MAY 28, 1954

Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls, Idaho, met in a Special Session on May 28, 1954, at 8:00 P.M. in the City Hall, Idaho Falls, Idaho, for the purpose of considering appointment of Fiscal Agent and the sale of Bonds in L.I.D. No. 24 to be created. Present: E.W. Fanning, Mayor; Councilmen Foote, Rogers, Freeman and Petersen. Absent, None. Also present: S. R. Rostad, City Clerk; Arthur L. Smith, City Attorney.

R E S O L U T I O N

WHEREAS, it is the intention of the City of Idaho Falls, to create L.I.D. #24 for paving streets and sidewalks and construction of gutters in said City, and to issue bonds of the City to defray the construction and other costs of said District; and

WHEREAS, it is the intention of the City to employ a Fiscal Agent or Agents to cause the proceedings in creating the District to be conducted according to law, and to cause the bonds to be issued in due form, and to sell the bonds for the City, or cause them to be sold, at the lowest possible interest rate and at a time most advantageous to the City; and

WHEREAS, the hereinafter named persons, firms and corporations have offered to act as such Fiscal Agents, and have agreed to sell said bonds for the City upon the terms hereinafter set forth.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL, as follows: That the Mayor of the City of Idaho Falls be, and he is, hereby authorized and directed to enter into a contract on behalf of said City with Continental Bank & Trust Co., Edward L. Burton & Company, Thornton D. Morris & Co., F. T. Boise and Company, Lincoln Ure and Company, and First Security Bank of Utah, N. A., hereinafter designated agents, which contract shall provide as follows:

1) The City shall pay the Agents jointly for their services a fee equal to 4% of the total face value of the bonds issued, the total face value of said bonds to be $400,000 more or less; the City shall pay said fee at the time all of said bonds are sold.

2) The Agents shall cause all the proceedings necessary in the creation of the District, and the furnishing issuance and printing of the bonds, to be conducted according to law, and shall pay at their own proper cost all expenses of said proceedings and issuance, furnishing and printing of the bonds, including all attorney's fees, with the exception however of the costs of any and all newspaper publications, which latter expense shall be paid by the City.

3) The Agents shall covenant and agree jointly to sell the bonds at face value and to deliver the proceeds to the City as soon as possible after the bonds are issued; and the Agents shall further agree to cause the bonds to be issued and sold as soon as the City shall require their proceeds to pay construction costs in the District.

4) The Agents shall further covenant and agree that none of said bonds, or any of their maturities, shall bear interest at a higher rate than 3¾% per annum.

5) The City and the Agents shall further agree that in the event the United States shall declare war, or in the event that military forces of the United States shall be participating in, or engaged in, acts of war against any foreign nation or nations prior to the time the City shall award the construction contract in said Local Improvement District, and in the event war or such acts of war shall materially impair the market in Municipal Bonds, then, and in such events the Agents may, at their option, declare their obligations under the terms of said contract to be null and void, and shall thereafter be relieved of the same, in which instance the City shall be under no obligation to pay for their services. Notice of intention to declare said contract void for the reasons above set forth, must be in writing and must be delivered to the Mayor or to the Council prior to the awarding of said construction contract; otherwise the contract shall remain in full force and effect.

6) The Agents shall further agree to ascertain at or before the issuance of said bonds whether a sale of said bonds can be achieved at a lower interest rate than 3 ¾% per annum, and in the event they can be, the City shall receive the benefit of such lower rate.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 28th DAY OF MAY, 1954.

ATTEST: s/ S. R. Rostad — City Clerk

s/ E. W. Fanning — Mayor

It was moved by Councilman Rogers and seconded by Foote, that the above Resolution be accepted and passed. Roll call resulted as follows: Yes, Councilmen Petersen, Freeman, Foote and Rogers; No, None; Motion carried.

It was moved by Councilman Rogers and seconded by Foote, that the Council adjourn; Carried.

ATTEST: s/ S. R. Rostad — City Clerk

s/ E. W. Fanning — Mayor

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