

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF CERTAIN EXISTING SANITARY SEWERS IN THE CITY; AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF INTERCEPTOR SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-631a, as amended (the "Act"), provides, in part, that whenever, in the opinion of the governing body of any city in the state of Kansas it shall become necessary to alter, repair or reconstruct any existing sewer which serves two or more sewer districts, where sewer districts may have been created, or which serves a substantial portion of the city, the governing body of such city may provide for the alteration, repair or reconstruction of any such sewer; or if any such sewer, after having been constructed for twenty years or more, is found to be inadequate, and in the opinion of the governing body the inadequacy of such sewer can be corrected at a lesser cost by the construction of another sewer in the same watershed, the governing body of such city may provide for the construction of a supplemental sewer; and

WHEREAS, in order to pay for the construction of sewers pursuant to the Act, the governing body of such city may, if in the opinion of the governing body the cost of such alteration, repair, construction or reconstruction should be borne by the city at large, pay the cost thereof out of the general fund of said city, and if the general fund is insufficient to pay such cost, or if the governing body deems it necessary, such governing body may issue general improvement bonds in the manner provided by law to pay such cost; and

WHEREAS, the governing body of the City of Lansing, Kansas (the "City") hereby finds and determines it to be necessary to authorize and provide for the alteration, repair or reconstruction of certain sewers as part of the 9-Mile Action Plan (the "Project"); and

WHEREAS, the Project reconstructs a sewer that was originally constructed 20 or more years ago that serves a substantial portion of the City and is inadequate at the present time; and

WHEREAS, there is not sufficient monies in the general fund of the City to pay the costs of the Project and the governing body deems it necessary and advisable to issue general obligation bonds of the City pursuant to the Act in order to pay the costs of the Project; and

WHEREAS, K.S.A. 12-618 provides, in part, that the governing body of any city having a population of less than 80,000 shall have power to provide for one or more systems of sewerage, or drainage, or both, for such city, or for any part thereof, with one or more main sewers or drains and sewer or drains outlets, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by districts or otherwise, as the governing body may determine; and

WHEREAS, K.S.A. 12-619 provides, in part, that if the estimated cost of the main sewer or drain of said system now or hereafter constructed shall be relatively large as compared with the estimated cost of the lateral sewers or drains tributary thereto, or if the said main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such main sewer or drain below a certain designated point shall be borne by the city and paid in the manner provided in K.S.A. 12-624 for the payment of the cost of main sewers and drains now or hereafter constructed beyond the corporate limits of the city; provided, that the said ordinance shall state the point in the line of the main sewer or drain below which the provisions of this

section shall apply, shall describe the proposed location of the said main sewer or drain from the said point to the outlet of the same or to the city limits, and shall state the manner of payment of the cost of the said main sewer or drain; and

WHEREAS, K.S.A. 12-624 provides, in part, that all costs and expenses occasioned by the acquisition of a right-of-way and by the construction of sewers and drains and disposal works beyond the corporate limits of said city shall be borne by the city as a whole and shall be paid out of the general revenue fund or by the issuance of improvement bonds of the city as the governing body may determine, that bonds to pay said costs may be issued in addition to the \$100,000 authorized by K.S.A. 12-621 for the construction of disposal works and that such additional bonds may be issued in addition to the limit of bonded indebtedness of such cities as defined by statutes; and

WHEREAS, the City has a population of approximately 11,642; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to construct interceptor sewer improvements for the City under authority of K.S.A. 12-619; and

WHEREAS, said governing body hereby further finds and determines that the costs of constructing said interceptor sewer improvements will be relatively large as compared to the estimated cost of possible future sewer lateral lines or drains tributary thereto, and that said interceptor sewer improvements may receive in the future sewage or drainage from two or more districts, and that the costs of constructing said interceptor sewer improvements should be chargeable to the city at large and paid by the issuance of general obligation bonds of the City in the manner provided by K.S.A. 12-624 for the costs of main sewer improvements and drains now or hereafter constructed beyond the corporate limits of the City; and

WHEREAS, said governing body hereby further finds and determines it to be necessary to authorize and provide for the construction of interceptor sewer improvements in the City; and to make provision for the payment of the costs thereof by the issuance of general obligation bonds of the City.

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

Section 1. Authorization of Sewer Project. It is hereby authorized, ordered and directed that the Project shall be constructed as a part of the sewer system of the City as provided by K.S.A. 12-619, K.S.A. 12-624 and K.S.A. 12-631a, all in accordance with the plans and specifications therefor, which have been prepared or approved by the City Engineer, and placed on file in the office of the Clerk. The Project consists of the following:

(City Project 15-01) consists of the installation of approximately 290 l.f. of 12-inch pipe, 2,853 l.f. of 15-inch pipe, 85 l.f. of 21-inch pipe, 2,695 l.f. of 36-inch pipe, 1,121 l.f. of 54-inch pipe and 66 l.f. of 72-inch steel casing – open cut installation and associated items of work; all within in the City limits.

The Project begins at the existing wastewater treatment plant and ends at Mary Street, east of 2nd Street, as shown on the map attached hereto as “**Exhibit A**”.

Section 2. Bond Authorization. The estimated costs of the Project and the Interceptor Improvements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies and administrative expenses is \$2,350,000. The costs of the Project and the Interceptor Improvements, interest on interim financing and associated financing costs shall be payable from the

proceeds of general obligation bonds of the City issued under authority of K.S.A. 12-619, K.S.A. 12-624 and K.S.A. 12-631a (the "Bonds").

Section 3. Reimbursement. The City expects to make expenditures on and after the date of this Ordinance, and intends to use the proceeds of any Bonds issued under the authority of this Ordinance to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Ordinance pursuant to U.S. Treasury Regulation §1.150-2.

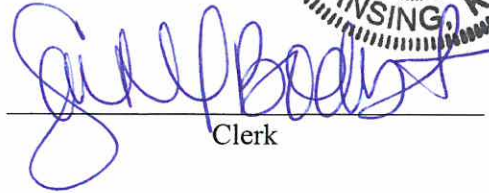
Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication (or a summary thereof) once in the official City newspaper.

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PASSED by the governing body of the City on June 16, 2016 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:


Clerk




Mayor

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EXHIBIT TO ORDINANCE

[INSERT MAP OF 9 MILE SANITARY SEWER IMPROVEMENTS]

(Published in *The Leavenworth Times* on June 21, 2016)

SUMMARY OF ORDINANCE NO. 964

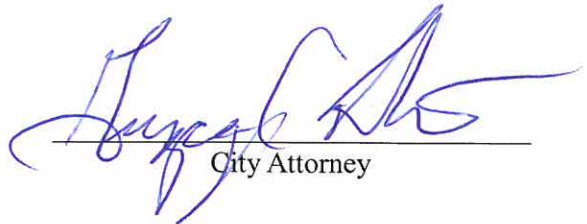
On June 16, ²⁰¹⁶~~2015~~, the governing body of the City of Lansing, Kansas passed an ordinance entitled:

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF CERTAIN EXISTING SANITARY SEWERS IN THE CITY; AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF INTERCEPTOR SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

The Ordinance authorizes the construction of sewer improvements in the City and financing the costs thereof by the issuance of general obligation bonds of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 800 First Terrace, Lansing, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.lansing.ks.us.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: 6-16-16, 2016.



City Attorney

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF LANSING, KANSAS
HELD ON JUNE 16, 2016**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Present: Louis E. Kirby, Tony McNeill, Don Studnicka, David Trinkle, Kevin Gardner, Andi Pawlowski, Jesse Garvey, Gregg Buehler

Absent: Kerry Brungardt

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Refunding and Improvement Bonds, Series 2016-A, came on for consideration and was discussed.

Council Member Trinkle presented and moved the adoption of a Resolution entitled:

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016-A OF
THE CITY OF LANSING, KANSAS.**

Council Member Studnicka seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: Tony McNeill, Don Studnicka, David Trinkle, Kevin Gardner, Andi Pawlowski, Jesse Garvey, Gregg Buehler

Nay: _____

The Mayor declared the Resolution duly adopted; the Clerk designating the same Resolution No. B-2-16.

* * * * *

(Other Proceedings)

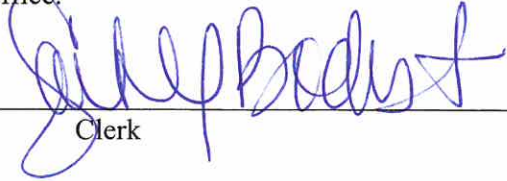
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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Lansing, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)




Clerk

RESOLUTION NO. B-2-16

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016-A AND GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2015-1 OF THE CITY OF LANSING, KANSAS.

WHEREAS, the Issuer has previously authorized certain internal improvements described as follows (the "Improvements"):

<u>Project Description</u>	<u>Ord./Res. No.</u>	<u>Authority</u>	<u>Estimated Improvement Fund Deposit*</u>
9 Mile Sewer Project	964	K.S.A. 12-619, 12-624 and 12-631a	\$2,350,000
7 Mile Creek Sewer Project	947	K.S.A. 12-619, 12-624 and 12-631a	4,395,000

; and

WHEREAS, the Issuer has previously issued the following temporary notes to temporarily finance a portion of the costs of the Improvements (the "Existing Notes"):

<u>Series</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Outstanding Amount</u>
2015-1	September 10, 2015	September 1, 2016	\$4,450,000

; and

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance the costs of such Improvements; and

WHEREAS, the Issuer proposes to issue its general obligation bonds to pay the costs of the Improvements and refund the Existing Notes; and

WHEREAS, the Issuer has previously issued and has outstanding general obligation bonds; and

WHEREAS, due to the current interest rate environment, the Issuer may have the opportunity to issue its general obligation refunding bonds in order to achieve an interest cost savings on all or a portion of the debt represented by General Obligation Refunding and Improvement Bonds described as follows (the "Refunded Bonds"):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
General Obligation Refunding and Improvement	2006-A	March 15, 2006	2017 to 2021	\$1,655,000

WHEREAS, the Issuer has selected the firm of Piper Jaffray & Co. ("Financial Advisor"), as financial advisor for one or more series of general obligation bonds of the Issuer to be issued in order to

* Represents estimated amount of Bond proceeds to be deposited into the Improvement Fund; excludes costs of issuance and interest on any temporary financing.

provide funds to permanently finance the Improvements, refund the Existing Notes and refund the Refunded Bond; and

WHEREAS, the Issuer desires to authorize the Financial Advisor to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Financial Advisor and Gilmore & Bell, P.C., Kansas City, Missouri ("Bond Counsel"), in conjunction with the Clerk, to proceed with the preparation and distribution of a preliminary official statement and notice of sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation bonds.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer for sale the Issuer's General Obligation Refunding and Improvement Bonds, Series 2016-A (the "Bonds") described in the Notice of Sale, which is to be prepared by Bond Counsel in conjunction with Issuer staff, for the purpose of funding the Improvements.

If the City Administrator and Finance Director, in consultation with the Financial Advisor, determine that it is likely that refunding all or a portion of the Refunded Bonds will achieve a net present value savings that meets or exceeds 5.0% of the principal amount of the Refunded Bonds, then the Issuer is authorized to proceed with the offer for sale of general obligation refunding bonds in a principal amount sufficient to refund all or a portion of the Refunded Bonds, pursuant to K.S.A. 10-427 *et seq.*

Section 2. The Mayor and Clerk, in conjunction with the Financial Advisor and Bond Counsel, are hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Bonds.

Section 3. The Clerk, in conjunction with the Financial Advisor and Bond Counsel, is hereby authorized and directed to give notice of sale of the Bonds by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Leavenworth County, Kansas, and the ***Kansas Register*** and by distributing copies of the Notice of Sale and Preliminary Official Statement to prospective purchasers of the Bonds. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Sale, and shall be delivered to the governing body at its meeting to be held on such date, at which meeting the governing body shall review such bids and shall award the sale of the Bonds or reject all proposals.

Section 4. For the purpose of enabling the purchaser(s) of the Bonds (the "Purchaser(s)") to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the Mayor and Clerk or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as ***Exhibit A*** as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute

such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser(s) to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser(s) within seven business days of the date of the sale of the Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser(s), whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser(s) to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, Clerk and the other officers and representatives of the Issuer, the Financial Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds, (b) provide for notice of redemption of the Refunded Bonds; and (c) purchase or subscribe for the securities to be deposited in the escrow for the Refunded Bonds.

Section 7. If the Issuer proceeds with the offer for sale of general obligation refunding bonds pursuant to **Section 1** hereof, then the officers and representatives of the Issuer are hereby authorized and directed to take such action as may be necessary, after consultation with the Financial Advisor and Bond Counsel, to subscribe for the securities to be purchased and deposited in the escrow for the Refunded Bonds and to provide for notice of redemption of the Refunded Bonds.

Section 8. The Mayor, Clerk, and the other officers and representatives of the Issuer are hereby authorized and directed to execute the engagement letter related to services to be provided by the Financial Advisor, in substantially the form attached hereto as **Exhibit B**.

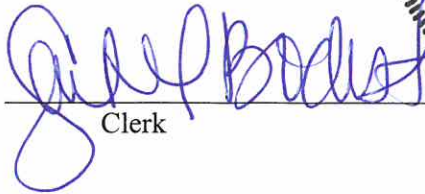
Section 9. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the governing body on June 16, 2016.

(SEAL)

ATTEST:


Clerk



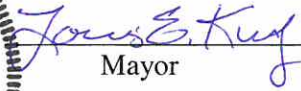

Mayor

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

June 16, 2016

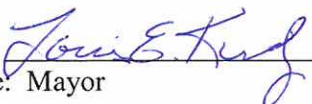
To: _____

Re: General Obligation Refunding and Improvement Bonds, Series 2016-A

The undersigned are the duly acting Mayor and Clerk of the City of Lansing, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the addressee(s) (the "Purchaser(s)") on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser(s) copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced notes and bonds (the "Obligations").

For the purpose of enabling the Purchaser(s) to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Obligations depending on such matters.

CITY OF LANSING, KANSAS

By: 
Title: Mayor

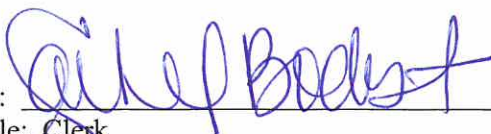
By: 
Title: Clerk

EXHIBIT B

FIDUCIARY ENGAGEMENT AGREEMENT