

★ Roll Call Number

D8-1846

Agenda Item Number

23

October 27, 2008

Date

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND ISSUANCE OF NOT TO EXCEED \$12,000,000 AVIATION SYSTEM REVENUE CAPITAL LOAN NOTES OF DES MOINES, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is the recommendation of the Aviation Director, subject to approval of the Des Moines International Airport Board, that the City of Des Moines, Iowa should provide for the authorization of a Loan Agreement and the issuance of Aviation System Revenue Capital Loan Notes, in the amount of not to exceed \$12,000,000, as authorized by Sections 384.24A and 384.82, Code of Iowa, as amended, for the purpose of providing funds to pay costs as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable solely and only out of the net earnings of the Des Moines International Airport and shall have a subordinate lien on the future net earnings thereof, and shall not be general obligations of the City or payable in any manner by taxation and the City shall be in no manner liable by reason of the failure of the net revenues to be sufficient for the payment of the Notes; and

WHEREAS, before a Loan Agreement may be authorized and Aviation System Revenue Capital Loan Notes issued to evidence the obligation of the City thereunder, it is necessary to comply with the provisions of the City Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action; and

WHEREAS, it is also necessary that a hearing be held under Section 147 of the Internal Revenue Code of 1986 upon the proposal to issue the Notes as tax-exempt obligations.

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

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NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND ISSUANCE OF NOT TO EXCEED \$12,000,000 AVIATION SYSTEM REVENUE CAPITAL LOAN NOTES AND THE PUBLIC 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 10th day of November, 2008, at 5:00 o'clock P.M., in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which meeting the Council proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$12,000,000 Aviation System Revenue Capital Loan Notes in order to provide funds to pay the costs construction of airfield and hanger improvements on the grounds of the Des Moines International Airport, 5800 Fleur Drive, Des Moines, Iowa, including those costs associated with the Mesaba Regional Jet Maintenance Facility Project, and the refunding and refinancing of the outstanding Subordinate Airport Commercial Paper Revenue Notes, Series C, the proceeds of which were used to acquire and construct runway, taxiway, terminal and cargo building improvements at the Des Moines International Airport.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the 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 authorization of a Loan Agreement and the issuance of Notes or will abandon the proposal to issue the Notes.

Any person interested may appear at the public hearing, either orally or in writing, and be heard as to the issuance of Notes for the above purposes, as to the use of tax-exempt financing for such purposes, or any other matter pertaining to Section 147 of the Internal Revenue Code of 1986, as amended.

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Section 1. That this Council meet in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 o'clock P.M., on the 10th day of November, 2008, for the purpose of taking additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$12,000,000 Aviation System Revenue Capital Loan Notes, the proceeds of which will be used to provide funds to pay the costs of construction of airfield and hanger improvements on the grounds of the Des Moines International Airport, 5800 Fleur Drive, Des Moines, Iowa, including those costs associated with the Mesaba Regional Jet Maintenance Facility Project, and the refunding and refinancing of the outstanding Subordinate Airport Commercial Paper Revenue Notes, Series C, the proceeds of which were used to acquire and construct runway, taxiway, terminal and cargo building improvements at the Des Moines International Airport.

Section 2. That the City 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 publications to be not less than fourteen clear days nor more than twenty days before the date of said public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action shall be in substantially the following forms:

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This Notice is given by order of the Council of Des Moines, Iowa, as provided by Section 147 of the Internal Revenue Code of 1986, as amended, and Sections 384.24A and 384.82 of the Code of Iowa, as amended.

Dated this _____ day of _____, 2008.

City Clerk of Des Moines, Iowa

(End of Notice)

(Council Communication No. 08-637)

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Moved by:

Hensley

to adopt.

Form approved:

Deputy City Attorney

DCORNELL/ 595055.1 /MSWord\10387.217

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin

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.

Diane Rauh

City Clerk