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**Date** May 19, 2014  
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RESOLUTION WITH RESPECT TO PUBLIC HEARING ON  
THE ISSUANCE OF NOT TO EXCEED \$3,000,000 GENERAL  
OBLIGATION BONDS FOR URBAN RENEWAL PURPOSES

WHEREAS, pursuant to Sections 403.12 and 384.24(3)(q) of the Code of Iowa, notice of the hearing on the issuance of not to exceed \$3,000,000 General Obligation Bonds and the proposed action by the City Council to institute proceedings for the issuance of said Bonds has been given for the purpose of paying costs of aiding in the planning, undertaking and carrying out of urban renewal project activities under the authority of Chapter 403 of the Code of Iowa and the Urban Renewal Plan for the Metro Center Urban Renewal Project Area, including City parking facility rehabilitation and repairs, and street and skywalk 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:

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

★ **Roll Call Number**

**Agenda Item Number**

43A

**Date** May 19, 2014

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

Moved by: \_\_\_\_\_ to adopt.

FORM APPROVED:

\_\_\_\_\_  
Deputy City Attorney

(Council Communication No. **14-243**)

01016763-1\10387-251

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
GATTO				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**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.

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

43A

# AHLERS & COONEY, P.C.

ATTORNEYS AT LAW  
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

May 12, 2014

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

RE: General Obligation Bond Proposals - Roll Calls  
for additional public hearings

Dear Mr. Sanders:

With this letter I am enclosing suggested Roll Calls to be acted upon by the City Council on May 19, 2014, the date fixed for the hearings on the additional General Obligation Bond projects.

One hearing relates to a proposal to issue general obligation bonds for an "essential corporate purpose" project. The other hearing is an "essential corporate purpose" proposal involving urban renewal activities and therefore is subject to the same "reverse referendum" procedures as those applicable to "general corporate purposes".

For the sake of clarity, I will distinguish between each of these proposals and describe the related Roll Calls according to the procedures involved:

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**Not to exceed \$50,000**  
**General Obligation Bonds**

The first Roll Call has been prepared to show the receipt of any oral or written objections from any resident or property owner to the proposed action of the Council to issue the bonds for the purposes described. A summary of objections received or made, if any, should be attached to the first Roll Call. After all objections have been received and considered, if the Council decides not to abandon the proposal to issue the bonds for the designated purposes, a second Roll Call follows to take additional action for the issuance of the bonds for that purpose.

The Council is required by statute to adopt the Roll Call instituting proceedings to issue the bonds at the hearing - or an adjournment thereof. If necessary to adjourn, the Roll Call should be revised to reflect that action.

In the event the Council decides to abandon the proposal to issue said bonds, then the form of resolution proposed should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that such bond proposal is abandoned.

Section 384.25 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 bonds to the District Court of a county in which any part of the City is located, within fifteen 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 to our office for review.

**Not to exceed \$3,000,000**  
**General Obligation Bonds**  
**(Urban Renewal Projects)**

The above proposal is subject to the "reverse referendum" procedures, under which petitions may be filed prior to the hearing asking that the particular bond proposal be submitted to an election. In this instance, two Roll Calls are again provided: the first Roll Call closes the public hearing on the bond proposal and the second Roll Call institutes proceedings to take additional action for the authorization and issuance of the bonds being considered.

The first of Roll Call assumes that no petition has been received calling for an election on the proposed action of the Council to issue bonds for the purposes described. At the hearing, the Council should receive any oral or written objections to the proposal under consideration. If no petition has been filed with respect to the proposal, and the Council decides not to abandon the proposal to issue bonds for the purposes described, the Council then should proceed to adopt the second Roll Call instituting proceedings to take additional action for the issuance of the bonds under consideration.

In the event the Council decides to abandon this proposal to issue bonds for the specified purpose, then the second Roll Call with respect to the proposed bonds should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that the bond proposal is abandoned.

If a petition has been received with respect to this proposal and if the Council decides not to abandon the proposal to issue said bonds for that purpose, 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.

\* \* \* \*

Following the Council's action on the date of the hearings, we would appreciate receiving certified copies of the enclosed Roll Calls for our transcript of the action taken. We also would appreciate receiving copies of the publisher's affidavits prepared with respect to the publication of the notices of hearing once they become available.

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Should any questions arise, please don't hesitate to contact us.

Very truly yours,



William J. Noth

WJN:dc  
encl.

cc: Diane Rauh (w/original Roll Calls)  
Larry McDowell (w/encl.)  
Jon Burmeister (w/encl.)

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