City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager

DATE: April 22, 2020

SUBJECT: Engagement Agreement with Ahlers & Cooney, P.C.
Review of MidAmerican Energy Franchise Agreement

City staff has completed an initial review of the Franchise Agreement proposed by MidAmerican Energy. Since this is a long-term agreement with MidAmerican Energy, staff would like to have it reviewed by Ahlers & Cooney, P.C. who have worked on and completed a number of MidAmerican Energy Franchise Agreements for cities in Iowa. The intent of the review is for Ahlers & Cooney to note any areas of concern and suggest changes they would make in the best interest of the City. The proposal calls for the work to be completed at a rate of $240 per hour. Once Ahlers & Cooney's review is completed it is staff's intention for the City to work directly with MidAmerican to negotiation the final Franchise Agreement.

RECOMMENDATION: Consider a resolution approving an engagement agreement with Ahlers & Cooney, P.C. to review the MidAmerican Energy Franchise Agreement on behalf of the City of Carroll.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN ENGAGEMENT AGREEMENT WITH AHLERS & COONEY, P.C. TO COMPLETE A REVIEW ON THE PROPOSED MIDAMERICAN FRANCHISE AGREEMENT

WHEREAS, the City of Carroll desires the services Ahlers & Cooney, P.C. to complete a review on the proposed MidAmerican Energy Franchise Agreement; and

WHEREAS, Ahlers & Cooney, P.C. requires an engagement agreement before providing this type of service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll that the engagement agreement with Ahlers & Cooney, P.C. to review the MidAmerican Energy Franchise Agreement on behalf of the City of Carroll is approved and the Mayor is authorized to sign said engagement agreement on behalf of the City of Carroll.

PASSED AND APPROVED by the City Council of the City of Carroll, Iowa, this 27th day of April, 2020.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY:_____
Eric P. Jensen, Mayor

ATTEST:

By:_____
Laura A. Schaefer, City Clerk

AHLERS COONEY
ATTORNEYS

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April 21, 2020

VIA EMAIL mpoggeweaver@cityofcarroll.com

Mike Pogge-Weaver
City Manager
City of Carroll
627 N. Adams St.
Carroll, IA 51401

RE: Engagement Agreement – MidAmerican Energy Franchise Agreement

Dear Mike:

The purpose of this engagement letter is to confirm the terms of our Firm's engagement and to explain our billing practices. Upon the City's acceptance, this letter will serve as a memorandum of the terms of the engagement of this Firm to serve as counsel for the City of Carroll in the above referenced matter. The legal services to be provided include advising the City and preparing the necessary agreements and proceedings to approve a franchise agreement with MidAmerican Energy.

We are pleased to undertake this representation. The fees charged by the Firm for this representation will be based on the current hourly rate of the person performing the service at the time services are performed. The Firm's billing rates are reviewed, and sometimes revised, annually in January. I will be primarily responsible for this matter. My current rate is $240 per hour. Out-of-pocket expenses including, but not limited to, photocopying expenses, would be in addition to the hourly charges and will also be billed separately on our statements. We will forward itemized statements of services rendered on a monthly basis to your attention. If payment is not rendered in a timely fashion, the Firm reserves the right to immediately terminate its representation.

Please indicate your approval and acceptance of the above referenced terms and conditions of our engagement by signing, dating, and returning a copy of this letter to me. Should you have any questions or concerns about our proposed terms and conditions, please do not hesitate to contact me.

APPROVAL

Please carefully review the terms and conditions of this Agreement. **If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by the**

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#DKCHUV#) #FRRQH\#0#4<83>#DKCHUV/#FRRQH\/#GRUZ HIGHU/#DCOEHH/#KD\QIM#) #VPIWK#0#4<:7>#DKCHUV/#FRRQH\/#GRUZ HIGHU/#KD\QIM/#VPIWK#) #DCOEHH/#S1F1#0#4<<3

City of Carroll, and execute, date and return to me the enclosed copy of this Agreement. Please retain the original for your file.

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact me. As always, we appreciate the opportunity to represent the City of Carroll and we look forward to working with you.

Sincerely,

AHLERS & COONEY, P.C.

By *Kristine Stone*

Kristine Stone

Accepted and approved on behalf of the City Council*

By: _____ Dated: _____
Title: Mayor

*Authorized by Resolution \ Motion _____ approved on _____, 2020.

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