

**RESOLUTION NO.21-22-12**

**Resolution to fix a date for a public hearing on proposal to enter into a Sewer Revenue Loan and Disbursement Agreement and to borrow money thereunder in a principal amount not to exceed \$1,120,000**

**WHEREAS, the City of Forest City (the "City"), in Hancock and Winnebago Counties, State of Iowa, did heretofore establish a Municipal Sanitary Sewer System (the "Utility") in and for the City which has continuously supplied sanitary sewer 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, the City now proposes to enter into a Sewer Revenue Loan and Disbursement Agreement (the "Agreement") and to borrow money thereunder in a principal amount not to exceed \$1,120,000, 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 Forest City, Iowa, as follows:**

**Section 1. This City Council shall meet on November 15, 2021, at the Council Chambers of City Hall, in the City, at 7:00 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 \$1,120,000**

**(SEWER REVENUE)**

The City Council of the City of Forest City, Iowa, will meet on November 15, 2021, at the Council Chambers of City Hall, in the City, at 7:00 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 \$1,120,000, for the purpose of paying the cost, to that extent, of planning, designing and constructing improvements and extensions to the City's Municipal Sanitary Sewer 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 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 Sanitary Sewer 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 Forest City, Iowa.

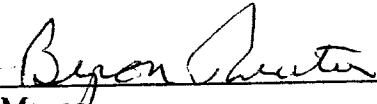
Daisy Huffman  
City Clerk

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 \$1,120,000, (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.

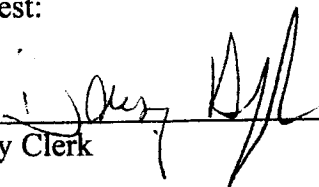
Section 4 All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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

Passed and approved this November 1, 2021.

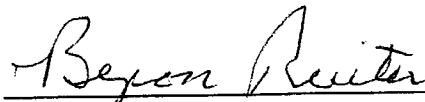
  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

....

On motion and vote, the meeting adjourned.

  
\_\_\_\_\_  
Mayor

Attest:

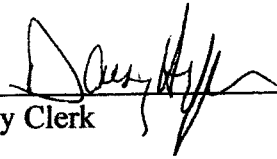
  
\_\_\_\_\_  
City Clerk

**ATTESTATION CERTIFICATE:**

STATE OF IOWA  
COUNTIES OF HANCOCK AND WINNEBAGO                      SS:  
CITY OF FOREST CITY

I, the undersigned, City Clerk of the aforementioned City, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to fixing a date for hearing on the City Council's proposal to take action in connection with a Sewer Revenue Loan and Disbursement Agreement.

WITNESS MY HAND this 2<sup>nd</sup> day of November, 2021.

  
\_\_\_\_\_  
City Clerk

**ORGANIZATION AND ESTABLISHMENT CERTIFICATE:**

STATE OF IOWA  
COUNTIES OF HANCOCK AND WINNEBAGO           SS:  
CITY OF FOREST CITY

I, the undersigned City Clerk, do hereby certify that the aforementioned City is organized and operating under the provisions of Title IX of the Code of Iowa and not under any special charter and that such City is operating under the Mayor-Council form of government and that there is not pending or threatened any question or litigation whatsoever touching the incorporation of the City, the inclusion of any territory within its limits or the incumbency in office of any of the officials hereinafter named.

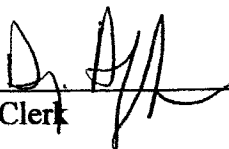
And I do further certify that the following named parties are officials of the City as indicated:

- Byron Ruitter, Mayor
- Daisy Huffman, City Administrator/Clerk
- Daisy Huffman, City Treasurer
- Ronald Holland, Council Member/Mayor Pro Tem
- Brad Buffington, Council Member
- Daniel Davis, Council Member
- Anthony Mikes, Council Member
- Winfield Pehrson, Council Member
- Karl Wooldridge, Council Member
- Dennis Zehren, Council Member

I further certify that the City established the Municipal Sanitary Sewer System (the "Utility") and that the Utility has been in continuous operation by the City since its establishment as aforesaid in supplying sanitary sewer service to the City and its inhabitants.

I further certify that the management and control of the Utility are vested in the City Council of the City, and that no board of trustees exists which has any part of the control and management of such Utility.

WITNESS MY HAND this 2<sup>nd</sup> day of November, 2021.

  
\_\_\_\_\_  
City Clerk

**OUTSTANDING DEBT CERTIFICATE:**

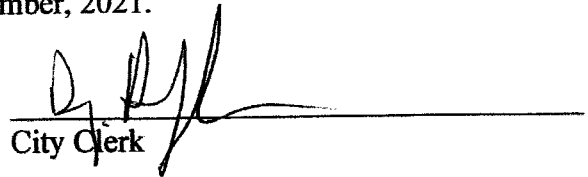
STATE OF IOWA  
COUNTIES OF HANCOCK AND WINNEBAGO                      SS:  
CITY OF FOREST CITY

I, the undersigned, City Clerk of the City of Forest City, Iowa (the "City"), do hereby certify that the City has no bonds or other obligations of any kind now outstanding which are secured by and payable from the revenues derived from the operation of the Municipal Sanitary Sewer System (the "Utility"), except as follows:

Date	Type	Principal Amount Outstanding	Maturity
NONE			

**(Attach here a separate sheet listing any outstanding obligations of the City secured by and payable from the revenues of the Utility excluding the proposed issue.)**

WITNESS MY HAND this 2<sup>nd</sup> day of November, 2021.

  
\_\_\_\_\_  
City Clerk

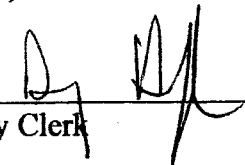
**PUBLICATION CERTIFICATE:**

**(PLEASE NOTE: Please do not date and return this certificate until you have received the publisher's affidavit and have verified that the notice was published on the date indicated in the affidavit, but please return all other completed pages to us as soon as they are available.)**

STATE OF IOWA  
COUNTIES OF HANCOCK AND WINNEBAGO SS:  
CITY OF FOREST CITY

I, the undersigned, City Clerk of the aforementioned City, do hereby certify that pursuant to the resolution of its City Council fixing a date of meeting at which it is proposed to take action to enter into a loan and disbursement agreement, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this 2<sup>nd</sup> day of November, 2021.

  
\_\_\_\_\_  
City Clerk

**(Attach here the publisher's original affidavit with clipping of the notice, as published.)**

Rec 11/8/21

\*\*\* Proof of Publication \*\*\*

State of Iowa  
Counties of Hancock and Winnebago

NOTICE OF PROPOSED ACTION  
TO INSTITUTE PROCEEDINGS  
TO ENTER INTO A LOAN AND  
DISBURSEMENT AGREEMENT  
IN A PRINCIPAL AMOUNT  
NOT TO EXCEED \$1,120,000  
(SEWER REVENUE)

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

Daisy Huffman  
City Clerk

CITY OF FOREST CITY

PO BOX 346  
FOREST CITY, IA 50436

ORDER NUMBER 383700

I, Michelle Graham, being duly sworn, on oath, do depose and say that I am Customer Services Representative of The North Iowa Media Group and I am authorized to make this affidavit, that The Summit Tribune is a weekly newspaper regularly published and printed in the English language in the City of Britt, Hancock County, Iowa, and in the City of Forest City, Winnebago County, Iowa, has a general circulation in the said cities and counties; and that I personally know that the notice, a true copy of which is hereto affixed, was published in the Summit Tribune on the following days, to-wit:

Section: Announcements

Category: 190 Legals

PUBLISHED ON: 11/02/2021

TOTAL AD COST: 24.89

FILED ON: 11/3/2021

That the issues of said paper containing said notice were duly circulated in the regular manner.

Michelle Graham

Chelsi Sue Ciavarelli  
Notary Public in and for Said County

