



48 A

.....
Date September 27, 2010
.....

RESOLUTION WITH RESPECT TO PUBLIC HEARING
ON THE PROPOSED AUTHORIZATION OF A LOAN
AGREEMENT AND THE ISSUANCE OF NOT TO
EXCEED \$15,000,000 STORMWATER MANAGEMENT
UTILITY REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to Sections 384.24A and 384.84A of the City Code of Iowa, notice of the hearing on the proposed authorization of a loan agreement and the issuance of not to exceed \$15,000,000 Stormwater Management Utility Revenue 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 constructing storm water drainage construction projects and improvements and related landscaping, including the Court Avenue/Water Street sewer separation, Crawford Creek watershed improvements, Dean's Lake pump station and conveyance improvements, flood protection system improvements, and the refinancing of the payment obligation to the State of Iowa incurred in connection with the I-235 storm and sanitary sewer improvements; and

WHEREAS, no petition has been received calling for the submission of the proposed action to a referendum; 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:

★ **Roll Call Number**

Agenda Item Number

48A

.....
September 27, 2010

Date

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

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

Moved by: _____ to adopt.

FORM APPROVED:

(Council Communication No. 10-567)

Deputy City Attorney

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

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AHLERS & COONEY, P.C.

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(515)246-0332

September 16, 2010

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

RE: Not to exceed \$15,000,000 Stormwater Management Utility Revenue
Capital Loan Notes
Not to exceed \$6,600,000 Stormwater Management Utility Revenue Capital
Loan Notes
Not to exceed \$5,700,000 Stormwater Management Utility Revenue Capital
Loan Notes

Dear Mr. McKinley:

I am enclosing suggested Roll Calls to be acted upon by the Council at its September 27 meeting, the date fixed for the hearings on the proposed issuance of the above mentioned Notes, pursuant to the provisions of Code Sections 384.24A and 384.84A.

In the case of each proposal, the first Roll Call has been prepared on the assumption that no petition for election on the proposed action of the Council to issue said Notes will be filed. If no petition is filed, the Council should proceed to adopt the second Roll Call instituting proceedings to take additional action for the issuance of the Notes. In the event the Council decides to abandon the proposal to issue one or more series of the 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 the Note proposal is abandoned.

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To qualify, a petition must be signed by at least three percent (3%) of the registered voters of the City. If such a petition has been received and if the Council decides not to abandon the proposal to issue said Notes, a form of resolution should be introduced and adopted, to adjourn the matter to permit preparation of the resolution to call an election. Please see that we are advised immediately if a petition is filed bearing signatures of a sufficient number of eligible electors.

As always, we would appreciate having certified copies of the enclosed Roll Calls returned to us following the Council's action for our transcript of the action taken.

If you have any questions concerning the enclosed Roll Calls, please don't hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read 'W. Noth', with a stylized flourish at the end.

William J. Noth

WJN:dc
encl.

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