

LEGALS

PUBLIC NOTICE

Butler Co 911 Service Board • Budget Estimate

NOTICE OF PUBLIC HEARING BUDGET ESTIMATE Fiscal Year July 1, 2025 - June 30, 2026
Butler County 911 Service Board

The 911 Service Board of the above named jurisdiction will conduct a public hearing on the proposed fiscal year budget as follows:
Meeting Date: 3/25/2025 Meeting Time: 10:00 AM Meeting Location: Butler County Courthouse: Supervisors Room

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of budgeted receipts and expenditures on file with the 911 Service Board Secretary. Copies of the Supplemental Budget Detail will be furnished upon request.

	FYE June 30, 2024 Actual Expenditures	FYE June 30, 2025 Re-Estimated Expenditures	FYE June 30, 2026 Proposed Expenditures	Transfers Out	Estimated Ending Fund Balance June 30, 2026	Estimated Beginning Fund Balance July 1, 2025	Estimated Other Receipts	Transfers In	Estimated Amount To Be Raised By Surcharge
1. Surcharge Fund	234,748	375,900	372,400	0	602	169,002	2,000	0	202,000
2. Operating Fund	0	0	0	0	0	0	0	0	0
3. TOTAL	234,748	375,900	372,400	0	602	169,002	2,000	0	202,000

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE

Butler Co • Proposed Property Tax Levy

COUNTY NAME: BUTLER COUNTY	NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY Fiscal Year July 1, 2025 - June 30, 2026	COUNTY NUMBER: 12
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The County Board of Supervisors will conduct a public hearing on the proposed Fiscal Year County tax asking as follows:
Meeting Date: 3/25/2025 Meeting Time: 08:00 AM Meeting Location: Butler County Courthouse Basement EOC

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After the hearing of the proposed tax levy, the Board will publish notice and hold a hearing on the proposed county budget.

County Website (if available)
www.butlercounty.iowa.gov

County Telephone Number
(319) 346-6547

Iowa Department of Management	Current Year Certified Property Tax FY 2024/2025	Budget Year Effective Tax FY 2025/2026	Budget Year Proposed Tax FY 2025/2026
Taxable Valuations-General Services	992,200,312	1,018,822,308	1,018,822,308
Requested Tax Dollars-Countywide Rates Except Debt Service	5,968,025	5,968,025	6,251,851
Taxable Valuations-Debt Service	1,125,060,630	1,152,720,263	1,152,720,263
Requested Tax Dollars-Debt Service	535,518	535,518	389,181
Requested Tax Dollars-Countywide Rates	6,503,543	6,503,543	6,641,032
Tax Rate-Countywide	6.49093	6.32234	6.47397
Taxable Valuations-Rural Services	704,328,925	723,026,818	723,026,818
Requested Tax Dollars-Additional Rural Levies	2,608,257	2,608,257	2,706,586
Tax Rate-Rural Additional	3.70318	3.60741	3.74341
Rural Total	10.19411	9.92975	10.21738

Tax Rate Comparison-Current VS. Proposed

Residential property with an Actual/Assessed Valuation of \$100,000/\$110,000	Current Year Certified Property Tax FY 2024/2025	Budget Year Proposed Tax FY 2025/2026	Percent Change
Urban Taxpayer	301	338	12.29
Rural Taxpayer	472	533	12.92

Tax Rate Comparison-Current VS. Proposed

Commercial property with an Actual/Assessed Valuation of \$300,000/\$330,000	Current Year Certified Property Tax FY 2024/2025	Budget Year Proposed Tax FY 2025/2026	Percent Change
Urban Taxpayer	1,327	1,510	13.79
Rural Taxpayer	2,085	2,382	14.24

Note: Actual/Assessed Valuation is multiplied by a Rollback Percentage to get to the Taxable Valuation to calculate Property Taxes. Residential and Commercial properties have the same Rollback Percentage at \$150,000 Actual/Assessed Valuation. The Proposed Property taxes assume a 10% increase in property values for the year as a comparison to the current year.

Reasons for tax increase if proposed exceeds the current:

New EMS Levy, new General Relief Director position and increased expenses, increased Courthouse maintenance, salary increases and property insurance increases.

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE

City of Aplington • Proposed Property Tax Levy

CITY NAME: NOTICE OF PUBLIC HEARING - CITY OF APLINGTON - PROPOSED PROPERTY TAX LEVY CITY #: 12-094
APLINGTON Fiscal Year July 1, 2025 - June 30, 2026

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:
Meeting Date: 3/24/2025 Meeting Time: 06:00 PM Meeting Location: Aplington City Hall

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After the hearing of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)
www.aplingtonia.com

City Telephone Number
(319) 347-2425

Iowa Department of Management	Current Year Certified Property Tax 2024 - 2025	Budget Year Effective Property Tax 2025 - 2026	Budget Year Proposed Property Tax 2025 - 2026
Taxable Valuations for Non-Debt Service	31,568,383	31,928,352	31,928,352
Consolidated General Fund	264,227	264,227	267,240
Operation & Maintenance of Public Transit	0	0	0
Aviation Authority	0	0	0
Liability, Property & Self Insurance	69,806	69,806	79,781
Support of Local Emergency Mgmt. Comm.	0	0	0
Unified Law Enforcement	0	0	0
Police & Fire Retirement	9,010	9,010	0
FICA & IPERS (If at General Fund Limit)	21,939	21,939	28,920
Other Employee Benefits	56,842	56,842	58,838
Capital Projects (Capital Improv. Reserve)	0	0	0
Taxable Value for Debt Service	31,568,383	31,928,352	31,928,352
Debt Service	74,843	74,843	73,458
CITY REGULAR TOTAL PROPERTY TAX	496,667	496,667	508,237
CITY REGULAR TAX RATE	15.73308	15.55567	15.91806
Taxable Value for City Ag Land	70,328	72,307	72,307
Ag Land	211	211	218
CITY AG LAND TAX RATE	3.00023	2.91811	3.00375

Tax Rate Comparison-Current VS. Proposed

Residential property with an Actual/Assessed Valuation of \$100,000/\$110,000	Current Year Certified 2024/2025	Budget Year Proposed 2025/2026	Percent Change
City Regular Residential	729	831	13.99
Commercial property with an Actual/Assessed Valuation of \$300,000/\$330,000	Current Year Certified 2024/2025	Budget Year Proposed 2025/2026	Percent Change
City Regular Commercial	3,218	3,711	15.32

Note: Actual/Assessed Valuation is multiplied by a Rollback Percentage to get to the Taxable Valuation to calculate Property Taxes. Residential and commercial properties have the same rollback percentage through \$150,000 of actual/assessed valuation.

Reasons for tax increase if proposed exceeds the current:

Increases in property, liability, and self insurance costs.

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE

Aplington-Parkersburg CSD • Proposed Property Tax Levy

	NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY Proposed APLINGTON - PARKERSBURG Property Tax Levy Fiscal Year July 1, 2025 - June 30, 2026	
Location of Public Hearing: Aplington-Parkersburg High School Library 610 N Johnson St Parkersburg, IA 50665	Date of Public Hearing: 3/24/2025	Time of Public Hearing: 06:00 PM
Location of Notice on School Website: https://www.a-pscd.net/en-US		

At the public hearing any resident or taxpayer may present oral or written objections to, or arguments in favor of the proposed tax levy. After the hearing of the proposed tax levy, the Board will publish notice and hold a hearing on the proposed budget.

	Current Year Final Property Tax Dollar Levy FY 2025	Budget Year Effective Property Tax Dollar Levy (No change in Property Tax Dollars Levied) FY 2026	Budget Year Proposed Property Tax Dollar Levy FY 2026
General Fund Levy	1 2,752,721	2,752,721	2,741,399
Instructional Support Levy	2 79,715	79,715	147,041
Management	3 673,308	673,308	715,701
Amana Library	4 0	0	0
Voted Physical Plant and Equipment	5 193,632	193,632	197,799
Regular Physical Plant and Equipment	6 112,103	112,103	114,515
Reorganization Equalization	7 0	0	0
Public Education/Recreation (Playground)	8 0	0	0
Debt Service	9 0	0	0
Grand Total	10 3,811,479	3,811,479	3,916,455

	Current Year Final Property Tax Rate FY 2025	Budget Year Effective Property Tax Rate (No change in Property Tax Dollars Levied) FY 2026	Budget Year Proposed Property Tax Rate FY 2026
Grand Total Levy Rate	11.92004	11.61496	11.92320

Property Tax Comparison	Current Year Property Taxes	Proposed Property Taxes	Percent Change
Residential property with an Actual/Assessed Value of \$100,000/\$110,000	552	622	12.68
Commercial property with an Actual/Assessed Value of \$300,000/\$330,000	2,438	2,780	14.03

Note: Actual/Assessed Valuation is multiplied by a Rollback Percentage to get to the Taxable Valuation to calculate Property Taxes. Residential and Commercial properties have the same Rollback Percentage at \$150,000 Actual/Assessed Valuation. The Proposed Property taxes assume a 10% increase in property values for the year as a comparison to the current year.

Reasons for tax increase if proposed exceeds the current:

The district's management fund levy was increased to offset projected increases in property/casualty insurance premiums and pre-fund an early retirement program.

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE

City of Parkersburg • Affirmative Fair Housing Policy

CITY OF PARKERSBURG AFFIRMATIVE FAIR HOUSING POLICY

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability, or familial status.

The Mayor of the City of Parkersburg advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

The Mayor shall assist individuals who believe they have been subject to discrimination in housing

through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

The Mayor has designated the City Administrator as the contract to coordinate efforts to comply with this policy. Inquiries should be directed to:

Name: Chris Luhring
Office: City of Parkersburg
Address: 608 Highway 57
City, State Zip: Parkersburg, Iowa 50665

Phone: 319-346-2262
Hours: 8:00 a.m. to 4:00 p.m. (closed from noon to 1:00 pm) (Monday-Friday)

This policy is hereby adopted by the City of Parkersburg, as of March 3, 2025.

Michael Timmer, Mayor
ATTEST:
Chris Luhring, City Administrator

Published in the Eclipse-News-Review on March 12, 2025

PROBATE

Mitchell Dralle ESPR017613

THE IOWA DISTRICT COURT FOR BUTLER COUNTY IN THE MATTER OF THE ESTATE OF MITCHELL DRALLE, Deceased CASE NO. ESPR017613 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Mitchell Dralle, Deceased, who died on or about December 17, 2024:

You are hereby notified that on February 11, 2025, the Last Will and Testament of Mitchell Dralle, deceased, bearing date of May 29, 1991, was admitted to probate in the above named court and that Richard Dralle was appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all

persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated 1-28-25
Richard Dralle, Executor of Estate
PO Box 453
Parkersburg, IA 50665
Gary Papenheim, ICIS#:
AT0006079

Attorney for Executor
Papenheim Law Office
234 3rd Street
P.O. Box 673
Parkersburg, IA 50665
Date of second publication
March 12, 2025
Probate Code Section 304
* Designate Codicil(s) if any, with date(s).

Published in the Eclipse-News-Review on March 5 and 12, 2025

PUBLIC NOTICE

Butler Co BOS • Minutes 2.25.2025

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON FEBRUARY 25, 2025.

Meeting called to order at 9:00 A.M. by Chairman Rusty Eddy with members Greg Barnett and Wayne Dralle present. Moved by Barnett second by Dralle to approve the agenda. All ayes. Motion carried.

Minutes of the previous meeting were read. Motioned by Dralle, second by Barnett to approve the minutes as read. All ayes. Motion carried.

No public comment was received. Derek Kramer, Shell Rock, was present to discuss concerns about the Logistics Park. He noted that he has lived near the train tracks for 45 years and the railroad traffic has increased with the Logistics Park expansion which results in blowing their horns throughout the night. He inquired about establishing a "quiet zone" between certain hours of the night. John Riherd, Engineer, stated that he would contact personnel that he knows through the DOT and the Railroad to initiate that conversation.

Board reviewed an appoint of to the Board of Adjustment. Misty Kofron, Planning & Zoning, stated that Kevin Toben has agreed to serve a three-year term on the Board of Adjustment. Motion by Barnett, second by Eddy to approve Kevin Toben to the Board of Adjustment. All ayes. Motion carried.

Board reviewed State of Iowa Agreement. Sara Trepp, IT Director, explained that there is a Memorandum of Understanding with the Secretary of State to include CrowdStrike on all Election workstations. Motion by Eddy, second by Barnett to approve the MOU with the Secretary of State. All ayes. Motion carried.

Board considered letter of support for application for National Association of County Engineers (NACE) State Director position. Riherd is seeking to apply as the representative for the State of Iowa. Motion by Barnett, second by Dralle to approve the letter of support. All ayes. Motion carried.

An Engineer's update was provided. Bid letting on deck overlay south of Unverferth on T55 and three additional bridges on T25. Five bids were received with three bids com-

ing under the Engineer's estimated cost of approximately \$1,223,000. Riherd will provide full details of the winning bid in the future. Secondary Roads crew has road maintenance training scheduled.

During the FY26 Budget Workshop, Leslie Groen, Auditor, stated that Rural Supplemental can be used for certain areas within the budget. Groen prepared budgets utilizing the maximum salary raises and the 3% raises, while comparing high versus low levy rates. Discussion was had to determine the salary raises to be used on the proposed budget statement mailing. Groen explained budgets and levy rates can be decreased from the published rates and expenses but not increased. Deb McWhirter, a Butler County Compensation Board member, shared her opinion regarding their work and the recommendations they provided. County Recorder Janice Jacobs reminded the Board they chose to re-establish the Compensation Board, the purpose of that board and the work they do. Eddy felt we should move forward budgeting with a 3% increase while Barnett and Dralle shared thoughts on utilizing the Compensation Board's FY26 recommendations for the FY26 Proposed Budget statement mailing. Groen will prepare the initial proposed budget utilizing the Compensation Board's FY26 recommendations.

Motioned by Barnett, second by Dralle to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Short Form Annual Updates for DCI Bennezzette 2 #71200, Woodford Creek Farms 170/171 #58327, RIG 3 Bennezzette #60134 and Kurt Wolf #58535.

Motioned by Barnett, second by Dralle to adjourn the regular meeting at 9:54 A.M. to March 4, 2025 at 9:00 A.M. All ayes. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on February 25, 2025.

Attest: Leslie Groen, Butler County Auditor
Wayne Dralle, Chairman of the Board of Supervisors

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE
City of Parkersburg • Minutes and Claims 3.3.2025

CITY OF PARKERSBURG
MARCH 3, 2025

Parkersburg, Iowa
The City Council of the City of Parkersburg, Iowa met in regular session on Monday, March 3, 2025 at 7:00 P.M. at the Parkersburg Civic Center. Council members present: Cuvelier, Manifold, Schneiderman, and Simon.

Mayor Mike Timmer called the meeting to order and led those in attendance in reciting the Pledge of Allegiance.

Mayor Timmer explained the process the city has used in the past when making appointments to fill a city council vacancy. After discussion, there was a motion by Schneiderman, seconded by Simon to adopt Resolution 1140 appointing Kent Madsen to fill the vacancy. Upon vote, all ayes. Kent Madsen was sworn in by Mayor Timmer and joined the meeting in progress.

There was a motion by Cuvelier, seconded by Schneiderman to approve the minutes. Upon vote, all ayes.

There was a motion by Cuvelier, seconded by Simon to approve the bills. Upon vote, all ayes.

A Public Works Department update was provided. Tim Kolder gave an update on the water meter replacement project. He also stated that they are getting quotes to replace the brine tank at the water plant. There was discussion about the repairs being done at the swimming pool as well.

Megan Kalkwarf spoke on behalf of the Parkersburg Fun Days Committee. She discussed some of the activities being proposed, sponsorship, and the budget for the events. There was also questions about insurance and potential liabilities.

Fire Chief Rus Boersma discussed the purchase of fire radios, gave an update on grants applied for radios and SCBAs, and equipment being repaired.

Officer Jordan Cobie provided a calls for service update. Police Chief Bruce Tierney provided a recommendation to hire Jeremiah Johnson as a part-time police officer working approximately two-three days per week. Bruce stated that Jeremiah currently is a fully certified officer and works part-time for

the Butler County Sheriff's Department as well. There was a motion by Schneiderman, seconded by Cuvelier to pay Officer Johnson \$25.00/hr. Upon vote, all ayes.

Assistant Ambulance Chief Tyler Johnson gave an update of the Ambulance Service. He discussed the repairs being done to the 2009 Chevy Ambulance and the difficulty numerous mechanics have had in diagnosing the electrical problems taking place since last July. Thanks was provided to Councilman Schneiderman, Dusty Stotler, Clayton McDivitt, and to Tyler Johnson for the time and effort put forth at various times to get the ambulance repaired.

Librarian Julie Folken provided information on some bills being proposed by the State Legislature that will impact municipal libraries. She also provided information on recent programming offered last week and the programming taking place during spring break.

There was discussion about Beaver Meadows Golf Course Board of Directors constructing a new clubhouse. There were no objections to the Board raising the funds or researching grants for this purpose.

There was a motion by Cuvelier, seconded by Manifold to adopt the required CDBG Resolution 1138 adopting a Parkersburg Code of Conduct to ensure the efficient, fair, and professional administration of federal grants funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws. Upon vote, all ayes.

There was a motion by Cuvelier, seconded by Simon to adopt the required CDBG Equal Opportunity Policy. Upon vote, all ayes.

There was a motion Simon, seconded by Schneiderman to adopt the required CDBG Mayor's Proclamation regarding the Prohibition of the Use of Excessive Force. Upon vote, all ayes.

There was a motion by Manifold, seconded by Simon to adopt the required CDBG Resolution 1139 adopting the Procurement Policy for use during the implementation and administration of the City's Community Development Block Grant Program. Upon vote, all ayes.

There was a motion by Schneiderman, seconded by Madsen to adopt the required CDBG Residential Anti-Displacement and Relocation Assistance Plan. Upon vote, all ayes.

There was a motion by Cuvelier, seconded by Simon to adopt the required CDBG Affirmative Fair Housing Policy. Upon vote, all ayes.

Engineer Lee Gallentine provided an update of the Newell Avenue Reconstruction and Trail project. There was a motion by Cuvelier, seconded by Schneiderman to approve the Newell Avenue Reconstruction Pay Estimate #1. Upon vote, all ayes. Lee stated he anticipates construction starting in April sometime depending on the weather.

Lee provided information about the Railroad Safety grants that have been applied for and what needs to be done to the property descriptions to be eligible.

There was discussion about the 3rd Street East Alley Construction Project and the additional services needed due to the special circumstances of this project. There was a motion by Manifold, seconded by Cuvelier to adopt Resolution 1141 approving the Engineering Services Agreement with Clapsaddle-Garber Associates, INC for the 3rd Street East Alley Reconstruction Project. Upon vote, all ayes.

There was a motion by Schneiderman, seconded by Madsen to adopt Resolution 1142 approving the Engineering Services Agreement with Clapsaddle-Garber Associates, INC for the conceptual planning services necessary for the 3rd Street West Alley Reconstruction Project. Upon vote, all ayes.

There was a motion by Cuvelier, seconded by Simon to approve the final pay estimate for \$21,335.00 to TanksCo for the final / release of retainage, to acknowledge the subcontractor(s) release and waiver of claims and liens, and approve the acceptance of completion of the 2024 Parkersburg Water Tower Rehabilitation Project. Upon vote, all ayes.

Lee also discussed the proposed bid letting / date of acceptance for the Wemple Street / Lincoln Street Watermain Reconstruction Project on April 28, 2025. He stated they are working on capturing the storm wa-

ter that flows down Wemple Street from the west in intakes constructed at the intersection with Lincoln Street. He also provided information on the enhanced handicap signage being installed at that intersection as well.

There was discussion about the proposed property tax levy notices being sent to property owners and the public hearing taking place on April 7th. As shared at the meeting, the information provided on the public notices does not accurately represent the certification of taxes by the City of Parkersburg or any city in the State of Iowa due to how the notice was drafted with hypothetical property valuations. There was discussion on the best ways of getting accurate information to property tax owners in the future.

There was a motion by Cuvelier, seconded by Schneiderman to approve the liquor license renewal for Brothers Market, Inc subject to ABD approval. Upon vote, all ayes.

APRIL BOVY, CITY HALL JANITORIAL	\$100.00
CRISSA BROUWER, LIBRARY JANITORIAL	\$275.00
A-P TAX & ACCOUNTING, LTD, CONTRACT SERVICES ..	\$450.00
AG VANTAGE FS, FUEL ..	\$217.54
AMAZON CAPITAL SERVICES, SUPPLIES/BOOKS	\$583.39
BAKER & TAYLOR, LIBRARY BOOKS	\$782.31
ASHLEE BAUSMAN, REIMBURSEMENT	\$64.35
BROTHERS MARKET, JOLLY JAMBOREE	\$36.09
BUTLER CO SOLID WASTE COMM., GARBAGE/RECYCLING	\$8,563.75
BUTLER COUNTY COMPUTERS, FLASH DRIVE	\$19.99
CENTURY LINK, TELEPHONE	\$22,780.00
CHICAGO CENTRAL & PACIFIC, CONTRACT SERVICES ..	\$383.00
CITY SANITARY SERVICE, GARBAGE/RECYCLING	\$5,472.88
CLAPSADDLE-GARBER ASSOC, 3RD STREET ALLEY ..	\$2,580.50
CLAPSADDLE-GARBER ASSOC, ENGINEERING WEMPLE ST	\$22,780.00
CLAPSADDLE-GARBER ASSOC, ENGINEERING NEWELL AVE	\$310.00
CLAPSADDLE-GARBER ASSOC,	

ENGINEERING SEWER LINING ..	\$120.00
CLAPSADDLE-GARBER ASSOC, ENGINEERING WATER TOWER ..	\$245.00
CLIA LABORATORY PROGRAM, CERTIFICATE FEE	\$248.00
JORDAN COBIE, REIMBURSE POLICE	\$20.54
COLUMN SOFTWARE PBC, PUBLISHING	\$298.20
DAKOTA SUPPLY GROUP, WATER PARTS	\$249.13
DOLLAR GENERAL-REGIONS 410526, PROGRAMMING ..	\$50.85
DUMONT TELEPHONE COMPANY, BROADBAND	\$688.31
EMS LEARNING RESOURCES CENTER, CPR CARDS ..	\$119.00
JULIE FOLKEN, LIBRARY REIMBURSEMENT	\$439.54
HAWKINS INC, CHEMICALS	\$70.00
IMS ALLIANCE, FIRE SUPPLIES ..	\$30.25
INRCOG, COMP PLAN ..	\$5,730.00
IOWA ONE CALL, CONTRACT SERVICES	\$4.50
IOWA STATE UNIVERSITY, TRAINING	\$240.00
JOHN DEERE FINANCIAL, PARTS	\$8.92
JOHNSONS PLUMBING & HEAT, REPAIRS	\$6,711.15
KONKEN ELECTRIC, INC, REPAIRS	\$394.43
KWIK TRIP, INC, FUEL ..	\$1,248.96
LEGACY EMERGENCY VEHICLES, AMBULANCE COT	\$47,278.00
LUHRING MONUMENTS, REPAIRS	\$150.00
MED COMPASS, PHYSICALS	\$2,180.00
MEDIACOM, TELEPHONE ..	\$47.97
MERCY-ONE WATERLOO MEDICAL CEN, MUTUAL AID ..	\$160.00
MID-AMERICAN PUBLISHING CO, MAGAZINE SUBSCRIPTION ..	\$59.00
MIDAMERICAN ENERGY, UTILITIES	\$8,313.93
MILLER WINDOW SERVICE, WINDOW CLEANING	\$48.00
MJ SERVICES LLC, SNOW REMOVAL	\$25.00
NAPA AUTO PARTS, PARTS/SUPPLIES	\$24.29
NELSON & TOENJES LAW, LEGAL	\$6,964.12
NORTH IOWA AREA COMM COLLEGE, TRAINING	\$1,972.25

PARKERSBURG HARDWARE, PARTS/SUPPLIES	\$408.83
PATROL PC, PARTS/SUPPLIES	\$415.85
PCC AMBULANCE BILLING, AMBULANCE BILLING	\$1,014.80
LAURA ROEGNER, LIBRARY REIMBURSEMENT	\$382.07
SHIELD PEST CONTROL, LLC, SERVICE	\$65.00
SUPERIOR WELDING CO, MEDICAL SUPPLIES	\$252.06
TRIONFO SOLUTIONS, INSURANCE	\$789.41
US CELLULAR, TELEPHONE	\$364.42
VAN WERT COMPANY, METERS ..	\$27,200.00
VERIZON WIRELESS, POLICE DATA	\$80.02
WILLIAMS UNDERGROUND SERVICES, REPAIRS	\$2,673.00
IPERS, IPERS	\$5,640.03
UHS PREMIUM BILLING, INSURANCE	\$13,906.67
WAGES, FEBRUARY ..	\$32,680.65
EFTPS, FED/FICA TAX ..	\$5,752.47
IOWA DEPARTMENT OF REVENUE, STATE TAXES ..	\$918.67
EFTPS, FED/FICA TAX ..	\$2,232.47
IOWA DEPARTMENT OF REVENUE, EXCISE TAX ..	\$1,371.64
REPORT TOTAL	\$223,702.71
GENERAL FUND	\$118,077.66
SPECIAL REVENUE FUND	\$22,311.03
CAPITAL PROJECT FUND	\$22,755.50
WATER	\$41,136.26
SEWER	\$16,422.26

REVENUES

GENERAL	\$59,795.10
SPECIAL REVENUE ..	\$20,785.44
LOCAL OPTION SALES	\$14,516.48
TAX INCREMENT FINANCE	\$56.88
DEBT SERVICE	\$159.32
WATER	\$28,199.93
SEWER	\$20,287.72

There was a motion by Manifold, seconded by Cuvelier to adjourn the meeting. Upon vote, all ayes.

Mayor Michael Timmer:
Attest: Christopher M. Luhning, City Clerk/Administrator:

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE
City of New Hartford • Minutes and Claims 3.5.2025 - PART 2/2

maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of vegetation and trees shall be completed in accordance with nationally accepted safety and utility standards, NSI Z133.1-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300(part 1) – 2008 Pruning, (Revision of ANSI A300 part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management – Standard of Practices (Pruning) or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

Section 11. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps and other information in paper or electronic or other forms ("Information.") The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may

otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure in a timely manner and no later than fifteen (15) days from the date the City submitted the request to the Company. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure, the Company shall assume, upon request of the City, the defense of said action and reimburse the City any and all costs, including attorney fees and penalties to the extent allowed by law.

Section 12. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or

its successors and Iowa law.

Section 13. There is hereby imposed upon the customers a franchise fee of five percent (5%) upon the gross revenues generated from the sales of electricity by the Company within the corporate limits of the City, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the Tariff, by the Company within the corporate limits of the City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

A. City agrees to modify the level of franchise fees imposed only once in any 24-month period. The franchise fee level may be modified more than once in any 24-month period upon mutual agreement of the Company and the City.

B. Company will use its best efforts to commence collection of franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee.

C. City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been

provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

D. Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 14. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge the Company a fee for management costs attributable to the Company's use of the City's right-of-way.

Section 15. This franchise shall apply to and bind the City and Company and their successors and assigns.

Section 16. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party,

and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any of the provisions of this franchise ordinance are for any reason declared to be illegal or void, the lawful provisions of this franchise ordinance, which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the franchise ordinance contained no illegal or void provisions.

Section 18. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under

or in connection with this Agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Section 19. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy

of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

Section 20. Upon the effective date of this ordinance, all prior franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

Section 21. The City reserves to itself all home rule powers and authority.

Section 22. This franchise shall apply to and bind the City and Company and their successors and assigns.

PASSED AND APPROVED this 5th day of March, 2025.
CITY OF NEW HARTFORD, IOWA
By: Dennis L Canfield, Mayor/Mayor Pro Tem
ATTEST: Shawn Hagen, City Clerk (OFFICIAL SEAL)

Published in the Eclipse-News-Review on March 12, 2025

PUBLIC NOTICE
City of New Hartford • Minutes and Claims 3.5.2025 - PART 1/2

NEW HARTFORD CITY COUNCIL MINUTES MARCH 5, 2025

ROLL CALL Mayor Dennis Canfield, Abbie Banwarth, Cindy Brewer, Jerry Ragsdale, Randy Johnson Absent: Tim Woods Others present: Dalton Feckers, Brad Swarts, Erik Banwarth

Mayor Canfield leads with the Pledge of Allegiance at 5:30 pm and then asks for approval of agenda which brought a motion from Johnson 2nd by Brewer with vote being 4 ayes 0 nays absent Woods motion carries.

Feckers reports there is a committee forming for Beaver Creek Days. He also reports all the work that has been completed on the Drainage Ditch and how important the maintenance moving forward will be to keep the ditch clean.

Swarts explains the fire department is in process of updating their policies and by-laws; suggest the city put together a committee for flood mitigation; research on pump testing-ISO ratings; plans on a spaghetti dinner fundraiser; and the many exciting up-and-coming training opportunities.

Mayor Canfield explained the Franchise information has been put out to the public on Facebook; the Beaver Creek ENews; posted in the Post Office, Library and City Hall; as well as printed on the February utility bills in addition to Eclipse-News-Review legal notices and asks the clerk if any written or oral testimonies in favor or against has been received. The clerk explains only a couple oral questions were received to explain the measure.

Mayor Canfield then asks for consideration for the third and final reading of ORDINANCE #425 AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF NEW HARTFORD, IOWA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 20 YEARS.

Motion to approve third and final reading of ORDINANCE #425 was made by Johnson 2nd by Brewer and the roll call was as follows: Aye Banwarth, Ragsdale, Brewer, Johnson absent Woods with the votes being 4 ayes 0 nays absent Woods motion carries.

Mayor Canfield then asks for consideration for the third and final reading of ORDINANCE #430 AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF NEW HARTFORD, IOWA, AN ELECTRIC SYSTEM AND COMMUNICATIONS FACILITIES, TO BE USED SOLELY FOR MIDAMERICAN ENERGY COMPANY INFRASTRUCTURE, AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 20 YEARS.

Motion to approve third and final reading of ORDINANCE #430 was made by Banwarth 2nd by Brewer and the roll call was as follows: Ayes Banwarth, Ragsdale, Brewer, Johnson absent Woods with the vote being 4 Ayes, 0 Nays Absent Woods motion carries.

Mayor Canfield explains after the approval of these measures for the third and final readings of ORDINANCE #425 and ORDINANCE #430 are duly adopted. Competed copy of the ordinances will follow these minutes.

Cole was not available for updates however the Mayor explains the projects he is working on City Shop Project; Street sweeper quotes; Tank; Shop Door maintenance; Yellow Dump Truck Brakes; Lagoon chemicals starting for season; Meter issue at 814 Main St; Storm Drains marked and ready for spring; Water main fixed at Washington & York-Road maintenance -Sidewalk maintenance at Packwaukee and York ;Solar signs-Stop Sign at corner of Main and Packwaukee; Stop sign-maintenance plans at corner of Main St and Packwaukee.

Motion by Brewer 2nd by Banwarth to donate \$150 to go towards the 2025 Miss New Hartford Contest with the vote being 4 Ayes 0 Nays Absent Woods. Mayor also explains the Lion's Club will be pledging \$150 as well towards this contest.

Mayor requests a motion to approve consent agenda as presented including minutes and bills moved by Brewer 2nd by Johnson with the vote being 3 ayes 0 Nays Absent Woods, Banwarth motion carries.

REVENUES: General \$19851.24
Road Use \$5751.13
Water Utilities \$6937.37
Sewer Utilities \$8754.07
Total All funds \$41293.81
EXPENDITURES: General \$31333.05;
Road Use \$5722.34 ;
Water Utilities \$8326.42;
Sewer Utilities \$19311.92;
Debt Serv \$ Total all funds \$64693.73

CLAIMS REPORT

VENDOR, REFERENCE, AMOUNT	
AHLERS & COENY PC, LEGAL.....	\$6,151.00
ANGELA MARIE WIBBEN, CITY HALL MAINT.....	\$120.00
ARNOLD MOTOR SUPPLY, VEHICLE MAINT.....	\$249.30
BAKER & TAYLOR, LIB BOOKS.....	\$302.10
BUTLER CO RECORDER, FD BOAT REGISTRATION.....	\$41.65
BUTLER CO SOLID WASTE COMM, FEB DISPOSAL FEES.....	\$2,442.50
CITY SANITARY SERVICE, MONTHLY GBG FEES.....	\$2,207.04
COMPLETE COMFORT, FURNACE MAINTENANCE.....	\$380.00
DEMCO, LIB SUPPLIES.....	\$161.65
EFTPS, FED/FICA TAX.....	\$2,878.76
ELECTRIC PUMP, ELECTRICAL MAINTENANCE.....	\$7,535.59
EVENFLO COMPANY INC., AMB EQUIP.....	\$556.27
FOOD & WINE, LIB BOOKS.....	\$21.41
GORDON FLESCH COMP INC, LIB.....	\$106.86
HAWKINS INC, CHLORINE.....	\$694.82
INFOA, IMFOA.....	\$50.00
IOWA ONE CALL, LOCATES.....	

.....	\$13.50
IPERS, IPERS.....	\$1,814.49
JAMES COLE JR, SHOP SUPPLIES REIMBURSEMENT.....	\$5.66
JOHNSON CONTROLS, FIRE EXTINGUISHER INSPECTIONS.....	\$150.00
KONKEN ELECTRIC INC, ELECTRICAL.....	\$342.37
MENARDS-CEDAR FALLS, MAINTENANCE.....	\$4,344.30
MID AMERICAN PUBLISHING CORP, PUBLICATIONS.....	\$207.50
MILLER WINDOW SERVICE, CITY HALL MAINT.....	\$13.00
NATIONAL FLOOD INSURANCE, FLOOD INSURANCE.....	\$4,047.00
NELSON & TOENJES, LEGAL.....	\$782.50
NORTHEAST IOWA REGIONAL LEAGUE, NEIRL DUES.....	\$10.00
OFFICE AUDITOR OF STATE, PERIODIC EXAM FEE.....	\$1,500.00
OFFICE DEPOT, OFFICE SUPPLIES.....	\$146.76
PARKERSBURG HARDWARE, MAINTENANCE.....	\$308.96
PEOPLE SERVICE INC, PROFESSIONAL SERVICES.....	\$2,135.00
SOLAR ILLUMINATIONS, NHLRC.....	\$11,988.40
UBBEN BUILDING SUPPLIES, MAINTENANCE.....	\$189.28
UNITY POINT HEALTH BILLING, EMPLOYEE PHYSICALS.....	\$257.26
UTILITY EQUIPMENT CO., WATER MAINTENANCE.....	\$1,828.20
WAGES, PAYROLL.....	\$9,835.50
WEBER URETHANE INSULATION, CITY SHED MAINT.....	\$850.00
WEST DES MOINES PUB LIB, LIB BOOKS.....	25.00

Clerk explains the FY26 Budget packet with notes are handed out to Mayor and Council. The Property Tax Levy benchmark has been met and property tax payers will be receiving the information in the mail from the County Auditor's office. April will be the busy month for budgets. The special meeting for the Property Tax Levy hearing is set for April 2nd; after a short break, the regular monthly meeting will begin where council will consider setting a public hearing for the FY26 budget on April 23rd.

Mayor Canfield asks for considerations of the sewer loan forgiveness and goes over the following RESOLUTION #1005AF2025 APPROVING AND AUTHORIZING A LOAN AND DISBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF NEW HARTFORD AND THE IOWA FINANCE AUTHORITY, AND AUTHORIZING AND PROVIDING FOR THE REISSUANCE OF THE SEWER REVENUE CAPITAL LOAN NOTE, SERIES 2023 (2025 LOAN FORGIVENESS), OF THE CITY which reads partially WHEREAS, the City of New Hartford (hereinafter the "Issuer") previously issued its Sewer Revenue Capital Loan Note, Series 2023, dated May 26, 2023, in the initial amount of \$445,000 (the "Original Loan"); and WHEREAS, upon completion of the Project (as defined in the resolution authorizing issuance of the same (hereinafter the "Resolution"), and the issuance of a final amortization schedule reflecting actual disbursements of the loan, the final amount of the Original Loan was \$445,000; and WHEREAS, the Iowa Finance Authority, as Original Purchaser and current holder of the Original Loan, has authorized a reduction in the principal amount of the Original Loan effective as of March 28, 2025, assuming compliance with the requirements of the Iowa Water Pollution Control Works Financing Program Johnson then moves to approve resolution 2nd by Brewer the motion to adopt with the roll call being Johnson, Ragsdale, Banwarth, Brewer with the vote being 4 ayes 0 Nays absent Woods motion carries. Mayor declares this resolution is duly adopted.

Mayor Canfield explains there are seasonal job openings for city lawn care and the clerk has started the help wanted search starting with sending flyers out to the high school and posting them at the Post Office, Library and City Hall.

Clerk explains there is one property that has been started in the lien process for the purpose of collecting utility fees. If not paid, utilities will be discontinued and lien will be certified on March 26th.

Meeting adjourned at 7:08 pm moved by Johnson 2nd by Brewer with the vote being 3 ayes 0 Nays absent Woods, Banwarth motion carries.

Attest: Shawna Hagen, City Clerk Signed: Mayor Dennis L. Canfield
ORDINANCE NO. 425
AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF NEW HARTFORD, IOWA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 20 YEARS.

BE IT ENACTED by the City Council of the City of New Hartford, Iowa: Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called "Company,") and to its successors and assigns the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of New Hartford, Iowa, (hereinafter called the "City,") a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty (20) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2023, or as subsequently amended or changed.

Section 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed in accordance with this fran-

chise and the City Code and regulations of the City of New Hartford, regarding the placement of structures, facilities, or other objects in the right-of-way by utilities and other users of the right-of-way, including ordinances which assign corridors or other placements to users of the right-of-way and requirements which may be adopted regarding separations of structures, facilities, accessories or other objects.

Section 4. The Company shall, excluding facilities located in private easements or public utility easements (whether titled in Company exclusively or in Company and other entities), in accordance with lowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff,") at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction reconstruction, maintenance or repair of the street, avenue, right-of-way or alley or any public improvement of, in or about any such street, avenue, right-of-way or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City and Company shall work together to consider said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree and vegetation removal must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree/vegetation removal does not coincide with the Company facilities relocation schedule and Company must remove trees/vegetation that are included in the City's portion of the project, the City shall either remove the material at its cost or reimburse the Company for the expenses incurred to remove said vegetation or trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and shall provide the City with 24 hours' notice prior to the actual commencement of the work, and shall comply with all provision and requirements of the City in its regulation of the use of City right-of-way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that the Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right-of-way in performing such work, including all city ordinances regarding paving cuts, placement of facilities and restoration of pavement and other public infrastructure. The Company shall complete all repairs in a timely and prompt manner. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws.

Section 6. The City's vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities, the City shall grant the Company a utility easement for said facilities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground where the Company has facilities, the City shall grant the Company a utility easement for said facilities. 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