

Palo Alto County, Iowa No. 2534
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LOTTI M. KLEIN, RECORDER
J. Marie Gilman

Prepared by: John D. Brown, 2112 Main Street, Emmetsburg, IA 50536 Telephone: 712-852-4215

AGREEMENT

The undersigned, Tom Myers, hereinafter "Myers", Ned Munn, hereinafter "Munn", Tom Frambach, hereinafter "Frambach", Richard Nelson, hereinafter "Nelson", and Vans Velde Corp., hereinafter "Velde", agree as follows:

1. The parties agree that it is in their best interest to install a water main parallel to the transfer station road (450th Avenue) located in Palo Alto County, Iowa, adjacent to real estate said parties own.

2. The water main will be installed in the east right-of-way of the road designated as 450th Avenue, which is adjacent to the Southwest Quarter of Section 13, Township 96 North, Range 33 West of the 5th P.M., Palo Alto County, Iowa.

3. The parties agree that the existing fence lines owned by Velde will not be altered.

4. Velde agrees to pay the sum of \$7.00 per foot for 1485 feet of the water main that is located adjacent to their property.

5. Any successors, assigns or heirs or future owners of the Velde real estate will have the right to hook on to the main water line.

6. In the event the main line requires repair not undertaken by the City, the undersigned will share equally in the cost thereof.

7. Attached hereto and by this reference made a part hereof and designated as Exhibit "A", is a copy of the Emmetsburg Municipal Utilities Board of Trustees Meeting dated August 13, 2002, consisting of two pages.

8. The parties agree and acknowledge that this document will be recorded.

Tom Myers
Tom Myers

Ned Munn
Ned Munn

Tom Frambach
Tom Frambach

Richard Nelson
Richard Nelson

VANS VELDE CORP.

BY: Margaret Vandorvalde

BY: Margaret Vandorvalde

STATE OF IOWA, PALO ALTO COUNTY, SS:

On this 7 day of October, 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared **Tom Myers, Ned Munn, Tom Frambach and Richard Nelson**, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Susan K Murphy
Notary Public in and for said State



STATE OF IOWA, PALO ALTO COUNTY, SS:

On this 18th day of October, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared ~~Marjorie Vandervelde~~ ^{Marjorie Vandervelde} and ~~Marjorie Vandervelde~~, to me personally known, who being by me duly sworn, did say that they are the president and secretary of the corporation, **Vans Velde Corp.**, executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that ^{Marjorie} Vandervelde and ^{Marjorie} Vandervelde, as such officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by said officers voluntarily executed.

Lynn L. Feddersen
NOTARY PUBLIC in and for Said State

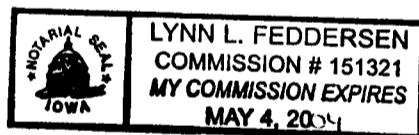


EXHIBIT "A"

**Emmetsburg Municipal Utilities
Board of Trustees Meeting**

August 13, 2002

Regular Session

The Emmetsburg Municipal Utilities Board of Trustees met in regular session on Tuesday, August 13, 2002 in the Council Chambers of City Hall. Ch. O'Leary presided with Trustees Saxton and Ludwig in attendance. Also attending were Adm. Assistant Gunderson, Jeff Morey, Dave Zimmerman, Brian Culver, Gary Kirth, Engineer with DeWild, Grant & Reckert, Richard Schany and Al Schmitz. Absent was City Adm. Bird.

The meeting was called to order and it was moved by Tr. Saxton, seconded by Tr. Ludwig and carried unanimously to approve the agenda as follows:

**Emmetsburg Municipal Utilities
Board of Trustees Meeting
Tuesday, August 13, 2002
7:00 A.M. in Council Chambers of City Hall**

A G E N D A

- Approve Agenda
- Approve Minutes from Last Meeting Dated July 19, 2002
- Approve Claims for July 2002
- Al Schmitz/Request for Playground Equipment Donation
- Richard Schany - South Grand Project
- Review McClure Engineering Proposal
- Recommendation on Fund Transfers
- City Administrator's Report
- Adm. Assistant's Report
- Adjourn

Posted 8/09/02

It was then moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to approve the minutes from the last regular session dated July 19, 2002.

The claims for the month of July were reviewed. It was then moved by Tr. Saxton, seconded by Tr. Ludwig and carried unanimously to approve claims for the month of July 2002.

Al Schmitz appeared before the Board representing the Parks and Recreation Board. Al explained a project in Soper Park for new playground equipment. There has been a donation from the Soper family for \$10,000, and an application has been submitted to the Smith Foundation for \$5,000. Estimated costs are between \$23,000-25,000. Al explained they would be \$5-8000 short and asked for any monetary donation that the Board could give. Al distributed a photo of the proposed equipment. No action was taken and the Board thanked Al for attending.

Richard Schany, Schany Construction and Gary Kirth, Engineer with DeWild, Grant and Reckert were present to discuss rock bedding for the South Grand Project. Schany stated that his interpretation of the specifications called for special rock bedding as outlined in the specs. Gary Kirth, explained that the very first day Schany started laying pipe, Kirth questioned Monte Schany why they were using such expensive rock for bedding. Special bedding only needed to be put in when there was not a suitable base in the trench and only after receiving approval by the project engineer. Kirth recommended they use gravel or peak rock, but Schany disregarded this recommendation and continued to use the expensive rock. Approximate costs for the bedding laid is \$6100. This has not been approved by the Engineer. Schany told the Board that he believes this bedding is the best for the job and would like to continue to use it. It was determined that while laying the sewer pipe, the special bedding would be used, which is the major portion of the project left. Schany would like to be paid for the rock used and interpreted the specs this way, where Gary outlined in the specs that the bedding was only to be used after receiving

approval by the project engineer. Tr. Ludwig suggested that we contact another engineer and contractor for their interpretation of the specifications before action is taken.

It was then moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to approve payment #3 to Schany Construction for \$25867.55 which does not include the bill for special rock bedding.

Jeff Morey questioned Gary Kirth on the AGP line and whether they had been contacted to review the situation. Gary was aware of the situation but another person from his firm was looking into it. Tr. Ludwig suggested that we also questioned the county engineer on the depth of the line.

It was then moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to table discussion on the McClure Engineering Proposal until some questions pertaining to the proposal were answered as recommended by City Adm. Bird.

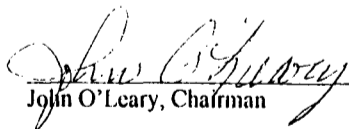
Gunderson stated that \$32,420 had been paid out to McClure Engineering in the water department and \$12,985 in the sewer department which included \$4680 for the flow meter work. Brian stated that a report on the flow meter was not yet available and would like us to hold the check for this work.

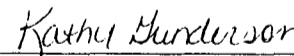
Adm. Assistant Gunderson discussed and recommended fund transfers. It was then moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to transfer \$200,000 from gas operating to gas improvement account and \$150,000 from water operating to water improvement account.

Jeff Morey then questioned whether the Board was willing to accept a water main extension to an area north on 450th Avenue. The line was being installed by Ned Munn, and was according to ordinance. It was then moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to accept this water main extension upon passing the pressure and bacterial testing and after a one year waiting period.

The final billing report was submitted for board review.

There being no other business before the Board, it was moved by Tr. Ludwig, seconded by Tr. Saxton and carried unanimously to adjourn.


John O'Leary, Chairman

Attest: 
Kathy Gunderson, Adm. Assistant