDENDUM is hereby entered into by the following authorized agents of the parties.

Dated: _____

CITY OF EVANSDALE, IOWA

By: _____
Doug Faas, Mayor

ATTEST:

City Clerk

CITY OF ELK RUN HEIGHTS, IOWA

By: _____
Tim Swope, Mayor

ATTEST:

City Clerk

28 E Agreement Description

Part of the south half (S1/2) of Section 33, Township 89 North, Range 12 West of the 5th Principal Meridian and also part of the north half (N1/2) of Section 5, Township 88 North, Range 12 West of the 5th Principal Meridian all in the City of Evansdale, Black Hawk County, Iowa, described as follows;

Beginning at the southeast corner of the southwest quarter of said Section 33;

Thence, South 0 degrees 14 minutes 57 seconds West, 140.71 feet;

Thence, South 30 degrees 01 minute 04 seconds East, 270.66 feet;

Thence, South 0 degrees 01 minute 04 seconds East, 180.00 feet;

Thence, North 74 degrees 34 minutes 04 seconds West, 243.56 feet to the beginning of a concave curve to the south with a radius of 190.00 feet;

Thence on said curve 329.00 feet, said curve has a chord of South 47 degrees 42 minutes 00 seconds West, 289.41 feet to the north line of Parcel B as described in a warranty deed recorded as document number 2007-021298 at the Black Hawk County Recorder's Office;

Thence, North 78 degrees 08 minutes 01 seconds West, 225.00 feet on said north line;

Thence, North 28 degrees 29 minutes 27 seconds West, 613.69 feet to a southeasterly corner of a parcel of land described in a warranty deed recorded in City Lot Deeds Book 552, Page 688 in said Black Hawk County Recorder's office;

Thence, North 51 degrees 21 minutes 44 seconds East, 173.44 feet to the southeast corner of a parcel of land described per condemnation recorded in City Lot Deeds Book 553, Page 385 in said Black Hawk County Recorder's office and the south line of the southwest quarter of said Section 33,

Thence, North 50 degrees 02 minutes 11 seconds East, 312.93 feet on the southeasterly line of said parcel;

Thence, North 82 degrees 10 minutes 11 seconds East, 181.57 feet continuing on said southeasterly line;

Thence, North 72 degrees 52 minutes 11 seconds East, 88.40 feet on said southeasterly line to the northwest corner of a parcel of land described per warranty deed recorded in Land Deeds Book 543, Page 39 in said Black Hawk County Recorder's Office;

Thence, North 72 degrees 52 minutes 11 seconds East, 259.54 feet on the north line of said parcel;

Thence, South 1 degree 27 minutes 11 seconds West, 20.00 feet on the east line of said parcel;

Thence, South 59 degrees 51 minutes 05 seconds East, 42.68 feet;

Thence, South 71 degrees 08 minutes 46 seconds East, 179.00 feet;

Thence, South 39 degrees 48 minutes 46 seconds East, 191.00 feet;

Thence, South 84 degrees 56 minutes 45 seconds East, 52.00 feet

Thence, South 34 degrees 01 minute 42 seconds East, 45.00 feet

Thence, South 10 degrees 10 minutes 14 seconds West, 56.00 feet to the south line of the southeast quarter of said Section 33;

Thence, North 89 degrees 15 minutes 46 seconds West, 456.00 feet on said south line to the Point of Beginning

The above described parcel contains 15.91 acres. For the purpose of this description, the south line of the southeast quarter of Section 33 has been assigned a bearing of North 89 degrees 15 minutes 46 seconds West.

This description is prepared without a land survey and is based on existing documents of record for the sole purpose of a 28 E Agreement between the City of Elk Run Heights and the City of Evansdale.

28E AGREEMENT EXHIBIT

PART OF THE SOUTH HALF (S¹/₂) OF SECTION 33, T.89N., R. 12W.
 AND PART OF THE NORTH HALF (N¹/₂) OF SECTION 5, T. 88 N., R.12W. OF THE 5TH P.M.
 CITY OF ELK RUN HEIGHTS & CITY OF EVANSDALE
 BLACK HAWK COUNTY, IOWA

28 E Agreement Description

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 Thence, South 0 degrees 01 minute 04 seconds East, 180.00 feet;
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 Thence, North 78 degrees 08 minutes 01 seconds West, 225.00 feet on said north line;
 Thence, North 28 degrees 29 minutes 27 seconds West, 613.69 feet to a southeasterly corner of a parcel of land described in a warranty deed recorded in City Lot Deeds Book 552, Page 688 in said Black Hawk County Recorder's office;

Thence, North 51 degrees 21 minutes 44 seconds East, 173.44 feet to the southeast corner of a parcel of land described per condemnation recorded in City Lot Deeds Book 553, Page 385 in said Black Hawk County Recorder's office and the south line of the southwest quarter of said Section 33,
 Thence, North 50 degrees 02 minutes 11 seconds East, 312.93 feet on the southeasterly line of said parcel;
 Thence, North 82 degrees 10 minutes 11 seconds East, 181.57 feet continuing on said southeasterly line;

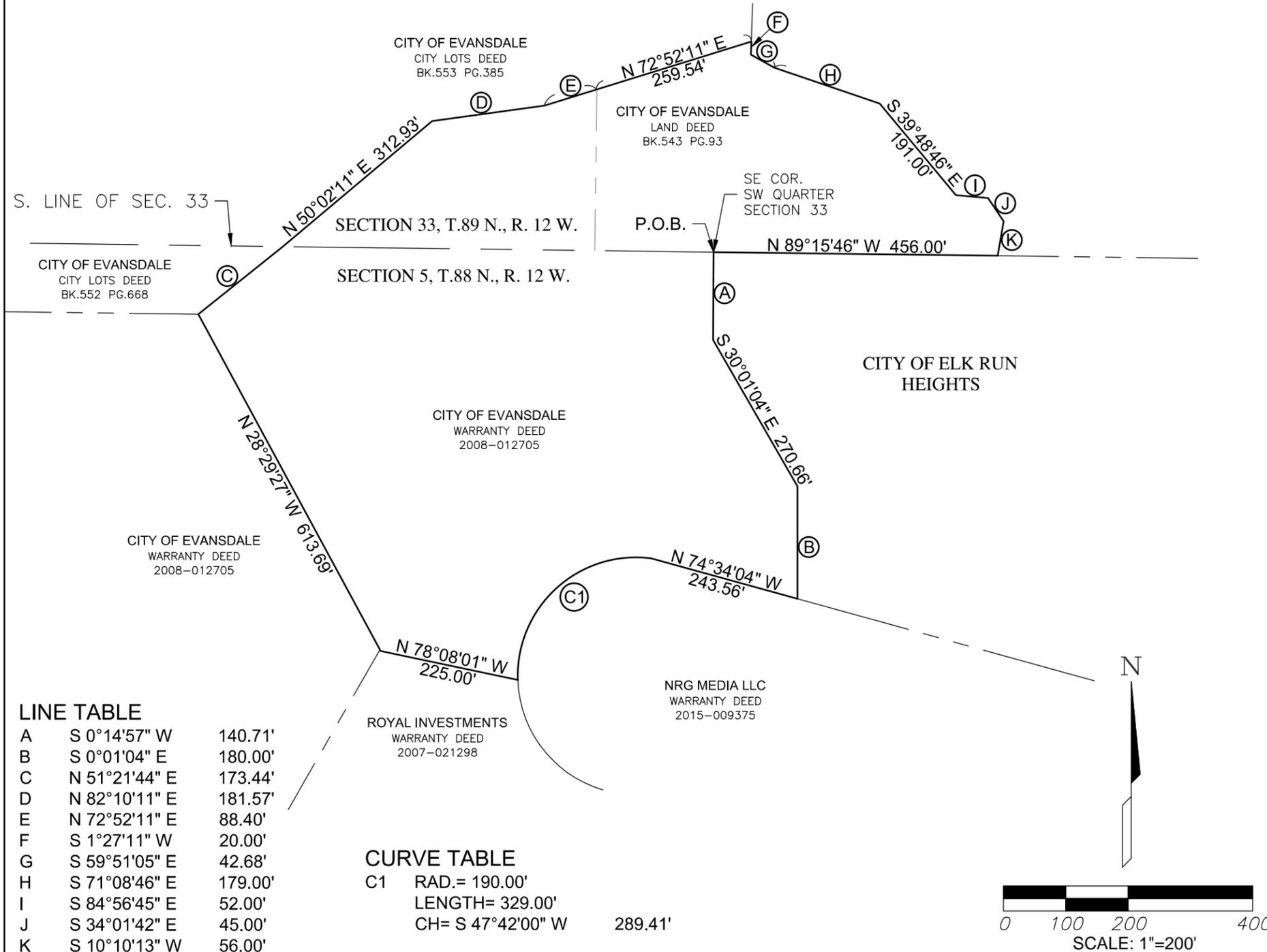
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This description is prepared without a land survey and is based on existing documents of record for the sole purpose of a 28 E Agreement between the City of Elk Run Heights and the City of Evansdale.



LINE TABLE

A	S 0°14'57" W	140.71'
B	S 0°01'04" E	180.00'
C	N 51°21'44" E	173.44'
D	N 82°10'11" E	181.57'
E	N 72°52'11" E	88.40'
F	S 1°27'11" W	20.00'
G	S 59°51'05" E	42.68'
H	S 71°08'46" E	179.00'
I	S 84°56'45" E	52.00'
J	S 34°01'42" E	45.00'
K	S 10°10'13" W	56.00'

CURVE TABLE

C1	RAD.= 190.00'
	LENGTH= 329.00'
	CH= S 47°42'00" W 289.41'

DRAWN BY: COM APPROVED BY: JDR
 DATE: November 25, 10:10am
28 E Exhibit.dwg | EXHIBIT

NO.	REVISION DESCRIPTION	APPROVED	DATE

Ament DESIGN
 Ament Design
 625 32nd Avenue SW
 Cedar Rapids, IA 52404
 ph. 319-378-1401
 fax 319-378-1975

28E AGREEMENT EXHIBIT
 ELK RUN HEIGHTS & EVANSDALE

28E AGREEMENT
 AMENT PROJECT NUMBER: 2019-

Frickson Bros. Excavating

737 Colleen Ave.
Evansdale, Iowa
50707

Estimate

Date	Estimate #
11/21/2019	360

Name / Address
Evansdale Street Department 123 N. Evans Rd. Evans Rd. Evansdale, Iowa 50707

			Project
Description	Qty	Cost	Total
Price Quote for Evansdale Street Dept - Catch Basin Intakes Repair and Replace			
Leonard St- for repair= \$1,400.00.	1		1,400
Lawrence Ave- \$1,600.00 each for replacement - to reuse grates.	2		3,200
Thank You.			
		TOTAL	\$4,600

Customer Signature _____

B and B BUILDERS and SUPPLY

5728 SIERRA DRIVE
WATERLOO, IOWA 50701
(319) 296-2289

ESTIMATE

November 20, 2019

Att: Chris Schares
City of Evansdale
123 No. Evans Rd.
Evansdale, IA 50707

RE: Storm Sewer Intakes

121 Lawrence - Remove & replace 2 storm sewer intakes using existing castings @ \$2,800.00 each	\$	5,600.00
522 Jones - Remove existing storm sewer top & replace using existing casting	\$	1,200.00

Total \$6,800

As budgeted from Storm Water Maintenance for FY20

This estimate is for completing the job as described above. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems or adverse weather conditions arise after the work has started.

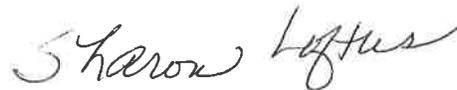
Estimated by: Robert N. Brustkern, Owner

November 12, 2019

Dear Mayor and City Counsel,

I will be resigning from the Evansdale Water Board as of December 11, 2019. I have enjoyed my many years on this Board and all the people I have gotten to work with. Because of some Health concerns for myself I am stepping down now. Thank you for the honor and privilege to have been able to serve the people of Evansdale. I know I leave this Board with a strong and well thought out plans for the future of the Water Works.

Yours Truly

A handwritten signature in cursive script that reads "Sharon Loftus". The signature is written in dark ink and is positioned centrally below the typed name.

Sharon Loftus



CITY OF EVANSDALE, IOWA

123 N. EVANS ROAD • EVANSDALE, IA 50707 • (319)232.6683 • FAX (319)232.1586

Compliance Agreement Between the City of Evansdale and Jacob Smith

DOUG FAAS
Mayor

CITY COUNCIL
MEMBERS:

KENNY LOFTUS
Ward 1

GENE WALKER
Ward 2

STEVE SEIBLE
Ward 3

DICK DEWATER
Ward 4

LYNN BENDER
At-Large

An Evansdale City Council hearing was conducted on July 16, 2019 to address an appeal by Jacob Smith concerning an abatement notice dated April 19, 2019. After hearing Mr. Smith's appeal and discussion by City Council members, the City Council decided to allow the business currently located at 945 McCoy Road to continue with the following stipulations:

1. No more than four cars for repair purposes will be allowed on the property at any one time.
2. All vehicles, including personal vehicles, shall be parked on a hard surface or a minimum of 3 inches of gravel.
3. Hours of operation will be from 8 a.m. to 9 p.m.

All the above stipulations must be met no later than August 1, 2019. The city code enforcement officer will visit the address on that date, and if all of the stipulations are not met a citation will then be issued giving the business owner(s) 14 days to become compliant. Failure to become compliant after 14 days will result in the city proceeding to follow city and Iowa code to force the business to close.



Doug Faas, Mayor

7-18-19
Date:



Jacob Smith, Tenant

7-24-19
Date: