

.....
Date October 21, 2013
.....

RESOLUTION WITH RESPECT TO PUBLIC HEARING
ON THE ISSUANCE OF NOT TO EXCEED \$42,000,000
GENERAL OBLIGATION BONDS 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 \$42,000,000 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 the settlement of a legal indebtedness of the City, consisting of the judgment expected to be entered by the Iowa District Court for Polk County in the Kragnes franchise fee litigation and related post-judgment interest thereon; 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:

Date October 21, 2013

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. 13-519)

00973432-1\10387-246

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

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

October 10, 2013

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

RE: Not to exceed \$42,000,000 General Obligation Bonds, Series 2013C

Dear Mr. Sanders:

With this letter I am enclosing suggested Roll Calls to be acted upon by the City Council on October 21, 2013, the date fixed for the hearing on the proposed issuance of the above 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, a second Roll Call follows to take additional action for the issuance of the bonds.

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.

October 10, 2013
Page 2

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.

Following the Council's action on the date of the hearing, we would appreciate receiving certified copies of the enclosed Roll Calls for our transcript of the action taken. We also would appreciate receiving a copy of the publisher's affidavit prepared with respect to the publication of the notice of hearing once it becomes available.

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.)