

September 01, 2015

City Council met in Regular Session at 7:00 p.m. on the above date with Mayor Kroll presiding. The roll was called showing the following members of the City Council present:

Present: Sheila Rihner, Bob Richmond, Karen Schlueter, Shawn Osbahr and Pat Honeywell.

Also present: Clint Fichter, and Roger Heilig.

On motion by Rihner and 2nd by Osbahr, the September 01, 2015 agenda was approved. Roll call: All ayes; motion carried.

On motion by Honeywell and seconded by Rihner, the following items contained in the Consent Agenda were approved and adopted.

- a. Minutes of the 08/04/15 & 08/18/15 Council meeting.
- b. Approve Treasurer's Report
- c. Approve Bills

A roll call vote was had which was unanimous in favor of the motion and the Consent Agenda items were approved and adopted.

New Business: Hearing on approval of Agreement Approving Termination of Agreements Related to Transmission Capacity Arrangements

Mayor Kroll announced that this was the time set pursuant to Resolution of the governing body and public notice given as required by law for the meeting and hearing upon the proposition of approving and consenting to the Agreement Approving Termination Of Agreements Related To Transmission Capacity For Missouri Basin Municipal Electric Cooperative Association, including Exhibit A, the form of the Agreement Terminating Transmission Capacity Agreement and Related Matters attached thereto, (the "Agreement Approving Termination"). Mayor Kroll then asked Chris Martin, the City clerk whether any petitions or objections to the proposed action or to the form of the Agreement Approving Termination, or with respect to any matter related thereto, had been filed. The clerk reported that no objections or petitions opposed to said matters had been filed with the City.

The Mayor then asked for oral objections to the proposed Agreement Approving Termination, or any matters pertaining thereto, and no oral objections were offered.

Thereafter, discussion ensued concerning the proposed Agreement Approving Termination, and the form thereof, as well as to the consequences to be expected therefrom.

Council Member Honeywell introduced the following Resolution 09-15 entitled "RESOLUTION FINALLY ADOPTING, APPROVING AND CONSENTING TO THE AGREEMENT APPROVING TERMINATION OF AGREEMENTS RELATED TO TRANSMISSION CAPACITY FOR MISSOURI BASIN MUNICIPAL ELECTRIC COOPERATIVE ASSOCIATION" and moved its adoption. Council Member Osbahr seconded the motion to adopt. The roll was called and the vote was,

AYES: Honeywell, Osbahr, Rihner, Schlueter, and Richmond.

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION FINALLY ADOPTING, APPROVING AND CONSENTING TO THE AGREEMENT APPROVING TERMINATION OF AGREEMENTS RELATED TO TRANSMISSION CAPACITY FOR MISSOURI BASIN MUNICIPAL ELECTRIC COOPERATIVE ASSOCIATION

WHEREAS, on the 4th day of August, 2015 a proposed form of Agreement Approving Termination, including the proposed form of Agreement Terminating Transmission Capacity Agreement and Related Matters attached as an exhibit thereto, was filed with the Clerk of this governing body and preliminarily adopted and approved subject to final hearing and approval upon public notice as required by law; and

Comment [A1]: Insert date of first meeting on this subject where the form was approved and the clerk was directed to put it on file for public inspection

WHEREAS, notice of hearing on the proposed Agreement Approving Termination, was published on August 21 , 2015 as required by the provisions of Chapters 390 and 73A of the Code of Iowa, 2015, as amended; and

WHEREAS, this is the date and time set for said hearing; and

WHEREAS, the proposed Agreement Approving Termination is found to be in proper form and to serve the best interest of the City, its residents and consumers of electricity furnished by the City's Municipal Electric Utility; and

WHEREAS, notice of hearing on the proposed Agreement Approving Termination, was published on August 21 , 2015 as required by the provisions of Chapters 390 and 73A of the Code of Iowa, 2015, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE MUNICIPAL ELECTRIC UTILITY OF THE CITY OF SHELBY, IOWA:

That the Agreement Approving Termination Of Agreements Related To Transmission Capacity For Missouri Basin Municipal Electric Cooperative Association, including Exhibit A, the form of the Agreement Terminating Transmission Capacity Agreement and Related Matters attached thereto, and the form thereof ("Agreement Approving Termination), is hereby approved, consented to and adopted, to be executed and performed on behalf of the City and its Municipal Electric Utility.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the Agreement Approving Termination, in the form approved together with any additional consent or related documents as may be appropriate to complete the termination process.

PASSED AND APPROVED this 1st day of September, 2015.

There will be a meeting with Telepharm and the Council on September 10, 2015.

On motion by Schlueter, 2nd by Osbahr, Fire Dept. Applicant Garrett Gilland was approved pending drug test and physical. Roll call: All ayes; motion carried.

On motion by Osbahr, 2nd by Honeywell, Rowland Burton was hired to do appraisal for Sewer Easement. Roll call: All ayes; motion carried.

Meeting was adjourned at 9:02 p.m.

Ron Kroll, Mayor

Chris Martin, City Clerk