

RESOLUTION NO. 2026-23

A RESOLUTION OF INTENT TO SELL THE MUNICIPAL WATER AND SEWER UTILITIES, TO APPROVE THE ASSET PURCHASE AGREEMENT WITH IOWA AMERICAN WATER, AND TO SUBMIT THE QUESTION OF THE PROPOSED SALE TO THE ELECTORS OF THE CITY OF BUFFALO, IOWA

WHEREAS, the City of Buffalo, Iowa, owns and operates municipal water and sewer utility systems; and

WHEREAS, the City Council has reviewed and negotiated an Asset Purchase Agreement ("APA") with Iowa American Water Company for the potential sale of the City's water and sewer utility assets; and

WHEREAS, the City Council is evaluating whether the sale of the municipal water and sewer utilities, pursuant to the terms of the APA, is in the best interest of the City and its residents; and

WHEREAS, pursuant to Iowa Code §388.2, a municipal utility may not be sold unless the City Council adopts a resolution of intent to sell, holds a public hearing, and submits the question of the proposed sale to the electors of the City for approval; and

WHEREAS, the City Council desires to comply with all statutory requirements and to allow the residents of Buffalo to vote on the question of whether the municipal water utility should be sold under the terms of the APA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buffalo, Iowa, as follows:

1. Resolution of Intent to Sell. The City Council hereby declares its intent to consider the sale of the municipal water and sewer utilities, subject to all requirements of Iowa Code §388.2 and contingent upon voter approval.
2. Approval of Asset Purchase Agreement. The City Council hereby approves the Asset Purchase Agreement with Iowa American Water Company, contingent upon voter approval of the proposed sale at referendum and completion of all statutory procedures required under Iowa Code §388.2.
3. Public Hearing. The City Clerk is directed to publish notice and schedule a public hearing on the proposed sale of the municipal water and sewer utilities, including the terms of the APA, in accordance with Iowa Code §388.2(2).
4. Submission to Electors. The question of whether the municipal water utility should be sold pursuant to the APA shall be submitted to the electors of the City of Buffalo at a public referendum, as required by Iowa Code §388.2(3).

5. Coordination With Election Officials. City staff are authorized and directed to coordinate with the Scott County Commissioner of Elections to prepare the required documentation, notices, ballot language, and timelines for placing the referendum on the ballot.
6. Further Action. City staff are authorized and directed to take all steps necessary to implement this Resolution and comply with Iowa Code §388.2, including preparation of notices, publication requirements, and any additional procedural steps related to the APA and referendum.

PASSED AND APPROVED this 19 day of August, 2026.

Mayor

[Signature]

ATTEST: City Clerk

Janna Leonard

Teel-Vanderpool - Yes No

Roman - Yes No

Jesse Leonard - Yes No

Mary Moore - Yes No

Trent Adams - Yes No