AFFIDAVIT

STATE OF IOWA)
)ss:
DELAWARE COUNTY)

I, Rebecca Burnett, being first duly sworn, do depose and state as follows:

1. I am the City Clerk of the City of Earlville, Iowa.

2. The attached documents hereafter described are true and correct copies of the records of the City of Earlville:

(a) Proof of Publication of Public Notice of Hearing on vacating the alley in Block 8, Pitkin's Addition to the Town of Earlville;

(b) Resolution directing the sale of the City's interest in real property located and described as the alley in Block 8, Pitkin's Addition, dated September 1, 1993;

(c) An Ordinance vacating the alley lying in Block 8 of Pitkin's Addition to Earlville, Iowa, dated September 1, 1993;

(d) Approval of the execution of a Quit Claim Deed by the City of Earlville, Iowa, to William A. Dingbaum and JoAnn M. Dingbaum, dated September 1, 1993;

(e) Proof of Publication of the Minutes of regular September 1, 1993, meeting of the City Council of Earlville, Iowa, publication being made on September 14, 1993.

3. I further state that at the public hearing held on September 1, 1993, at 7:30 p.m. at the Earlville Community Center regarding the vacating of the foregoing alley, that no written objections were filed to the alley vacation, and no one appeared at the public hearing objecting to the alley vacation.

FILE No. 323-1088
RECORDING FEE $ 36.00
TRANSFER FEE $
FILED FOR RECORD THE 8 DAY OF Oct, 1993 AT 4:22 O'CLOCK P. M. BOOK 17 PAGE 235
STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Aff.

4. I further state that the foregoing proceedings attached to this Affidavit are a true and complete copy of the records of the municipality, showing the proceedings of the Council, and that all of the proceedings were held in accordance with the provisions of Chapter 28A, Code of Iowa, and that all council-persons and Mayor were lawfully possessed of their respective City offices when said proceedings were held.

5. A Quit Claim Deed from the City of Earlville to William A. Dingbaum and JoAnn M. Dingbaum was signed and delivered for recording on the 21st day of September, 1993. The above Affidavit concerns property described as follows:

> The alley in Block Eight (8), Pitkin's Addition to the Town of Earlville, formerly Nottingham, Iowa; same being a part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Four (4), West of the Fifth P.M.

Dated this 14th day of October, 1993.

Rebecca Burnett
City Clerk

14th Subscribed and sworn to before me by Rebecca Burnett this day of October, 1993.

MARY P. MANSON
MY COMMISSION EXPIRES

Notary Public In and For the
State of Iowa

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly swom depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, In said county, and that the Public Notice

In case of Earlville City

a copy of which is hereto attached, was published In said newspaper for 1 weeks consecutively; the first publication having been made on the 24th day of August A.D. 1993, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 4.33

Larry K. Woellert

Subscribed by Larry K. Woellert and by him swom to before me, a notary public In and of Delaware County, Iowa this 15th day of September A.D. 1993

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

PUBLIC NOTICE

A public hearing will be held on September 1, 1993 at 7:30 p.m. at the Earlville Community Center concerning the vacating of the alley in Block 8 of Pitkins Addition to the Town of Earlville, formerly Nottingham, Iowa; same being a part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Four (4), West of the Fifth P.M. All interested individuals should contact the city clerk's office if there are any objections or bring them to the hearing.

Becky Burnett, City Clerk

8-24-93 P77

RESOLUTION NO. 93-94-05

RESOLUTION DIRECTING THE SALE OF THE CITY'S INTEREST IN REAL PROPERTY LOCATED AND DESCRIBED AS THE ALLEY IN BLOCK 8 OF PITKENS ADDITION.

BE IT RESOLVED by the Council of the City of Earlville, Iowa:

SECTION 1. On behalf of the City, the Mayor shall contract to sell and shall deed the Alley of Block 8 of Pitkens Addition, to William A. Dingbaum and JoAnn M. Dingbaum for the sum of $1.00.

The City Clerk shall co-sign all such contracts and deeds. the deed shall be delivered thirty days after the date of this resolution unless an appeal on this action has been made to District Court. Action on this resolution shall be final upon the purchasers of the deed giving evidence to the Clerk that the deed has been recorded and such facts to be noted on the official record of this resolution.

SECTION 2. This resolution shall be in affect upon its passage and approval as provided by law.

Passed the 1 day of September 1993, and approved this 1 day of September, 1993.

Robert Peters, Mayor

ATTEST: Rebecca Burnett
Rebecca Burnett, City Clerk

ORDINANCE NO. 79-93-94

AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK EIGHT (8) OF PITKINS ADDITION TO EARLVILLE, IOWA.

Be It Enacted by the City Council of the City of Earlville, Iowa:

SECTION 1 The alley lying in Block eight (8), Pitkins Addition to Earlville, Iowa, is hereby vacated and closed from public use.

SECTION 2 The City Council may by resolution convey the aforedescribed alley to abutting property owners in a manner directed by the City Council.

SECTION 3 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4 If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5 This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 1 day of September, 1993, and approved this 1 day of September, 1993.

Mayor

ATTEST:

Rebecca Burdett
City Clerk

I certify that the foregoing was published as Ordinance No. 79-93-94 in the Manchester Press on the 14 day of September, 1993.

Rebecca Burdett
City Clerk

RESOLUTION NO. 93-94-03

Approval of the Execution of a Quit Claim Deed by the City of Earlville, Iowa to William A. Dingbaum and JoAnn M. Dingbaum.

Whereas, it appears that it is in the best interest of the City of Earlville to sell certain real property, not only to obtain sale proceeds for municipal purpose but also to have such real property improved and producing tax revenue for the City; and

whereas, after compliance with Iowa law pertaining to the proposed sale to William A. Dingbaum and JoAnn M. Dingbaum:

BE IT HEREBY RESOLVED BY THE CITY OF EARLVILLE, IOWA, AS FOLLOWS:

1. That the City of Earlville hereby approves the Quit Claim Deed which is attached to this resolution conveying the property described therein to William A. and JoAnn M. Dingbaum: and

2. That the Mayor and City Clerk are hereby directed and authorized to execute said Quit Claim Deed in favor of William A. and JoAnn M. Dingbaum upon receipt of the purchase price therefor.

Dated this 1 day of September 1993.

Robert Peters, Mayor

ATTEST: Rebecca Burnett
Rebecca Burnett, City Clerk

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, In said county, and that the Minutes of Reg. Ia 9-1-93 meeting

In case of Earlville City

a copy of which is hereto attached, was published In said newspaper for 1 weeks consecutively; the first publication having been made on the 14th day of September A.D. 19 93, and the last on the ____ day of ____ A.D. 19____

Publication fee, $ 29.07

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public In and of Delaware County, Iowa this 15th day of September A.D. 1993

Witness my hand and seal the date last above written.

Doris Liebe Notary Public

Earlville City Council
Regular meeting,
Sept. 1, 1993 :10 p.m.

The meeting was brought to order by Mayor Peters with the following council members in attendance: Trapp, Salow, Mensen, Orcutt. Cree absent.

Motion was made to approve the minutes from the Aug. 2 meeting, the following claims by Mensen, seconded by Salow, carried.

CLAIMS:

GENERAL FUND

August Salaries	$3,950.176
August Withholdings	1,004.53
Petty Cash, supplies	102.97
Postmaster, po box	21.50
Peoples Natural Gas, heat	252.26
Joanne Laxson, mileage	6.40
Mercy Health Care, phone service	50.26
Health Mag, subscription	12.00
NE IA Library Assoc., education	20.00
Lehr Lawn Care, mowing	325.00
Medicare Part B, manual	25.00
Community Ins., premium	616.00
Great Plains, supplies	256.25
Main Street Supply, office supplies	7.75
Pitney Bowes, postage meter	121.00
Radio Shack, tapes	42.92
Newkirk, oxygen	12.00
Dan's Apco, gas	79.75
Delaware County Memorial Hospital, amb. supplies	24.61
ACCO, chlorine	491.70
Job Service, unemployment	51.75
Manchester Press, publications	47.11
Deutmeyer Nursery, trimming	25.00
Lyons Safety, gloves	16.21
J & J Pool, test kit	4.80
Data Base, ribbons	6.59
City Laundry, mats	27.10
NE Iowa Inspection, pool Inspection	270.00
Earlville Reminder, publication	155.00
Dean Hendricks, Inspections	61.50
Mark Jarding, deposit refund	10.00
Dave Stella, deposit refund	26.60
GTE North, phone service	296.14
Total Expenses	$8,419.77
Total Revenue	2,045.53

RUT FUND

August Salaries	$368.87
August Withholding	181.18
Peoples Natural Gas, heat	13.13
Pronto, gas	50.28
Kuhlman, asphalt	70.31
Dan's Apco, tires/gas	487.70
Earlville Auto, repairs	478.80
Scherman's, blades	146.58
Total Expenses	$1,796.83
Total Revenue	3,922.93

Water Fund

August Salaries	$652.31
August Withholding	284.79
Treas. State of Iowa, sales tax	191.94
Town & Country, supplies	12.01
Sandol Labs, testing	18.00
Freidertch Dist., supplies	42.85
Peoples Natural Gas, meter reading	78.23
Utility Equipment, supplies	34.42
Total Expenses	$1,314 55
Total Revenue	3,910.77

Sewer Fund

August Salaries	947.11
August Withholding	463.75
Wege Plumbing, repairs	51.50
Theisens, supplies	29 99
Peoples Natural Gas, meter reading	78.23
ICF, Inc., repairs	18.25
Lipped Lab, chemicals	773.00
Total Expenses	$2,361.83
Total Revenue	6,104.12

Electric Fund

August Salaries	$947.12
August Withholding	463.75
SIMECA, electricity	18,695.04
Armstead Const., labor	4,288.00
Pioneer Lumber, poles	939.40
Treas..State of Iowa, sales tax	1,188.58
Peoples Natural Gas, meter reading	78.24
Electrical Material, supplies	70.03
Terry Durin Co., supplies	32.74
Total Expenses	$26,682.88
Total Revenue	28,165.73

Solid Waste Fund

Delaware County Solid Waste Commission, fees	714.20
C. J. Bacorn, garbage pickup	1,221.60
Sands Sanitation, landfill	563.50
Total Expenses	$2,499.30
Total Revenue	2,754.98

Public hearing on the curfew started at 7:15 p.m. Delaware County Sheriff Ron Wilhelm was in attendance to explain what the sheriff's department will do to enforce an Ordinance on a curfew. The clerk read the Ordinance from Manchester and after a short discussion from individuals in attendance and the council, it was decided to have the City Attorney draw up an Ordinance similar to the one from Manchester, with fines being imposed, along with other stipulations. Public hearing closed at 7:25 p.m.

The question was raised on the ordinance regarding snowmobiles being driven on private property. The ordinance will be published at a later date, reminding individuals of the limitations and violations.

The mayor was excused at 7:35 p.m. for personal reasons and the mayor pro-tem stepped in to finish the meeting.

Daryld Lewin was next on the agenda to discuss sidewalks. After much discussion, it was decided by the council to have the clerk check into having it put on the ballot for the entire town to vote on whether to have sidewalks installed throughout the entire town, and to have the Planning and Zoning Commission involved in the project.

Bob Miller requested that there be rock placed in the alley behind his property. The council rejected the request and suggested that he try to have the alley closed with the consent of the other property owners in that area.

The council went into a break at 8 p.m. Back in session at 8:10 p.m.

Public hearing for the vacating of the alley in Block 8 of the Pitkins Addition started at 8:10 p.m.

Salow motioned to pass Ordinance No. 79-93-94 and waive the second and third reading, seconded by Trapp, carried.

ORDINANCE No. 79-93-94

AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK EIGHT (8) OF PITKINS ADDITION TO EARLVILLE, IOWA

Be It Enacted by the City Council of the City of Earlville, Iowa:

SECTION 1. The alley lying in block eight (8), Pitkins Addition to Earlville, Iowa, is hereby vacated and closed from public use.

SECTION 2. The City Council may by resolution convey the afore described alley to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the council the 1st day of September, 1993, and approved this 1st day of September, 1993.

ATTEST: Becky Burnett, City Clerk

Trapp motioned to pass Resolution 93-94-02: RESOLUTION DIRECTING THE SALE OF THE CITY'S INTEREST IN REAL PROPERTY LOCATED AND DESCRIBED AS THE ALLEY IN BLOCK 8 OF PITKINS ADDITION OF EARLVILLE, IOWA. And Resolution 93-94-03: APPROVAL OF THE EXECUTION OF A QUIT CLAIM DEED BY THE CITY OF EARLVILLE, IOWA TO WILLIAM A. AND JOANN M. DINGBAUM. Seconded by Salow, carried.

Salow motioned to have the mayor sign the above mentioned Ordinance and Resolutions, seconded by Trapp, carried.

Job applications were discussed at a special meeting and interviews will be set up between the council and two applicants on Sept. 4, 1993 at 1 p.m. The two applicants are James Heiserman and Brian Trapp.

A special meeting will be held on Sept. 13, 1993 at 7 p.m. to discuss the possibility of lowering the interest on the GO Water Bond.

Salow motioned to approve the Beer Permit submitted by the Earlville Fire Department for their annual Pow Wow on Oct. 8, seconded by Orcutt, carried.

ADDITIONS:

Orcutt on the water being taken out of the hydrants by Shaver Well Co. as to whether they are paying for the water. The clerk informed him that they are paying for it.

Clerk informed the council of the invitation to the open house for the Delaware County Recycling Center on the 13th of September, and the application for the CDBG Grants are due to be turned in in the near future.

Duane Robinson was in attendance to discuss the culvert that is in need of replacement on Maple Street and the culverts that he is putting in on his property and to inform the council that it will not generate any more run-off in the storm sewers than what is already there. Also to discuss the needed repairs to Prospect Street.

Joanne Laxson presented the council with the financial report from the library for the year end.

COMMITTEES:

Electric: Nothing

Streets: Nothing

Leisure: Pool is closed.

Sewer: Orcutt will check into a sink hole on the Dutra property and the repairs that may be needed.

Mensen motioned to adjourn at 8:50 p.m., seconded by Trapp. Mensen, aye; Trapp, aye; Salow, aye; Orcutt, aye.

Becky Burnett,
City Clerk
P&O

9-14-93