RESOLUTIONS 19-260 A & B

ITEMS TO INCLUDE ON AGENDA FOR NOVEMBER 18, 2019

CITY OF COUNCIL BLUFFS, IOWA

General Obligation Bonds, Series 2016A.

- Resolution Ratifying, Confirming and Approving Publication of Notice of Public Hearing.
- Public hearing on the proposition of the application of excess bond proceeds.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

November 18, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ _____.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

_____

Absent: _____

Vacant: _____

* * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE APPLICATION OF EXCESS BOND PROCEEDS", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES:_____

_____

NAYS:_____

_____

Whereupon, the Mayor declared the following Resolution duly adopted:

Resolution 19-260A

RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE APPLICATION OF EXCESS BOND PROCEEDS

WHEREAS, the City of Council Bluffs, Iowa, proposes to take additional action for the application of not to exceed $362,000 of the general corporate purpose portion of the bond proceeds of the General Obligation Bonds, Series 2016A, dated December 13, 2016, for the additional essential corporate purpose of construction, reconstruction and improvement of real and personal property useful for the protection or reclamation of property within the corporate limits of the city from floods or high waters; and

WHEREAS, before said excess proceeds may be used, it was necessary to comply with the provisions of said Code, and to publish a notice of the proposal to use such proceeds and of the time and place of the meeting at which it is proposed to take action therefor;

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

Section 1. That the action of the City Clerk setting a public hearing before the City Council to meet at the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ o'clock __.M., today, the 18th day of November, 2019, for the purpose of taking action relating to the use of such excess proceeds, is hereby ratified, confirmed and approved.

Section 2. That the Clerk caused 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 the City, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the use of the excess proceeds.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 18th day of November, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the application of excess bond proceeds of the General Obligation Bonds, Series 2016A, dated December 13, 2016, in order to provide funds to pay costs construction, reconstruction and improvement of real and personal property useful for the protection or reclamation of property within the corporate limits of the city from floods or high waters, an essential corporate purpose, and that notice of the proposed action by the Council to institute proceedings for the application of said bond proceeds to the expanded purpose, had been published pursuant to the provisions of Section 384.25 of the City Code of Iowa.

The Mayor then asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The Clerk advised the Mayor and the Council that ____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE APPLICATION OF EXCESS BOND PROCEEDS OF THE GENERAL OBLIGATION BOND, SERIES 2016A", and moved:

☐ that the Resolution be adopted.

☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the application of bond proceeds to the meeting to be held at _____ o'clock __.M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

Resolution 19-260B

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE APPLICATION OF EXCESS BOND PROCEEDS OF THE GENERAL OBLIGATION BONDS, SERIES 2016A

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the application of not to exceed $362,000 of the general corporate purpose portion of the bond proceeds of the General Obligation Bonds, Series 2016A, dated December 13, 2016, for the additional essential corporate purpose of construction, reconstruction and improvement of real and personal property useful for the protection or reclamation of property within the corporate limits of the city from floods or high waters, and has considered the extent of objections received from residents or property owners as to the proposal and accordingly the following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and takes additional action for the application of not to exceed $362,000 of the general corporate purpose portion of excess bond proceeds of the General Obligation Bonds, Series 2016A, for the foregoing expanded essential corporate purpose.

Section 2. The Council hereby authorizes the use of a not to exceed $362,000 of the general corporate portion for the construction, reconstruction and improvement of real and personal property useful for the protection or reclamation of property within the corporate limits of the city from floods or high waters.

PASSED AND APPROVED this 18th day of November, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF MEETING OF THE COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, ON THE MATTER OF THE PROPOSED APPLICATION OF EXCESS BOND PROCEEDS OF SAID CITY, AND THE HEARING THEREON

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in "_____", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2019.

WITNESS my official signature at Council Bluffs, Iowa, this _____ day of _____, 2019.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

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