



JOINT COMMITTEE AGENDA

Tuesday, May 4, 2021 at 6:00 p.m.

Due to public health concerns related to COVID-19, and as authorized by emergency proclamation of the Governor of the State of Iowa, this meeting will be conducted electronically, pursuant to Iowa Code Section 21.8, as holding the meeting in person is impossible or impractical. Interested persons may attend or participate in the meeting by the following methods:

1. Join by videoconference: <https://bit.ly/3nHnMkO>

**2. Join by phone: (515) 478-3549
Conference ID: 771 849 073#**

NEW BUSINESS

- a) Street Committee Items
 - a. March 2, 2021 Street Committee Minutes
 - b. HWY 169 ADM / Fareway Intersection Traffic Study Update
 - c. Slow Children at Play Sign Requests
 - d. Other Business
- b) Street & Budget Committee Items
 - a. Next Street Projects – Overlays, Rapids Street, and/or Combining Projects with HWY 169 or CIP Items
 - b. MidAmerican Energy Electric and Gas Franchise Agreements
 - c. Other Business
- c) Budget Committee Items
 - a. September 1, 2020 Budget Committee Minutes
 - b. American Rescue Plan Funding
 - c. Potential RFP for Banking Services

OTHER BUSINESS / ADJOURNMENT

Street Committee
March 2, 2021 – Meeting Minutes

Due to public health concerns related to COVID-19, and as authorized by emergency proclamation of the Governor of the State of Iowa, the Street Committee meeting was conducted electronically, pursuant to Iowa Code Section 21.8, as holding the meeting in person is impossible or impractical. Christensen called the meeting to order at 6:00 p.m. Members Present: Christensen, Miller, and Selby. Others Present: Council Members McAdon and Ockerman, City Administrator Brown, Finance Director Sandquist, and Public Works Director Overton.

NEW BUSINESS

a) December 1, 2020 Minutes

Miller moved, seconded by Selby, to approve the minutes. Motion carried unanimously.

b) HWY 169 Project Update

Schug stated that McClure was referred to the district DOT office after reaching out to the central office. Christensen, Selby, City staff, and McClure will work to set up a virtual meeting. Miller stated that he would be open to phasing in the improvements but that the Fareway intersection was his main priority.

Overton noted that there were two recent traffic accidents on HWY 169 in the past week. Christensen stated that more folks will be traveling as the weather improves and as offices reopen as the pandemic wanes.

Christensen stated that the City would focus on the Fareway intersection and will request lowering the speed limits south. As the discussions continue, State legislators could be involved to help support the project and provide funding.

OTHER BUSINESS

ADJOURNMENT – 6:13 p.m.

Respectfully submitted: Anthony Brown, City Administrator



SIGN INSTALLATION POLICY

Children at Play Signs

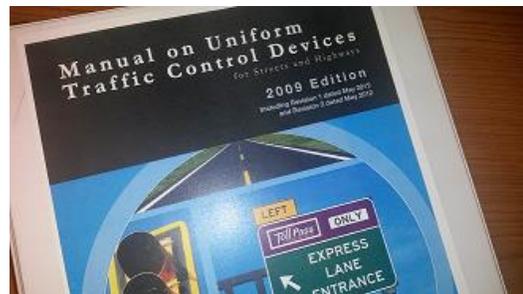


Although not as commonly requested as in the past (for a variety of reasons), “Children at Play” signs – or variations on that same message: “Slow Children at Play”, “[running child image] at Play”, “Watch for Children”, etc. have been asked-for by parents concerned about the safety of children playing in/around their neighborhoods.

The Federally-adopted Manual on Uniform Traffic Control Devices (MUTCD) states the following about warning signs:

“The purpose of a warning sign is to provide advance warning to the road user of unexpected conditions on or adjacent to the roadway that might not be readily apparent.”

Section 5.01 “Introduction” Manual on Uniform Traffic Control Devices for Streets and Highways, 2009, Federal Highway Administration



Municipal Policy on Children at Play Signs:

“Children at Play” signs are not recognized by the State of Alaska or the Federal Highway Administration as official traffic control devices – and are no longer installed on public streets in Anchorage. These signs have been installed in the past throughout the Municipality of Anchorage; however, the signs that are installed in neighborhoods are being left in place until they are no longer serviceable (as is permitted by the MUTCD), or, until maintenance is performed on the associated speed limit signs. At that time, the “Children at Play” signs will be removed.



Public agencies across the United States have taken a similar position that these signs should be removed, and, in fact, the removal of these signs should carry a high priority.

These signs are deceiving and ineffective. Drivers already have a reasonable expectation of the presence of children in residential areas – especially at certain times of the day and/or days of the week. Studies have demonstrated that the signs do nothing to increase safety – and, in fact – can provide an additional distraction to drivers. Over-signage – particularly along residential streets where there is already considerable demand for driver attention – results in an additional distraction to motorists. That incremental distraction can be a problem for the safety of pedestrians in, near, or crossing the roadway and the safe movement of cars into and out of driveways.



A study by the National Cooperative Highway Research Program (CCHRP) – part of the Transportation Research Board – reported that nearly 80 percent of the crashes involving children resulted from an unsafe or illegal act by the child. The report concluded that no traffic control device could be expected to protect a child.

The NCHRP provided reports in “Synthesis of Highway Practice No. 139 Pedestrians and Traffic Control Measures” (1988) and Synthesis of Highway Practice No. 186 Supplemental Advance Warning Devices” (1993) that indicated “Non-uniform signs such as ‘Caution – Children at Play’, ‘Slow – Children at Play’, ‘Slow – Children’ or similar legends should not be permitted at any time... the removal of any non-standard signs should carry a high priority.”

Pediatric trauma physicians have cited the studies, and concur that children – particularly young children – should actively be discouraged from playing near, or on, streets and that adults have the primary responsibility for ensuring the safety of their children in/near their homes.

Even into their teens, children have difficulty judging the approach speeds of oncoming vehicles. Association of Psychological Sciences, based in London, <http://pss.sagepub.com/content/22/4/429.full.pdf+html>, make a finding that “Our study is the first to demonstrate that the neural mechanisms for detection of looming [oncoming traffic] are not fully developed until adulthood.”

Addressing the Safety of Young Children:

Unnecessary signs confuse and annoy drivers and foster a disrespect for all signs. Signs used in accordance with the Federal MUTCD can and should be posted for school zones and pedestrian crossings, as well as near established playgrounds and other recreational areas, where a need exists.

The Muni has an active Neighborhood Traffic Calming Program, however, to determine if motorists are driving at an inappropriate speed, or if there is a significant amount of non-local traffic using the neighborhood streets. This program can be an effective means of addressing the concerns that parents and families may have.

Parents have a vital role in providing for their childrens’ safety – and may, in fact, be the most effective means of addressing safety concerns. They have the ability to teach children that it is not safe to play in/near the street, and to discourage children from doing so without adult supervision.

Parents, however, should resist the temptation to purchase these signs from on-line sources, however, and install the signs in or near the public road. Under Alaska State law, it is illegal for anyone other than the Municipal Traffic Engineer to post signs – whether on public or private property – that attempt to regulate or control traffic on an abutting public roadway.

Produced by the Traffic Safety Section
Traffic Engineering Department
4700 Elmore Road
Anchorage, Alaska

WHY DOESN'T THE CITY PUT UP "CHILDREN AT PLAY" SIGNS?

An often-heard neighborhood request concerns the posting of generalized warning signs with "SLOW-CHILDREN AT PLAY" or other similar messages. Parental concern for the safety of children in the street near home, and a misplaced but widespread public faith in traffic signs to provide protection often prompt these requests.

Although some other communities have posted such signs widely in residential areas, no factual evidence has been presented to document their success in reducing pedestrian accidents, operating speeds or legal liability. Studies have shown that many types of signs attempting to warn of normal conditions in residential areas have failed to achieve desired safety benefits. Unnecessary signs confuse and annoy drivers. Since nearly every residential block has children living on it, there would have to be signs on each one. Blocks with no such signs might imply that no children live there, so it is okay to speed.

Because of these serious considerations, the Manual on Uniform Traffic Control Devices, which has been adopted as the Federal Standard, discourages use of "CHILDREN AT PLAY" signs. The City of Hutchinson and the State of Kansas have also adopted the Manual of Uniform Traffic Control Devices. The signs are not enforceable and impose no legal requirements on motorists.

Children Playing signs can give parents a false sense of security, and children could also misinterpret the signs to mean it is acceptable to play in the street. Children should not be encouraged to play within the street travelways. The sign has long been rejected since it is a direct and open suggestion that this behavior is acceptable.



ELECTRIC FRANCHISE**ADEL**

Effective Date	5/13/1996
Expiration Date:	5/13/2021
Special Provision(s):	N/A
Date to Amend:	N/A
Date to Terminate:	N/A
Date to Amend/Terminate:	N/A
Franchise Fee:	N/A
Commercial	N/A
Residential	N/A
Transport Commodity	N/A
No Cost Pole Attachment	N
Location Oversight:	N
Grd Change Relocation:	N
Office Required:	N
Permits Required:	N
Review Committee:	N
Annual Report Required:	N
Restoration Standards:	N
Mapping Provided:	N

ORDINANCE NO. 163

AN ORDINANCE GRANTING UNTO MIDWEST POWER, A DIVISION OF MIDWEST POWER SYSTEMS INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, FRANCHISE AND PRIVILEGE FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM AND AFTER THE ADOPTION AND APPROVAL HEREOF, TO ACQUIRE, CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF Adel, IOWA, THE NECESSARY FACILITIES FOR THE PRODUCTION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY FOR PUBLIC AND PRIVATE USE; TO USE AND OCCUPY THE PUBLIC STREETS, HIGHWAYS, AVENUES, ALLEYS, BRIDGES AND PUBLIC PLACES FOR SUCH PURPOSES; AND PRESCRIBING THE TERMS AND CONDITIONS THEREOF; AND GRANTING UNTO SAID COMPANY THE RIGHT OF EMINENT DOMAIN, THE EXERCISE OF WHICH IS SUBJECT TO CITY COUNCIL APPROVAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Adel, IOWA:

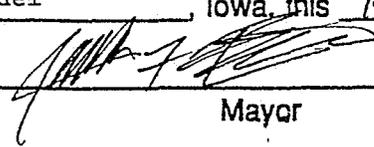
Section 1. That Midwest Power, a division of Midwest Power Systems Inc., a corporation, its successors and assigns, be and it is hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, operate and maintain in the City of Adel, Iowa, the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use and to construct and maintain along, upon, across and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes; and for the term of this franchise the Company is further granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company.

Section 2. All construction, exclusive of distance from buildings or other structures, shall be in compliance with the standards of the Iowa Electrical Safety Code as adopted by the Iowa Utilities Board. Grantee shall have the right to trim or remove trees when reasonably necessary to efficiently operate its plant and render service.

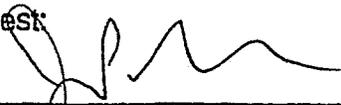
Section 3. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have, or hereafter be authorized or permitted, by the laws of the State of Iowa.

Section 4. Ordinance No. 102 is hereby repealed, such repeal to be effective as of the effective date of this Ordinance.

Passed by the City Council of the City of Adel, Iowa, this 14th day of MARCH, 19 95.



Mayor

Attest:


City Clerk
(OFFICIAL SEAL)

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 111, ELECTRIC FRANCHISE, OF THE ADEL CITY CODE AND 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 ADEL, 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 Adel, Iowa:

Section 1. Chapter 111, Electric Franchise, of the Adel City Code is hereby repealed and replaced.

Section 2. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,”) and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Adel, 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, rights of way and alleys (excluding parks) to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The City Council reserves to itself the right to extend this franchise to parks at the request of the Company. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 32. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2021 or as subsequently may be amended or changed.

Section 43. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as to excavate and bury conduits or conductors for the distribution of electric energy and communications signals in and through the City, provided the same shall be placed in accord with this franchise and the City eCode and regulations of the City, regarding the placement of structures, facilities, accessories or other objects

Commented [KS1]: Does the city want to collect franchise fees? The franchise fee may not exceed 5%.

Commented [KS2]: This is the maximum period that a city may grant a franchise. The city could grant a shorter franchise if it would like.

Commented [KS3]: It is up to the city whether it wants to authorize eminent domain.

Commented [KS4]: Same comment as above. The term of the franchise could be less than this.

in the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separation of structures, facilities, accessories or other objects.

Section 54. 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 installations located in, on, over or under the right-of-way of any public street, right of way or alley in the City in such a manner as the City may require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street, avenue, right of way or alley or any public improvement of, in or about any such street, avenue, right of way or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, avenue, right of way or alley or public improvement or an alternative construction method, which would not cause the relocation of Company installations or would minimize the cost or expense of relocation of Company installations, the City and Company shall work together to consider said alternative route or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of company service lines and facilities on City-owned right of way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for relocation of Company facilities. 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 vegetation and 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 vegetation and tree removals does not coincide with Company's facilities relocation schedule and the Company must remove vegetation and trees that are included in the City's portion of the project, the City shall either remove them or reimburse the Company for the expenses incurred to remove said materials. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 65. In making excavations in any streets, avenues, alleys, rights of way and 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. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and provide City representatives with advance notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. The Company shall comply with all City ordinances regarding paving cuts, placement of facilities and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation but shall not be required to improve or modify the 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. Company shall complete all repairs in a timely manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

Section 76. 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 and their replacements 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, the City shall grant the Company a utility easement for said facilities.

Section 87. 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 98. Pursuant to relocation of Company facilities, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate a project for the primary benefit of a commercial or private developer or other non-public entity, 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 109. The Company shall indemnify, save and hold harmless the City from any and all claims, suits, losses, damages, costs or expenses, including attorneys' fees, on account of injury or damage to any person or property, to the extent caused or occasioned in whole or in part 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 110. The pruning and removal of vegetation and trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right of way, alley, public place or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of vegetation and trees shall be completed in accordance with nationally accepted safety and utility standards, NSI Z133.1-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300(part 1) – 2008 Pruning, (Revision of ANSI A300 part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management – Standard of Practices (Pruning) or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

Section 121. 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 City 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. Therefore, City shall not release any Information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds, and agrees to retain the Information in its non-public files. Furthermore, the City agrees

that no documents, maps or other Information provided to the City by the Company shall be made available to the public or other entities if such documents or Information are 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. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure, the Company shall assume, upon request of the City, the defense of said action and reimburse the City any and all costs, including attorney fees and penalties to the extent allowed by law.

Section 132. 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. 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 143. There is hereby imposed upon the customers a franchise fee of ____ (%) percent upon the gross revenues, ~~minus uncollectible accounts,~~ generated from sales of electricity and distribution service, ~~pursuant to the Tariff,~~ by the Company within the corporate limits of the 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. City agrees to modify the level of franchise fees imposed only once in any 24 month period.~~

AB. 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.

BC. City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances or resolutions have been provided to the Company by certified mail. The Company shall

Commented [KS5]: Does the city want to impose a franchise fee?

commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances or resolutions from the City.

CD. Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from 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.

Section 154. ~~Upon implementation of a franchise fee, the City shall not, pursuant to Section 480A.6 of the Code of Iowa, impose or charge the Company a fee for management costs attributable to the Company's requested use of the City's right-of-way. 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 165. This franchise shall apply to and bind the City and Company and their successors and assigns.

Section 176. 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 187. If any of the provisions of this franchise ordinance are for any reason declared to be illegal or void, the lawful provisions of this franchise ordinance, which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the franchise ordinance contained no illegal or void provisions.

~~**Section 18.** To the fullest extent permitted by law, each of the parties hereto waives any~~

~~right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.~~

Section 19. 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 publication. In the event 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 20. Upon the effective date of this ordinance, all prior 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 _____, 2021.

CITY OF ADEL, OWA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

City Clerk

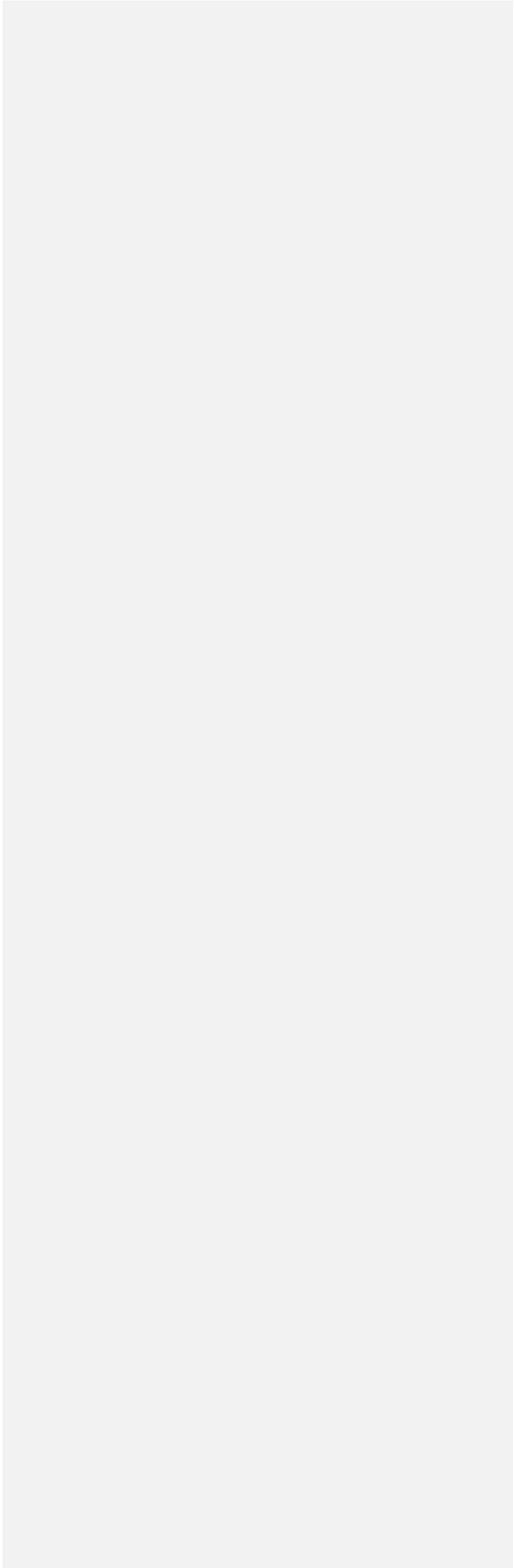
(OFFICIAL SEAL)

I, ~~Angela Leonard~~ Brittany Sandquist, Acting City Clerk of the City of Adel, 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 _____, 2021, and signed by the mayor _____, 2021, and published/posted as provided by law on _____, 2021.

(OFFICIAL SEAL)

City Clerk



ORDINANCE NO. 164

AN ORDINANCE GRANTING UNTO MIDWEST GAS, A DIVISION OF MIDWEST POWER SYSTEMS, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, FRANCHISE, AND PRIVILEGE FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM AND AFTER THE ADOPTION AND APPROVAL HEREOF, TO ACQUIRE, CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF ADEL, IOWA GAS PLANTS AND TRANSMISSION AND DISTRIBUTION SYSTEMS AND TO FURNISH GAS SERVICE FOR PUBLIC AND PRIVATE USE; TO USE AND OCCUPY THE PUBLIC STREETS, HIGHWAYS, AVENUES, ALLEYS AND PUBLIC PLACES FOR SUCH PURPOSES; AND PRESCRIBING THE TERMS AND CONDITIONS THEREOF; AND GRANTING UNTO SAID COMPANY THE RIGHT OF EMINENT DOMAIN, THE EXERCISE OF WHICH IS SUBJECT TO CITY COUNCIL APPROVAL.

BE IT ORDAINED BY THE CITY COUNCIL OF ADEL, IOWA.

Section 1. That Midwest Gas, a division of Midwest Power Systems Inc., a corporation, its successors and assigns, be and it is hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, operate and maintain in the City of Adel, Iowa, a gas plant or plants, gas transmission, storage and distribution systems and related equipment and appurtenances, used or to be used in the production, storage, transmission or distribution of natural gas, liquefied petroleum gas, or other hydrocarbon gases, or any mixture of gases for public and private use and to construct and maintain such gas utilities over, across and under the streets, highways, avenues, alleys and public places the necessary fixtures and equipment for such purposes; and for the term of this franchise the Company is further granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company.

Section 2. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have, or hereafter be authorized or permitted, by the laws of the State of Iowa.

Section 3. Ordinance No. 103 is hereby repealed, such repeal to be effective as of the effective date of this Ordinance.

Passed by the City Council of the City of Adel, Iowa, this 14th day of March, 1995.



Mayor

Attest:


City Clerk

(OFFICIAL SEAL)

03/06/95 skh

ORDINANCE NO. ____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 110, NATURAL GAS FRANCHISE, OF THE ADEL CITY CODE AND 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 ADEL, 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 Adel, Iowa:

Section 1. Chapter 110, Natural Gas Franchise, of the Adel City Code is hereby repealed and replaced.

Section 2. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,”) and to its successors and assigns the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Adel, 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 (excluding parks) to serve customers within ~~and~~ without the City and to furnish and sell natural gas to the City and its inhabitants. The City Council reserves to itself the right to extend this franchise to parks at the request of the Company. 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 32. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2021, or as may be subsequently amended or changed.

Section 43. 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 in accordance with this franchise and the City Code and regulations of the City of Adel, regarding the placement of structures, facilities, accessories or other objects in the right of way by utilities and other users of the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separations of structures, facilities, accessories or other objects.~~as not to unreasonably~~

Commented [KS1]: Does the city want to collect franchise fees? The franchise fee may not exceed 5%.

Commented [KS2]: This is the maximum period that a city may grant a franchise. The city could grant a shorter franchise if it would like.

Commented [KS3]: It is up to the city whether it wants to authorize eminent domain.

Commented [KS4]: Same comment as above. The term of the franchise could be less than this.

~~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 54. 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, avenue, right of way or alley or any public improvement of, in or about any such street, avenue, right of way or alley or reasonably promoting the efficient operation of any such improvement. ~~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, avenue, right of way or alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City and Company shall work together to consider ~~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/vegetation removal does not coincide with the Company facilities relocation schedule and Company must remove trees/vegetation that are included in the City's portion of the project, the City shall either remove the material at its cost or reimburse the Company for the expenses incurred to remove said vegetation or 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 65. In making excavations in any streets, avenues, alleys, rights of way 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. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and shall provide the City with 24 hours' notice prior to the

actual commencement of the work, and shall comply with all provision and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that the Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. To the extent not inconsistent with this ordinance, the Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work, including all city ordinances regarding paving cuts, placement of facilities and restoration of pavement and other public infrastructure. The Company shall complete all repairs in a timely and prompt manner. 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 76. The City's vacat~~ing~~ing of 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 87. 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 98. 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 109. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, including attorneys' fees, on account of injury or damage to any person or property, to the extent caused or occasioned in whole or in part 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 110. 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. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure the Company shall assume, upon request of the City, the defense of said action. The Company shall reimburse the City any and all cost, including attorney fees and penalties to the extent allowed by law which may result from any said action.

Section 121. 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 132. 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. A franchise fee of _____ () percent is imposed upon the gross revenue generated from sales of natural and mixed gas and distribution service by the Company within the corporate limits of the city. For purposes of this section gross revenue shall include in addition to revenue from direct sales of natural or mixed gas to customers, the gross revenue derived by the Company from the transmission, transportation, or distribution of natural or mixed gas sold to customers by suppliers other than the Company through the Company's distribution system within the city and shall be collected from, the natural gas customers of the Company receiving service and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service with the following conditions:

Commented [KS5]: Does the city want to impose a franchise fee?

A. 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.

~~**B.** City agrees to modify the level of franchise fees imposed only once in any 24 month period.~~

BC. 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.

CD. City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances or resolutions 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 or resolutions from the City.

DE. Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from 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.

Section 15. Upon implementation of a franchise fee, ~~the City shall not, pursuant to Section 480A.6 of the Code of Iowa, impose or charge the Company a fee for management costs attributable to the Company's requested use of the City's right-of-way, 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.** To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.~~

Section 189. 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 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 1920. 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 _____ 2021.

CITY OF ADEL, IOWA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

City Clerk (OFFICIAL SEAL)

I, ~~Angela Leonard~~Brittany Sandquist, Acting City Clerk of the City of Adel, 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 _____, 2021, and signed by the mayor _____, 2021, and published as provided by law on _____, 2021.

(OFFICIAL SEAL)

City Clerk

Budget & Finance Committee
September 1, 2020 – Meeting Minutes

Due to public health concerns related to COVID-19, and as authorized by emergency proclamation of the Governor of the State of Iowa, the Budget & Finance Committee meeting was conducted electronically, pursuant to Iowa Code Section 21.8, as holding the meeting in person is impossible or impractical. McAdon called the meeting to order at 8:03 p.m. Members Present: Christensen, McAdon, and Ockerman. Others Present: Council Members Miller and Selby, City Administrator Brown, Public Works Director Overton, Finance Director Sandquist, McClure reps. Brons and Schug, and PFM rep. Burmeister.

NEW BUSINESS

a) May 5, 2020 Minutes

Ockerman motioned, seconded by Christensen, to approve the minutes. Motion carried unanimously.

b) Wastewater Treatment Plant Project – Cost Overrun Loan and/or Cash

After the Water & Sewer Committee discussed the technical and engineering considerations of the new Wastewater Treatment Plant's Administration Building, Brown summarized the USDA-RD funding issues. Burmeister stated that the City's sanitary sewer fund has an unrestricted cash balance of \$1.584 million as of June 30. Burmeister noted that the financial position is strong. Cash could be used, but the USDA's loan offer is very competitive.

Brons noted that cash could be used for other capital expenditures, including updates on a lift station, further progress on Main Street, and repairs to Rapids Street. Burmeister stated that, with the USDA's low interest rates, taking the loan and reserving the cash would provide for more flexibility. Ockerman noted that the 2020 Census may move the City out of the poverty level for the most advantageous loan rates.

McAdon summarized that the City could spend its cash reserves on fully funding the USDA-required reserves and asset funds, future maintenance, and prepaying USDA loans.

Brons stated that the Woodruff bid for the new Wastewater Treatment Plant includes \$100,000 for contingency items. USDA is asking the City to take another \$280,000 for additional contingency given the costs of the project. Burmeister stated that this extra contingency would not affect the sanitary sewer rates much. Christensen stated that everything seems favorable to take this loan.

Motion by Ockerman, seconded by Christensen, to recommend the USDA-RD cost overrun loan. Motion carried unanimously.

OTHER BUSINESS

Brons stated that Ahlers & Cooney had reviewed the proposed USDA-RD loan and believes it will not be necessary for another public hearing. USDA will need a lender commitment letter from CoBank.

ADJOURNMENT – 8:48 p.m.

Respectfully submitted: Anthony Brown, City Administrator

American Rescue Plan Resources

President Biden signed the American Rescue Plan (ARP) Act into law. The League and the National League of Cities' year-long "Cities Are Essential" advocacy campaign resulted in \$65.1 billion of direct aid to every city, town or village across the country.

League ARP Update Webinar April 30:

- [View the Video | Slides](#)
- [Find or Request a DUNS number \(all cities\)](#).
- [SAM.gov Number](#) - Always free to create; only entitlement cities need it for the ARP distribution
- [SAM.gov tutorial](#)

U.S. Department of Treasury Guidance:

Initial guidance from the U.S. Department of Treasury was just released and is available on [their website](#), including steps that cities should take as soon as possible.

City Allocation Information:

Estimations for each municipality have been released. Visit the National League of Cities' dashboard to search to find out how much your community is eligible for.

[National League of Cities American Rescue Plan Dashboard](#)

DISCLAIMER: These are estimates from the House Committee on Oversight, not final allocations

Summary of Provisions Dashboard:

The National League of Cities has created an extensive, searchable summary of provisions relevant to municipalities.

[National League of Cities American Rescue Plan Summary of Provisions Dashboard](#)

Fact Sheets:

[American Rescue Plan Fact Sheet](#)

[Fact Sheet for Iowa](#)

NLC Blog Articles:

[Local Recovery: Five Principles for ARP Implementation](#)

Total Funding to Cities - \$65.1 billion

Distributions-

- Entitlement Cities – generally those with populations greater than 50,000 - will have funds distributed using the current Community Development Block Grant funding formula.
- Non-Entitlement Cities – distributed by the state based on population. Amounts distributed may not exceed 75% of the city's most recent budget.

Timing of Distributions –

- Funds will be released in two disbursements. The second distribution will occur one year after the initial distribution.
- For entitlement cities, the first half sent 60 days after enactment and the other half one year later.

- For non-entitlement cities, the U.S. Department of Treasury is instead required to send those funds to the state within 60 days of the law's enactment. States would then have 30 days to disburse the funds to the local government.

Use of Funds –

The eligible uses for the funding as we understand:

- Measure revenue loss as “the provision of government services to the extent of the reduction in revenue” of the entity “due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year” prior to the emergency.
- Include premium pay for eligible workers performing essential work (as determined by each state or Tribal government) during the pandemic, providing up to \$13 per hour above regular wages;
- Include water, sewer and broadband infrastructure;
- Exclude directly or indirectly offsetting a tax cut; and
- Exclude pension funds.

Funds must be spent by the end of the calendar year 2024. Recipient governments must provide periodic reports to the U.S. Department of Treasury with a detailed accounting of the use of funds. The U.S. Department of Treasury can recoup funds if the recipient does not comply with the eligible uses.

Estimated City Allocations

The National League of Cities has developed a spreadsheet of city allocations.

Estimated City Allocations

DISCLAIMER: These are estimates from the House Committee on Oversight, not final allocations.

(Use control + F to search for Iowa or your city name.)

CITY OF HUDSON, IOWA
FINANCIAL SERVICES SPECIFICATIONS AND
REQUEST FOR PROPOSAL

RFP OFFER DATE: NOVEMBER 4, 2019
PROPOSED EFFECTIVE DATE: FEBRUARY 1, 2020
RFP DUE DATE: NOON, FRIDAY, DECEMBER 6, 2019
REGARDING: FINANCIAL SERVICES

Notice is given by this Request For Proposal (RFP) to firms desiring to act as the City of Hudson's financial institution for the hereinafter described services for a period beginning on or about February 1, 2020 and ending January 31, 2023. Proposals are subject to certain general terms, conditions, instructions, specifications and technical capabilities as set forth specifically in this RFP document.

For further information contact Chrissi Wiersma, City Clerk/Zoning Administrator at the Hudson City Hall during regular business hours at 319-988-3600. All proposals are to be filed at the Hudson City Hall on or before Noon local time, Friday, December 6, 2019. The proposals submitted will be opened and reviewed by staff. The successful bidder must be willing to enter into a binding agreement with respect to the proposal when the proposal is accepted by the City Council of the City of Hudson. It is expected that the proposal selection will be made at the January 13, 2020 City Council meeting.

The City of Hudson reserves the right to reject any and all proposals and to waive any or all formalities and technicalities with respect to this notice.

CITY OF HUDSON, IOWA

SPECIFICATIONS **CONDITIONS OF PROPOSAL SUBMISSION**

1. The firm with the accepted proposal shall comply with all conditions contained herein. The objective of this RFP is to identify the financial institution that can meet or exceed services presently being provided at the highest rate of return to the taxpayers of Hudson.
2. The proposal should be submitted in duplicate and signed by a duly authorized official of the financial institution. One fully executed copy of the awarded proposal will be retained by the City. An executed copy of the successful proposal will also be returned to the financial institution selected after approval by the City Council.
3. The term of this contract will be for a period beginning February 1, 2020 through January 31, 2023, with a possible three year extension. Should a bank be opened within the City of Hudson, the City reserves the right to reevaluate proposals for banking services prior to the expiration of the proposal.
4. All proposals are to be filed at the Hudson City Hall on or before noon local time Friday, December 6, 2019 and are to be enclosed in a sealed envelope marked "Financial Services Proposal".
5. All firms are to use the forms provided, adhering to the criteria set forth. This is done to assure comparable information for the evaluation of proposals.
7. As part of the selection criteria, the City of Hudson will attempt to evaluate the financial institution's community involvement and commitment. On a separate page, please describe the financial institution's community involvement and commitment to both the community it serves and surrounding communities. Please attach this description to the proposal form.
8. All proposals will be evaluated by the City staff in accordance with the criteria and procedures identified. A Personnel-Administration Committee recommendation will be made to the City Council for final approval.
9. It is the intent of these specifications to provide prospective financial firms with sufficient information to prepare a competitive proposal.
10. Questions may be directed to Chrissi Wiersma, City Clerk/ Zoning Administrator, 525 Jefferson St, PO Box 536, Hudson, IA 50643. Phone: 319-988-3600.
E-Mail: cwiersma@cityofhudsonia.com

DESCRIPTION OF CURRENT SYSTEM

This RFP form indicates the approximate number of transactions based on historical or anticipated activity to the best of the City's knowledge. This is the City's best estimate of the number of transactions and does not represent a guarantee of transactions.

1. **Operational Checking Account** (Interest Bearing)

Deposits are typically made 4-5 times weekly. Currently approximately 600 checks are deposited monthly. Approximately 300 operational account deposits are made annually. Approximately 1300 checks are issued against this account annually. The estimated average monthly bank balance is expected to be not less than \$35,000. The account balance is impacted by a number of factors and varies greatly. Total pass-through funds average \$125,000 per month.

Due to upcoming City projects, it is anticipated that an additional \$750,000 will pass through this account in 2020-2021.

2. **Money Market Account(s)** - (Interest Bearing)

A separate money market account has been maintained as operational funds to increase the amount of interest earned over a regular checking account on those operational funds. Typically, the balance in this account is \$10,000 but can range up to \$3 million seasonally. Less than one internet transfer per month is made to or from this account.

3. **Services and Supplies**

The successful financial institution shall furnish the following:

<u>Type of Service</u>	<u>Annual Charge</u>
A. No Minimum Balance Required	No Charge
B. Monthly Service Charge	No Charge
C. Account Transaction Activity	No Charge
D. Printed Deposit Slips	No Charge
E. Wire Transfers Out	
Under 15 per year	No Charge
If over 15 per year	No Charge
F. Wire Transfers In	No Charge
G. Stop Payments	No Charge
H. Bank transfers between accounts	No Charge
I. Safety Deposit Box	No Charge
J. Commission Charges on purchases of	
U.S. Government Securities	
Under 10 per year	No Charge
If over 10 per year	No Charge
K. Safekeeping on Government Securities	No Charge
L. Money Orders	No Charge
M. Returned Checks	No Charge
O. ACH Collections/Payments (Utility Payments/Payroll)	No Charge
P. Coin counting & Wrapping	No Charge
Q. Night Depository	No Charge
R. Endorsement Stamps (maximum of one annually)	No Charge
S. On-line Internet access to all accounts	No Charge
T. Remote Deposit (scanned checks to bank for deposit)	No Charge

- U. 2 Signature validation No Charge
- V. Company Credit Card (use only Fed ID number to apply)

Specific time deadlines for same day credit of deposit or performance instructions:

Wires or other non-paper deposits	Negotiable (include in your bid)
Instructions for wire out/in	Negotiable (include in your bid)
Daily Deposits	3:00 p.m.

The procedure for returned checks is as follows: The financial institution will present a check for payment twice. If the check still does not clear, the financial institution will notify the City as soon as possible. Please include your proposed procedures for clearing charge backs in your bid.

4. Bank Statements

A detailed printout (statement) of checks by clearing date and in check sequence order is required for check reconciliation purposes.

The statement is required within three (3) working days after the close of each month. Electronic copies of cancelled checks sorted in check number sequence must accompany the statement and duplicate of deposit tickets. **Must have the availability to provide either paper or electronic copies of the backs of all checks.**

5. Insurance and Collateralization

Iowa Code Chapter 12C requires that a depository be an “Approved Depository” as designated by the State Treasurer’s Office, in order to accept public deposits in excess of federal deposit insurance. The financial institution shall comply with the 2018 Iowa State Code Section 12C.22 in determining the level of collateralization.

TERMINATION

Either party to this agreement shall have the right to terminate this agreement for breach by the other party by giving the breaching party at least ninety (90) days written notice by certified mail, return receipt requested, of its intention to terminate. However, if the agreement is terminated by or because of an act or omission of the financial institution, the financial institution shall forfeit the opportunity to submit a bid as a depository institution for the following twenty-four (24) months after the effective date of the termination. Any termination shall be effective on the last calendar day of the month, unless mutually agreed to in writing by both parties.

CITY OF HUDSON, IOWA
FINANCIAL SERVICES REQUEST FOR PROPOSAL FORM

In submitting this proposal the financial institution named below agrees to provide all of the services outlined in the bid specifications and shall pay interest on City checking account(s) in the manner specified as follows. The interest rate paid on the checking account or accounts shall be determined by reference to the weekly average yield on United States Treasury Securities adjusted to a constant maturity of one year, (hereafter "index") as computed and published by the Federal Reserve Bank. The interest rate shall be adjusted on the first business day of each calendar quarter, by reference to the rate published on Friday of the previous calendar week. Interest shall be computed daily and compounded monthly on balances.

At no time during the life of the agreement shall the interest rate be less than **one** percent (**1%**), notwithstanding the above paragraph. The interest rate submitted as a bid shall be quoted in terms of whole or fractional percentage points above or below the index.

If there is a charge for the availability of the backs of all checks, please include here: _____.

If the financial institution desires to offer other or further options available to the City, please include detailed information with regard to rate determination, allowed transaction frequency, insurance and/or collateralization of deposited funds, and any other pertinent detail.

THE FOLLOWING PROPOSAL IS SUBMITTED BY:

Financial Institution: _____

Address _____

Phone: _____

Fax _____

Authorized Official: _____

Title: _____

Date: _____

Please include Charge Back Procedures and Deadlines on a separate page.

The undersigned financial institution agrees to provide the services shown on the Bid Specification sheet and further agrees to provide interest on the City's accounts at a rate of the index (current index) _____ **plus** (minus) _____ %.

Signature: _____

Accepted by the Hudson City Council this _____ day of _____, 2019.

George Wessel, Mayor

Attest:

Chrissi Wiersma
City Clerk/Zoning Administrator

CITY OF SHELDON
BANKING SERVICES – REQUEST FOR PROPOSALS
May 15, 2019

City of Sheldon (the City) is soliciting proposals from local financial institutions to provide banking services for the City. The period is estimated at five years. The services include the following:

1. Checking accounts - at no time shall the interest rate be less than one and ½ percent (1.5%).
2. Savings/Money Market accounts - at no time shall the interest rate be less than one and ½ percent (1.5%);
3. Processing of electronic funds transfer, which include payroll and general checking;
4. Provide for the electronic deposit of checks through an E-Deposit program;
5. Provide credit card services. (see #8 below for optional components.)*
6. Ability to execute stop payments online.*
7. Ability to execute wire transfers online.*
8. Re: credit cards-the ability to access real time charges online, pay balances online and increase/decrease individual credit card limits online.*

All proposals must respond to each of the first five items above, or indicate that the services cannot be provided in order to receive consideration by the City.

*Items five through eight are included by the City as preferences, but not mandatory for consideration. We encourage your response. The City desires, but does not require, an individual rate for 1) checking, 2) an individual rate for savings, and 3) a blended rate for savings and checking. The City reserves the right to have its checking accounts in one bank and savings accounts in another. The City also reserves the right to keep accounts open in other banks with smaller balances to ensure outstanding checks are paid, and to prepare for the next round of proposals, which is anticipated to occur in five years. This is particularly important since we have many checks already printed with multiple local institutions.

Regardless of any awards made per this RFP, the City reserves the right to have accounts at institutions which are convenient for access to cash and change as needed. Some banks are open Saturday mornings, and others are closer to certain City Departments which

need access to cash. Further, the City also retains the right to seek quotes for Certificates of Deposit, loans and bonds at any time from any financial institution. Accounts in the names of employees, such as payroll and health savings accounts are also exempted. The City is considering offering a health insurance option to our full-time employees involving Health Savings Accounts (HSA's). HSA's may be the topic of a future and separate RFP and is therefore are exempted from this RFP.

The deadline for the submission of proposals is **2:00 PM on Tuesday, June 11, 2019**; proposals may not be modified after this deadline without the written permission of the City. The City's updated "Resolution selecting depositories" will be presented to the Council as soon as June 19. It is the responsibility of the applicant to assure timely delivery of the proposal. The City reserves the right to accept or reject any applicant's entire proposal or parts thereof; to waive any technicalities or irregularities; and to make such awards that it deems, in its sole discretion, to be in the best interests of the City. Please mail or scan/email the signed and dated proposal to the following address:

City of Sheldon
Attn: Angie Beckman, City Clerk
416 West Main
Sheldon, IA 51201
abeckman@cityofsheldon.com
Phone: 324-4651.

GENERAL INFORMATION

Financial institutions must comply with chapter 12C of the Code of Iowa that allows them to accept public fund deposits which are in excess of federal insurance limits.

The proposal must include the name of the officer(s) who will be responsible for the City accounts and a full summary of fees and minimum interest rate thresholds.

BANKING INFORMATION – CHECKING ACCOUNTS

The City currently has 7 checking accounts and 10 savings/money market accounts with three different institutions. A listing of our current accounts and balances is available upon request. Our average annual deposits are \$7m to \$9m. This year it reached a peak of approximately \$17m due to accumulated TIF funds and wastewater treatment plant bond

funds. Please include in your proposal a summary of your service charges in a format as follows or in a similar, easy to understand format:

<u>Charge Description</u>	<u>Charge</u>
Analysis Fee	\$ _____ per _____
Account Maintenance	\$ _____ per _____
Checks Written	\$ _____ per _____
Transit Items Deposited	\$ _____ per _____
Outgoing Wire Transfers	\$ _____ per _____
Incoming Wire Transfers	\$ _____ per _____
Wraps of Coin	\$ _____ per _____
Straps of Currency	\$ _____ per _____
Stop Payment	\$ _____ per _____
Return Item Charge	\$ _____ per _____
City Credit Card	\$ _____ per _____
EFT*	\$ _____ per _____
_____	\$ _____ per _____
_____	\$ _____ per _____
_____	\$ _____ per _____

Regarding EFT's we have 2 payrolls and one utility billing each month. We desire the ability to have additional smaller EFT's as needed, including payrolls for elected officials, and fire and ambulance personnel.

If the checking accounts are available at no cost, please supply the following information:

1. Minimum balance per account or in aggregate;
2. Interest rate earned on each account and the method by which the rate is calculated.

INVESTMENTS

The City's investments are handled currently on a cash available basis and the City will not limit itself to investing only with the successful bidder. However, each financial institution is encouraged to provide a brief summary of the types of investments and investment services they have available. Investments and investment services offered must include only investments authorized by the Code of Iowa.

ON LINE/INTERNET BANKING

The proposal must indicate the ability of the financial institution to provide on-line banking services that could be accessed by City personnel by Internet. Include a

description of all services that could be provided through this program such as viewing daily account activity (prior day and/or current day account balances, all debits, all credits, ledger balances available and collected), initiation and receipt of ACH and wire transfers, positive pay, initiate stop payments, cash consolidation, electronic account reconciliation, storage of cancelled checks (electronic imaging), bank statements, account analysis and how long the archive period is for account data (30 days, 45 days, 1 year, infinite, etc.). It would be preferred that the proposal must provide for a method to electronically deposit checks through an E-Deposit program, although this is not something we currently do, and it's not imperative that we do anytime soon.

MONTHLY ACCOUNT STATEMENTS

The City requires electronic statements on all accounts on a monthly basis, with an activity cut off on the last day of the month. The City doesn't need images with the statement but desires the ability to search for a check and print or download the image (both sides).

OTHER BANKING SERVICES

Please include any other financial services that you provide which are not listed above, that you feel would be in the best interest of the City and include any additional costs. Please note we are not currently charged for NSF Checks or ACH. You could include a proposal for a credit card (preferably something that accumulates points). It is the responsibility of the financial institution to provide enough information for the City to perform a complete analysis of the proposal.

ORIGINALITY AND INNOVATION

The City encourages originality and innovation in the approach of the financial institution to meeting the needs of the City. For example, a higher up-front rate for the first few years followed by a rate tied to an index would be well received. Examples include:

- T-Bill: <https://www.treasury.gov/>.
- IPAIT: <https://www.ipait.org/>.