

ORDINANCE NO. 8160

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$9,035,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2021-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 12-685 ET SEQ., HOME RULE ORDINANCE NO. 7942 OF THE CITY AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Leavenworth, Kansas**, (the “City”) has, pursuant to Resolution No. B-2192 of the City adopted March 27, 2018, authorized the improvement of a portion of New Lawrence Road, from 20th Street Trafficway and continuing in a northeasterly direction a distance of 1,400 feet, by preparing, grading, constructing, and otherwise completing a new 31 foot wide, back of curb to back of curb, street with a road surface of 8” asphalt placed on 6” of AB-3 over geo-grid reinforcement material on compacted soil sub-grade together with storm drainage, concrete curb and gutter, entrances, and other necessary items at a maximum estimated cost of \$605,000 (the “New Lawrence Road Project”) under the authority of K.S.A. 12-685 et seq.; and

WHEREAS, the City heretofore duly authorized, issued and delivered its \$3,460,000 Temporary Notes, Series A2018, dated June 28, 2018, (the “Series A2018 Notes”) pursuant to Resolution No. B-2201 (the “Series A2018 Note Resolution”) adopted June 12, 2018, in accordance with the requirements of Charter Ordinance No. 56 of the City, K.S.A. 12-1736 et seq., and K.S.A. 12-685 et seq., all as amended, in part to temporarily finance the cost of constructing and otherwise completing the New Lawrence Road Project, a portion of which Series A2018 Notes maturing on June 1, 2022, in the amount of \$390,000 will be redeemed and paid on May 13, 2021, from the proceeds of general obligation bonds, the sale of which is authorized by this Resolution; and

WHEREAS, the Series A2018 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after March 1, 2019, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, in accordance with its authority to redeem and pay all or part of the outstanding Series A2018 Notes prior to their maturity, the City deems it necessary and advisable to call the remaining \$390,000 of the outstanding Series A2018 Notes maturing on June 1, 2022; all as further described in the Series A2018 Note Notice of Redemption, for redemption and payment on May 13, 2021; and

WHEREAS, the City has, pursuant to Resolution No. B-2217 of the City adopted February 26, 2019, as amended by Resolution No. B-2222 of the City adopted May 14, 2019, and Resolution No. 2227 of the City adopted June 25, 2019, authorized the improvement of a portion of (1) Thornton Street from the west line of 4th Street to the East line of 10th Avenue and (2) 10th Avenue from the south side of Spruce Street to the north right-of-way of Eisenhower Road to be main trafficways within the City (said streets, the “Main Trafficways”) by constructing and completing grading, storm drainage, concrete curb and gutter, asphaltic pavement and entrances, sidewalks, seeding, traffic control and other necessary items at an estimated maximum cost of \$6,040,000 (the “Main Trafficway Project”) under the authority of K.S.A. 12-685 et seq.; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$7,430,000 Temporary Notes, Series A2019, dated June 27, 2019, (the “Series A2019 Notes”) pursuant to Resolution No. B-2224 (the “Series A2019 Note Resolution”) adopted June 11, 2019, in accordance with the requirements of K.S.A. 12-685 et seq., as amended, and Charter Ordinance No. 56 of the City in part to temporarily finance the costs of constructing and otherwise completing the Main Trafficway Project, a portion of which Series A2019 Notes maturing on December 1, 2022, in the amount of \$6,040,000 will be redeemed and paid on the May 13, 2021, from the proceeds of general obligation bonds, the sale of which is authorized by this Resolution; and

WHEREAS, the Series A2019 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after June 1, 2020, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, the City deems it necessary and advisable to call \$6,040,000 of the remaining outstanding Series A2019 Notes maturing on December 1, 2022, all as further described in the Series A2019 Note Notice of Redemption, for redemption and payment on May 13, 2021; and

WHEREAS, the City pursuant to Resolution No. B-2244 of the City adopted February 11, 2020, authorized the construction of certain general improvements in the total estimated amount of \$1,949,726.00 (the “2020 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$1,400,000 Temporary Notes, Series A2020, dated June 25, 2020, (the “Series A2020 Notes”) pursuant to Resolution No. B-2252 (the “Series A2020 Note Resolution”) adopted June 9th, 2020, in accordance with the requirements of Charter Ordinance No. 56 of the City to temporarily finance the costs of constructing the 2020 General Improvements, which Series A2020 Notes maturing on December 1, 2021, in the amount of \$1,400,000 will be redeemed and paid on the June 1, 2021, from the proceeds of general obligation bonds, the sale of which is authorized by this Resolution; and

WHEREAS, the Series A2020 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after June 1, 2021, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, the City deems it necessary and advisable to call the outstanding Series A2020 Notes maturing on December 1, 2021, in the amount of \$1,400,000 all as further described in the Series A2020 Note Notice of Redemption, for redemption and payment on June 1, 2021; and

WHEREAS, the City has, pursuant to Resolution No. 2243 of the City adopted February 11, 2020, authorized both the purchase, acquisition, and installation of certain public safety equipment consisting of one (1) Pierce Velocity Aerial firefighting truck, apparatus, and accessories for use by the City’s fire department and other authorized personnel and pay the estimated costs thereof, including financing costs, in the amount of \$1,430,000 (the “Public Safety Equipment”) under the authority of Home Rule Ordinance No. 7942 (the Public Safety Equipment, New Lawrence Road Project, Main Trafficway Project and General Improvement Project are collectively referred to as the “Project”); and

WHEREAS, all legal requirements pertaining to the Project have been complied with and the total cost thereof, including bond issuance costs, is \$9,743,986.75 (the “Project Cost”) to be

financed with the proceeds of general obligation bonds of the City in the principal amount of \$9,035,000 with the balance of such Project Cost payable from bond premium and other legally funds of the City; and

WHEREAS, the City has found and hereby determines it necessary and advisable to issue and sell General Obligation Bonds, Series 2021-A, (the “Bonds”) for the purposes of (1) permanently financing a portion of the cost of the New Lawrence Road Project, including redeeming and paying the remaining outstanding Series A2018 Notes in the principal amount of \$390,000 together with accrued interest payable thereon on May 13, 2021; (2) permanently financing the costs of the Main Trafficway Project, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$6,040,000 together with accrued interest payable thereon on May 13, 2021; (3) permanently financing the costs of the City’s 2020 General Improvements, including redeeming and paying the Series A2020 Notes in the principal amount of \$1,400,000 together with accrued interest payable thereon on June 1, 2021; (4) financing the purchase and acquisition of the Public Safety Equipment; and (5) paying the cost of issuing the Bonds; and

WHEREAS, the City has, in accordance with K.S.A. 10-106, published notice (the “Sale Notice”) of the City’s intent to sell the Bonds; and

WHEREAS, the City does hereby authorize the issuance and sale of the bonds to the best bidder.

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

Section 1. That for the purpose of providing funds to (1) permanently finance a portion of the cost of the New Lawrence Road Project, including redeeming and paying the remaining outstanding Series A2018 Notes in the principal amount of \$390,000 together with accrued interest payable thereon on May 13, 2021; (2) permanently finance the costs of the Main Trafficway Project, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$6,040,000 together with accrued interest payable thereon on May 13, 2021; (3) permanently finance the costs of the City’s 2020 General Improvements, including redeeming and paying the Series A2020 Notes in the principal amount of \$1,400,000 together with accrued interest payable thereon on June 1, 2021; (4) financing the purchase and acquisition of the Public Safety Equipment; and (5) paying the cost of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2021-A, of the City in the aggregate principal amount of Nine Million Thirty-five Thousand Dollars (\$9,035,000) as provided by Charter Ordinance No. 56 of the City, K.S.A. 12-685 et seq., Home Rule Ordinance No. 7942 of the City, and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 27th day of April, 2021.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

/s/ Nancy D. Bauder
Nancy D. Bauder, Mayor

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson, CMC, City Clerk