

Mitchell Co/New/1st 1/2 L-P Agr

RESOLUTION NO. 446-99

To fix a date for a public hearing on a Lease-Purchase Agreement

WHEREAS, the Board of Supervisors (the "Board") of Mitchell County, Iowa (the "County"), proposes to enter into a lease-purchase agreement (the "Lease-Purchase Agreement") in a principal amount not to exceed \$130,000 pursuant to the provisions of Section 331.301 of the Code of Iowa for the purpose of acquiring a fire truck for the St. Ansgar Community Fire Department, and it is necessary to fix a date of meeting of the Supervisors at which it is proposed to take action to enter into the Lease-Purchase Agreement and to give notice thereof as required by such law;

WHEREAS, it is necessary to fix a date of meeting of this Board at which it is proposed to take action to enter into the Lease-Purchase Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Mitchell County, Iowa, as follows:

Section 1. This Board shall meet on the 12th day of January, 1999, at the Mitchell County Courthouse, Osage, Iowa, at 10:00 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Lease-Purchase Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Lease-Purchase 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 and not less than four nor more than twenty days before the meeting, in a legal newspaper of general circulation in the County.

The notice shall be in substantially the following form:

Mitchell Co/New/1st 1/2 L-P Agr

**NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER
INTO A LEASE-PURCHASE AGREEMENT IN A PRINCIPAL AMOUNT NOT
TO EXCEED \$130,000**

The Board of Supervisors of Mitchell County, Iowa, will meet on the 12th day of January, 1999, at the Mitchell County Courthouse, Osage, Iowa, at 10:00 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a lease-purchase agreement (the "Lease-Purchase Agreement") in a principal amount not to exceed for the purpose of acquiring a fire truck for the St. Ansgar Community Fire Department.

The Lease-Purchase Agreement will not constitute a general obligation of the County but will be payable by taxes levied on property located within Mitchell, Newburg, Otranto, Rock and St. Ansgar Townships (excluding property within a benefitted fire district or within the corporate limits of a city) pursuant to Section 359.43 of the Code of Iowa and from amounts on deposit annually in the general fund of the City of Carpenter, Iowa.

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

By order of the Board of Supervisors of Mitchell County, Iowa.

Sandra Heckstein
County Auditor

Mitchell Co/New/1st 1/2 L-P Agr

Section 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Passed and approved January 5, 1999.

Bob Pennington
Chairperson, Board of Supervisors

Attest:

Sandra Heckerstein
County Auditor

Mitchell Co/New/1st 1/2 L-P Agr

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On motion and vote, the meeting adjourned.

Bob Cunningham
Chairperson, Board of Supervisors

Attest:

Sandra Heckstein
County Auditor

STATE OF IOWA

SS:

MITCHELL COUNTY

I, the undersigned, County Auditor of the aforementioned County, do hereby certify that attached hereto is a true and correct copy of the proceedings of the Board of Supervisors relating to fixing a date for hearing on the Board's proposal to take action in connection with a Lease-Purchase Agreement, as referred to therein.

WITNESS MY HAND and the seal of the County hereto affixed this 5th day of January, 1999.

Sandra Heckstein
County Auditor

(Seal)

DORSEY & WHITNEY LLP

ATTORNEYS AT LAW

COPY

MINNEAPOLIS
WASHINGTON, D.C.
LONDON
BRUSSELS
HONG KONG
DES MOINES
ROCHESTER
COSTA MESA

801 GRAND, SUITE 3900
DES MOINES, IOWA 50309
TELEPHONE: (515) 283-1000
FAX: (515) 283-1060

NEW YORK
DENVER
SEATTLE
FARGO
BILLINGS
MISSOULA
GREAT FALLS

January 4, 1999

Sandra Heckstein
Mitchell County Auditor
Mitchell County Courthouse
Osage, Iowa 50461

Re: Mitchell County, Iowa
Not to Exceed \$130,000 Lease-Purchase Agreement

Dear Ms. Heckstein:

We have prepared and enclose proceedings to enable the Board to act at its January 5 meeting to set January 12 as the date for the hearing on the proposal to enter into the captioned Lease-Purchase Agreement.

The documents enclosed are as follows:

1. Resolution fixing the time and place for the hearing on the Lease-Purchase Agreement.

The form of notice is set out under Section 2 of the resolution, and an extra copy is enclosed for delivery to the publisher.

2. Certificate attesting the transcript.
3. Certificate as to publication of the notice, to which must be attached the publisher's affidavit of publication with a clipping of the notice as published.

The notice must be published at least once, not less than 4 nor more than 20 days before the meeting date set for the hearing in a legal newspaper of general circulation in the County. You may also publish in all of your other designated newspapers if you wish.

As soon as the notice appears in the newspaper, please have a clipping forwarded to our office so we may check its sufficiency.

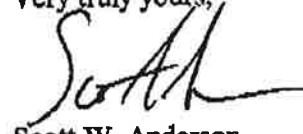
DORSEY & WHITNEY LLP

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As soon as possible after the Board meeting, please return one fully executed copy of all of the completed pages in these proceedings, except the certificate attesting to the publication of the notice (the last page of the proceedings). Please return that page to us after you have received the publisher's affidavit with respect to the notice.

If you have any questions, please don't hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott W. Anderson", written over the typed name.

Scott W. Anderson

SWA/lcd
Mitchell Co/New/1st 1/2 L-P
Enclosures

MINUTES TO SET DATE FOR HEARING ON
ENTERING INTO A LEASE-PURCHASE
AGREEMENT

(N/I)

Osage, Iowa

January 5, 1999

The Board of Supervisors of Mitchell County, Iowa, met on January 5, 1999, at 9:00 o'clock a.m., at the Mitchell County Courthouse, Osage, Iowa. The Chairperson presided and the roll was called showing the following members of the Board present and absent:

Present: Squier, Jahnel, Pennington
Absent: none

Supervisor Squier introduced a resolution hereinafter next set out and moved its adoption, seconded by Supervisor Jahnel; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

Ayes: Squier, Jahnel, Pennington
Nays: none

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