



Roll Call Number

Agenda Item Number

61

Date December 18, 2017

**RESOLUTION WITH RESPECT TO PUBLIC HEARING ON
THE ISSUANCE OF NOT TO EXCEED \$95,000,000 GENERAL
OBLIGATION REFUNDING CAPITAL LOAN NOTES FOR
AN ESSENTIAL CORPORATE PURPOSE**

WHEREAS, pursuant to Section 384.25 of the City Code of Iowa, notice of the hearing on the issuance of not to exceed \$95,000,000 General Obligation 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 the settlement, adjustment, renewing, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, or judgments, or the funding or refunding of the same, whether or not such indebtedness was created for a purpose for which general obligation bonds might have been issued in the original instance; 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:**

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



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(Council Communication No. 17- 866)

MOVED by _____ to adopt.

FORM APPROVED:

Lawrence McDowell
Deputy City Attorney

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



Diane Raub

Ahlers & Cooney, P.C.
Attorneys at Law

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December 12, 2017

Via Hand Delivery

Mr. Robert Fagen
Finance Director
City of Des Moines
400 East Court Avenue
Des Moines, Iowa 50309

Re: City of Des Moines, Iowa
- General Obligation Refunding Capital Loan Notes

Dear Mr. Fagen:

We enclose suggested Roll Calls to be acted upon by the Council on December 18, 2017, the date fixed for the hearing on the authorization to enter into a loan agreement and the issuance of the above mentioned notes, pursuant to the provisions of Code Sections 384.24A, and 384.25.

The Roll Calls are 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 enter into a loan agreement and issue the notes. A summary of objections received or made, if any, should be 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, a second Roll Call follows to take additional action for the issuance of General Obligation Refunding Capital Loan Notes.

The Council is required by statute to adopt the resolution instituting proceedings to enter into a loan agreement and issue the notes 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, then the form of resolution included in the proceedings should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that such 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 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.

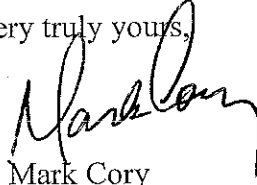
December 12, 2017

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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.

Also enclosed is an extra copy of the proceedings to be filled in as the original and certified back to this office. If you have any questions pertaining to the proceedings enclosed or this letter, please do not hesitate to either write or call.

Very truly yours,



R. Mark Cory
FOR THE FIRM

RMC:csm

Enclosures

cc: Diane Rauh (w/original Roll Call)
Larry McDowell (w/enc.)
Scott Sanders (w/enc.)
Roger Brown (w/enc.)
Jon Burmeister (via e-mail w/enc.)
Owen Gerard (via e-mail w/enc.)

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