

ORDINANCE NO. 1930

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, AUTHORIZING THE CITY TO MAKE SEWER IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$40,000,000 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 Andover, 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, K.S.A. 12-1736 to 12-1739, inclusive, as amended (“Public Building Act”), authorizes the governing body of the City to acquire and construct, make repairs, reconstruct, remodel, replace, make additions to, furnish or equip any public building and to issue general obligation bonds of the City for such purposes; and

WHEREAS, the governing body of the City previously found it necessary to improve the City’s sewer and wastewater treatment system by constructing wastewater treatment plant and related facilities, all to serve the City’s municipal sewer system, and all things necessary and incidental thereto (the “Project”); and

WHEREAS, no portion of the Project constitute city offices, public libraries, auditoriums, or community or recreational buildings; and

WHEREAS, the estimated costs of the Project financed by the City is \$40,000,000, plus necessary costs of issuing temporary and permanent financing to fund the Project; and

WHEREAS, the governing body of the City finds it necessary and desirable to pay costs of the Project by issuing general obligation bonds of the City; and

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

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

Section 1. Authorization of Project. The Project (as defined above) is authorized and directed to be completed pursuant to the Sewer Act and Public Building Act (each as defined

above) in accordance with certain estimates, plans and specifications before the governing body on this date.

Section 2. Payment of Project Costs. It is hereby further found and determined that the estimated cost of construction of the Project is \$40,000,000. The Project is intended to be paid from available funds of the City and the proceeds of the City's general obligation bonds (in one or more series) to be issued by the City in an estimated amount of \$40,000,000 plus the costs of issuing bonds.

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 Project, there shall be issued General Obligation Bonds in the total aggregate principal amount in the approximate principal amount of \$40,000,000 plus the costs of issuing bonds; 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 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 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. Reimbursement. The obligations authorized by this Ordinance are authorized to reimburse expenditures made by the City 60 days before the date of this Ordinance and thereafter, as provided in United States Treasury Regulation § 1.150-2.

Section 6. 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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CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the September 24, 2024 regular meeting of the governing body of the City of Andover, Kansas.

[seal]



A handwritten signature in blue ink, appearing to read "Dana Engstrom", written over a horizontal line.

Dana Engstrom, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the usual meeting place in said City on September 24, 2024, at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present: Michael Henry, Tim Berry, Mike Warrington, Jodi Ocadiz, and Paul Wemmer.

and the following members absent: Philip Hamilton

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

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, AUTHORIZING THE CITY TO MAKE SEWER IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$40,000,000 TO PAY THE COSTS OF THE SEWER IMPROVEMENTS.

After discussion, upon motion by Council President Henry, seconded by Council Member Wemmer, 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. 1930 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.

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 24th day of September, 2024.

[seal]



ATTEST:

CITY OF ANDOVER, KANSAS

By 
Ronnie Price, Mayor

By 
Dana Engstrom, City Clerk