

MINUTES OF MEETING TO SET DATE  
FOR ELECTION

439235-7

West Branch, Iowa

August 18, 2014

The City Council of the City of West Branch, Iowa, met at the City Hall Council Chambers, in the City, at seven o'clock p.m., on August 18, 2014. The meeting was called to order and there were present the Mayor and the following named Council Members:

Present: Jordan Ellyson, Colton Miller, Mary Beth Stevenson,

Brian Pierce, and Tim Shields

Absent: None.

The Council took up and considered the matter of calling a special election on the proposition of entering into a general obligation loan agreement and issuing bonds to borrow money for the purpose of paying the cost, to that extent, of undertaking the West Branch Park Improvements Project, including ball diamonds; volleyball courts; lighting improvements; playground equipment; concessions, restroom and shelter facilities; recreation trails; landscaping; parking lots; and the installation of related public infrastructure improvements.

Council Member Stevenson introduced and moved the adoption of the resolution next hereinafter set out, seconded by Council Member Shields. After due consideration of the resolution by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Stevenson, Shields, Ellyson, Miller, Pierce

Nays: None.

Whereupon, the Mayor declared the motion duly carried and the resolution adopted in substantially the following form:

RESOLUTION NO. 1229

Resolution calling an election on the proposition to enter into a loan agreement and issue bonds

WHEREAS, it has been proposed that the City of West Branch, Iowa (the “City”), enter into a loan agreement and borrow money in a principal amount not to exceed \$4,000,000 to provide funds to pay the cost, to that extent, of undertaking the West Branch Park Improvements Project, including ball diamonds; volleyball courts; lighting improvements; playground equipment; concessions, restroom and shelter facilities; recreation trails; landscaping; parking lots; and the installation of related public infrastructure improvements (hereinafter referred to as the “Project”); and

WHEREAS, pursuant to Chapter 384 of the Code of Iowa, before the City may enter into the loan agreement and issue bonds for such purpose, the City must hold a special election upon such proposition and receive a favorable vote from at least 60% of the total votes cast at such special election;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, as follows:

Section 1. A special municipal election is hereby called and ordered to be held in and for the City on November 4, 2014, at which there will be submitted to the voters of the City the following proposition:

*Shall the City of West Branch, in Cedar and Johnson Counties, Iowa, enter into a loan agreement and issue bonds in an amount not exceeding \$4,000,000 for the purpose of paying the cost, to that extent, of undertaking the West Branch Park Improvements Project, including ball diamonds; volleyball courts; lighting improvements; playground equipment; bleachers; concessions, restroom and shelter facilities; recreation trails; landscaping and turf management; parking lots; excavation and the installation of related public infrastructure improvements?*

Section 2. The Cedar County Commissioner of Elections is hereby authorized and requested to issue a proclamation and notice of the election on the proposition and of the time and place thereof and to take all other actions necessary pursuant to state law to conduct the election. Furthermore the Johnson County Commissioner of Elections is hereby authorized and requested to issue a proclamation and notice of the election on the proposition and of the time and place thereof and to take all other actions necessary pursuant to state law to conduct the election.

Section 3. All of the foregoing matters are adopted and resolved by this Council, and the City Clerk is hereby directed to give written notice thereof by submitting a copy of this resolution by no later than 5:00 p.m. on the last day for filing of nomination papers for the general election to the Cedar County Commissioner of Elections and the Johnson County Commissioner of Elections, who have the duty to conduct this election, for approval, ratification

and confirmation to the extent required by Iowa law, and such County Commissioners of Elections shall signify such approval, ratification and confirmation and shall order the election to be conducted in the manner set forth herein by signing the order attached to this resolution.

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

Passed and approved August 18, 2014.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

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On motion and vote, the meeting adjourned.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

ORDER REGARDING CONDUCT OF ELECTION

As County Auditor of Cedar County, Iowa, I do hereby approve, ratify and confirm all action taken by the City Council of the City of West Branch, Iowa, incorporated in the attached and foregoing resolution, adopted on August 18, 2014, by such Council, and as Commissioner of this election, do hereby order that the special election referred to in such resolution shall be administered and conducted in the manner provided in such resolution and as required by state law.

WITNESS MY HAND this 19<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
County Auditor of Cedar County, Iowa

ORDER REGARDING CONDUCT OF ELECTION

As County Auditor of Johnson County, Iowa, I do hereby approve, ratify and confirm all action taken by the City Council of the City of West Branch, Iowa, incorporated in the attached and foregoing resolution, adopted on August 18, 2014, by such Council, and as Commissioner of this election, do hereby order that the special election referred to in such resolution shall be administered and conducted in the manner provided in such resolution and as required by state law.

WITNESS MY HAND this 19th day of August, 2014.

Travis Weipert  
County Auditor of Johnson County, Iowa Deputy

STATE OF IOWA  
COUNTIES OF CEDAR AND JOHNSON           SS:  
CITY OF WEST BRANCH

I, the undersigned, City Clerk of the City of West Branch, do hereby certify that as such Clerk I have in my possession or have access to the complete corporate records of the City and of its officials and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all of the corporate records in relation to the calling of a special election on the proposition of entering into a loan agreement to borrow money for the purpose of paying the cost, to that extent, of undertaking the West Branch Park Improvements Project, including ball diamonds; volleyball courts; lighting improvements; playground equipment; concessions, restroom and shelter facilities; recreation trails; landscaping; parking lots; and the installation of related public infrastructure improvements, and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time in relation to the loan agreement.

I do further certify that on the 19<sup>th</sup> day of August, 2014, such time being prior to 5:00 p.m. of the last day for filing nomination papers for the general election, I caused written notice of the proposed date of election to be mailed or delivered to the Cedar and Johnson County Commissioners of Elections and did thereafter receive written approval from the Commissioners of such date.

WITNESS MY HAND this 19<sup>th</sup> day of August, 2014.

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

**(PLEASE NOTE: 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 CEDAR AND JOHNSON                   SS:  
CITY OF WEST BRANCH

I, the undersigned, City Clerk of the City of West Branch do certify that the Notice of Special Election, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

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