

(First published in Western Butler County Times, June 12, 1975.)

ORDINANCE NO. 232

AN ORDINANCE DECLARING AN EMERGENCY AND SUSPENDING THE EFFECT OF ORDINANCE NO. 147 OF THE CITY OF ANDOVER, KANSAS, AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A TEMPORARY BOND NOTE OR SUBSIDIARY OR SUBSEQUENT NOTES NOT TO EXCEED IN THE AGGRAGATE THE SUM OF \$364,000.00, PURSUANT TO THE AUTHORITY OF K.S.A. 12-1662, ET SEQ., IN ANTICIPATION OF FEDERAL AID PAYING A PORTION OF CERTAIN CONSTRUCTION COSTS FOR THE NEW CONSTRUCTION, ENLARGEMENT OR IMPROVEMENT OF THE WATER WORKS SYSTEM OF THE CITY OF ANDOVER, KANSAS WHICH WATER WORKS SYSTEM WHICH IS A PART OF THE WATER AND SEWAGE DEPARTMENT OF SAID CITY IN CONTEMPLATION OF AND UNDER THE AUTHORITY OF K.S.A. 12-859 AND IN THE MANNER SPECIFIED BY SAID STATUTE AND SUPPLEMENTAL TO BONDS TO BE ISSUED TO SAID CITY PURSUANT TO K.S.A. 12-862 THROUGH 12-866 AND ACTS AMENDATORY AND SUPPLEMENTAL THERETO, WHICH TEMPORARY NOTE OR NOTES AND SUBSIDIARY OR SUBSEQUENT NOTES, AS THE CASE MAY BE, SHALL BE SUBMITTED TO AND APPROVED BY THE STATE BOARD OF TAX APPEALS PURSUANT TO K.S.A. 12-1664 AND PROVIDING FOR THE ISSUANCE OF SEPARATE NOTES BY SEPARATE RESOLUTIONS OF THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AND RESERVING UNTO THE CITY THE RIGHT TO PRESCRIBE SEPARATE RATES OF INTEREST AND PRINCIPAL FOR SEPARATE NOTES AND PRESCRIBING THE METHOD OF INTEREST PAYMENT THEREON AND RESERVING UNTO SAID CITY CERTAIN RIGHTS OF PRE-PAYMENT OF PRINCIPAL, EITHER IN WHOLE OR IN PART, PRIOR TO MATURITY, AND PROVIDING FOR A MAXIMUM PERIOD OR PERIODS OF REDEMPTION OF THE SAME IN FULL AND AUTHORIZING THE SALE AND DELIVERY OF THE SAME TO THE PURCHASER THEREOF AND PRESCRIBING GENERALLY OF THE FORM OF TEMPORARY NOTE OR NOTES AND SUBSIDIARY OR SUBSEQUENT NOTES AS THE CASE MAY BE.

WHEREAS, prior hereto and by proceedings duly had and taken by ordinance pursuant to K.S.A. 12-859 as amended, the governing body of the City of Andover, Kansas has created a water and sewage department for the operation of the water and sewage system of said City and provided for such officers and employees as may be necessary for the proper operation of the water and sewage system of said City, and

WHEREAS, prior hereto and within the contemplation of K.S.A. 12-1662 through 12-1665 as amended, the City of Andover, Kansas has from certain federal agencies having the authority to make loans, advances, gifts or grants of funds received fixed and written commitments

for the said water and sewage system of said City in the following amounts from the following agencies, to-wit:

The Economic Development Administration, a fixed and written commitment in the amount of \$273,000.00, and

The Ozark Regional Commission, a fixed and written commitment in the amount of \$91,000.00

and

WHEREAS, the total cost of said project as established by the city's engineers and as approved by both of the aforesaid federal agencies is \$455,000.00 and

WHEREAS, the said City, pursuant to K.S.A. 12-856 through 12-866 as amended, proposes to issue its bonds in the amount of \$91,000.00 to pay the city's share of the project aforesaid and that no election is required for the issuances of the same because proper notice of the City's intention to issue the same has been given pursuant to K.S.A. 12-862, and no protest has been filed within the time prescribed therein and

WHEREAS, the issuance of a temporary bond notes or series of subsidiary or subsequent notes not to exceed in the aggregate \$364,000.00 is necessary to pay accrued and accruing costs of said project during the course of construction and prior to the payment of grants pursuant to the fixed and written contract of the federal agencies as aforesaid and

WHEREAS, the issuance of said temporary bond note and subsidiary or subsequent notes are or will be required to finance the same as authorized by K.S.A. 10-123 as amended, at a rate of interest not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009 as amended, and

WHEREAS, an emergency exists in that the said federal agencies desire that contract lettings for said project be had on or before the 1 day of July, 1975 and therefore the effect of Ordinance No. 147 of said City requiring first reading of ordinances should be suspended for the purpose of enactment of this ordinance.

NOW, THEREFORE,

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

Section 1. That an emergency is hereby declared and the effect of Ordinance No. 147 of the City of Andover, Kansas is hereby suspended and the first reading of said ordinance is hereby waived by the governing body of said City.

Section 2. That for the purpose of paying federal agencies above accrued and accruing costs relating to the new construction, enlargement, or improvement of the water works system of the City of Andover, Kansas to bear the payment of the share thereof to be ultimately paid by federal agencies as set out in the caption and preamble of this ordinance (the whole of said caption and preamble being made a part of this section of this ordinance as fully as if set out herein), there shall be issued and hereby is authorized the issuance of a temporary note and subsidiary or subsequent notes not to exceed in the aggregate the sum of \$364,000.00, said notes to be issued from time to time as authorized by the resolution of the governing body of the City of Andover, Kansas which resolution shall specify the principal amount, the date, or series designation or identifying number of such note or notes, the rate of interest to be borne by said note or notes and the manner of payment of interest thereon and the authorization of the delivery of the same to the ultimate purchaser thereof.

Section 3. That it is hereby found and determined that no temporary bond notes or obligations of the City of Andover, Kansas have been issued prior hereto for the purpose of paying aforesaid costs.

Section 4. That such bond note or series of notes and subsidiary or subsequent notes as authorized by this ordinance shall be callable in advance of maturity forthwith and as soon as practicable upon receipt of sufficient funds from said federal agencies and such notes shall state in their face that they mature when the federal aid shall be received and that the rate of interest on the same shall not exceed the maximum rate of interest prescribed by K.S.A. 10-1009 and will be payable semi-annually.

Section 5. Such temporary notes or subsequent notes shall be in the form usual for bonds except that coupons evidencing interest need not be attached, shall be executed or registered as bonds both with the City Clerk and with the State Treasurer or the State Auditor and shall be payable at the office of the City Treasurer.

Section 6. That each of said notes shall also contain the following recital:

"The said City may call this note for payment at any time before maturity by serving written notice to that effect on the holder of this note or by publication once in a newspaper of general circulation in said City at least seven days before the date of such call, and may redeem this note on the date of such call for the amount of the principal and the interest accrued to that date and interest shall cease on such date."

Section 7. That the Mayor, and in her absence, the President of the Council, and the City Clerk, or in her absence the acting City Clerk, of the City of Andover, Kansas, are hereby authorized, directed and empowered to prepare and execute such Temporary Bond Note as described by resolution of the governing body, and to do all things necessary if, and when, the issuance of such note or notes is made and to sell and deliver the same at private sale for par and accrued

interest according to law and to the lawful purchaser thereof upon receipt of the purchase price.

Section 8. This ordinance shall take effect and be in full force from and after its publication once in the *The Butler County Line* the official City paper.

The above ordinance passed and adopted by the governing body of the City of Andover, Kansas on the 16th day of June, 1975.

Goldie Buchanan
GOLDIE BUCHANAN, Mayor

(SEAL)

ATTEST:

Patricia M. Stuenkel
PATRICIA STUENKEL, City Clerk