

-NOTICE OF A PUBLIC MEETING-
Governmental Body: Van Meter City Council
Date of Meeting: Monday, June 8, 2015
Time/Place of Meeting: 7:00 p.m. – Veteran’s Reception Center, 910 Main Street

Business Meeting Agenda:

1. Call to Order
2. Approval of Agenda
3. Introductions
4. Citizen Hearing
5. Consent Agenda:
 - a. Minutes of the May 11, 2015 and June 4, 2015 City Council meetings
 - b. May Claims list
 - c. May Financial Statement
 - d. A Resolution Approving Transfers Between Funds
 - e. A Resolution Approving A Policy Statement Concerning Employee Benefits
 - f. A Resolution Approving an Employment Reclassification
 - g. A Resolution Adopting the Comprehensive Solid Waste Reduction Plan
6. A public hearing and action on the first reading of a proposal to renew for a twenty-five (25) year period a non-exclusive electric supply, operation and maintenance franchise with MidAmerican Energy Company, that may include franchise fees. Consideration may be given to waiving readings two and three and proceeding directly to approval and adoption.
7. A public hearing and action on the first reading of a proposal to renew for a twenty-five (25) year period a non-exclusive natural gas supply, operation and maintenance franchise with MidAmerican Energy Company, that may include franchise fees. Consideration may be given to waiving readings two and three and proceeding directly to approval and adoption.
8. Department/Committee Reports:
 - a. Parks and Rec
 - b. Library
 - c. Public Safety
 - d. Public Works
 - e. Attorney
 - f. Engineer
 - g. Administrator
 - h. Council
 - i. Public Works/Infrastructure
 - ii. Culture and Recreation
 - iii. Ad-Hoc Committees
 - i. Mayor
 - i. Finance
 - ii. Policy
 - iii. Economic Development
 - iv. Public Safety
 - v. EMA, E91
9. Adjourn

Agenda Item #1 - Call to Order

Submitted for:

Recommendation:

Sample Motions:

Mayor: *The time is Seven O'clock PM on Monday, June 8, 2015. I hereby call this meeting of the Van Meter City Council to order.*

Agenda Item #2 - Approval of the Agenda

Submitted for:

Action

Recommendation:

Approval

Sample Language:

Mayor: *Do I hear a motion to approve the agenda?*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll call please.*

City Clerk: *Lacy ___; Stump ___; Tweed ___; Sacker ___; Peterson ___;*

Mayor: *The agenda is adopted. Thank you.*

Agenda Item #3 - Introductions

Submitted for:

Information

Recommendation:

Sample Language:

Mayor: *Would those present please introduce themselves?*

Agenda Item #4 - Citizen Hearing

Submitted for:

Information

Recommendation:

N/A

Sample Language:

Mayor: *At this time I will recognize members of the public who have signed in and wish to address the City Council. Once given the floor you will have a maximum of three minutes to read your statement into the record.*

Under Iowa law, the City Council is prohibited from discussion or taking any action on an item not appearing on its posted agenda. Therefore, any issue raised under the “citizen hearing” section of the agenda will be referred to staff for a decision about whether it should be placed on a future agenda for discussion, action, or report. Council is not permitted to answer questions, engage in discussion, or otherwise entertain or deliberate on any matters raised during matters raised in the “citizen hearing” section of the agenda.

Agenda Item #5 - Consent Agenda

Submitted for:

Action

Recommendation:

Approval

Sample Language:

Mayor: *Would staff please review the Consent Agenda.*

Staff: *Gives Review.*

Mayor: *Does the City Council wish to discuss any item on the consent agenda separately? If not, I would entertain a motion to approve a Resolution Adopting the Consent Agenda as it has been presented to us.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The Consent Agenda is adopted. Thank you.*

- 1) The Van Meter City Council met for a regular council meeting on Monday, May 11, 2015 at the Veterans Reception Center. Mayor Allan Adams called the meeting to order at 7:00PM. The following council members were present upon roll call: Bob Lacy, Kim Sacker, Owen Stump, and Elizabeth Tweed. Mike Peterson was absent.

Staff present: City Administrator Jake Anderson, City Engineer Bob Veenstra, Public Safety Director William Daggett, Officer John Petithory and Library Director Dorothy Knight.

- 2) Mayor Adams asked for a motion to approve the agenda. Moved by Lacy supported by Sacker to approve the agenda less Agenda Item 10. “Closed Session pursuant to Iowa Code Chapter 21.5 (1)(c) to discuss legal counsel’s impression and report on matters currently pending before an administrative agency.” Passed unanimously.
- 3) Introductions were made.
- 4) Mayor Adams opened the citizens hearing. Hearing none Mayor Adams closed the citizens hearing.
- 5) Mayor Adams reviewed the consent agenda, and asked for discussion. City Administrator Anderson noted amendments to the claims list. Mayor Adams asked for a motion to adopt the revised consent agenda which included the following:

- a. Minutes of the April 13, 2015 council meeting.
- b. April Claims list.

VENDOR	REFERENCE	AMOUNT
3E ELECTRICAL ENG & EQUIP	EMERGENCY LIGHTS	\$ 133.11
ACCUJET LLC	CAMER SW LINE & CUT ROOTS	\$ 1,415.00
BOB CARR	REIMBURSE FOR LIGHTS	\$ 476.99
BOB LACY	MILEAGE TO MEETINGS	\$ 162.40
BOB LENC	IRRIGATION REC COMPLEX	\$ 929.25
BOBS AUTO PARTS	PUBLIC WORKS & FIRE DEPT PARTS	\$ 562.92
CASEY'S GENERAL STORE	GAS AND MERCH	\$ 662.47
CENTURY LINK	CITY HALL PHONE	\$ 370.52
CLIVE POWER EQUIPMENT	STIHL CHAINSAW - FIRE DEPT	\$ 540.00
CROP RITE INC	DUST CONTROL	\$ 300.00
CULLIGAN	AUTOMATIC RENTAL	\$ 21.95
CUSTOM LAWN CARE	WEED CONTROL PARK & COMPLEX	\$ 974.00
DANKO	VARIOUS FIRE EQUIPMENT	\$ 10,790.45
DELTA DENTAL	EMPLOYEE DENTAL INS	\$ 380.26
DES MOINES STAMP	FIRE DEPT STAMP	\$ 95.80
DORSEY & WHITNEY LLP	15-16 WA SYSTEM LEGAL SERVICES	\$ 2,500.00
EFTPS	FED/FICA TAX	\$ 2,572.40
EFTPS	FED/FICA TAX	\$ 2,739.79
EMERGENCY SERVICES MARKETING	SUBSCRIPTION FEE 3/15-3/16	\$ 650.00
FIRE SERVICE TRAINING BUREAU	REG FEE FOR JONATHAN BRUEN	\$ 25.00
FOREST COMM PARKING LOT PAINT	PARKING LOT PAINT CITY HALL	\$ 150.00
GALLS AN ARAMARK COMPANY	OFFICER BADGES	\$ 342.87

GATEHOUSE MEDIA IOWA	LEGAL SERVICES	\$ 252.72
HEARTLAND COOP	FIRE DEPT DIESEL	\$ 67.61
IFMCV	MONTHLY RENT PER LEASE/OPTION	\$ 1,000.00
IMAGING TECHNOLOGIES	QRTLY BILLING 5/15-8/15	\$ 404.56
INTERNET COMMUNICATIONS	WIRING & LABOR	\$ 939.01
IOWA DNR	PWS CETRIFICATES FOR HERMAN	\$ 120.00
IPERS	PROTECT IPERS	\$ 1,554.25
JESTER INSURANCE SERVICE	INSURANCE SERVICES	\$ 36,789.00
LIZ THOMPSON	CPM AT DRAKE MILAGE/LUNCH	\$ 85.70
LOWE'S	JOHNSON PARK - VOLLEYBALL	\$ 371.92
MATHESON TRI GAS INC	OXYGEN	\$ 19.40
MEDIACOM	INTERNET	\$ 524.45
MIDAMERICAN ENERGY	GAS/ELEC	\$ 1,948.20
MULCHMART LLC	LARGE BRICK CHIPS	\$ 252.49
NETWORKING SOLUTIONS	HARDWARE - CITY HALL	\$ 7,665.82
OFFICE DEPOT	ENCLOSED CORK BOARD	\$ 1,292.97
RHODES INC	CLASS A ROADSTONE	\$ 397.00
SHORTEL INC	ACCESS CHARGES & RENTAL	\$ 724.72
SIGNARAMA	CITY HALL WINDOW GRAPHIC	\$ 114.24
SIMON FIRE EQUIPMENT & REPAIR	REPAIR OF TANKER 839	\$ 2,547.58
SPRAYER SPECIALTIES INC	TANK & INSTALLATION - FD	\$ 184.53
SQUARE, INC	CREDIT CARD ACCEPTANCE FEE	\$ 53.46
STIVERS FORD	F350 CHECK AFTER ACCIDENT	\$ 125.95
THE HARTFORD	EMPLOYEE LIFE/DIS INS	\$ 159.14
TREAS - STATE OF IOWA W/H	STATE TAX	\$ 465.00
ULTRAMAX	AMMO	\$ 131.70
US POSTMASTER	MAY UT BILLS/NEWSLETTERS	\$ 196.32
VEENSTRA & KIMM INC	BUILDING INSPECTIONS	\$ 70.40
VERIZON WIRELESS	PD PHONE	\$ 373.78
WASTE CONNECTIONS	GARBAGE CONTRACT	\$ 6,492.52
WAUKEE HARDWARE & RENT IT	KEYS - PD	\$ 18.32
WELLMARK	EMPLOYEE HEALTH INSURANCE	\$ 2,773.24
WELLS FARGO CC	FURNITURE & CAMERA	\$ 7,831.56
WHITFIELD & EDDY PLC	LEGAL SERVICES	\$ 5,513.00
WHITFIELD & EDDY PLC	LEGAL SERVICES	\$ 8,050.00
	***** REPORT TOTAL *****	\$ 116,305.74

c. April Financial Statements.

FUND	RECEIVED	DISBURSED
GENERAL	\$ 139,949.76	\$ 40,911.73
VEHICLE INSPECTION FUND	\$ -	\$ 14,323.98
LIBRARY TECHNOLOGY FUND	\$ 0.01	\$ -
ROAD USE TAX	\$ 7,302.24	\$ 5,631.27

EMPLOYEE BENEFITS	\$ 40,927.40	\$ 3,079.17
EMERGENCY FUND	\$ 3,539.80	\$ -
TIF-CR ESTATE	\$ -	\$ 600.00
PARK TRUST FUND	\$ 0.14	\$ -
LIBRARY TRUST FUND	\$ 0.18	\$ 195.24
VM COMMUNITY BETTERMENT	\$ -	\$ 55.00
DEBT SERVICE	\$ 33,192.30	\$ -
CEMETARY-PERPETUAL CARE	\$ 1,000.00	\$ -
WATER	\$ 14,333.68	\$ 14,367.86
SEWER	\$ 10,802.31	\$ 8,213.09
*****REPORT TOTAL*****	\$ 251,047.82	\$ 87,377.34

- d. Approval of a Tax Abatement Application for 408 Ellis (McNace).
- e. Resolution #2015-14, "A Resolution Approving Personnel Transactions"
- f. Set June 8, 2015, at 7:00p.m. at the Veterans Reception Center at 910 Main Street as the date, time, and place, for a public hearing on a proposal to renew for a twenty-five (25) year period a non-exclusive electric supply, operation and maintenance franchise with MidAmerican Energy Company, that may include franchise fees.
- g. Set June 8, 2015, at 7:00p.m. at the Veterans Reception Center at 910 Main Street as the date, time, and place, for a public hearing on a proposal to renew for a twenty-five (25) year period a non-exclusive natural gas supply, operation and maintenance franchise with MidAmerican Energy Company, that may include franchise fees.

Lacy moved supported by Tweed to adopt and approve Resolution #2015-13, "A Resolution Adopting the Revised Consent Agenda." Passed unanimously.

- 6) Mayor Adams asked Public Safety Director Daggett to present the proposed Resolution of Support and Thanks to Carolyn Power for service to the Community. Daggett explained that Ms. Power has completed the Van Meter Police Department's Cadet Program and has demonstrated a commitment to public service and exemplary performance therein. Lacy moved supported by Tweed to approve Resolution #2015-15, "A Resolution of Support and Thanks to Carolyn Power for Service to the Community. Passed Unanimously.

Mayor Adams and DPS Director Daggett presented the honors to Ms. Power.

- 7) Mayor Adams asked City Administrator Anderson to present the proposed amendment to the annual budget for fiscal year ending on June 30, 2015. Anderson explained that the amendment reflects spending that the Council has already approved for special projects and events that popped up throughout the year. Mayor Adams opened the public hearing. Hearing none and having received none in writing Mayor Adams closed the public hearing and asked for a motion to approve and adopt. Lacy moved supported by Sacker to approve and adopt Resolution #2015-16, "A Resolution Amending the Current Budget for Fiscal Year Ending June 30, 2015." Passed unanimously.

- 8) Mayor Adams asked City Administrator Anderson to present the proposed resolution adopting a revenue purpose statement regarding the use of revenues from proposed gas and electric franchise fees pursuant to Iowa Code 364.2(4) (f). Anderson explained that in order to consider ordinances renewing the term for MidAmerican's gas and electric franchise agreements such that fees may be imposed a revenue purpose must first be adopted. Anderson noted that the revenue purpose statement covers broad uses including the construction and maintenance of public utilities such as a water treatment plant. Mayor Adams opened the public hearing. Anderson noted having received a letter of support for the revenue purpose statement's

approval and adoption from Councilman Mike Peterson. Hearing no other comment and having received no other written comments Mayor Adams closed the public hearing and asked for a motion to approve and adopt. Lacy moved supported by Sacker to approve and adopt Resolution #2015-17, "A Resolution Adopting a Revenue Purpose Statement Regarding the Use of Revenues from Proposed Gas and Electric Franchise Fees pursuant to Iowa Code 364.2(4)(f). Passed unanimously.

9) Department/Committee Reports

Library Director Dorothy Knight introduced herself and discussed the ongoing clean-up work being done in the Library.

10) –

11) Having no further business Mayor Adams asked for a motion to adjourn. Moved by Lacy supported by Stump. Passed unanimously.

_____ Allan B. Adams, Mayor

ATTEST _____ Liz Thompson, City Clerk

City of Van Meter, Iowa
City Council Minutes – 06-04-2015

- 1) The Van Meter City Council met for a work session on Thursday, June 4, 2015 at the Van Meter City Hall. Mayor Allan Adams called the meeting to order at 6:34p.m. The following council members were present upon roll call: Bob Lacy, Kim Sacker, Owen Stump, Mike Peterson, and Elizabeth Tweed.

Staff present: City Administrator Jake Anderson, and City Attorney Erik Fisk.

- 2) Mayor Adams asked for a motion to approve the agenda. Moved by Lacy supported by Peterson. Passed unanimously.
- 3) Mayor Adams opened a discussion concerning employee compensation and benefits focusing on the need to clean up discrepancies between unwritten policy notions and past-practice regarding the extent to which the City participates in the cost of family benefits. Staff was directed to prepare a simple policy statement to remedy the inconsistencies and govern employment practices moving forward.
- 4) Mayor Adams led a discussion concerning City Council compensation. Staff was directed to research City Council pay and the issue was deferred pending further review.
- 5) Having no further business Mayor Adams asked for a motion to adjourn. Moved by Tweed supported by Sacker. Passed unanimously.

_____ Allan B. Adams, Mayor

ATTEST _____ Liz Thompson, City Clerk

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE

ACCOUNTS PAYABLE CLAIMS				

BANKERS TRUST	DEBT SERVICE ON SERIES 2013	79,881.25	11178491	5/31/15
CASEY'S GENERAL STORE	GAS/MERCH	874.36		
CENTRAL IOWA FLORAL	PLANT SALE	5,228.04		
CENTURY LINK	PHONE & ALARM LINES	291.25		
CLIVE POWER EQUIPMENT	MOWER PARTS	45.34		
CONTINENTAL RESEARCH CORP	RUST REMOVER FOR SPRAYER	240.00		
CULLIGAN	AUTOMATIC RENTAL	21.95		
DATA TECHNOLOGIES INC	UT BILLING INTERNET	1,000.00		
DELTA DENTAL	EMPLOYEE DENTAL INS	380.26	11178493	5/31/15
DEPT OF ADMINISTRATIVE	CPM COHORT 23 THOMPSON	250.00		
DUBOIS ENTERTAINMENT	2015 RRDAY PHOTO BOOTH	400.00	25266	6/05/15
EARL MAY	REC COMPLEX PLANTS	119.86		
EFTPS	FED/FICA TAX	3,108.49	11178488	5/22/15
EFTPS	FED/FICA TAX	3,348.81	11178489	6/05/15
ELECTRONIC ENGINEERING	CHECK RADIO	71.25		
EXIT 113	2015 RRDAY LIVE ENTERTAINMENT	400.00	25267	6/05/15
FIRE SERVICE TRAINING BUREAU	INSPC1 FOR DAGGETT, FELDMAN	150.00		
GATEHOUSE MEDIA IOWA	LEGAL PUBLICATIONS	333.41		
GOTCHA GAMES	RRDAY 2015 GAMES	3,600.00	25268	6/05/15
HEARTLAND COOP	DIESEL & LP LEAK CHECK	138.45		
IFMCV	MONTHLY RENT PER LEASE/OPTION	1,000.00		
IOWA DEPARTMENT OF NATURAL RES	GILLESPIE 2015 RENEWAL FEE	120.00		
IOWA ONE CALL	EMAIL COMMUNICATION	35.10		
IPERS	PROTECT IPERS	1,772.36	11178486	5/22/15
J & M DISPLAYS	2015 RRDAY FIREWORKS DISPLAY	2,000.00		
JIMS JOHNS INC	PUMPING REC COMPLEX	550.00		
JONES CREEK APPAREL	2015 RRDAY TSHIRTS	523.00		
LEGENDS DATA SYSTEMS INC	ACCOUNTABILITY BOARD, TAGS	973.65		
LIZ THOMPSON	MILEAGE CPM/DINING	70.74		
LOWE'S	LIBRARY SUPPLIES	48.65		
MATHESON TRI GAS INC	OXYGEN	21.12		
MEDIACOM	INTERNET	205.90		
METERING & TECHNOLOGY SOLUTION	WATER DEPT SUPPLIES FOR METERS	714.35		
MIDAMERICAN ENERGY	GAS/ELEC	2,046.20		
MUNICIPAL SUPPLY INC	BATTERY FOR HANDHELD	95.00		
NETWORKING SOLUTIONS	NETWORKING SERVICE HOURS	1,260.00		
NORTHERN TOOL & EQUIPMENT	TARP FOR SALT PILE/GREASE	82.95		
NORWALK EAST PUB LIBRARY	LOST ITEM PSION BETA	19.00		
OFFICE DEPOT	LIBRARY SUPPLIES	155.45		
OSTRANDER ENTERPRISES	WIRE EMERGENCY LIGHT	162.00		
PETTY CASH	CASH PRIZES	750.00	25269	6/05/15
SHELLY JAMES	DEEP CLEAN & TOILET BRUSH	113.06		
SQUARE, INC	CREDIT CARD ACCEPTANCE FEE	25.67	11178490	5/31/15
SYNCB/AMAZON	SOUND OF MUSIC 50TH ANN EDITIO	12.95		
THE HARTFORD	EMPLOYEE LIFE/DIS INS	186.32	11178494	5/31/15
TREAS - STATE OF IOWA W/H	STATE TAX	525.00	11178487	5/22/15
TYCO INTEGRATED SECURITY LLC	QRTL BILLING 05/1-07/31	120.00		
US POSTMASTER	BOX RENTAL X 12 MONTHS	54.00		
US POSTMASTER	JUNE UT BILLS/NEWSLETTERS	197.76	25264	5/29/15
VEENSTRA & KIMM INC	BUILDING PERMIT FEES	2,171.20		
WASTE CONNECTIONS	GARBAGE CONTRACT	5,992.52		

*** CITY OF VAN METER IA ***
ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
WAUKEE HARDWARE & RENT IT WELLMARK	PD KEYS EMPLOYEE HEALTH INS	9.74 3,821.79	11178492	5/31/15
**** PAID TOTAL ****		98,397.71		
**** SCHED TOTAL ****		27,320.49		
**** OPEN TOTAL ****				
**** ON HOLD TOTAL ****				
***** REPORT TOTAL *****		=====		
		125,718.20		
		=====		

*** CITY OF VAN METER IA ***
ACCOUNTS PAYABLE ACTIVITY
CLAIMS DEPT SUMMARY

DEPT DEPT NAME TOTAL CHECK# DATE

LIABILITIES	8,754.66
POLICE	740.99
EMERGENCY MANAGEMENT	11.65
FIRE	1,394.63
AMBULANCE	21.12
ROADS, BRIDGES, SIDEWALKS	27,207.58
STREET LIGHTING	209.00
GARBAGE	5,992.52
LIBRARY	1,332.52
PARKS	5,348.87
RECREATION	8,447.42
CLERK/TREASURER/ADM	1,295.36
LEGAL SERVICES/ATTORNEY	2,924.57
CITY HALL/GENERAL BLDGS	625.11
DEBT SERVICES	10,619.25
WATER	31,493.82
SEWER/SEWAGE DISPOSAL	19,299.13

FUND	FUND NAME	TOTAL	CHECK#	DATE
001	GENERAL	16,205.89		
059	PARK CONCESSIONS	268.11		
110	ROAD USE TAX	2,424.86		
112	EMPLOYEE BENEFITS	2,834.56		
180	PARK TRUST FUND	5,228.04		
182	LIBRARY TRUST FUND	1,344.09		
183	VM COMMUNITY BETTERMENT	7,673.00		
200	DEBT SERVICE	35,474.25		
205	DEBT SERVICE-WATER	27,882.50		
213	DEBT SERVICE-LIFT STATION	16,524.50		
600	WATER	5,343.04		
610	SEWER	4,515.36		



CITY OF VAN METER

Bank Reconciliation/Financial Summary - Month/Year: April 2015

<u><i>Treasurer's Report</i></u>	
Book Balance, Beginning of Month:	\$1,421,108.25
Add: Total Revenues this Month: with transfers	\$93,690.58
Less: Total Expenditures this Month: with transfers	(\$210,645.31)
Add: Δ Liability	\$0.00
Book Balance End of Month:	\$1,304,153.52

<u><i>Bank Reconciliation</i></u>	
Checking Account Balance End of Month:	\$787,765.78
Less: Outstanding Transactions (Cash Report):	(\$8,571.99)
Adjusted Checking Account Balance:	\$779,193.79
Currency	
Petty Cash: (res Nov 2004)	\$100.00
Change Fund:	\$30.00
Total Currency:	\$130.00
Investments: (Interest for month included)	
IPAIT	
IPAIT – general	\$220,825.31
IPAIT – park	\$20,622.98
IPAIT – library	\$17,061.16
IPAIT – library/technology	\$1,187.23
IPAIT TOTAL:	\$259,696.68
Certificate of Deposit/ESB	\$250,000.00
Wells Fargo – savings acc't	\$15,133.05
Total Investments:	\$524,829.73
Total of Bank Statements End of Month	\$1,304,153.52

Difference:	\$0.00
Note(s):	

Verify: Mayor or Mayor Pro Tem:

CALENDAR 5/2015, FISCAL 11/2015

ACCOUNT TITLE	LAST MONTH END BALANCE	RECEIVED	DISBURSED	CHANGE IN LIABILITY	ENDING BALANCE
001 GENERAL	129,363.61	34,567.06	68,134.63	.00	95,796.04
049 VEHICLE INSPECTION FUND	9,967.93	.00	.00	.00	9,967.93
051 LIBRARY TECHNOLOGY FUND	210.06	.01	.00	.00	210.07
052 PW-VEHICLE REPLACEMENT	7,000.00	.00	.00	.00	7,000.00
053 FD-VEHICLE REPLACEMENT	18,044.93	.00	.00	.00	18,044.93
054 VEHICLE REPLACEMENT-POL	5,631.25	.00	.00	.00	5,631.25
055 VEHICLE REPLACEMENT-FIR	13,873.82	.00	.00	.00	13,873.82
056 TECHNOLOGY REPLACEMENT-	5,000.00	.00	.00	.00	5,000.00
057 BUILDING REPAIR RESERVE	3,000.00	.00	.00	.00	3,000.00
058 FARMERS MARKET	3,304.21	.00	.00	.00	3,304.21
059 PARK CONCESSIONS	.00	7,996.88	967.50	.00	7,029.38
110 ROAD USE TAX	71,282.76	4,592.41	5,851.73	.00	70,023.44
112 EMPLOYEE BENEFITS	113,693.58	5,208.27	4,468.52	.00	114,433.33
119 EMERGENCY FUND	3,715.26	450.43	.00	.00	4,165.69
121 LOCAL OPTION SALES TAX	.00	.00	.00	.00	.00
125 TIF-CR ESTATE	163,041.39	.00	.00	.00	163,041.39
126 TIF-WH PINES SUBDIVISION	55,205.15	.00	.00	.00	55,205.15
127 TIF-POLK CO. BANK	48,788.35	.00	.00	.00	48,788.35
128 TIF-STANDBROUGH	.00	.00	.00	.00	.00
129 TIF ORIGINAL (420-844)	142,524.98	.00	.00	.00	142,524.98
180 PARK TRUST FUND	29,094.00	8,522.74	.00	.00	37,616.74
181 REC TRUST	143,774.41	.00	.00	.00	143,774.41
182 LIBRARY TRUST FUND	35,734.37	.17	1,575.09	.00	34,159.45
183 VM COMMUNITY BETTERMENT	2,015.37	3,609.00	55.00	.00	5,569.37
184 CDBG/HOUSING PROJECT	.00	.00	.00	.00	.00
185 REC CAPITAL FUND	27,431.22	.00	.00	.00	27,431.22
186 SITE CERT/WA PROJECT	156,783.10	.00	.00	.00	156,783.10
200 DEBT SERVICE	56,360.65	4,223.87	35,474.25	.00	25,110.27
205 DEBT SERVICE-WATER	.00	.00	27,882.50	.00	27,882.50-
213 DEBT SERVICE-LIFT STATI	.00	.00	16,524.50	.00	16,524.50-
300 SIDEWALK CAPITAL PROJEC	.00	.00	.00	.00	.00
500 CEMETARY-PERPETUAL CARE	19,050.00	150.00	.00	.00	19,200.00
600 WATER	104,821.59	13,032.76	32,550.83	.00	85,303.52
606 WATER MAIN PROJECT	40,210.29	.00	2,500.00	.00	37,710.29
610 SEWER	12,185.97	11,336.98	14,660.76	.00	8,862.19
612 DEBT SERVICE-SEWER LAGO	.00	.00	.00	.00	.00
Report Total	1,421,108.25	93,690.58	210,645.31	.00	1,304,153.52

Resolution # 2015-_____ “A Resolution to Transfer Funds”

Be it hereby resolved that the City Council of Van Meter, Iowa approves the following transfers:

\$27,525.00 from General (001) to Library Trust (182) per budget.

\$4,165.69 from Emergency (119) to General (001) per budget.

\$500.00 from General (001) to 183 (Community Betterment) per Waste Connection’s Raccoon River Days Donation.

\$10,494.00 from TIF (129) to Debt Service (200) per debt issuance resolutions and budget.

\$27,882.50 from TIF (126) to Debt Service (205) per debt issuance resolutions and budget.

\$16,524.50 from TIF (126) to Debt Service (213) per debt issuance resolutions and budget.

Passed and Approved this 8th Day of June 2015.

_____ Mayor Allan Adams

ATTEST:

_____ Liz Thompson, City Clerk

Resolution # 2015-_____ “A Resolution Approving a Policy Statement Concerning Employee Benefits”

Whereas, the Van Meter City Council levies a tax to provide for employee benefits, and

Whereas, the cost of benefit premiums has fallen by 52 percent over the past 5 years, and

Whereas, the City regards the City Employees as the organization’s most valuable asset, now

Therefore be it resolved by the City Council of the City of Van Meter that the following policy statement is hereby approved and adopted:

“All regular full-time employees of the City of Van Meter shall have access to family coverage for health and dental insurance benefits paid for by the City of Van Meter.”

Further, it is hereby resolved. That the City Council reserves the right to amend, suspend, or retract this policy statement at any time in the future to provide for the proper fiscal management of the City government.

Passed and Approved this ____ Day of _____ 2015.

_____ Mayor Allan Adams

ATTEST:

_____ Liz Thompson, City Clerk

Resolution # 2015-_____ “A Resolution Approving an Employment Reclassification”

WHEREAS, the City Council of the City of Van Meter annually reviews and makes appropriate adjustments to employee wages; and

WHEREAS, the City classifies department directors as exempt because they exercise considerable discretion in the management of their operations; and

WHEREAS, the City believes that the Public Works Director is currently misclassified; and

WHEREAS, the City Council believes that the employees are the City’s most valuable asset and represent the essence of the government’s efficiency, effectiveness, and reputation; now

THEREFORE, NOW BE IT RESOLVED by the City Council of the City of Van Meter, Iowa that the Public Works Director, Dave Herman is hereby reclassified as an exempt employee with an annual salary of \$59,500 to be paid at the same time, and in the same manner, as the City’s other regular full-time employees.

Passed and Approved this ___ Day of _____ 2015.

_____ Mayor Allan Adams

ATTEST:

_____ Liz Thompson, City Clerk

June 1, 2015

**TO: Contract Members
South Central Iowa Landfill Agency**

RE: Agenda Item for June, 2015 Meeting



Dear Honorable Mayor & City Council:

This letter is forwarded to your attention in order to summarize the progress made related to the Comprehensive Solid Waste Management Plan – Update 7 since my last letter dated May 11, 2015. I am still requesting that your June, 2015 meeting Agenda include action on a Resolution approving the Comprehensive Solid Waste Management Plan Update 7.

No comments related to the Comprehensive Plan Update 7 were received at the Public Hearing on May 28, 2015. The draft Comprehensive Plan Update 7 that was issued to SCILA, May 8, 2015, remains the current and final version of the plan. The final Plan Update 7 is available by requesting a copy from me, or from SCILA using the contact information listed below.

The Final Comprehensive Solid Waste Management Plan Update 7 will be submitted to the Iowa Department of Natural Resources (IDNR) prior to July 1, 2015.

Prior to submittal of the Final document to the IDNR, *each city in the Planning Area must adopt the Comprehensive Plan Update by **Resolution***. It is my hope that such a Resolution can be adopted by your City at a June, 2015 meeting. The SCILA Board will act on the Resolution at a meeting scheduled June 17, 2015.

In the May 11, 2015 transmittal letter to you, I forwarded an IDNR approved Resolution form for your use in adoption of the Comprehensive Plan Update. If you prefer an electronic version of the Resolution and don't currently have an electronic copy, please contact me at twhipple@hlwengineering.com, and I will forward the document to you.

Please forward a copy of the executed Resolution to my attention, once the City has completed action on the Resolution.

I greatly appreciate your assistance with this matter. Please contact me directly with any questions, or with requests for additional information.

Sincerely,
HLW ENGINEERING GROUP

A handwritten signature in blue ink that reads "Todd Whipple".

Todd Whipple, CPG
Project Manager

Contact Information:
Todd Whipple, CPG
HLW Engineering Group
P.O. Box 314
Story City, Iowa 50248
(515)-733-4144
twhipple@hlwengineering.com

Contact Information:
Marcia Beeler, Manager
South Central Iowa Landfill Agency
2496 Highway 92
Winterset, Iowa 50273
(515)462-3083
info@scilandfill.com

May 11, 2015

**TO: Contract Members
South Central Iowa Landfill Agency**

RE: Agenda Item for June, 2015 Meeting



Dear Honorable Mayor & City Council:

I am requesting that your June, 2015 meeting Agenda include action on a Resolution approving the Comprehensive Solid Waste Management Plan Update 7. The paragraphs below serve as the basis for this request.

The Comprehensive Solid Waste Management Plan originally approved by your community has been renewed every three (3) to five (5) years since the early 1990's. A Comprehensive Plan Update has been filed with the Iowa Department of Natural Resources (IDNR) upon completion of each update to the plan.

Your planning area, the South Central Iowa Sanitary Landfill Agency (SCILA), will complete the seventh (7th) update to your Comprehensive Plan by July 1, 2015 as required by Iowa Administrative Rules.

A Public Hearing was held at 10:00 a.m., April 28, 2015 at the Landfill Office, 2496 Highway 92, Winterset, Iowa. Information pertaining to the Comprehensive Solid Waste Management Plan and the planning process was presented at that meeting.

The draft Comprehensive Plan Update was issued to SCILA, May 8, 2015, and is available by requesting a copy from me, or from SCILA.

A Public Hearing has been set for 11:00 a.m., May 28, 2015 at the Landfill Office, 2496 Highway 92, Winterset, Iowa. Comments on the draft Comprehensive Plan will be received at that time. Upon receipt of final comments, the Comprehensive Plan Update will then be completed.

Prior to submittal of the Final document to the IDNR, *each city in the Planning Area must adopt the Comprehensive Plan Update by **Resolution***. It is my hope that such a Resolution can be adopted by your City at a June, 2015 meeting.

I've attached an IDNR approved Resolution form for your use in adoption of the Comprehensive Plan Update. If you prefer an electronic version of the Resolution, please contact me at twhipple@hlwengineering.com, and I will forward the document to you.

Please forward a copy of the executed Resolution to my attention.

I greatly appreciate your assistance with this matter. Please contact me directly with any questions, or with requests for additional information.

Sincerely,

HLW ENGINEERING GROUP

A handwritten signature in blue ink that reads "Todd Whipple".

Todd Whipple, CPG
Project Manager

RESOLUTION

WHEREAS, section 455B.302 of the Code of Iowa requires every city and county of this state to provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the waste management hierarchy under section 455B.301A, and a sanitary disposal project for final disposal of solid waste by its residents; and

WHEREAS, section 455B.306(1) of the Code of Iowa requires that all cities and counties file with the director of the department of natural resources a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents; and

WHEREAS, a comprehensive plan update, as described in section 455B.306 of the Code of Iowa has been prepared at the direction of and in participation with Van Meter by HLW Engineering Group, and dated this 1st day of June 2015; and

WHEREAS, the City Council has determined that the adoption and implementation of the proposed comprehensive plan is in the best interest of Van Meter with respect to satisfying the City's statutory duties.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL that the proposed comprehensive plan update is hereby adopted as the comprehensive solid waste reduction plan and Van Meter is committed to the State of Iowa 25 percent and 50 percent waste reduction and recycling goals.

AND BE IT FURTHER RESOLVED that Van Meter shall implement and participate in the programs set forth in the comprehensive plan update.

AND BE IT FURTHER RESOLVED that the comprehensive plan update shall be submitted to the Iowa Department of Natural Resources, on behalf of Van Meter in satisfaction of section 455B.306(1) of the Code of Iowa.

Adopted this ____ day of _____ 2015 by the Van Meter City Council.

SIGNED:

ATTEST:

Agenda Item #6 -

MidAmerican Electric Franchise Agreement

Submitted for:

Action.

Recommendation:

Approval.

Sample Language:

Mayor: *Mr. Anderson would you please present the proposed ordinance.*

Admin: *Presentation*

Mayor: *Does the Council wish to discuss the matter further? If not, I would entertain a motion to approve the first reading.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The first reading is approved. Thank you.*

Mayor: *If the Council wishes to waive the second reading I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The second reading is waived.*

Mayor: *If the Council wishes to waive the third reading I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The third reading is waived.*

Mayor: *If the Council wishes to approve and adopt I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The ordinance is hereby approved and adopted. Thank you.*

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF VAN METER, IOWA, AN **ELECTRIC SYSTEM** AND COMMUNICATIONS FACILITIES AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Van Meter, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called the “Company,)” and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Van Meter, Iowa, (hereinafter called the “City,)” a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2015 or as subsequently amended or changed.

Section 3. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to unreasonably interfere with any above and below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

Section 4. The Company is authorized and empowered to prune or remove at Company expense any trees or vegetation extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent inference with the wires and facilities of the Company. Any such pruning and removal shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations.

Section 5. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”), at its cost and expense, locate and relocate its existing facilities or equipment located in, on, over or under the right-

of-way of any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley of such street or alley. The City and the Company shall work together to develop a suitable alternative route or construction method so as to eliminate or minimize the cost and expense to the company of relocation of company installations. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City may attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 6. In making excavations in any public right-of-way and other public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets or public places, and shall restore the surface to the condition as existed prior to the Company work. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition required for the City to comply with city, state or federal rules, regulations or law. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition.

Section 7. Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for existing Company facilities.

Section 8. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten (10) years.

Section 9. Pursuant to relocation of Company facilities as may be required by Sections 3, 5, 6, 7 and 8, if the City orders or requests the Company to relocate its existing facilities or equipment in order to facilitate the project of a commercial or private developer or other non-public entity, the City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 10. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 10. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

Section 12. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 13. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 14. There is hereby imposed upon the customers a franchise fee of five (5%) percent upon the gross receipts, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the Tariff, by the Company to City. The franchise fee shall be remitted by the Company to the City on or

before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged

A. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than sixty (60) days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the city council.

B. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

C. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

D. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

E. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

- January, February and March

- April, May and June
- July, August and September, and
- October, November and December

The Company shall provide City with notice at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

F. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

G. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City’s imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

H. The obligation to collect and remit the fee imposed by this ordinance is modified or repealed if:

1. Any other person is authorized to sell electricity at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;
2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or
3. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final nonappealable order (collectively, “final franchise fee action”) that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

The other provisions of this ordinance to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefore under each of any of the following circumstances as determined to exist in the sole discretion of Company:

1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.
2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.
3. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

Section 15. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right of way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 16. Either City or Company (“party”) may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A Party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10-days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of the Company’s acceptance. In the event that the Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

Section 28. Upon the effective date of this ordinance, all prior electric franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this ____ day of _____, 2015.

CITY OF VAN METER, IOWA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

(OFFICIAL SEAL)

City Administrator

I, Jake Anderson, City Administrator of the City of Van Meter, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____, passed by the City Council of said City at a meeting held _____, 2015, and signed by the mayor _____, 2015, and published/posted as provided by law on _____, 2015.

(OFFICIAL SEAL)

City Administrator

Agenda Item #7 -

MidAmerican Gas Franchise Agreement

Submitted for:

Action.

Recommendation:

Approval.

Sample Language:

Mayor: *Mr. Anderson would you please present the proposed ordinance.*

Admin: *Presentation*

Mayor: *Does the Council wish to discuss the matter further? If not, I would entertain a motion to approve the first reading.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The first reading is approved. Thank you.*

Mayor: *If the Council wishes to waive the second reading I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The second reading is waived.*

Mayor: *If the Council wishes to waive the third reading I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The third reading is waived.*

Mayor: *If the Council wishes to approve and adopt I would entertain that motion.*

City Councilmember _____: *So moved.*

City Councilmember _____: *Second.*

Mayor: *Roll Call Please.*

City Clerk: *Lacy ___; Sacker ___; Tweed ___; Peterson ___; Stump ___;*

Mayor: *The ordinance is hereby approved and adopted. Thank you.*

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF VAN METER, IOWA, A **NATURAL GAS SYSTEM** AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Van Meter, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,”) and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Van Meter, Iowa, (hereinafter called the “City,”) a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2015, or as subsequently amended or changed.

Section 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

Section 4. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff,”) at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction reconstruction, maintenance or repair of the street or alley. Relocation expenses for other hard surfaces, including pedestrian and non-motorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and

profile and cross section drawings. If tree and vegetation removal must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees at its cost or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws.

Section 6. The City's vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

Section 7. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City at any time during the previous ten (10) years.

Section 8. Pursuant to relocation of Company facilities as may be required here under, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 9. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 10. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information.") The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

Section 11. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 12. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 13. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

Section 14. Section 14. There is hereby imposed upon the customers a franchise fee of five (5%) percent upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service, pursuant to the Tariff, by the Company to City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged

A. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and

the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

B. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.

C. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than sixty (60) days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the city council.

D. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

E. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

- January, February and March
- April, May and June
- July, August and September, and

- October, November and December

MidAmerican shall provide City with notice at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

F. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

G. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

H. The obligation to collect and remit the fee imposed by this ordinance is modified or repealed if:

1. Any other person is authorized to sell natural gas at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;
2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or
3. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final nonappealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

The other provisions of this ordinance to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefor under each of any of the following circumstances as determined to exist in the sole discretion of Company:

1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.
2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee

unlawful, effective as of the date lawfully specified by the General Assembly.

3. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

Section 15. Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge Company right of way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 16. Either City or Company (“party”) may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within ten (10) days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event that the Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council this ordinance shall be void and of no effect.

Section 19. Upon the effective date of this ordinance, all prior natural gas franchises granted to the Company to furnish natural gas to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this ___th day of _____ 2015.

CITY OF VAN METER, IOWA

By: Mayor/Mayor Pro Tem

ATTEST:

(OFFICIAL SEAL)

City Clerk

I, Jake Anderson, City Administrator of the City of Van Meter, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____, passed by the City Council of said City at a meeting held _____, 2015, and signed by the mayor _____, 2015, and published as provided by law on _____, 2015.

(OFFICIAL SEAL)

City Clerk

Agenda Item #9 - Reports

Submitted for:
Information
Recommendation:

Sample Language:

- 1) *Parks and Rec*
- 2) *Library*
- 3) *Public Safety*
- 4) *Public Works*
- 5) *Attorney*
- 6) *Engineer*
- 7) *Administrator*
- 8) *Council*
 - Committees (Chair Listed First)
 - a. Public Works/Infrastructure – Lacy, Stump
 - b. Culture and Recreation – Tweed, Sacker
 - c. Special Liaison Assignments or Ad-Hoc Committees
- 9) *Mayor*
 - a. Finance – Adams, Lacy, Peterson
 - b. Policy – Adams, Sacker, Peterson
 - c. Economic Development – Adams, Lacy, Tweed
 - d. Public Safety – Adams, Stump, Sacker
 - e. EMA, E911 *Lacy Alternate

Agenda Item #11 - Adjournment

Submitted for:

Action

Recommendation:

Approval

Sample Language:

Mayor: *With no further business do I hear a motion to adjourn?*

City Councilmember _____: *So Moved.*

City Councilmember _____: *Second*

City Clerk: *Lacy ___; Stump ___; Tweed ___; Sacker ___; Peterson ___;*

Mayor: *The meeting is adjourned. Thank you.*