

December 7, 2020

The Utility Board of Trustees of Laurens, Iowa met in special session at the Municipal Building, 272 N. Third Street, Laurens, Iowa, at 11:30 a.m. on the above date. Present were Trustees Richard Main, Jerry Runneberg and Ben Storms. Also present was General Manager Chad Cleveland.

Motion by Trustee Storms and seconded by Trustee Runneberg to approve the agenda for the December 7, 2020 special meeting. Ayes: All. Nays: None. Motion carried.

At 11:35 A.M. Chairman Main opened the public hearing on the proposed budget for calendar year 2021 as published on November 25, 2020 in the Laurens Sun. Chairman Main called for comments or objections to the proposed budget. There being no verbal or written comments or objections, Chairman Main declared the public hearing closed at 11:45 A.M.

Trustee Runneberg introduced the following Resolution entitled "A RESOLUTION ADOPTING THE BUDGET FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2021" and moved that the same be adopted. Trustee Storms seconded the motion to adopt. The roll was called, and the vote was: Ayes: Main, Runneberg, and Storms. Nays: None.

Chairman Main declared the resolution duly adopted as follows:

BE IT RESOLVED by the Board of Trustees that the budget for calendar year ending December 31, 2021 as published in the Laurens Sun on November 25, 2020, showing the estimated revenues and expenditures for said calendar year is adopted.

Passed and approved on December 7, 2020.

Chairman, Board of Trustees

ATTEST:

Secretary, Board of Trustees

Trustee Storms introduced the following Resolution entitled "RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR" and moved that the same be adopted. Trustee Runneberg seconded the motion to adopt. The roll was called and the vote was: Ayes: Main, Runneberg, and Storms. Nays: None.

Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND FIXING
A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR

WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as the LAURENS MUNICIPAL ELECTRIC UTILITY 2021 FTTH PROJECT; and

WHEREAS, the City of Laurens has caused to be prepared plans, specifications, and form of contract, together with estimate of cost, which are now on file in the office of the Laurens Municipal Utilities, for public inspection, for the construction of the public improvements; and

WHEREAS, the plans, specifications and form of contract are deemed suitable for the making of public improvements; and

WHEREAS, before the plans, specifications, form of contract, and estimate of cost may be adopted, and contract for the construction of the public improvements is entered into, it is necessary, pursuant to Chapter 26 of the Code of Iowa, to hold a public hearing and to advertise for bids:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MUNICIPAL ELECTRIC UTILITY OF THE CITY OF LAURENS, IOWA:

Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as the LAURENS MUNICIPAL ELECTRIC UTILITY 2021 FTTH PROJECT, in the manner set forth in the plans and specifications and form of contract, above referenced to, the cost thereof to be paid in accordance with the provisions as set out in the posted Notice to Bidders and published Notice of Hearing: the public improvements being more generally described as follows:

General Nature of the Public Improvement

Distribution System

This section consists of approximately 11.6 miles of buried fiber optic distribution, 1 mile of fiber interconnect cable, and approximately 781 buried service entrances for a total of approximately 36.5 route miles of construction.

Section 2. That the amount of the bid security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders approved as a part of the specifications.

Section 3. That the Secretary be and is hereby directed to post a notice to bidders once in each of the following: (i) a relevant contractor plan room service with statewide circulation; (ii) a relevant construction lead generating service with statewide circulation; and (iii) on an internet site sponsored by either the City or a statewide association that represents the City. Posting shall be not less than thirteen clear days nor more than forty-five days prior to December 22, 2020, which is hereby fixed as the date for receiving bids. The bids are to be filed prior to 2:00 P.M., on such date.

Section 4. That the Board of Trustees hereby delegates to the Secretary the duty of receiving, opening, and tabulating bids for construction of the Project. Bids shall be received and opened as provided in the public notice and the results of the bids shall be considered at the meeting of this Board on December 28, 2020, at 11:30 A.M.

Section 5. That the Secretary be and is hereby directed to publish notice of hearing once in a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City. The publication shall be not less than four clear days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the plans, specifications, form of contract, and estimate of costs for the project, the hearing to be at 11:20 A.M. on December 28, 2020.

Section 6. That the Secretary shall cause the notices described in Section 3 and Section 5 hereof to be posted and published, the posting and publication to be within the posting and publication timeline for each notice outlined above.

Section 7. That the Notice to Bidders and Notice of Public Hearing shall be substantially in the form attached hereto:

NOTICE OF HEARING AND NOTICE TO BIDDERS
FOR A FIBER COMMUNICATIONS SYSTEM FOR
LAURENS MUNICIPAL ELECTRIC UTILITY IN LAURENS, IOWA

Notice is hereby given that bids for the construction, including the supply of necessary labor, materials, and equipment, for the Laurens Municipal Electric Utility Fiber Communications System known as 2021 FTTH Project, will be received by Laurens Municipal Electric Utility at its Office, 272 N. Third Street, Laurens, Iowa 50554 before 2:00 o'clock P.M., C.S.T., December 22, 2020, at which time and place the Bids will be publicly opened and read. This Project is located at various locations throughout the Laurens Municipal Electric Utility service territory, in Pocahontas County, State of Iowa.

At, 11:30 A.M., C.S.T., December 28, 2020 at the Laurens Municipal Power & Communications office, 272 N. Third Street, Laurens, Iowa, the Laurens Municipal Electric Utility Board shall hold a public hearing on the proposed plans, specifications, proposed form of contract and estimated cost of the project. At said hearing any interested person may appear and file objections to the proposed specifications, contract, or estimated cost of said improvements. At said time and place, the bids will be acted upon by the Board or at a later date as will be fixed.

This Project is generally described as:

Distribution System

This section consists of approximately 11.6 miles of buried fiber optic distribution, 1 mile of fiber interconnect cable, and approximately 781 buried service entrances for a total of approximately 36.5 route miles of construction.

All of the above work shall be provided in accordance with the specifications and proposed contract. The work shall commence upon issuance of the notice to proceed after approval of the Contract and bonds. The time for completion of construction of the Project shall be two hundred fifty (250) days from the Contract commencement date.

The plans, specifications, construction sheets and form of contract together with all necessary forms and other documents for Bidders (the "Contract Documents") may be obtained from the Owner, or from Engineer, OAK HILL CONSULTING, INC., 3081 West 168th Street, Jordan, Minnesota 55352, Telephone (952) 895-8851. The first set is provided at no charge, additional sets may be purchased upon payment of one hundred dollars (\$100.00) which payment will not be subject to refund. The Contract Documents may be examined at the offices of the Owner or Engineer. The Owner may restrict the distribution of the Contract Documents.

The apparent lowest responsive Bidder shall file with the Engineer, upon request, the Bidder's qualifications on forms, copies of which can be obtained from the Engineer. Questions relating to Bidder's qualifications shall be resolved prior to award of the Contract. A Bidder's failure to submit required qualification information within the times indicated may disqualify the Bidder from receiving an award of the Contract.

Bids will be accepted only from original recipients of the Contract Documents. A Pre-Bid Conference is set for December 9, 2020 10:00 AM CST at the following location: Laurens Municipal Power & Communications office, 272 N Third Street, Laurens, Iowa 50554. With current COVID issues the meeting will be via conference call. Those interested in bidding the project will be provided the call-in number and agenda. Notes covering the Pre-Bid Conference will be prepared by the Engineer and distributed to all original recipients of the Contract Documents.

Each proposal shall be made out on a blank form furnished by Owner or the Engineer and must be accompanied by a bid security, pursuant to section 26.8, in the form of either a certified check,

cashier's check or certified share draft payable to Laurens Municipal Electric Utility, Laurens, Iowa in an amount of at least ten percent (10%) of the amount of the proposal, the certified check or cashier's check drawn on a state-chartered or federally-chartered bank that is a member of the Federal Reserve system, or the certified share draft drawn on a state-chartered or federally-chartered credit union, or by a bid bond on the form provided with the Contract Documents in a like amount executed by a corporate surety authorized to do business in the State of Iowa. All proposals and bid bond shall be sealed in a single envelope and plainly marked, "SEALED BID FOR LAURENS MUNICIPAL ELECTRIC UTILITY 2021 FTTH PROJECT". The envelope shall also show the bidders name and date and time of bid opening. Any alteration of the proposal form may be cause for rejection of the proposal. Such bid security shall be forfeited to Laurens Municipal Electric Utility as liquidated damages in the event the successful bidder fails or refuses to enter into a contract at the prices bid within ten (10) days after the award of contract and post bond satisfactory to Laurens Municipal Electric Utility insuring the faithful fulfillment of the contract.

Payment for said work to be performed will be made from cash on hand. Payment to the contractor will be made on the basis of eighty percent (80%) of the contract value of the material price of stored materials in Owner approved on-site storage and ninety-five percent (95%) of the contract value of the labor and material price upon completion and acceptance by the Engineer and Owner. The remaining five percent (5%) will be paid upon successful completion of the Project and submittal of all final contract documents.

To the extent required by Iowa law, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident. Failure to submit a fully completed Bidder Status Form with the Proposal may result in the Proposal being deemed nonresponsive and rejected.

Laurens Municipal Electric Utility reserves the right to defer acceptance of any proposal for a period not to exceed ninety (90) days after the date proposals are received and no proposal may be withdrawn during this period.

Laurens Municipal Electric Utility reserves the right to reject any or all bids, waive any or all minor irregularities in the form of the bid, and enter into such contract as it shall deem to be in the best interest of Laurens Municipal Electric Utility.

Any attempt to obtain low bid status by selectively bidding of multiple manufacturers low dollar products such that the cost of spares on inventories are unduly affected may be grounds for total bid rejection. Laurens Municipal Electric Utility is interested in initial and long-term system performance and consideration.

Issued upon order of Laurens Municipal Electric Utility, Laurens, Iowa.

Dated this 22nd day of October 2020.

LAURENS MUNICIPAL ELECTRIC UTILITY

By /s/ Chad Cleveland, General Manager

Section 8. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed insofar as the conflicting portions thereof are concerned.

PASSED AND APPROVED this 7th day of December 2020.

Chairman, Board of Trustees

ATTEST:

Secretary, Board of Trustees

Trustee Runneberg introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$9,000,000 ELECTRIC REVENUE CAPITAL LOAN NOTES OF THE CITY OF LAURENS, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF" and moved that the same be adopted. Trustee Storms seconded the motion to adopt. The roll was called and the vote was: Ayes: Main, Runneberg, and Storms. Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$9,000,000 ELECTRIC REVENUE CAPITAL LOAN NOTES OF THE CITY OF LAURENS, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Laurens, State of Iowa, should provide for the authorization of a Loan Agreement and the issuance of Electric Revenue Capital Loan Notes, to the amount of not to exceed \$9,000,000, as authorized by Sections 384.24A and 384.83, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out project(s) as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable solely and only out of the Net Revenues of the Municipal Electric Utility and shall be a first lien on the future Net Revenues of the Utility; and shall not be general obligations of the City or payable in any manner by taxation and the City shall be in no manner liable by reason of the failure of the Net Revenues to be sufficient for the payment of the Loan Agreement and Notes; and

WHEREAS, before the Loan Agreement and Notes may be issued, it is necessary to comply with the provisions of the Code, and to publish a notice of the proposal to issue such notes and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MUNICIPAL UTILITIES OF THE CITY OF LAURENS, STATE OF IOWA:

Section 1. That this Board meet in the Utilities Office, 272 North 3rd Street, Laurens, Iowa, at 11:30 A.M., on the 28th day of December, 2020, for the purpose of taking action on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$9,000,000 Electric Revenue Capital Loan Notes, the proceeds of which notes will be used to provide funds to pay the costs of improvements and extensions to the Municipal Electric Utility, including the construction of a fiber-to-the-premise communications system, a new fiber management frame in the Network Operations Center and installation of conduit, fiber, vaults, handholes, pedestals and multiport service terminals to serve the Municipal Electric Utility, and refunding and refinancing outstanding electric revenue obligations, including Electric Revenue Capital Loan Notes, Series 2012.

Section 2. That the Secretary is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action to issue notes shall be in substantially the following form:

(To be published on or before: December 22, 2020)

NOTICE OF MEETING OF THE BOARD OF TRUSTEES OF THE
MUNICIPAL UTILITIES OF THE CITY OF LAURENS, STATE OF IOWA,
ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN
AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$9,000,000
ELECTRIC REVENUE CAPITAL LOAN NOTES, AND THE HEARING
ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Trustees of the Municipal Utilities of the City of Laurens, State of Iowa, will hold a public hearing on the 28th day of December, 2020, at 11:30 A.M., in the Utilities Office, 272 North 3rd Street, Laurens, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$9,000,000 Electric Revenue Capital Loan Notes, to provide funds to pay the costs of improvements and extensions to the Municipal Electric Utility, including the construction of a fiber-to-the-premise communications system, a new fiber management frame in the Network Operations Center and installation of conduit, fiber, vaults, handholes, pedestals and multiport service terminals to serve the Municipal Electric Utility, and refunding and refinancing outstanding electric revenue obligations, including Electric Revenue Capital Loan Notes, Series 2012. The Notes will not constitute general obligations or be payable in any manner by taxation but will be payable from and secured by the Net Revenues of the Municipal Electric Utility.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of the Notes to evidence the obligation of the City thereunder or will abandon the proposal to issue said Notes.

This notice is given by order of the Board of Trustees of the Municipal Utilities of the City of Laurens, State of Iowa, as provided by Sections 384.24A and 384.83 of the Code of Iowa.

Dated this 7th day of December 2020.

Secretary of the Board of Trustees of the
Municipal Utilities, City of Laurens,
State of Iowa

(End of Notice)

PASSED AND APPROVED this 7th day of December 2020.

Chairman, Board of Trustees

ATTEST: _____
Secretary, Board of Trustees

Motion by Trustee Storms and seconded by Trustee Runneberg to approve the proposed Engagement Agreement for the preparation of necessary contract proceedings for public improvement projects. Ayes: All. Nays: None. Motion carried.

Motion by Trustee Runneberg and seconded by Trustee Storms to approve the proposed Bond Counsel Engagement Agreement (Not to Exceed \$9,000,000 Electric Revenue Capital Loan Notes, Series 2021). Ayes: All. Nays: None. Motion carried.

Motion by Trustee Storms and seconded by Trustee Runneberg to approve the proposed list of bad debt accounts to be written off. The Electric Utility amount to be written off is \$2,481.10. The Communications Utility amount to be written off is \$1,098.94. Ayes: All. Nays: None. Motion carried. The write-off recoveries for 2020 were \$4,029.50 for the Electric Utility and \$1,437.15 for the Communications Utility.

Discussion was held on Wage Scales for 2021. No specific action was taken.

Discussion was held on the General Manager's Salary for 2021. No specific action was taken.

There being no further business, the Chairman declared the meeting adjourned at 1:20 p.m.

Chairman, Board of Trustees

ATTEST: _____
Secretary, Board of Trustees