

**CHAPTER 162**  
**SUTHERLAND TENNIS COURTS**

H. F. 711

AN ACT to legalize proceedings taken by the city of Sutherland relating to the letting of certain contracts.

Whereas, the city council of the city of Sutherland let a contract for the construction of tennis courts situated within the city of Sutherland; and

Whereas, the city council of the city of Sutherland complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids; and

Whereas, some doubt has arisen as to the validity of the contract executed between the city of Sutherland and Midwest Sports Surfaces, for the construction of the tennis courts and that act and contract should be legalized and the matter once and for all be put to rest; Now Therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That all proceedings taken by the city council of the city of Sutherland, pertaining to the letting of a contract for the construction of tennis courts where the city council failed to properly publish notice of the time, place and date of the bid opening, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the tennis courts.

Approved April 30, 1979

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**CHAPTER 163**  
**ALLAMAKEE COUNTY CARE FACILITY**

H. F. 712

AN ACT relating to the legalization and validation of proceedings taken by the board of supervisors of Allamakee county relating to the remodeling and repair of the Allamakee county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes.

Whereas, Allamakee county was in need of an expanded and remodeled health care facility and the facility was being operated pursuant to a temporary certificate issued by the state department of health because of violations relating to the lack of adequate facilities then existing; and

Whereas, a proposition for the construction of an addition to the county care facility at a total cost of not to exceed five hundred thousand (500,000) dollars, was submitted to the voters pursuant to chapter three hundred forty-five (345), Code of Iowa, 1973, on June 4, 1974 and was approved by sixty-eight percent of the voters; and

Whereas, such addition was subsequently constructed in conformity with all applicable statutes, at a total cost of four hundred seventy-three thousand seven hundred eighty dollars and twenty-eight cents (\$473,780.28); and

Whereas, the board of supervisors of Allamakee county subsequently ordered the remodeling of the original county care facility building on March 4, 1976 and entered into contracts therefor with David R. Stillwell Construction of Waukon, Iowa and Hengel Brothers, Inc., of LaCrosse, Wisconsin, with such contracts later amended by change orders; and

Whereas, said remodeling work was completed under the supervision of architects Powers--Willis and Associates of Iowa City, Iowa and by contractors David R. Stillwell Construction and Hengel Brothers, Inc., at a total cost of two hundred thirteen thousand sixty-two (213,062) dollars, of which all but thirty-seven thousand one hundred sixteen dollars and eighty-six cents (\$37,116.86), has been paid; and

Whereas, said contracts were made following due notice of public hearing on the project as required by section three hundred forty-five point one (345.1), Code of Iowa, 1975, and public bids for the project were duly invited, but the project was not submitted to the voters of the county as required pursuant to section three hundred forty-five point one (345.1), Code of Iowa, 1975; and

Whereas, the general assembly is of the opinion that the private parties involved in the transactions enumerated in this Act should be paid for their materials and services but that actions of local public officials which are contrary to the law should not be easily sanctioned by the procedure of obtaining a legalizing Act and that local public officials should not be easily forgiven for failing to determine the proper procedures required by law in entering into and carrying out public contracts and once determined, proceeding contrary to such law; and

Whereas, doubts have arisen concerning the legal sufficiency of the compliance of the board of supervisors of Allamakee county with the provisions of section three hundred forty-five point one (345.1), Code of Iowa, 1975, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same to rest; Now Therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That all proceedings heretofore taken by the board of supervisors of Allamakee county in connection with and pertaining to entering into contracts with David R. Stillwell Construction, Hengel Brothers, Inc., and Powers--Willis and Associates for the remodeling and repair of the original Allamakee county care facility building in Allamakee county, including all payments made and those authorized to be made by the board of supervisors are hereby legalized, validated and confirmed.

Sec. 2. That the board of supervisors of Allamakee county is authorized, pursuant to its contractual agreements, to make payments in the amount of thirty-seven thousand one hundred sixteen dollars and eighty-six cents (\$37,116.86) to David R. Stillwell Construction and Hengel Brothers, Inc., and Powers--Willis and Associates, which represents the unpaid balance due and owing.

Sec. 3. That all payments made pursuant to this Act shall be accomplished without a levy of additional taxes and such payments to be made will be derived from moneys presently available to the county which include funds previously obtained from federal revenue sharing programs.

Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Postville Herald, a newspaper published in Postville, Iowa, and in the Waukon Democrat, a newspaper published in Waukon, Iowa.

Approved April 30, 1979

I hereby certify that the foregoing Act, House File 712, was published in the Postville Herald, Postville, Iowa on May 9, 1979, and in the Waukon Democrat, Waukon, Iowa on May 10, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

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CHAPTER 164  
APPANOOSE COUNTY LAND SALE

H. F. 704

AN ACT to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of all of their interest in and to Lot 3 of Block 1 of the original town of Cincinnati, Appanoose county, Iowa.

Whereas, the board of supervisors of Appanoose County acquired a portion of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, including the second story of a structure located upon said lot by tax deed; and

Whereas, the board of supervisors of Appanoose County subsequently determined it to be necessary to obtain title to the remainder of said lot and building so as to reduce their potential liability for upkeep as to that part previously owned; and

Whereas, said board of supervisors did purchase the remaining interest in Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa; and

Whereas, the board of supervisors subsequently determined that said property in its entirety held under two separate titles should be returned to private ownership by sale; and

Whereas, in effectuating said sale the board of supervisors caused notice to be published 15 and 8 days prior to the time of sale on October 20, 1978, and said notices solicited sealed bids; and