

RESOLUTION NO. 2021-74

A RESOLUTION TAKING ADDITIONAL ACTION ON PROPOSAL TO ENTER INTO A LOAN AGREEMENT, COMBINING LOAN AGREEMENTS AND AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH

WHEREAS, the City of Independence (the “City”), in Buchanan County, State of Iowa has heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$2,596,000 for the purpose of paying the costs, to that extent, of 1) constructing street, water system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting, signage and signalization improvements; (3) acquiring equipment for and effecting improvements to the municipal airport; (4) acquiring vehicles and equipment for municipal parks and the public works department and has published notice of the proposed action and has held a hearing thereon on March 22, 2021; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$380,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of April 26, 2021, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement be submitted to the registered voters of the City; and

WHEREAS, pursuant to the provisions of Section 384.28 of the Code of Iowa, the City combined the Essential Purpose Loan Agreement and the General Purpose Loan Agreement into a single loan agreement (the “Corporate Purpose Loan Agreement”); and

WHEREAS, the City also proposed to enter into a loan agreement (the “Sewer Utility Loan Agreement”), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$770,000 for the purpose of paying the costs, to that extent, of constructing improvements to the municipal sanitary sewer utility system and has published notice of the proposed action and has held a hearing thereon on June 28, 2021; and

WHEREAS, the City intends to combine the Sewer Utility Loan Agreement and the Corporate Purpose Loan Agreement into a common loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligations thereunder;

WHEREAS, a Preliminary Official Statement (the “P.O.S.”) has been prepared to facilitate the sale of General Obligation Corporate Purpose Bonds, Series 2021 (the “Bonds”) in evidence of the obligation of the City under the Loan Agreement, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by Speer Financial, Inc., as municipal financial advisor (the “Financial Advisor”) to the City; and;

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

Section 1. The Corporate Purpose Loan Agreement and the Sewer Utility Loan Agreement are hereby combined into the Loan Agreement. The City Council hereby determines to enter into the Loan Agreement in the future and orders the Bonds to be issued at such time, in evidence thereof. The City Council further declares that this resolution constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 2. The City Clerk and City Manager are hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of the Financial Advisor, to prepare the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

Section 3. The use by the Financial Advisor of the P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the City is hereby approved, and the Financial Advisor is hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the City Clerk and/or City Manager are hereby authorized and directed to execute a final Official Statement for the Bonds, if

requested. The P.O.S. as of its date is deemed final by the City within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 4. Further action with respect to the Loan Agreement and the Bonds is hereby adjourned to the City Council meeting scheduled for July 12, 2021.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Resolution No. 2021-74 was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 28th day of June, 2021.

Record of Voting:

Ayes: Scharff, Kurtz, O'Loughlin, Hanna, Callahan, Rodriguez, and Hill.

Nays:

Absent:

Resolution No. 2021-74 declared passed and adopted by the Mayor on this 28th day of June, 2021.



Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:



Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, Iowa