

421464-26

(2nd ½ LA Hearing, Combine & Prelevy)

FOR YOUR RECORDS

Muscatine, Iowa

March 6, 2008

The City Council of the City of Muscatine, Iowa, met on March 6, 2008, at 7:00 o'clock p.m., at the City Council Chambers, Muscatine, Iowa. The meeting was called to order by the Mayor, and the roll being called, the following named Council Members were present and absent:

Present: Fitzgerald, Howard, Shihadeh, Roby, and Lange

Absent: Press and Bynum.

This being the time and place specified for taking action on the proposal to enter into an Essential Corporate Purpose Loan Agreement in a principal amount not to exceed \$4,242,200, the City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor closed the public hearing.

Also this being the time and place specified for taking action on the proposal to enter into a General Corporate Purpose Loan Agreement in a principal amount not to exceed \$622,800, the City Clerk announced that no petition had been filed asking that the question of entering into the loan agreement be submitted to the registered voters of the City, and that the City Council may proceed with the authorization of the loan agreement.

After due consideration and discussion, Council Member Shihadeh introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Fitzgerald. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Fitzgerald, Howard, Shihadeh, Roby, and Lange

Nays: None.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

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At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.



Richard W. O'Brien
Mayor

RESOLUTION NO. 90377-0308

Resolution combining and authorizing Loan Agreements and General Obligation Corporate Purpose Bonds in a principal amount not to exceed \$4,865,000 and providing for the levy of taxes to pay the same

WHEREAS, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City of Muscatine, Iowa (the "City"), has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Essential Corporate Purpose Loan Agreement"), in a principal amount not to exceed \$4,242,200 for the purpose of constructing street improvements, municipal retaining wall improvements, cemetery facilities, and airport runway and paving improvements; acquiring equipment for the police department, airport, public safety department, cemetery, utilities, and existing parks; refurbishing ambulances; and acquiring land for airport extensions, and has published notice of such proposal and has held a hearing thereon; and

WHEREAS, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City has also proposed to enter in a loan agreement (the "General Corporate Purpose Loan Agreement") in a principal amount not to exceed \$622,800 for the general corporate purpose of paying the cost, to that extent, of constructing municipal building improvements, including HVAC and structural remediation for the public safety building and improvements to the library, City Hall, and art center; constructing trails; and acquiring equipment for City Hall, and in lieu of calling an election thereon, the City has published notice of such proposal and no petition having been filed with the City Clerk of the City asking that the question of entering into the Loan Agreements be submitted to the registered voters of the City, the Council may now authorize the Loan Agreements in the amount as published; and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, the City Council has authority to combine the Essential Corporate Purpose Loan Agreement and the General Corporate Purpose Loan Agreement into a single General Obligation Corporate Purpose Loan Agreement (the "Loan Agreement") and to issue General Obligation Corporate Purpose Bonds (the "Bonds") in evidence of its obligations thereunder;

WHEREAS, the City Council deems it advisable and in the best interests of the City to authorize the Loan Agreement and to provide for a debt service tax levy to pay principal of and interest on bonds to be issued in the future in evidence of the City's obligation thereunder;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Muscatine, Iowa, as follows:

Section 1. The Essential Corporate Purpose Loan Agreement and the General Corporate Purpose Loan Agreement are hereby combined under the Loan Agreement, and the City shall enter into the Loan Agreement in a principal amount not to exceed \$4,865,000 for the purpose or purposes set forth in the preamble hereof, and shall issue General Obligation Corporate Purpose Bonds (the "Bonds") in an aggregate principal amount not to exceed \$4,865,000 in evidence of its obligation thereunder at the time such funds are needed.

Section 2. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2008,
sufficient to produce the net annual sum of \$332,437;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each subsequent year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be amended by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 3. A certified copy of this resolution shall be filed with the County Auditor of Muscatine County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds and for no other purpose whatsoever.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved March 6, 2008.



City Clerk


Mayor

STATE OF IOWA
COUNTY OF MUSCATINE SS:
CITY OF MUSCATINE

I, the undersigned, City Clerk of the aforementioned City, do hereby certify that as such I have in my possession or have access to the complete corporate records of the City and of the City Council and officers and that I have carefully compared the transcript hereto attached with the aforesaid corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records relating to the authorization of certain Loan Agreements and General Obligation Corporate Purpose Bonds to be issued in a principal amount not to exceed \$4,865,000 in evidence of the City's obligation under the Loan Agreements and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

WITNESS MY HAND and the seal of the City hereto affixed this 6th day of March, 2008.





City Clerk

STATE OF IOWA

SS:

COUNTY OF MUSCATINE

I, the undersigned, County Auditor of the aforementioned County, in the State of Iowa, do hereby certify that on the 11 day of March, 2008, the City Clerk of the City of Muscatine filed in my office a certified copy of a resolution of such City shown to have been adopted by the City Council on March 6, 2008, entitled: "Resolution authorizing Loan Agreements and General Obligation Corporate Purpose Bonds in a principal amount not to exceed \$4,865,000 and providing for the levy of taxes to pay the same," and that I have duly placed the copy of the resolution on file in my records.

I further certify that the taxes provided for in that resolution will in due time, manner and season be entered on the State and County tax lists of this County for collection in the fiscal year beginning July 1, 2008, as provided in the resolution.

WITNESS MY HAND and the seal of the County hereto affixed this 11 day of March, 2008.

(Seal)



Laura Perley, Deputy
County Auditor

