

.....  
January 11, 2010  
**Date** .....

**RESOLUTION WITH RESPECT TO PUBLIC HEARING  
ON THE ISSUANCE OF NOT TO EXCEED \$17,500,000  
PUBLIC PARKING SYSTEM REVENUE REFUNDING  
CAPITAL LOAN NOTES**

WHEREAS, pursuant to Section 384.82 of the Code of Iowa, notice of the hearing on the issuance of not to exceed \$17,500,000 Public Parking System Revenue Refunding Capital Loan Notes and the proposed action by the City Council to institute proceedings for the issuance of said Notes has been given for the purpose of paying costs of refunding and refinancing of the Public Parking System Revenue Bonds, Series 2000A, dated June 12, 2000; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice, and oral or written objections were received and filed, including the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, STATE OF IOWA:

★ **Roll Call Number**

Agenda Item Number

37A

.....  
**Date** January 11, 2010  
 .....

That the time for receiving oral and written objections be closed and the proposal for the issuance of Notes and all objections thereto are taken under consideration by the Council.

DCORNELL/ 640658.1 /MSWord\10387.224

Movd by \_\_\_\_\_ to adopt.

FORM APPROVED:

\_\_\_\_\_  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

37A  
AHLERS & COONEY, P.C.

100 COURT AVENUE, SUITE 600  
DES MOINES, IOWA 50309-2231  
PHONE: 515-243-7611  
FAX: 515-243-2149  
WWW.AHLERSLAW.COM

William J. Noth  
wnoth@ahlerslaw.com

Direct Dial:  
(515)246-0332

January 5, 2010

BY HAND

Mr. Allen McKinley  
Finance Director/Treasurer  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

RE: Not to exceed \$17,500,000 Public Parking System Revenue Refunding  
Capital Loan Notes

Dear Mr. McKinley:

With this letter I am enclosing replacement Roll Calls to be acted upon by the Council on the date fixed for the hearing on the issuance of the above mentioned Notes, pursuant to the provisions of Code Sections 384.24A and 384.82. It is my understanding that the public hearing has been scheduled for January 11, 2010, but that you do not expect at this time to proceed with the sale of the Notes until later this month or next.

The first Roll Call has been prepared to show as a first step the receipt of any oral or written objections from any resident or property owner to the proposed action of the Council to issue the Notes. A summary of objections received or made, if any, should be inserted in the space provided or otherwise attached to the Roll Call. After all objections have been received and considered if the Council decides not to abandon the proposal to issue the Notes, the Council should proceed to adopt the second Roll Call instituting proceedings to take additional action for the issuance of the Notes. The Council is required by statute to adopt the resolution instituting proceedings to issue the Notes at the hearing -- or an adjournment thereof.

In the event the Council decides to abandon the proposal to issue said Notes, then the second Roll Call should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that such Note proposal is abandoned.

January 5, 2010

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Section 384.83 of the Code of Iowa provides that any resident or property owner of the City may appeal the decision to take additional action to issue the Notes, to the District Court of a county in which any part of the City is located, within 15 days after such additional action is taken, but that the additional action is final and conclusive unless the court finds that the Council exceeded its authority.

In the event an appeal is filed by any resident or property owner, please see that we are notified immediately; and, as soon as available, a copy of the notice of appeal should be furnished our office for review.

The second Roll Call also authorizes you to proceed with the offering of the Notes for sale, to select the date and time for the same and to determine the principal amount of the Notes to be offered.

As always, we would appreciate receiving certified copies of the enclosed Roll Calls once the Council has acted.

If you have any questions pertaining to the enclosed Roll Calls or this letter, please do not hesitate to call me.

Very truly yours,



William J. Noth

WJN:dc

encl.

cc: Diane Rauh (w/originals)  
Larry McDowell (w/encl.)  
Jon Burmeister (w/encl.)