

RESOLUTION PROVIDING FOR THE ISSUANCE OF ELECTRIC REVENUE PLEDGE ORDERS

WHEREAS, a statement for materials furnished and work performed under a contract for the construction of improvements to the municipal electric light and power plant and system has been approved by this Council as follows:

<u>Contractor</u>	<u>Amount</u>
Heetland Electric Inc.	\$2,437.20; and

WHEREAS, said contract provides that payments under said contract may be made by delivery to said contractor of temporary revenue obligations in the form of Pledge Orders payable solely and only out of the future net earnings of such municipal utility, and it is necessary and advisable that a Pledge Order be issued to said contractor in the approved amount;

NOW THEREFORE, Be It and It is Hereby Resolved by the Council of Fontanelle, Iowa, as follows:

Section 1. That for the purpose of evidencing an amount payable the contractor for materials furnished and work performed under the contract referred to in the preamble hereof there be and there is hereby authorized to be issued an Electric Revenue Pledge Order of the municipality in the form now on file with the Clerk, as follows:

<u>Pledge Order No.</u>	<u>Contractor</u>	<u>Amount of Pledge Order</u>
36	Heetland Electric, Inc.	\$2,437.20

Section 2. That said Pledge Order shall be signed by the Mayor and attested by the Clerk, with the seal of the municipality affixed, and be issued and delivered to said contractor as aforesaid in payment of that part of the aforesaid improvements referred to in the aforesaid statement.

Section 3. That all resolutions or orders or parts thereof in conflict herewith be and the same are hereby repealed.

Passed and approved this 6th day of July, 1976.

Attest: *Evelyn M. Rohner*
Evelyn M. Rohner
Clerk

Betty V. Burcham
Betty V. Burcham, Mayor

Motion by Deane Darrow to adjourn. Seconded by Keith Westphal. Carried.

Attest: *Evelyn M. Rohner*
Evelyn M. Rohner
Clerk

Betty V. Burcham
Betty V. Burcham, Mayor

+++++ Fontanelle, Iowa
July 19, 1976

To Members of the Council.

You and each of you are hereby notified that there will be a special meeting of the Council held at City Hall, Fontanelle, Iowa on the 19th day of July, 1976 at 7:30 P.M.. At such meeting there will be for consideration all matters pertaining to the construction of improvements and extensions to the municipal waterworks plant and system including directing publication of notice of hearing and taking of bids on such improvements and extensions; and for the consideration of such other business as may come before the meeting.

/s/ Betty V. Burcham, Mayor

We the undersigned, being all the members of the Council of the aforementioned City, do hereby acknowledge due and timely receipt of the above and foregoing notice and do consent that the said special meeting be held.

/s/ Art Baudler
/s/ Randall H. Bond
/s/ Deane A Darrow

/s/ Keith J. Westphal
/s/ Ralph D. Means

The City Council of Fontanelle met in Special Session at the City Hall at 7:30 P.M. with Mayor Betty V. Burcham presiding. Council Members present were: Art Baudler, Randall Bond, Deane Darrow, Ralph Means and Keith Westphal. Absent None.

The purpose of the meeting was to discuss the cost of running Electricity to the new Water Supply Well and Water Treatment Plant, and to provide for a notice of hearing on proposed plans and specifications and proposed form of contract for the construction of the Water Treatment Plant.

According to the Engineer, the approximate cost of running the wire would be \$10,000. A study had been made to compare the REC rates with what the City has to pay for Bureau Power, and at the present rate, it would mean a savings of approximately \$3700. a year to purchase power from the Bureau.

Councilman Keith Westphal and Delmer Miller are to contact the REC to see if there are any objections to the City running its own line to the project.

Councilman Art Baudler and Delmer Miller are to confer with Karkham, Michael and Associates about the cost of a Roto-converter.

The Council took up and considered the proposed improvements extensions to the existing municipal waterworks plant and system.

Council Member Deane Darrow introduced and read the following resolution hereinafter set out entitled: "Resolution to provide for a notice of hearing on proposed plans and specifications and proposed form of contract for the construction of the Water Treatment Plant for the municipal waterworks plant and system, and the taking of bids therefor", and moved for its adoption, seconded by Council Member Keith Westphal. After due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted: AYES: Baudler, Bond, Darrow, Means and Westphal. NAYS: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as follows:

RESOLUTION NO. 76125

TO PROVIDE FOR A NOTICE OF HEARING ON PROPOSED PLANS AND SPECIFICATIONS AND PROPOSED FORM OF CONTRACT FOR THE WATER TREATMENT PLANT FOR THE MUNICIPAL WATERWORKS PLANT AND SYSTEM AND THE TAKING OF BIDS THEREFOR.

WHEREAS, The City of Fontanelle, Iowa has heretofore established a municipal waterworks plant and system and it is necessary and desirable that the said water system be improved and extended and such improvements and extensions are for the best interest of the City, all of such improvements and extensions to be as described in and to be contracted for and completed in accordance with the proposed plans and specifications and form of contract prepared by Kerkham, Michael & Associates, Omaha, Nebraska, the City's Engineers, such proposed plans, specifications and form of contract being on file with the Clerk and which improvements and extensions are hereinafter referred to as the Water Treatment Plant (and is sometimes hereinafter in this resolution referred to as the "Project"); and

WHEREAS, it is necessary to fix a time and place of public hearing on the proposed plans, specifications, and form of contract, and estimated cost for the Project and to advertise for sealed bids for the Project;

NOW, THEREFORE, Be It Resolved by The Council of Fontanelle, Iowa as follows:

Section 1. That the Project is necessary and desirable for the City and it is in the best interests of the City to proceed toward the construction of the Project.

Section 2. That the 5th day of August, 1976, at 8:00 o'clock P.M. at City Hall, in the City, is hereby fixed as the time and place of hearing on the proposed plans, specifications, and form of contract, and estimated cost for the Project, and also as the time and place of taking bids in connection therewith.

Section 3. That the Clerk is hereby authorized and directed to give notice of the aforementioned hearing and taking of bids by publication of such notice once in the Fontanelle Observer a newspaper of general circulation in the City, which publication shall be made not less than four nor more than twenty days prior to the time of said hearing, all in conformity with Chapters 362 and 384 of the Code of Iowa, 1975, as amended. The said notice shall be in substantially the following form:

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING ON PROPOSED PLANS
SPECIFICATIONS AND FORM OF CONTRACT AND ESTIMATE OF COST
FOR WATER TREATMENT PLANT
FOR THE CITY OF FONTANELLE, IOWA, AND THE
TAKING OF BIDS FOR SAID IMPROVEMENTS

PUBLIC NOTICE is hereby given that there are on file with the City Clerk of the City of Fontanelle, Iowa, plans and specifications, form of contract and estimate of cost for the proposed construction of Water Treatment Plant as hereinafter described.

A hearing will be conducted thereon at a meeting of the City Council to be held in the Council Chamber of the City Hall of Fontanelle, Iowa at 8:00 p.m. local time, on the 5th day of August, 1976, at which time and place any person interested may appear and file objections to said proposed plans, specifications, or contract for, or cost of said public improvements.

Sealed proposals will be received at the office of the City Clerk, City of Fontanelle, Iowa, until 8:00 p.m., local time on the 5th day of August, 1976, for furnishing all labor, tools, materials, and equipment required to construct Water Treatment Plant per the specifications and attached drawings for said construction now on file for public examination in the office of the City Clerk and available at the office of Kirkham, Michael & Associates, 7300 Woolworth Avenue, Omaha, Nebraska 68124. Such proposals as are received will be publicly opened, read aloud, and tabulated at 8:00 p.m., on said date at the Fontanelle City Hall, Fontanelle, Iowa, or at such later time as may be fixed then.

The extent of the work involved is the furnishing of all labor, materials and equipment necessary for the construction of a Water Treatment Plant and related and miscellaneous work.

Some of the major features of the work are as follows:

1. A reinforced concrete and metal building having a total of approximately 1600 square feet of floor space.
2. Three, 50 gpm vertical turbine pumps.
3. One, 540 gpm vertical turbine backwash pump.
4. One, self priming centrifugal pump.
5. One, mixer-flocculator assembly
6. 72 square feet of gravity filters.
7. One, chlorinator
8. Piping, valves, fincing, earthwork and other miscellaneous and related work.

Each proposal shall be made on a form furnished by Kirkham, Michael & Associates, and no bidder may withdraw his proposal for a period of thirty (30) days from and after the date set for opening of bids. Each proposal must be accompanied by a certified or cashier's check drawn on a solvent Iowa bank or a bank chartered under the laws of the United States in an amount equal to five (5) percent of the Base Bid Price, made payable to the City of Fontanelle, Iowa, or a bid bond in the form contained in the specifications for a like amount which shall be considered as liquidated damages and shall be forfeited to the City of Fontanelle if said proposal is accepted and the bidder fails to execute the Contract and file the required performance and payment bond as required in the Contract Documents. The bid security of the unsuccessful bidders will be promptly returned to the bidders by the Owner as soon as the successful bidder is determined or within thirty (30) day, whichever is sooner.

The work herein provided for shall be done under written contract with the responsible bidder submitting the lowest acceptable bids in accordance with the requirements of the plans and specifications and as provided by law.

Payment to the Contractor will be made in cash from such funds as are legally available or from future net earnings of the City's municipal waterworks plant and system. To the extent the payment is not made in cash, and as evidence of the amounts due the contractor, the City will deliver to the contractor and the contractor shall accept in payment of the contract price, Water Revenue Pledge Orders, bearing interest at a rate not exceeding eight percent (8%) per annum, which pledge orders shall be payable solely and only out of the net revenue of the City's Waterworks Plant & System, as authorized by Division V of Chapter 384 of the 1975 Code of Iowa. The City shall not incur any general obligations for such improvement and neither the contract for the construction of the improvement nor the Water Revenue Pledge Orders will constitute a general obligation of the City or be payable in any manner by taxation and under no circumstances shall the City be in any manner liable by reason of a failure of the net revenues to be sufficient for the payment thereof.

Payments will be made to the Contractor(s) by the City of Fontanelle, Iowa by its properly delegated authorities, as provided by law and where possible partial payments will be made to the Contractor in an amount equal to ninety percent (90%) of the value of the work completed during the preceding month, as determined by the Contractor, subject to the approval of the Engineer, who will submit each estimate to the City for payment on or before the 10th day of each month. The Contractor will on or before the 5th day of each month, make an estimate of the value of the work performed during the previous month.

No final payment will be made until the Contractor has certified to the City that all materials, labor and services involved have been paid.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa, and to Iowa domestic labor.

The successful bidder will be required to furnish a Performance Bond and Labor and Materials Payment Bond, each in an amount equal to one hundred percent (100%) of the Contract price, said bonds to be issued by a responsible corporate surety approved by the City Council and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment of all materials and labor and protect and save harmless the City from claims and damages of any kind caused by the operations of the Contractor and shall also guarantee the work for a period of one (1) year from and after its completion and acceptance by the City of Fontanelle by its properly delegated authorities.

The work shall be commenced within 10 days after the issuance of the Notice to Proceed. The Contractor shall complete all work within 300 consecutive calendar days of the issuance of the Notice to Proceed.

Plans and specifications and contract documents may be examined at the office of the City Clerk of Fontanelle, Iowa and may be obtained from the office of the Engineer, Kirkham, Michawl & Associates, at 7300 Woolworth Avenue, Omaha, Nebraska 68124, upon the payment of thirty dollars (\$30.00) which amount will not be refunded.

Published upon order of the City Council, City of Fontanelle, Iowa.

CITY COUNCIL
CITY OF FONTANELLE, IOWA

Betty V. Burcham
By-Betty V. Burcham, Mayor

Evelyn M. Rohner

Attest: Evelyn M. Rohner
City Clerk

Publication date July 22, 1976

Section 4. That all provisions set out in the foregoing form of notice are hereby recognized and prescribed by this Council and that all resolutions or orders or parts thereof, to the extent the same may be in conflict herewith, are hereby repealed.

Passed and approved this 19th day of July, 1976.

Betty V. Burcham
Betty V. Burcham, Mayor

Evelyn M. Rohner

Attest: Evelyn M. Rohner
Clerk

(Seal)

STATE OF IOWA
COUNTY OF ADAIR SS:
CITY OF FONTANELLE

I, the undersigned, Clerk of the aforementioned City, Do hereby certify that I caused a notice, of which the printed slip annexed to the publisher's affidavit hereto attached is a true and complete copy, to be published on the following date: JULY 22, 1976 in the Fontanelle Observer, a legal newspaper of general circulation in Fontanelle, Iowa.

WITNESS my hand and the seal of the aforementioned City hereto affixed this 23rd day of July, 1976.

Evelyn M. Rohner
Clerk

(Seal)

Motion by Randall Bond to Adjourn. Seconded by Art Baudler. Carried.

Evelyn M. Rohner

Attest: Evelyn Rohner
Clerk

Betty V. Burcham
Betty W. Burcham, Mayor