

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

ORDINANCE NO. 1705

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE CITY TO MAKE SEWER IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$1,500,000 TO PAY THE COSTS OF THE SEWER IMPROVEMENTS.

WHEREAS, K.S.A. 12-617 *et seq.* (the “Sewer Act”), authorizes any city having a population of less than 80,000 which has not divided the city into more than one district for sewer purposes to build construct or purchase lift stations, sewers, sewer lines and related appurtenances and to issue general obligation bonds of the city to finance the costs of such improvements; and

WHEREAS, the City of Neodesha, Kansas (the “City”) has a population of less than 80,000 and has not divided the City into more than one district for sewer purposes; and

WHEREAS, the governing body of the City has determined it necessary to acquire and install sanitary sewer lines, extensions and lift stations for the City’s wastewater treatment facilities, at an estimated cost of \$1,500,000 (the “Sewer Project”); and

WHEREAS, the governing body finds that the Sewer Project is a necessary and integral part of the City’s sewer system; and

WHEREAS, it is necessary and desirable to pay all or a portion of the costs of the Sewer Project authorized by this resolution through the issuance of general obligations bonds of the City.

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

Section 1. Authorization of Sewer Project. The Sewer Project (as defined above) is authorized and directed to be completed pursuant to the Sewer Act (as defined above) in accordance with certain estimates, plans and specifications before the governing body on this date.

Section 2. Payment of Sewer Project Costs. It is hereby further found and determined that the estimated cost of construction of the Sewer Project is \$1,500,000 of which \$1,500,000 shall be payable by the city-at-large and paid through the issuance of general obligation bonds of the City as provided by the Sewer Act.

Section 3. Authorization of the Bonds. It is hereby further found and determined to be necessary and it is hereby authorized, ordered and directed that in order to provide the necessary funds to pay a portion of the cost of the Sewer Project, there shall be issued General

Obligation Bonds in the total aggregate principal amount which shall not exceed \$1,500,000; 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.

Section 4. Temporary Notes. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the Sewer 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 Sewer 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 Sewer 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 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.

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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:

J. D. Moffatt, Commissioner
Devin Johnson, Commissioner

and the following members absent:

None

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

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After discussion, upon motion by Commissioner Johnson, seconded by Commissioner Moffatt, 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. 1705 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.

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