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MINUTES OF SPECIAL MEETING OF THE
TOWN COUNCIL OF CONRAD, IOWA, HELD
IN THE COUNCIL CHAMBER ON THE ~~31st~~^{4th}
~~JULY~~^{AUGUST}, 1950, AT 7.00 O'CLOCK P.M.

The Town Council of the town of Conrad, Iowa, met in special session at 7:00 o'clock P.M. on the ~~31st~~^{4th} day of ~~July~~^{AUGUST}, 1950, upon the call of the Mayor pursuant to a notice given to each member of the Town Council, which notice is on file with the Town Clerk and is a part of the records of said town and a copy is as follows:

NOTICE OF SPECIAL MEETING OF THE TOWN
COUNCIL OF CONRAD, IOWA

Notice is hereby given that a special meeting of the Town Council of the town of Conrad, Iowa, will be held in the ~~Council Chamber~~^{4th} in said town at 7:00 o'clock P.M. on the ~~31st~~ day of ~~JULY~~^{AUGUST}, 1950, for the purpose of considering an Ordinance granting to the Central Iowa Telephone Company a franchise to erect, maintain and operate a general telephone system or systems, both local and long distance, in said Town and to use the streets, avenues, alleys, highways, bridges and public places of the Town for such purposes, and to consider resolutions authorizing a special election to submit the Ordinance to the voters and all matters connected with such special election; and for the purpose of considering other matters as may come before the Council

Ray Granstein
Mayor of the Town of
Conrad, Iowa

We, the undersigned, members of the Town Council of the Town of Conrad, Iowa, hereby accept service of the above Notice of Special Council Meeting this 4th day of ~~July~~^{AUGUST}, 1950.

B. B. Bone

H. L. Busch

W. D. Martin

Walter Neumath

D. O. Reese

Mayor Granstein was present and presided at the meeting.

The following Councilmen were present: B. B. Bone

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H.L. Bunch, H.D. Martin, Walter Nemath, D.A. Reese

Councilman Martin offered Ordinance No.

66 of which the following is a copy:

ORDINANCE NO. 66

AN ORDINANCE GRANTING UNTO CENTRAL IOWA TELEPHONE COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY-FIVE YEARS TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A TELEPHONE SYSTEM OR SYSTEMS, BOTH LOCAL AND LONG DISTANCE, IN THE TOWN OF CONRAD, IOWA, AND TO ENTER UPON AND TO USE AND OCCUPY THE PUBLIC STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND PUBLIC PLACES OF SAID TOWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREON, THEREIN, THEREUNDER AND THEREOVER SAID TELEPHONE SYSTEM OR SYSTEMS CONSISTING OF POLES, POSTS, WIRES, CABLES, CONDUITS AND OTHER EQUIPMENT, APPARATUS AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID TELEPHONE SYSTEM OR SYSTEMS AND THEIR USE AND TO FURNISH GENERAL TELEPHONE SERVICE, BOTH LOCAL AND LONG DISTANCE, TO SAID TOWN AND THE INHABITANTS THEREOF AND OTHERS WITHIN AND WITHOUT SAID TOWN FOR ALL PURPOSES AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND THE PENALTY FOR THE VIOLATION OF SAME AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CONRAD, IOWA:

Section 1. The Town of Conrad, Iowa, hereby grants unto Central Iowa Telephone Company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a non-exclusive franchise and right, for a period of twenty-five years from and after the date this ordinance becomes effective, to erect, construct, reconstruct, maintain, operate and use within the corporate limits of said town of Conrad, Iowa, as the same now are or may hereafter be located, a telephone system or systems, both local and long distance, together with the franchise and right to enter upon and to use and occupy the public streets, avenues, alleys, highways, bridges and public places of said town as the same are now or may hereafter be located or extended for the purpose of installing, constructing, reconstructing, maintaining and operating thereon, therein, thereunder and thereover said telephone system or systems consisting of poles, posts, wires, cables, conduits and other equipment, apparatus and construction necessary or incident to said telephone system or systems and their use, and together with the franchise and right to furnish general telephone service, both local and long distance, to said town and to the inhabitants thereof and others within and without the corporate limits of said town for any and all purposes and under such restrictions and regulations as are hereinafter contained, and such other reasonable regulations as may hereafter be provided by ordinance.

Section 2. All poles, posts, wires, cables, conduits, and other equipment, apparatus and construction connected with said telephone system or systems shall be located, erected, adjusted and maintained (subject to all ordinances, rules and regulations of said Town) so as not to endanger persons or property or unreasonably interfere with any improvement the town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, avenues, alleys, highways, bridges, or private or public property.

Section 3. Whenever the Grantee, in erecting, constructing, or maintaining said telephone system or systems, shall

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take up or disturb any pavement or sidewalk or make any excavation in the streets, avenues, alleys, highways or public grounds of said town, such excavations shall be at once refilled and the pavement, sidewalk, or other improvement, replaced to the satisfaction of the town officials.

Section 4. Whenever it shall be necessary for any person or persons to move along or across any of the streets, avenues, alleys, highways or public grounds of said town any vehicle or structure of such height or size as to interfere with any poles or wires erected hereunder, the said Grantee, upon receiving twenty-four (24) hours notice served in writing upon its agent or manager at Conrad, Iowa, and upon receiving payment of the actual cost of so doing, shall temporarily remove its poles and wires from such places as must necessarily be crossed by such vehicle or structure; provided, however, that this section shall not be construed to apply to circus or other parades upon the public streets, avenues, alleys, highways or public grounds of said town.

Section 5. Any person who shall cut, injure or destroy any of the poles, wires, fixtures, conduits, cables or any other property of the Grantee lawfully erected, maintained or being within the corporate limits of said town, or who shall post bills or signs upon any of the poles or other property, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00, or imprisonment not exceeding thirty (30) days.

Section 6. The Grantee shall agree to allow said town to attach at any time to any of said poles of the Grantee, the town's fire alarm and/or police wires, including necessary apparatus incident thereto, provided such attachments shall be made under the direction and supervision of the Grantee and made and maintained so as not to interfere with the Grantee's use of said poles.

Section 7. All the provisions of this ordinance shall apply to the successors or assigns of the Grantee, with the same force and effect as they do to the Grantee itself.

Section 8. The Grantee shall hold the town harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said telephone system or systems and other construction hereby authorized.

Section 9. The Grantee shall within sixty days after the publication of this Ordinance signify in writing an acceptance of the grant herein, including the conditions and restrictions herein expressed, and this Ordinance, and the franchise granted herein, shall not be operative or binding unless such acceptance is filed with the Town Clerk. The Grantee shall pay the costs incurred in holding the election to submit this ordinance to the legal electors for their approval, as provided by law.

Section 10. All Ordinances, or parts of Ordinances, insofar as they are in direct conflict herewith are hereby repealed.

Section 11. This Ordinance shall take effect and be in full force and effect, subject to its approval by a majority of the legal electors of the Town of Conrad, Iowa, voting thereon, as provided by law, and subject to its acceptance by

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the Grantee, as provided in Section 9 above, upon its publication, as provided by law.

Ray G. Graunstein
Mayor of the Town of
Conrad, Iowa

ATTEST:

H. D. Hunt
Town Clerk
Of The Town of Conrad, Iowa

It was moved by Councilman Burch and seconded by Councilman Neunath that said Ordinance be placed upon its first reading.

UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>B. B. Bane</u>	VOTED	<u>Aye</u>
<u>H. G. Burch</u>	VOTED	<u>Aye</u>
<u>H. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Neunath</u>	VOTED	<u>Aye</u>
<u>D. C. Reese</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Graunstein declared said motion carried; and said Ordinance No. 66 was placed upon its first reading and was read the first time.

THEREUPON it was moved by Councilman Bane and seconded by Councilman Burch that the laws and rules providing that Ordinances of a general or permanent nature and those for the appropriation of money shall be fully and distinctly read on three different days, be suspended and be dispensed with and that Ordinance No. 66 be placed upon its second reading.

UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>B. B. Bane</u>	VOTED	<u>Aye</u>
<u>H. G. Burch</u>	VOTED	<u>Aye</u>
<u>H. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Neunath</u>	VOTED	<u>Aye</u>
<u>D. C. Reese</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Graunstein thereupon declared the motion carried; and Ordinance No. 66 was then placed upon its second reading and was read the second time.

THEREUPON, it was moved by Councilman Reese and seconded by Councilman Bane that the rules and laws providing that ordinances of a general or permanent nature and those providing for the appropriation of money, shall be fully and distinctly read on three different days, be suspended and be dispensed with and that Ordinance No. 66 be placed upon its third reading.

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UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>B. B. Bone</u>	VOTED	<u>Aye</u>
<u>H. L. Burch</u>	VOTED	<u>Aye</u>
<u>H. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Nemath</u>	VOTED	<u>Aye</u>
<u>D. A. Reece</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Granustein thereupon declared said motion carried; and Ordinance No. 66 was then placed upon its third reading and read the third time.

THEREUPON, it was moved by Councilman Nemath and seconded by Councilman Martin that Ordinance No. 66 be placed upon its final passage and passed.

UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>B. B. Bone</u>	VOTED	<u>Aye</u>
<u>H. L. Burch</u>	VOTED	<u>Aye</u>
<u>H. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Nemath</u>	VOTED	<u>Aye</u>
<u>D. A. Reece</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Granustein declared the motion carried and the Ordinance passed and adopted.

Councilman Reece introduced and read the following Resolution and it was moved by Councilman Bone and seconded by Councilman Nemath that the Resolution be adopted:

RESOLUTION

WHEREAS, the Town Council of the town of Conrad, Iowa, has passed an Ordinance entitled:

ORDINANCE NO. 66

AN ORDINANCE GRANTING UNTO CENTRAL IOWA TELEPHONE COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY-FIVE YEARS TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A TELEPHONE SYSTEM OR SYSTEMS, BOTH LOCAL AND LONG DISTANCE, IN THE TOWN OF CONRAD, IOWA, AND TO ENTER UPON AND TO USE AND OCCUPY THE PUBLIC STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND PUBLIC PLACES OF SAID TOWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREON, THEREIN, THEREUNDER AND THEREOVER SAID TELEPHONE SYSTEM OR SYSTEMS CONSISTING OF POLES, POSTS, WIRES, CABLES, CONDUITS AND OTHER EQUIPMENT, APPARATUS AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID TELEPHONE SYSTEM OR SYSTEMS AND THEIR USE AND TO FURNISH GENERAL TELEPHONE SERVICE, BOTH LOCAL AND LONG DISTANCE, TO SAID TOWN AND THE INHABITANTS THEREOF AND OTHERS WITHIN AND WITHOUT SAID TOWN FOR ALL PURPOSES AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND THE PENALTY FOR THE VIOLATION OF SAME AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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AND WHEREAS, the said Ordinance has been duly signed by the Mayor and attested by the Town Clerk and provides that same shall be in full force and effect, subject to its approval by a majority of the legal electors of the Town of Conrad, Iowa, voting thereon, as provided by law, and subject to its acceptance by the Grantee, upon its publication, as provided by law.

AND WHEREAS, the laws of Iowa provide that same shall be submitted to the legal electors of the Town of Conrad, Iowa, for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CONRAD, IOWA:

That a special election of the town of Conrad, Iowa, be held on the 7th day of September, 1950 for the submission of said Ordinance No. 66 to the legal electors of the town of Conrad, Iowa, as by law provided, and that the Mayor and Town Clerk cause notice of said special election to be published in the Conrad Record, a newspaper published in Conrad, Iowa, and of general circulation in the town of Conrad, Iowa, as by law provided; and that the Town Clerk make all preparations and arrangements for said election, including ballots, polling place and do all things necessary or required by law for said election.

The question of the adoption of said Resolution was submitted to the Council and upon roll call the Councilmen voted as follows:

<u>B. B. Bane</u>	VOTED	<u>Aye</u>
<u>H. L. Burch</u>	VOTED	<u>Aye</u>
<u>N. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Nemath</u>	VOTED	<u>Aye</u>
<u>D. C. Reece</u>	VOTED	<u>Aye</u>

THEREUPON, Mayor Shawenstein declared said Resolution duly passed and adopted.

Councilman Martin introduced and read the following Resolution and it was moved by Councilman Bane and seconded by Councilman Burch that the Resolution be adopted:

RESOLUTION

BE IT RESOLVED that the polling place for the special election to be held on the 7th day of September, 1950, shall be at the Town Hall.

BE IT FURTHER RESOLVED that the following named persons shall be the judges of said special election, to-wit:

B. B. Bane
D. C. Reece
Walter Nemath - Absent
R. E. Boswell

and that the following named persons shall be the clerks of said special election, to-wit:

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H. D. Martin
H. L. Burch
D. C. Reese

The question of the adoption of said Resolution was submitted to the Council and upon roll call the Councilmen voted as follows:

<u>B. B. Bone</u>	VOTED	<u>Aye</u>
<u>H. L. Burch</u>	VOTED	<u>Aye</u>
<u>H. D. Martin</u>	VOTED	<u>Aye</u>
<u>Walter Neumath</u>	VOTED	<u>Aye</u>
<u>D. C. Reese</u>	VOTED	<u>Aye</u>

THEREUPON, Mayor Y. Grovenstein declared said Resolution duly passed and adopted.

It was moved by Councilman Martin and seconded by Councilman Neumath that the meeting be adjourned.

All members of the Council voting Aye, the Mayor thereupon declared the meeting adjourned.

Ray E. Grovenstein
Mayor of the Town of
Conrad, Iowa

ATTEST:

H. D. Hunt
Town Clerk
Of the Town of Conrad, Iowa

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