

(Published in *The Neodesha Derrick* on November 1, 2018)

ORDINANCE NO. 1704

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AMENDING  
ORDINANCE NO. 1622.

WHEREAS, the City of Neodesha, Kansas (the “City”) has previously adopted Ordinance No. 1622 (the “Original Ordinance”), which Original Ordinance authorized the City to acquire and construct certain improvements to and otherwise reconstruct, improve, equip and rehabilitate the municipal water system (the “Water System”), including particularly the acquisition, construction, and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto (defined therein, the “Project”); and

WHEREAS, the City has found it necessary to expand the scope of the Project to include the:

acquisition, construction, replacement and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto; repair of the Fall River dam; upgrade the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replace existing motors with Variable Frequency Drive (VFD); and upgrade the SCADA computer system that monitors and runs the water treatment plant (the “Water Project”)

WHEREAS, the Original Ordinance authorized, ordered and directed that the Water Project be acquired at total estimated costs of Three Million Dollars (\$3,000,000) which estimated costs were to be paid from the City’s general obligation bonds to be issued by the City in an amount not to exceed \$3,000,000; and

WHEREAS, the estimate of the costs of the Water Project has been revised to include the expanded Water Project, and together with estimated fees and expenses of financing said acquisition, the costs exceed the original estimate and the governing body finds and determines it desirable to acquire the Water Project at an estimated cost of \$6,500,000, including fees and expenses of financing; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend Ordinance No. 1622 of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1. Amendment to the 2<sup>nd</sup> Whereas Clause. The second Whereas Clause of the Original Ordinance is hereby repealed and replaced with the following:

WHEREAS, said Water System constitutes a “public water supply system” within the meaning of K.S.A. 65-162a and the governing body of said City hereby finds and determines it necessary and advisable to acquire and construct certain improvements to, and otherwise reconstruct, improve, equip, rehabilitate and extend the Water System, including particularly the acquisition, construction, replacement and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto; repair of the Fall River dam; upgrade the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replace existing motors with Variable Frequency Drive (VFD); and upgrade the SCADA computer system that monitors and runs the water treatment plant (the “Water Project”); and

Section 2. Amendment to Sections 1, 2, 3 and 4. Sections 1, 2, 3 and 4 of the Original Ordinance (as defined above) are hereby repealed and replaced with the following:

Section 1. It is hereby found and determined to be necessary and advisable to acquire, construct and install the Water Project in accordance with certain plans and specifications as previously approved by, or on this date before, the governing body of the City.

Section 2. It is hereby authorized, ordered and directed that the Water Project be acquired, constructed and installed, all as hereinbefore described, at a total estimated cost not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000), which estimate includes all fees and expenses of financing the Water Project.

Section 3. It is hereby further authorized, ordered and directed that the costs of acquiring, constructing and installing the Water Project shall be paid from the proceeds of the City’s general obligation bonds to be issued by the City in an amount which shall not exceed \$6,500,000; and said bonds may be issued in combination with any other bonds being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City’s best interest. The City shall continue to seek and review the best possible methods of permanent financing as it proceeds with the Water Project.

Section 4. Temporary Notes. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the Water Project until the issuance of the general obligation bonds as hereinbefore provided, there shall be issued temporary improvement notes (the “Notes”), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Water Project; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the

improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the improvements. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and the Water Act, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

Section 3. Definitions. All words and terms not otherwise defined herein shall have the meanings ascribed to them by Ordinance No. 1622 of the City.

Section 4. Effect of Amendments. Except as specifically set forth herein, or as amended hereby, Ordinance No. 1622 is hereby ratified and confirmed and shall continue to be in effect.

Section 5. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication hereof one time in the City's official newspaper.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas on October 24, 2018.

CITY OF NEODESHA, KANSAS

[seal]

/s/Terry M. Harper  
Terry M. Harper, Mayor

ATTEST:

/s/Bobby Busch  
Bobby Busch, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Neodesha, Kansas met in regular session, at the usual meeting place in said City on October 24, 2018, at 2:00 p.m., with Mayor Terry M. Harper presiding, and the following members of the governing body present:

Commissioner J. D. Moffatt  
Commissioner Devin Johnson

and the following members absent:

None

Among other business, there came on for consideration and discussion the following:

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS, AMENDING  
ORDINANCE NO. 1622.

After discussion, upon motion by Commissioner Moffatt, seconded by Commissioner Johnson, each section of the Ordinance was passed by a majority of the members elect.

A majority of the members elect having voted in favor of the passage of said Ordinance, it was designated Ordinance No. 1704 and was ordered to be executed by the Mayor and by the City Clerk, and the City Clerk was directed to publish the Ordinance one time in the official city newspaper as required by law and provided therein.

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CITY CLERK'S  
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the October 24, 2018 regular meeting of the governing body of the City of Neodesha, Kansas.

[seal]

/s/Bobby Busch  
Bobby Busch, City Clerk