

SECTION 3. Vacation. That part of the East-West alley lying between Lots 1 and 2 on the North and Lots 7 and 8 on the South are hereby declared vacated.

SECTION 4. Repealer. All ordinances or parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed. However, such repeal shall be only to the extent of such conflict.

SECTION 5. Severability clause. 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 6. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_, 1988

Motion by Robert Edwards to donate \$100.00 to the Pancake Day Fund. Seconded by Albert Ehrenfried. Carried.

Motion by Albert Ehrenfried to approve the bill of Mid-State Engineering in the amount of \$127.61. Seconded by Sally Sorensen. Carried.

Motion by Robert Edwards to authorize the Mayor to sign the Draw Down. Seconded by Gene Jacobsen. Carried.

Motion by Sally Sorensen to get mats for City Hall from ARATEX Means Service in Des Moines. Seconded by Robert Edwards. Carried.

Motion by Robert Edwards to give the employees the same bonus as they got last year. Seconded by Gene Jacobsen. Carried.

There will be a SPECIAL MEETING on December 19th for the purpose of closing alleys. All interested parties are urged to attend.

Garry Miller ask the Council to express their feelings about he and his wife moving to the country.. He said he likes his job here but that his wife likes to keep animals and has expressed the desire to move to the country. He said he had been looking at several places but none would be over 5 miles from town. The Council found no objections to his moving as long as it did not interfere with his duties as a City employee.

Motion by Albert Ehrenfried to adjourn. Seconded by Sally Sorensen. Carried.

*Evelyn M. Rohner*

*Ralph D. Means*

Attest: Evelyn M. Rohner, Clerk

Ralph D. Means, Mayor

Fontanelle, Iowa  
December 19, 1988

The City Council met in Special Session at the City Hall at 7:00 p.m. with Mayor Ralph D. Means presiding. Council Members present were: Gene Jacobsen, Albert Ehrenfried and Kenneth Perry. Absent: Robert Edwards and Sally Sorensen.

Several citizens came to the meeting as this was a public hearing on what alleys could or should be closed. City Attorney Clint Hight was also present and marked the alleys on a city map. Each one will be contacted to see if they want to buy one-half of the alley.

Motion by Gene Jacobsen to approve the second reading of the Ordinance Providing for Vacation of that part of the East-West Alley Lying between Lots 1 and 2 on the North and Lots 7 and 8 on the South in Block 7 of the Original Town of Fontanelle, Adair County, Iowa. Motion Seconded by Albert Ehrenfried. Carried. Roll was called with ALL voting AYE.

Motion by Kenneth Perry to waive the 3rd reading of the Ordinance. Seconded by Gene Jacobsen. Carried. Roll was called with ALL voting Aye.

Motion by Albert Ehrenfried to finally adopt the Ordinance. Seconded by Kenneth Perry. Carried. Roll was called with all voting AYE. Whereupon, the Mayor declared the Ordinance duly adopted and it was assigned the number of 128.

ORDINANCE NO. 128

AN ORDINANCE PROVIDING FOR VACATION OF THAT PART OF THE EAST-WEST ALLEY LYING BETWEEN LOTS 1 AND 2 ON THE NORTH AND LOTS 7 AND 8 ON THE SOUTH IN BLOCK 7 OF THE ORIGINAL TOWN OF FONTANELLE, ADAIR COUNTY, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FONTANELLE, ADAIR COUNTY, IOWA:

SECTION 1. Purpose The purpose of this ordinance is to vacate the described alley and thereby relieve the City of Fontanelle, Iowa of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Fontanelle, Iowa hereby makes the following findings:

1. The City of Fontanelle, Iowa is presently the owner of the following described portions of an alley, as shown by plat dated May 30, 1855 and filed August 26, 1855 in Book 1 on Page 1; and dated May A.D. 1857 and in Book 1 on Page 239 in the offices of the Recorder for Adair County, Iowa to-wit:

That part of the East-West alley lying between Lots 1 and 2 on the North and Lots 7 and 8 on the South, in Block 7 of the Original Town of Fontanelle, Adair County, Iowa.

2. The above described parcel has not been open to vehicular traffic.

3. Although there is a public utility equipment placed upon the premises, a premanent easement has been reserved.

4. The described alley is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

5. The vacation will not deny owners of property abutting on the alley reasonable access to their property.

6. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least twice on said block not more than twenty-five (25) days nor less then ten (10) days prior to the date set for the hearing.

SECTION 3. Vacation That part of the East West alley lying between Lots 1 and 2 on the North and Lots 7 and 8 on the South are hereby declared vacated.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. However, such repeal shall be only to the extent of such conflict.

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SECTION 6. Effective date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF DECEMBER, 1988.

City of Fontanelle  
*Ralph D Means*  
Ralph D. Means, Mayor

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

John Potts of Mid-State Engineering presented lein waivers from Maguire Iron. The original contract was for \$200,400. but with the portion of the sidewalk added on, and the deletion of the footings on the old tower the final contract amount is \$200,610.

Motion by Albert Ehrenfried to give a time extension to Maguire Iron up to December 19th. Seconded by Gene Jacobsen. Carried.

Motion by Kenneth Perry to approve Change Order #1 to Maguire Iron. Seconded by Gene Jacobsen. Carried.

Motion by Gene Jacobsen to accept the final inspection report. Seconded by Kenneth Perry. Carried.

Mr. Potts presented the final estimate for Maguire Iron.

Motion by Kenneth Perry to pay Maguire Iron the fifth and final payment of \$10,609. Seconded by Gene Jacobsen. Carried.

Mr. Potts presented a maintenance contract from Maguire Iron. This is for the inside only. No final decision was made on this contract.

Tim Ostroski of Southern Iowa Council of Governments presented a bill from Mid-State Engineering .

Motion by Kenneth Perry to pay Mid-State Engineering in the amount of \$127.61.

Since the project ends January 31, 1989. the final grantee performance report will be sent in by S.I.C.O.G.

Motion by Gene Jacobsen to authorize the Mayor to sign the final draw down.

Motion by Albert Ehrenfried to adjourn. Seconded by Kenneth Perry. Carried.

*Ralph D Means*  
Ralph D. Means, Mayor

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