



Roll Call Number

20-0823

Agenda Item Number

19

Date May 18, 2020

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON ORDINANCE
AMENDING THE ELECTRIC ENERGY AND GAS FRANCHISES GRANTED TO
MIDAMERICAN ENERGY COMPANY REPEALING THE TEMPORARY INCREASE
TO FRANCHISE FEE USED SOLELY TOWARD PAYMENT OF THE
KRAGNES V CITY OF DES MOINES JUDGMENT**

WHEREAS, pursuant to Ordinance No. 14,341, the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of electric energy and pursuant to Ordinance No. 14,342 the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of gas; and

WHEREAS, Ordinance No. 15,244 passed by the City Council on December 9, 2013 and approved at a special City election held on March 4, 2014 amended said franchises by enacting a new Section 6A to temporarily increase the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment; and

WHEREAS, the City Manager has determined that the judgment bonds issued to pay the *Kragnes v City of Des Moines* judgment will be paid and redeemed by the temporary increase to the franchise fee and repeal of such temporary increase is appropriate; and

WHEREAS, pursuant to Section 364.2(4)(a) of the Iowa Code, the City is required to hold a public hearing upon the proposed amendment to the electric energy franchise and the gas franchise pursuant to public notice thereof and advise of the right to petition for an election.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That a meeting of the City Council will be held in the 2nd Floor, MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. M.L. King Jr. Parkway, Des Moines, Iowa at 5:00 p.m., on June 8, 2020 at which time a public hearing will be held on the proposed ordinance amending the electric energy franchise and the gas franchise granted to MidAmerican Energy Company relating to repeal the temporary increase to the franchise fee used solely toward payment of the *Kragnes v. City of Des Moines* judgment and the City Council will hear both those who oppose and those who favor the proposal to enact the amendment of the electric energy franchise and the gas franchise.
2. That notice of said proposal be given by publication once, not less than four (4) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 of the Iowa Code.



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- 3. The notice referred to shall be in substantially the form hereto attached, and the City Clerk is hereby authorized and directed to publish such notice as provided above. (Council Communication No. 20-212)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lawrence R. McDowell

Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

J. M. Franklin Cownie Mayor

P. Kay Cmelik

City Clerk