



Date December 9, 2013

**RESOLUTION CLOSING PUBLIC HEARING ON ORDINANCE AMENDING THE ELECTRIC ENERGY AND GAS FRANCHISES GRANTED TO MIDAMERICAN ENERGY COMPANY RELATING TO TEMPORARY INCREASE TO FRANCHISE FEE TO BE 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, on November 18, 2013 by Roll Call No. 13-1799, it was duly resolved by the City Council that, in accordance with Section 364.2(4)(a) of the Iowa Code, an amendment to said electric energy and gas franchises relating to a temporary increase to the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment be set for public hearing on December 9, 2013, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on December 3, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the electric energy and gas franchises granted to MidAmerican Energy Company; and

WHEREAS, in accordance with the notice those interested in the proposed amendment to the electric energy and gas franchises granted to MidAmerican Energy Company, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to a temporary increase in the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment which ordinance has been available for public review and inspection in the Office of the City Clerk.

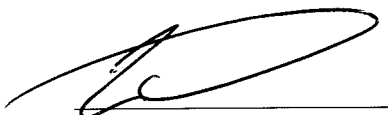
Date December 9, 2013

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to a temporary increase in the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment are hereby overruled, and the hearing is closed.
2. To avoid dramatic property tax increases or devastating cuts to City services, it is hereby determined that it would be in the best interests of the City of Des Moines and its residents to vote upon an amendment to the electric energy and gas franchises granted to MidAmerican Energy Company to temporarily increase the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment.
3. Upon final passage by the City Council and publication of the proposed ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company, the Mayor shall promptly notify the State of Iowa Director of Revenue of such action.

MOVED by \_\_\_\_\_ to adopt and to approve amending the electric energy and gas franchises granted to MidAmerican Energy Company, subject to final passage of the ordinance and approval at an election by an affirmative majority vote.

APPROVED AS TO FORM:



Lawrence R. McDowell  
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk