

TEMPLETON CITY COUNCIL
AUGUST 13, 2013 SPECIAL MEETING
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this thirteenth day of August 2013 at 7:00 o'clock p.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Jan Wieland, Dave Ramsey, Doyle Engelen, & Mark Bauer

Absent: Rick Hoffman

Others in attendance: Mayor Ken Behrens
City Clerk Rhonda Schwaller
Public Works Director Dale Prebeck
Joe Behrens

Approval of Agenda: A motion was made by Wieland and seconded by Bauer to approve the agenda. All in favor, motion carried.

Council discussed setting date for a public hearing on proposal to enter into a loan agreement and borrow money in a principal amount not to exceed \$465,000 to pay costs of Phase 1 & 2 Community Center project. Council Member Bauer introduced the resolution hereinafter next set out and moved its adoption, seconded by Council Member Ramsey; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Council Members voted:

Ayes: Engelen, Bauer, Wieland, & Ramsey

Nays: None

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. 1017-13

Resolution to fix a date for a public hearing on a loan agreement

WHEREAS, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City of Templeton (the "City"), in the County of Carroll, State of Iowa, proposes to enter into a loan agreement (the "Loan Agreement") payable solely from pledges of funds to be donated to the City and borrow money in a principal amount not to exceed \$465,000 for the purpose of paying the cost, to that extent, of constructing, equipping and furnishing a Municipal Community Center, and it is necessary to fix a date of meeting of the City Council (the "Council") at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law; and

WHEREAS, pursuant to Section 364.6 of the Code of Iowa, a city shall substantially comply with a procedure established by a state law for exercising a city power, and, if a procedure is not established by state law, a city may determine its own procedure for exercising the power; and

WHEREAS, no other provision of the Code of Iowa sets forth any procedures which are required to be followed by a city prior to entering into a loan agreement payable solely from pledges of funds to be donated to the City, and, accordingly, pursuant to Section 364.6 of the Code of Iowa, the City may determine its own procedures for such purpose;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Templeton, Iowa, as follows:

Section 1. Pursuant to Section 364.6 of the Code of Iowa, it is hereby determined by this Council that the provisions of and the procedures specified in Sections 384.24A and 384.25 of the Code of Iowa are appropriate to be followed by this Council prior to entering into the Loan Agreement, and it is hereby found and determined that, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City must publish notice as prescribed by Section 384.25 of the Code of Iowa of its proposed action to institute proceedings to enter into the Loan Agreement and hold a hearing thereon.

Section 2. The City Council shall meet on the 3rd day of September, 2013, at the Templeton City Hall, in the City, at 7:00 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 3. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than 4 nor more than 20 days before the date of said meeting, in a legal newspaper which has a general circulation in the City.

The notice shall be in substantially the form, as follows:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT AND BORROW MONEY IN A PRINCIPAL AMOUNT NOT TO EXCEED \$465,000

(COMMUNITY CENTER PLEDGE REVENUE OBLIGATION)

The City Council of the City of Templeton, Iowa, will meet on the 3rd day of September, 2013, at the Templeton City Hall, in the City, at 7:00 o'clock p.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") and borrow money in a principal amount not to exceed \$465,000 for the purpose of paying the cost, to that extent, of constructing, equipping and furnishing a Municipal Community Center (the "Project").

The Loan Agreement will not constitute a general obligation of the City, nor will it be payable in any manner by taxation, but will be payable solely and only from pledges of funds to be donated to the City.

At the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Templeton, Iowa.

Rhonda Schwaller
City Clerk

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved August 13, 2013.

Ken F. Behrens, Mayor

Attest:

Rhonda Schwaller, City Clerk

STATE OF IOWA
COUNTY OF CARROLL
CITY OF TEMPLETON

SS:

I, the undersigned, City Clerk of the City of Templeton, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to fixing a date for a hearing on the City Council's proposal to take action in connection with a loan agreement, as referred to therein.

WITNESS MY HAND this 13th day of August, 2013.

City Clerk

STATE OF IOWA
COUNTY OF CARROLL
CITY OF TEMPLETON

SS:

I, the undersigned City Clerk, do hereby certify that the City of Templeton is organized and operating under the provisions of Title IX of the Code of Iowa and not under any special charter and that the City is operating under the Mayor-Council form of government and that there is not pending or threatened any question or litigation whatsoever touching the incorporation of the City, the inclusion of any territory within its limits or the incumbency in office of any of the officials hereinafter named.

And I do further certify that the following named parties are officials of the City as indicated:

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk

David Ramsey, Council Member/Mayor ProTem

Janice Wieland, Council Member

Rick Hoffman, Council Member

Mark Bauer, Council Member

Doyle Engelen, Council Member

WITNESS MY HAND this 13th day of August, 2013.

Rhonda Schwaller, City Clerk

Council considered plans, specifications, form of contract and estimate of cost for the Templeton Community Center Phase 1 & 2 Remodeling project from Simonson & Associates, 1717 Ingersoll Avenue, Des Moines, Iowa. Council Member Ramsey introduced the resolution hereinafter next set out and moved its adoption, seconded by Council Member Engelen; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Council Members voted:

Ayes: Bauer, Engelen, Ramsey, & Wieland

Nays: None

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. 1018-13

A RESOLUTION APPROVING AND ADOPTING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT & ESTIMATE OF COST FOR THE TEMPLETON COMMUNITY CENTER PHASE 1 & 2 REMODELING PROJECT.

WHEREAS, the Templeton City Council has reviewed the plans, specifications, form of contract & estimate of cost for the Templeton Community Center Phase 1 & 2 Remodeling project from Simonson & Associates, 1717 Ingersoll Avenue, Des Moines, Iowa; and

WHEREAS, notice of public hearing on the plans, specifications, form of contract & estimate of cost for said public improvements was published on July 31, 2013 and said hearing was held on August 5, 2013 as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA, that said plans, specifications, form of contract & estimate of cost for the Templeton Community Center Phase 1 & 2 Remodeling project are hereby approved and adopted as the plans, specifications, form of contract & estimate of cost of said public improvement, as described in the preamble of this Resolution.

Passed and approved by the Templeton City Council this 13th day of August, 2013.

CITY OF TEMPLETON, IOWA

By: _____
Ken F. Behrens
Mayor – City of Templeton

ATTEST:

By: _____
Rhonda Schwaller, City Clerk

Council discussed bids received for the Templeton Community Center's Phase 1 & 2 Remodeling project that were opened on July 29, 2013 at 4:00 p.m. at Templeton City Hall from the following general contractors:

- \$1,040,000.00 from Badding Construction Company, 841 W. 9th St., Carroll, Iowa
- \$1,167,000.00 from Todd Hackett Construction Company, 2925 Cedar Street, Muscatine, Iowa

The work generally consists of a complete remodel including mechanical and electrical systems and divided into (2) phases. Phase 1 (North portion per the construction drawings, & consisting of the board room, hallway, restrooms, cafeteria, kitchen, service areas, gym, etc.), is the critical path, with a desired completion in November 2013. Phase 2 (South portion per the construction drawings, & consisting of the banquet hall, bar, office, etc.) will commence in late 2013, with a completion in spring 2014. Council Member Ramsey introduced the resolution hereinafter next set out and moved its adoption, seconded by Council Member Wieland; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Council Members voted:

Ayes: Wieland, Engelen, & Ramsey

Abstain: Bauer – employee of Templeton Hardware. Templeton Hardware is listed as a sub-contractor of Badding Construction Company.

Nays: None

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. 1019-13

RESOLUTION OF AWARD OF CONTRACT
FOR THE TEMPLETON COMMUNITY CENTER'S PHASE 1 & 2 REMODELING PROJECT.

WHEREAS, the Council reviewed the bids that were opened on Monday, July 29, 2013 at 4:00 p.m. for the Templeton Community Center's Phase 1 & 2 Remodeling Project; and

WHEREAS, the architect, Simonson & Associates, 1717 Ingersoll Avenue, Des Moines, Iowa 50309 has reviewed the bid submittals and made it comments and recommendations to the Council; and

WHEREAS, the work generally consists of a complete remodel including mechanical and electrical systems, and divided into (2) phases. Phase 1 (North portion per the construction drawings, & consisting of the board room, hallway, restrooms, cafeteria, kitchen, service areas, gym, etc.), is the critical path, with a desired completion in November 2013. Phase 2 (South portion per the construction drawings, & consisting of the banquet hall, bar, office, etc.) will commence in late 2013, with a completion in spring 2014; and

WHEREAS, the Council has given due deliberation and consideration to all bids received.

NOW THEREFORE, BE IT RESOLVED that it is in the best interest of the city of Templeton to enter into a contract regarding the Templeton Community Center's Phase 1 & 2 Remodeling Project. The Mayor and the Clerk are hereby authorized to enter into a contract and to award the contract to **Badding Construction Company 841 W. 9th St., Carroll, Iowa** in acceptance of their bid in the amount of **\$1,041,100.00 (includes \$1,100.00 for wall tile alternate)**. Said Bid is Hereby Approved and Awarded on this 13th day of August 2013 and the Mayor and Clerk are hereby authorized to execute all appropriate documents to effectuate this Resolution subject to execution of contract and specifications.

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Passed, approved and awarded by the City Council of the City of Templeton, Iowa this 13th day of August, 2013.

CITY COUNCIL OF THE
CITY OF TEMPLETON, IOWA

BY: _____
Ken F. Behrens, Mayor

ATTEST:

BY: _____
Rhonda Schwaller, City Clerk

At 7:34 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Bauer moved to adjourn and Wieland seconded the motion. All voted aye, motion carried.

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk