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## AGENDA ITEM SUMMARY

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**Subject: Consider Resolution No. 111-21 Setting Public Hearing for consideration of a Planning and Design Revenue Loan in the amount of \$362,000 for design work associated with the Water Department – Clearwell project.**

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**Background Summary:**

This resolution sets public hearing for September 20, 2021 at 6 p.m. to consider entering into a planning and design loan for the Water Department Clearwell project in the amount of \$362,000. This is the amount quoted by SEH Architects to plan and design this project up to putting it out for bid.

This loan is designed to ultimately wrap into the long-term financing of the overall construction project once construction is complete. If we choose not to move forward with bid and construction of the designed project, we would pay this loan back as it is and would do so solely from the revenues of the Water Fund.

RESOLUTION NO. 111-21

Resolution to fix a date for a public hearing on proposal to enter into a Water Revenue Loan and Disbursement Agreement and to borrow money thereunder in a principal amount not to exceed \$362,000

WHEREAS, the City of Charles City (the "City"), in Floyd County, State of Iowa, did heretofore establish a Municipal Waterworks Utility System (the "Utility") in and for the City which has continuously supplied water service in and to the City and its inhabitants since its establishment; and

WHEREAS, the management and control of the Utility are vested in the City Council (the "Council"), and no board of trustees exists for this purpose; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its \$9,800,000 Water Revenue Bond, SRF Series 2009, dated February 11, 2009 (the "Series 2009 Bond"), a portion of which remains outstanding; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its \$404,000 Water Revenue Bond, SRF Series 2009A, dated November 18, 2009 (the "Series 2009A Bond"), a portion of which remains outstanding; and

WHEREAS, pursuant to the resolutions (the "Outstanding Bond Resolutions") authorizing the issuance of the Series 2009 Bond and the Series 2009A Bond (together, the "Outstanding Bonds"), the City reserved the right to issue additional obligations payable from the net revenues of the Utility and ranking on a parity with the Outstanding Bonds under the terms and conditions set forth in the Outstanding Bond Resolutions; and

WHEREAS, the City now proposes to enter into a Water Revenue Loan and Disbursement Agreement (the "Agreement") and to borrow money thereunder in a principal amount not to exceed \$362,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the cost, to that extent, of planning, designing, and constructing improvements and extensions to the Utility (the "Project"), and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Agreement and to give notice thereof as required by such law;

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

Section 1. This City Council shall meet on September 20, 2021 at the City Council chambers and via zoom.com, meeting ID: 787-065-8066, in the City, at 6 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Agreement.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, not less than four (4) and not more than twenty (20) days before the meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE  
PROCEEDINGS TO ENTER INTO A LOAN AND DISBURSEMENT AGREEMENT  
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$362,000

(WATER REVENUE)

The City Council of the City of Charles City, Iowa, will meet on September 20, 2021 at the City Council Chambers and via zoom.com, Meeting ID: 787-065-8066, in the City, at 6 o'clock p.m., for the purpose of instituting proceedings and taking action to enter into a loan and disbursement agreement (the "Agreement") and to borrow money thereunder in a principal amount not to exceed \$362,000, for the purpose of paying the cost, to that extent, of planning, designing, and constructing improvements and extensions to the City's Municipal Waterworks Utility System.

The Agreement will not constitute a general obligation of the City, nor will it be payable in any manner by taxation, but, together with the City's outstanding Water Revenue Bond, SRF Series 2009, dated February 11, 2009; Water Revenue Bond, SRF Series 2009A, dated November 18, 2009; and any additional obligations of the City as may be hereafter issued and outstanding from time to time ranking on a parity therewith, will be payable solely and only from the Net Revenues of the Municipal Waterworks Utility System of the City.

At the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Agreement. After receiving objections, the City may determine to enter into the Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Charles City, Iowa.

Trudy O'Donnell  
City Clerk

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the City declares (a) that it intends to undertake the Project which is reasonably estimated to cost approximately \$362,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

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

Section 5. This resolution shall be in full force and effect immediately upon adoption and approval, as provided by law.

Passed and approved this September 7, 2021.

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Mayor

Attest:

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City Clerk

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On motion and vote, the meeting adjourned.

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Mayor

Attest:

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City Clerk