

MINUTES FOR HEARING ON AND
APPROVAL OF LEASE-PURCHASE
AGREEMENT

419893-75

Dyersville, Iowa

June 5, 2023

The City Council of the City of Dyersville, Iowa, met on June 5, 2023, at 6:00 p.m., at the Memorial Building, 340 1st Avenue East, Dyersville, Iowa.

The meeting was called to order by the Mayor, and the roll was called showing the following members of the Council present and absent:

Present: _____

Absent: _____.

This being the time and place specified for taking action on the proposal to enter into a General Fund Snow Plow Truck Lease-Purchase Agreement, the City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections, and there were none. There being no further objections or comments, the Mayor announced that the hearing was closed.

After due consideration and discussion, Council Member _____ introduced the following resolution and moved its adoption, seconded by Council Member _____. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted, as follows:

RESOLUTION NO. 42-23

Resolution approving and authorizing a General Fund Snow Plow Truck Lease-Purchase Agreement with lease payments thereunder in a principal amount not to exceed \$225,000

WHEREAS, pursuant to the provisions of Section 364.4 of the Code of Iowa, the City of Dyersville (the “City”), in Delaware and Dubuque Counties, State of Iowa heretofore proposed to contract indebtedness and enter into a General Fund Snow Plow Truck Lease-Purchase Agreement (the “Lease-Purchase Agreement”) with principal lease payments thereunder in an amount not to exceed \$225,000, for the purpose of acquiring a snow plow truck for use by the City’s public works department, and has held a public hearing thereon on June 5, 2023; and

WHEREAS, it is now necessary to authorize and approve the Lease-Purchase Agreement;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Dyersville, Iowa, as follows:

Section 1. The Lease-Purchase Agreement with American Capital Financial Services, Inc., in substantially the form as has been presented to and considered by this Council and containing substantially the same terms and provisions set forth therein, is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to make such changes thereto as they, with the advice of legal counsel, deem necessary and to execute and deliver the Lease-Purchase Agreement and to execute any and all other documents and do any and all things deemed necessary in order to accomplish the purposes of the Lease-Purchase Agreement and this resolution.

Section 2. The City Council hereby covenants to appropriate to the General Fund, during the term of the Lease-Purchase Agreement, sufficient funds to pay lease payments due under the Lease-Purchase Agreement as such payments become due in an aggregate amount not to exceed \$225,000. The City hereby pledges the General Fund of the City for the full and prompt payment of the Lease-Purchase Agreement. Lease payments shall be made as set forth in the Lease-Purchase Agreement. In compliance with Section 384.24A of the Code of Iowa, it is hereby found that the maximum annual payments (the “Payments”) owed under the Lease-Purchase Agreement, plus any corresponding maximum annual debt service amounts owed on other currently outstanding obligations secured exclusively with the General Fund of the City, does not exceed 10% of the last certified General Fund budget of the City.

Section 3. The City’s obligations under the Lease-Purchase Agreement shall be expressly subject to annual appropriation by the Board, and the City shall have no continuing obligation to appropriate money for the Payments in any fiscal year beyond the fiscal year for which funds have been appropriated for the Payments.

Section 4. It is the intention of the City that interest payable under the Lease-Purchase Agreement be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof, the City covenants to comply with the provisions of the

Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest payable under the Lease-Purchase Agreement will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Lease-Purchase Agreement as a “Qualified Tax Exempt Obligation” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 5. All resolutions and orders or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

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

Passed and approved June 5, 2023.

Jeff Jacque, Mayor

Attest:

Tricia L. Maiers, City Clerk

• • • •

On motion and vote, the meeting adjourned.

Jeff Jacque, Mayor

Attest:

Tricia L. Maiers, City Clerk

ATTESTATION CERTIFICATE

STATE OF IOWA
DELAWARE AND DUBUQUE COUNTIES
CITY OF DYERSVILLE

SS:

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 the hearing on and approval of a certain Lease-Purchase Agreement.

I further certify that no appeal has been taken to the District Court from the decision of the City Council to enter into the Lease-Purchase Agreement.

WITNESS MY HAND this _____ day of _____, 2023.

Tricia L. Maiers, City Clerk