



25-1008

46

Date July 14, 2025

**RESOLUTION CLOSING PUBLIC HEARING ON ORDINANCE AMENDING THE
THE FRANCHISE HERETOFORE GRANTED TO MIDWEST GAS COMPANY,
PREDECESSOR IN INTEREST TO MIDAMERICAN ENERGY COMPANY AND
INCREASING THE FRANCHISE FEE PURSUANT TO IOWA CODE SECTIONS
364.2(4)(f) and 384.3A(3)(j)**

WHEREAS, pursuant to Ordinance No. 16,133 adopted by the city council on May 15, 2022, the City of Des Moines extended the franchise previously granted to MidAmerican Energy Company, the successor to Midwest Gas Company, for a period of 13 years from June 15, 2022 until June 15, 2035 the right, franchise and privilege to acquire, construct, operate and maintain in the City of Des Moines, Iowa, the necessary facilities for the production, distribution, transmission and sale of gas for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes; providing for the imposition and collection of a franchise fee from its customers in consideration thereof; and prescribing the terms and conditions thereof; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on July 2, 2025, as provided by law, setting forth the time and place for hearing on the proposed amendment to the gas franchise granted to MidAmerican Energy Company; and

WHEREAS, in accordance with the notice those interested in the proposed amendment to the gas franchise 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

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 gas franchise granted to MidAmerican Energy Company are hereby overruled, and the hearing is closed.
2. It is hereby determined that it would be in the best interests of the City of Des Moines and its residents to amend the gas franchise granted to MidAmerican Energy Company to seven and one-half percent (7.5%) of the gross revenue of the Company, minus uncollectible accounts, derived from the distribution, transmission and retail sale of gas by the Company to customers within the current or future corporate limits of the city (excluding, however, the sale of gas to the city). The franchise fee shall revert to five percent (5%) five years after it is first charges.
3. In accordance with Section 364.2(4)(b) of the Iowa Code, the City Council shall dispense with an election to approve of the proposed ordinance amending the gas franchise granted to MidAmerican Energy Company unless a valid petition requesting



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submission of the proposed ordinance to the voters is accepted for timely filing with the City of Des Moines.

4. Upon final passage by the City Council and publication of the proposed ordinance amending the gas franchise granted to MidAmerican Energy Company, the Mayor shall promptly notify the State of Iowa Director of Revenue of such action.

MOVED by Mandelbaum to adopt and to approve amending the gas franchise granted to MidAmerican Energy Company, subject to final passage of the ordinance.

Second by Simonson.

FORM APPROVED:

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr.

Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN		✓		
WESTERGAARD		✓		
MANDELBAUM	✓			
GATTO		✓		
TOTAL	4	3		

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner

City Clerk