

ITEMS TO INCLUDE ON AGENDA

CITY OF DUBUQUE, IOWA

Not to Exceed \$18,000,000 Stormwater Management Utility Revenue Capital Loan Notes (State of Iowa Revolving Fund Loan)

- Resolution fixing date for a meeting on the proposition to authorize a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligations of the City thereunder.

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

January 7, 2019

The City Council of the City of Dubuque, State of Iowa, met in _____ session, in the Historic Federal Building, 350 West 6th Street, Dubuque, Iowa, at _____ o'clock _____.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$18,000,000 STORMWATER MANAGEMENT UTILITY REVENUE CAPITAL LOAN NOTES OF THE CITY OF DUBUQUE, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", 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 Resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$18,000,000 STORMWATER MANAGEMENT UTILITY REVENUE CAPITAL LOAN NOTES OF THE CITY OF DUBUQUE, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Dubuque, State of Iowa should provide for the authorization of a Loan and Disbursement Agreement and the issuance of Stormwater Management Utility Revenue Capital Loan Notes, in the amount of not to exceed \$18,000,000, as authorized by Section 384.84A of the Code of Iowa, as amended, for the purpose of providing funds to pay costs of carrying out projects as hereinafter described; and

WHEREAS, the City has applied for a loan through the Iowa Water Pollution Control Works Financing Program pursuant to which the Iowa Finance Authority has agreed to purchase the City's Notes and has requested that such Notes be issued as a single Note in a denomination equal to the total amount of the issue as authorized by Chapter 384 of the Code of Iowa; and

WHEREAS, the Loan and Disbursement Agreement and Note shall be payable solely and only out of the Net Revenues of the Stormwater Management Utility System and shall be a first lien on the future Net Revenues of the Utility; 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 Loan and Disbursement Agreement and Note; and

WHEREAS, before the Loan and Disbursement Agreement may be authorized and Stormwater Management Utility Revenue Capital Loan Notes may be issued to evidence the obligation of the City thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal to issue such notes and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Loan and Disbursement Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action, and the right to petition for an election thereon.

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

Section 1. That this City Council meet in the Historic Federal Building, 350 West 6th Street, Dubuque, Iowa, at ____ o'clock ____ M., on the 18th day of February, 2019, for the purpose of taking action on the matter of the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$18,000,000 Stormwater Management Utility Revenue Capital Loan Notes to evidence the obligations of the City thereunder, the proceeds of which will be used to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Stormwater Management Utility, including land acquisition, engineering and construction of the Upper Bee Branch Creek Railroad Culverts Project, part of Phase 7 of the Bee Branch Watershed Flood Mitigation Project, also known as the Upper Bee Branch Creek Restoration Project and water restoration project costs related to the Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Project. The Notes shall bear interest at a rate not exceeding the maximum specified in the attached notice.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than thirty days before the date of the public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action to issue the notes shall be in substantially the following form:

(To be published on or before January 16, 2019)

NOTICE OF MEETING OF THE CITY OF DUBUQUE, IOWA
ON THE MATTER OF THE PROPOSED AUTHORIZATION
OF A LOAN AND DISBURSEMENT AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$18,000,000
STORMWATER MANAGEMENT UTILITY REVENUE
CAPITAL LOAN NOTES, AND THE PUBLIC HEARING ON
THE AUTHORIZATION AND ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Dubuque, Iowa, will hold a public hearing on the 18th day of February, 2019, at _____ o'clock ___.M., in the Historic Federal Building, 350 West 6th Street, Dubuque, Iowa, at which meeting the City Council proposes to take additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$18,000,000 Stormwater Management Utility Revenue Capital Loan Notes to evidence the obligations of the City under the Loan and Disbursement Agreement, bearing interest at a rate of not to exceed 3.00% per annum, in order to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Stormwater Management Utility, including land acquisition, engineering and construction of the Upper Bee Branch Creek Railroad Culverts Project, part of Phase 7 of the Bee Branch Watershed Flood Mitigation Project, also known as the Upper Bee Branch Creek Restoration Project and water restoration project costs related to the Midtown Transfer and Catfish Creek Watershed Pervious Alley Construction Project.

The Notes will not constitute general obligations or be payable in any manner by taxation, but will be payable from and secured by the Net Revenues of the Stormwater Management Utility System. Pursuant to Title 13, Chapter 4 of the Dubuque City Code, stormwater management charges are imposed upon and collected from the owners or occupants of all lots, parcels of real estate and buildings that discharge stormwater or surface or subsurface waters to the City's Stormwater Management Utility System. Separate charges, based on a single family unit ("SFU") rate, are imposed on single-family residential property, non-single family residential property, and nonresidential property. The SFU rate is the dollar value periodically determined and assigned to each single family unit (being the average impervious area of a single-family residential property located within the City, currently 2,917 square feet), as a charge for stormwater management services, and is expressed as \$X.XX per SFU. The SFU rates are described in said Title 13, Chapter 4 and may be adjusted from time to time as set forth therein.

At the above meeting the City 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 City Council will at this meeting or at any adjournment thereof, take additional action for the authorization of the Loan and Disbursement Agreement and the issuance of Notes or will abandon the proposal to issue the Notes.

At any time before the date of said meeting, a petition asking that the question of issuing such Notes be submitted to the legal voters of said City may be filed with the clerk of said City, pursuant to the provisions of Section 384.84A of the Code of Iowa.

This Notice is given by order of the City Council of the City of Dubuque, Iowa, as provided by Section 384.84A of the Code of Iowa.

Dated this _____ day of _____, 2019.

Mayor

(End of Notice)

PASSED AND APPROVED this 7th day of January, 2019.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF DUBUQUE)

I, the undersigned City Clerk of the City of Dubuque, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City 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 public hearing 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 (a copy of the face sheet of the agenda being attached hereto) 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 City hereto affixed this _____ day of
, 2019.

City Clerk, City of Dubuque, State of Iowa

(SEAL)

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF DUBUQUE)

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 Dubuque, in the County of Dubuque, 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 CITY COUNCIL OF THE CITY OF
DUBUQUE, STATE OF IOWA, ON THE MATTER OF THE PROPOSED
AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT
AND THE ISSUANCE OF NOT TO EXCEED \$18,000,000 STORMWATER
MANAGEMENT UTILITY REVENUE CAPITAL LOAN NOTES, SERIES
2019, OF THE CITY OF DUBUQUE, AND THE PUBLIC HEARING ON
THE AUTHORIZATION AND ISSUANCE THEREOF

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 the Telegraph Herald, 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 Dubuque, Iowa, this _____ day of
, 2019.

City Clerk, City of Dubuque, State of Iowa

(SEAL)