

.....
November 23, 2009

Date

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$17,250,000 GENERAL OBLIGATION REFUNDING BONDS OF DES MOINES, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa, should issue General Obligation Refunding Bonds, Series 2009, to the amount of not to exceed \$17,250,000, as authorized by Section 384.25 of the City Code of Iowa, for the purpose of providing funds to pay costs of carrying out an essential corporate purpose project as hereinafter described; and

WHEREAS, before the Bonds may be issued, it is necessary to comply with the provisions of the Code, and to publish a notice of the proposal to issue such Bonds and of the time and place of the meeting at which the Council proposes to take action for the issuance of the Bonds and to receive oral and/or written objections from any resident or property owner of the City to such action.

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

Section 1. That this Council meet in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 o'clock P.M., on the 7th day of December, 2009, for the purpose of taking action on the matter of the issuance of not to exceed \$17,250,000 General Obligation Refunding Bonds for an essential corporate purpose of said City, the proceeds of which Bonds will be used to provide funds to pay costs of refunding and refinancing of certain outstanding City indebtedness, including the General Obligation Refunding Bonds, Series 2003E, dated August 1, 2003, and the General Obligation Bonds, Series 2004C, dated June 30, 2004.

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Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of said Bonds.

Section 3. The notice of the public hearing shall be in substantially the following form:

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November 23, 2009

Date

NOTICE OF MEETING OF THE COUNCIL OF THE CITY OF DES MOINES, IOWA, ON THE MATTER OF THE PROPOSED ISSUANCE OF NOT TO EXCEED \$17,250,000 GENERAL OBLIGATION REFUNDING BONDS OF SAID CITY, AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Des Moines, Iowa, will hold a public hearing on the 7th day of December, 2009, at 5:00 o'clock P.M., in the Council Chambers, City Hall, Des Moines, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$17,250,000 General Obligation Refunding Bonds for an essential corporate purpose of said City, in order to provide funds to pay costs of refunding and refinancing of certain outstanding City indebtedness, including the General Obligation Refunding Bonds, Series 2003E, dated August 1, 2003, and the General Obligation Bonds, Series 2004C, dated June 30, 2004.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the above action. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the issuance of said Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the Council of Des Moines, Iowa, as provided by Section 384.25 of the Code of Iowa.

Dated this _____ day of _____, 2009.

City Clerk of Des Moines, Iowa

(End of Notice)

(Council Communication No. 09-835)

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Moved by: _____ to adopt.

Form approved: _____
Deputy City Attorney

DCORNELL/ 637941.1 /MSWord\10387.223

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLISSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

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.

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Mayor

City Clerk

25A

AHLERS & COONEY, P.C.

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Direct Dial:
(515)246-0332

November 18, 2009

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

RE: Not to exceed \$17,250,000 General Obligation Refunding Bonds
(refunding of Series 2003E and 2004C)

Dear Mr. McKinley:

We have now prepared and are enclosing herewith suggested proceedings to be acted upon by the Council in fixing the date of a meeting on the proposition to issue the above mentioned Bonds and ordering publication of a notice of hearing consistent with the provisions of Code Section 384.25.

Notice of this meeting must be published at least once in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The date of publication is to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of the Notes. In computing time, the date of publication should be excluded. If the last day falls on Sunday, the whole of the following Monday should be excluded.

At the time of hearing the Council shall receive oral or written objections from any resident or property owner to the proposed action to issue said Bonds. After all objections have been received and considered, the Council is required, at that meeting or at any adjournment thereof, to take additional action for the issuance of said Bonds or to abandon the proposal to issue said Bonds.

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The Council is required by statute to adopt the resolution instituting proceedings to issue the Bonds at the hearing--or an adjournment thereof.

As always, we would appreciate having a certified copy of the enclosed Roll Call returned to us following the Council's action for our transcript of the action taken, as well as a copy of the publisher's affidavit relating to the publication of the notice of hearing.

We will prepare and forward to you in the near future, suggested procedure to be acted upon on the date of hearing. If you have any questions pertaining to the proceedings enclosed or the above instructions, please do not hesitate to either write or call.

Yours very truly,



William J. Noth

WJN:dc
encl.

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