

# Agenda Report

November 4, 2013 City Council Meeting

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November 4, 2013

Item Nos. 8-9

**ISSUES: TAKING ADDITIONAL ACTION AND SETTING PROCEDURES FOR ISSUANCE OF 2014  
SERIESA BONDS:**

**BACKGROUND:**

The attached resolutions (13-1170 & 13-1171) are procedural in nature and do not actually authorize the issuance of the 2014 SeriesA Bonds. Resolution 13-1170 institutes proceedings to take additional action on the issuance of not to exceed \$3,250,000 in General Obligation Capital Loan Notes. Resolution 13-1171 directs for the advertisement of \$3,090,000 General Obligation Capital Loan Notes, approves the electronic bidding procedures and adopts the official statement for the issuance (see attached). The actual bond sale will be the \$3,090,000; however we are setting a maximum not to exceed of \$3,250,000 to cover in unanticipated expenses.

**RECOMMENDATION:**

Staff recommends the City Council adopt both resolutions to continue the process of the official issuance of the General Obligation Capital Loan Notes. The final closing date of the notes is set for January 6<sup>th</sup>.

**STAFF CONTACTS:**

Jeffrey A. Fiegenschuh, City Administrator

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Windsor Heights, State of Iowa.  
Date of Meeting: November 4, 2013.  
Time of Meeting: 6 o'clock P.M.  
Place of Meeting: Council Chambers, City Hall, 1133 - 66th Street, Windsor Heights, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

Not To Exceed \$3,250,000 General Obligation Capital Loan Notes, Series 2014A.

- Public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder.
- Resolution instituting proceedings to take additional action.

\$3,090,000 (Dollar Amount Subject To Change) General Obligation Capital Loan Notes, Series 2014A.

- Resolution directing the advertisement for sale and approving electronic bidding procedures and Official Statement.

Such additional matters as are set forth on the additional 12 page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

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City Clerk, City of Windsor Heights, State of Iowa

November 4, 2013

The City Council of the City of Windsor Heights, State of Iowa, met in \_\_\_\_\_ session, in the Council Chambers, City Hall, 1133 - 66th Street, Windsor Heights, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the above date. There were present Mayor \_\_\_\_\_, in the chair, and the following named Council Members:

\_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$3,250,000 General Obligation Capital Loan Notes, Series 2014A, in order to provide funds to pay costs of:

a. the opening, widening, extending, grading, and draining of the right-of-way of streets, the reconstruction, and repairing of street improvements; and the acquisition, installation, and repair of traffic control devices;

b. the acquisition, construction, reconstruction, extension, improvement, and equipping of works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner and for the collection and disposal of surface waters and streams; and

c. the acquisition, construction, reconstruction, improvement, repair, and equipping of waterworks, water mains, and extensions, and real and personal property, useful for providing potable water to residents of a city,

an essential corporate purpose, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes, had been published pursuant to the provisions of Sections 384.24, 384.24A and 384.25 of the City Code of Iowa, as amended.

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 AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$3,250,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2014A", and moved:

- that the Resolution be adopted.
- to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of notes to the meeting to be held at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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 13-1170**

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$3,250,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2014A

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 authorization of a Loan Agreement and the issuance of not to exceed \$3,250,000 General Obligation Capital Loan Notes, Series 2014A, for the purpose of paying costs of:

a. the opening, widening, extending, grading, and draining of the right-of-way of streets, the reconstruction, and repairing of street improvements; and the acquisition, installation, and repair of traffic control devices;

b. the acquisition, construction, reconstruction, extension, improvement, and equipping of works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner and for the collection and disposal of surface waters and streams; and

c. the acquisition, construction, reconstruction, improvement, repair, and equipping of waterworks, water mains, and extensions, and real and personal property, useful for providing potable water to residents of a city,

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 WINDSOR HEIGHTS, STATE OF IOWA:

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization of a Loan Agreement and issuance in the manner required by law of not to exceed \$3,250,000 General Obligation Capital Loan Notes, Series 2014A, to evidence the obligation thereof for the foregoing purpose.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 4th day of November, 2013.

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Mayor

ATTEST:

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City Clerk

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$3,090,000 (DOLLAR AMOUNT SUBJECT TO CHANGE) GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2014A, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT" and moved its adoption. Council Member \_\_\_\_\_ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

**RESOLUTION 13-1171**

RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$3,090,000 (DOLLAR AMOUNT SUBJECT TO CHANGE) GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2014A, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT

WHEREAS, the City of Windsor Heights, State of Iowa, is in need of funds to pay costs of:

a. the opening, widening, extending, grading, and draining of the right-of-way of streets, the reconstruction, and repairing of street improvements; and the acquisition, installation, and repair of traffic control devices;

b. the acquisition, construction, reconstruction, extension, improvement, and equipping of works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner and for the collection and disposal of surface waters and streams; and

c. the acquisition, construction, reconstruction, improvement, repair, and equipping of waterworks, water mains, and extensions, and real and personal property, useful for providing potable water to residents of a city,

an essential corporate purpose projects, and it is deemed necessary and advisable that a form of Loan Agreement be approved and authorized and that the City issue General Obligation Capital Loan Notes, Series 2014A, for such purpose to the amount of not to exceed \$3,250,000 as authorized by Sections 384.24, 384.24A and 384.25 of the City Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24, 384.24A and 384.25 this Council has held a public meeting and hearing today November 4, 2013, upon the proposal to institute proceedings for the issuance of the Notes, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and it is the decision of the Council that additional action be taken for the issuance of \$3,090,000 (Dollar Amount Subject To Change) General Obligation Capital Loan Notes, Series 2014A, and that such action is considered to be in the best interests of the City and the residents thereof; and

WHEREAS, in conjunction with its Financial Advisor, Independent Public Advisors, LLC, the City has caused a Preliminary Official Statement to be prepared outlining the details of the proposed sale of the Note; and

WHEREAS, the Council has received information from its Financial Advisor evaluating and recommending the procedure hereinafter described for electronic, facsimile and internet bidding to maintain the integrity and security of the competitive bidding process and to facilitate the delivery of bids by interested parties; and

WHEREAS, the Council deems it in the best interests of the City and the residents thereof to receive bids to purchase such Notes by means of both sealed and electronic internet communication.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, STATE OF IOWA:**

Section 1. That the receipt of electronic bids by facsimile machine and through the Parity Competitive Bidding System described in the Notice of Sale and Preliminary Official Statement are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That the Preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of

Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Mayor and City Clerk, upon the advice of bond counsel and the City's Financial Advisor, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Notes for sale.

Section 3. Bids for the sale of General Obligation Capital Loan Notes, Series 2014A, of the City of Windsor Heights, State of Iowa, will be received at the office of the City Administrator, City Hall, 1133 - 66th Street, Windsor Heights, Iowa 50311-1799; Telephone: 515-279-3662 (the "Issuer") before 11:00 o'clock A.M., on the 2nd day of December, 2013. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

The Notes: The notes to be offered are the following:

GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2014A, in the amount of \$3,090,000\*, to be dated January 6, 2014 (the "Notes")

\*City reserves the right to increase or decrease the aggregate principal amounts of the Notes. However, the maximum par amount will not exceed \$3,250,000. Such change will be in increments of \$5,000 and may be made in any of the maturities. The purchase price will be adjusted proportionately to reflect any changes in issue size.

Section 4. Open bids will not be received. Bids will be received in any of the following methods:

- Sealed Bidding: Sealed bids may be submitted and will be received at the office of the City Administrator at City Hall, 1133 - 66th Street, Windsor Heights, Iowa 50311-1799.
- Electronic Internet Bidding: Electronic internet bids will be received at the office of the City Administrator at City Hall, 1133 - 66th Street, Windsor Heights, Iowa 50311-1799. The bids must be submitted through the PARITY® competitive bidding system.
- Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the City Administrator at City Hall, 1133 - 66th Street, Windsor Heights, Iowa 50311-1799 (facsimile number: 515-279-3664). Electronic facsimile bids will be sealed and treated as sealed bids.

Section 5. After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Section 6. The sale and award of the Notes will be held at the Council Chambers, City Hall, 1133 - 66th Street, Windsor Heights, Iowa at a meeting of the City Council on the above date at 6:00 o'clock P.M.

Section 7. The Issuer has issued an Official Statement of information pertaining to the Notes to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 1133 - 66th Street, Windsor Heights, Iowa 50311-1799; Telephone:515-279-3662 or the Issuer's Financial Consultant, Independent Public Advisors, LLC, 8805 Chamberry Blvd., Suite 300 #114, Johnston, Iowa, 50131, Telephone: 515-259-8193.

Section 8. All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

Section 9. The notes will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed notes without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the notes, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the bonds.

Section 10. The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

PASSED AND APPROVED this 4th day of November, 2013.

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Mayor

ATTEST:

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City Clerk

