



**City of Leavenworth**  
 100 N. 5<sup>th</sup> Street  
 Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, JUNE 9, 2020 7:00 P.M.**

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting  
 Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

- **Due to the restriction of social distancing to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live.**
- **Questions on agenda items will be read during discussion on that topic.**
  - **Submit your question to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on June 9<sup>th</sup>.**
- **Members of the public wishing to receive agenda notifications can contact the city clerk [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) to be added to the agenda email distribution list. Agendas are available for viewing on the city website [www.leavenworthks.org](http://www.leavenworthks.org)**

**Call to Order – Pledge of Allegiance Followed by Silent Meditation**

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

1. Minutes from May 26, 2020 Regular Meeting **Action:** Motion (pg. 3)

**NEW BUSINESS:**

**Public Comment:** \* emails received by the public for public comment on non-agenda items will be read at this time.

**Public Hearing:**

2. Public Hearing Request to Vacate the Meadow Lane Street Right of Way Between Grand Avenue and Meadow Road (pg. 8)
  - a. Open Public Hearing **Action:** Motion
  - b. Staff & Citizen Comments
    - i. Call in instructions:  
**Dial in using your phone.**  
 United States: [+1 \(571\) 317-3122](tel:+15713173122)  
**Access Code:** 677-637-357
  - c. Close Public Hearing **Action:** Motion
  - d. First Consideration Ordinance **Action:** Consensus

**General Items:**

3. Update Unsafe Structure 228-230 Ottawa Damaged by Fire-Release Insurance Proceeds **Action:** Motion (pg. 18)
4. 2020 Bonds and Temporary Notes Issuance Proceedings (pg. 19)
  - a. Presentation of Bond and Notes Sales
  - b. Accept Proposals for Temporary Notes, Series A2020 **Action:** Motion
  - c. Adopt Resolution B-2252 Temporary Notes, Series A2020 **Action:** Motion
  - d. Accept Proposals for General Obligation Refunding & Improvement Bonds, 2020-A **Action:** Motion
  - e. Adopt Resolution B-2253 General Obligation Refunding & Improvement Bonds, 2020-A **Action:** Motion
  - f. Second Consideration Ordinance 8128 General Obligation Refunding & Improvement Bonds, 2020-A **Action:** Roll Call

**Consent Agenda:**

Claims for May 23, 2020, through June 8, 2020, in the amount of \$2,707,406.20; Net amount for Payroll #12 effective June 5, 2020, in the amount of \$224,165.26 (No Police & Fire Pension).

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion



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**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold. The following commission members attended via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard, Mark Preisinger and Jermaine Wilson (Commissioner Wilson left the meeting at 7:36 pm).

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder and City Clerk Carla K. Williamson.

**Other members participating via teleconference:** Public Works Director Mike McDonald, Human Resources Director Lona Lanter, Police Chief Pat Kitchens and City Attorney David E. Waters.

Mayor Griswold read the following notice:

Due to the restriction of social distancing to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live. Questions on agenda items will be read during discussion on that topic. Submit your question to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on May 26th. Members of the public wishing to receive agenda notifications can contact the city clerk [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) to be added to the agenda email distribution list. Agendas are available for viewing on the city website [www.leavenworthks.org](http://www.leavenworthks.org).

Mayor Griswold asked everyone to stand for the pledge of allegiance followed by silent meditation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the May 12, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8127 Amending Chapter 44** – Police Chief Pat Kitchens presented for second consideration ordinance 8127. There have been no changes since first consideration.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

**NEW BUSINESS:**

**Public Comment:** *emails received by the public for public comment on non-agenda items will be read at this time.* None received.

## **General Items:**

**Recommendation for Revision to Personnel Policy Manual** – City Manager Paul Kramer presented for consideration changes to Section XI of the City Personnel Manual. The changes proposed are to add the day after Thanksgiving as a city holiday and change the City Manager’s holiday as any one-work day the employee selects to be used before the last day of the pay period for each calendar year. The day must be preapproved by the supervisor and taken for the employee’s entire shift and cannot be taken in increments and is not eligible for carryover into the following year or be paid out. If approved the changes will take effect immediately.

Commissioner Preisinger moved to approve the revision to the Personnel Manual as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

## **Mayor’s Appointments:**

Mayor Griswold moved to re-appoint to the Grow Leavenworth County Development Corporation with terms ending May 31, 2022 Amy Baker, Thomas Meier, Michael Prevou, Wendy Scheidt and Lisa Weakley. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Motion to Correct Terms of Library Board Appointees** – City Clerk Carla Williamson presented to the Commission the need for a correction to the terms of Melissa Davis and Carol Perry. At the April 28, 2020 City Commission meeting Melissa Davis was appointed to the Library Board with a term ending April 30, 2023 and at the May 12, 2020 City Commission meeting Carol Perry was appointed to the Library Board with a term ending April 30, 2023. It has been brought to staff’s attention that the terms should end April 30, 2024 as these seats are for a 4-year term. This does not change the appointments to the board other than it is needed for the Commission to formally make a motion to correct the expiration date of the terms of both these members.

Commissioner Bauder moved to correct the Library Board terms of Melissa Davis and Carol Perry to terms ending April 30, 2024. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Dates for City Commission Budget and CIP Meeting** - City Manager Paul Kramer proposed Friday July 10, 2020 from 9:00 am to 5:00 pm for the 2021 Operating Budget and Capital Improvement Program (CIP) work session.

There as a consensus by the Commission to hold the work session on July 10, 2020 from 9:00 am to 5:00 pm.

**Consider Request from USD 453 to waive Permit Fees** - Public Works Director Mike McDonald presented for consideration a request from USD 453 to waive permits fees for the upcoming Richard Warren Educational Campus project with a construction valuation estimated at \$2,800,000 and Leavenworth High School renovations with construction valuation estimated at \$2,500,000. Both projects will begin in 2020. The permit fees waived total \$15,574.00.

Commissioner Leonhard moved to waive building permit fees associated with the Richard Warren Educational Campus and the Leavenworth High School renovation projects. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Consider Proposed 2020 Pavement Management Program** – Public Works Director Mike McDonald presented for consideration the following streets for the 2020 Pavement Management Program:

**East/West**

- Cheyenne St. – 4th St to 2nd St.
- Cheyenne St. – 7th St. to Broadway
- Pawnee St. – 16th St. to the east 300 feet
- Pawnee St. – 2nd St. to the west 200 feet
- Kiowa St. – Broadway to 10th St.
- Ottawa St. – 2nd St. to 4th St.
- Ottawa St. – 7th St. to 10th St.
- Pottawatomie St. – Esplanade to 7th St.
- Pottawatomie St. – Broadway to the east 200 feet
- Osage St. – Esplanade to Broadway
- Miami St. – 5th St. to 7th St.
- Miami St. – 17th St. to Michael St.
- Michael St. – 17th St. to Miami St.
- Terry St. – 16th St. to 17th St.

- Shawnee St. – 8th St. to 10th St.
- Cherokee St. – 15th St. to 20th St.
- Estate Dr. – 20th St. to the west 21st St.

**North/South**

- 5th St. – Shawnee St. to Osage St.
- 10th St. – Shawnee St. to Pawnee St.
- 10th St. – Michigan St. to Kenton St.
- 20th St. – Ottawa St. to Pawnee St.
- 20th St. – Spruce St. to Choctaw St.

**Alternates**

- Broadway – Pennsylvania St. to Cherokee St.
- Tonganoxie Rd. – City Limits to Candlewood Dr.
- Tonganoxie Rd. – Limit St. to Vilas St.
- 10th St. – Sherman Ave. to Cherokee St.

At the February 11, 2020 meeting, the city commission reviewed the city owned parking lots. The 2020 expenditure included the design of the parking lot at the NW corner of 3<sup>rd</sup> Street and Delaware Street and the parking lot east of Pullman (north side of Cherokee and west of 2<sup>nd</sup> Street). The parking lot at the NW corner of 3<sup>rd</sup> and Delaware was identified for inclusion in this year’s Pavement Management Program.

The total work is estimated at \$1,980,000 and includes city lot repair \$185,000; 2020 Mill & Overlay \$1,650,000; 2020 other pavement management program actions \$40,000; 2021 pavement management program design \$105,000.

Commissioner Bauder moved to approve the proposed 2020 Pavement Management Program as presented. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Resolution:**

**Resolution B-2250 Setting the Public Hearing for Unsafe & Dangerous Structures** – City Manager Paul Kramer reviewed the resolution to set July 14, 2020 as the public hearing date to review the 21 structures as unsafe & dangerous.

**At 7:36 pm Commissioner Wilson left the meeting.**

Commissioner Preisinger moved to adopt Resolution B-2250 to set a public hearing for unsafe and dangerous structures on July 14, 2020 in the city commission chambers. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**Resolution B-2251 Resolution of Intent-Price Chopper Industrial Revenue Bonds** – City Manager Paul Kramer presented for approval a non-binding resolution of intent to issue its federally taxable Industrial Revenue Bonds in the maximum amount of \$12,000,000.00 which allows Super Market Developers, Inc. to use the City's state and local sales tax exemption. This project is the current Price Chopper located at 2107 S 4<sup>th</sup> Street and will assist in facilitating the redevelopment of the property.

Mr. Joel Riggs with Associated Wholesale Grocers addressed the Commission via phone through GoToMeeting to discuss the project, which will redesign and redevelop Price Chopper. The IRB is to exempt the project of sales tax on the purchase of equipment and other allowable items. They fully understand that should the IRBs not be approved any exempt sales tax would be re-paid.

Commissioner Preisinger moved to adopt Resolution B-2251 non-binding resolution of intent. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

#### **Bids, Contracts and Agreements:**

**Change Order No. 1 to 2019 Sanitary Sewer I & I** – Public Works Director Mike McDonald presented for consideration change order no 1 to the contract with Linaweaver Construction in the amount of \$58,428.40 for the 2019 Sanitary Sewer I & I project for a total contact amount of \$538,643.40. The additional costs are incurred due to the sanitary sewer line in the alley being deeper than anticipated.

Commissioner Preisinger moved to approve change order no. 1 with Linaweaver Construction for the 2019 Sanitary Sewer I & I Project as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

#### **First Consideration Ordinance:**

**First Consideration Ordinance General Obligation Refunding and Improvement Bonds Series 2020-A** - City Clerk Carla Williamson presented for first consideration an ordinance authorizing the issuance of \$8,130,000 aggregate principal amount of General Obligation Refunding and Improvement Bonds Series 2020-A. The bond and note sale will be held on Tuesday June 9, 2020 and the results will be presented to the City Commission that evening for approval and second consideration of the ordinance.

There was a consensus by the Commission to place on first consideration.

#### **CONSENT AGENDA:**

Commissioner Leonhard moved to approve claims for May 9, 2020 through May 22, 2020 in the amount of \$1,077,803.73; Net amount for Payroll #11 effective May 22, 2020 in the amount of \$339,718.01 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**Other:**

**City Manager Paul Kramer:**

- Effective midnight May 26, 2020 Governor Kelly's orders related to COVID-19 end and the individual counties in Kansas will be in charge of issuing any orders or guidance. This was just announced this afternoon and there is no other information at this time.

**Commissioner Preisinger:**

- Suggested some type of public information campaign about not blowing grass clippings into the street

**Adjournment:**

Commissioner Preisinger moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:13 p.m.


Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT PWD NO. 20-29

CONSIDER AN ORDINANCE VACATING MEADOW LANE STREET ROW  
BETWEEN GRAND AVENUE AND MEADOW ROAD

June 9, 2020

Prepared by:

  
Michael G. McDonald, P.E.,  
Director of Public Works

Reviewed by:

  
Paul Kramer,  
City Manager

**ISSUE:**

Consider a petition for vacation of the Meadow Lane Street Right of Way (ROW) between Grand Avenue and Meadow Road.

**BACKGROUND:**

The Subdivisions of Country Acres, Meadow Acres and The Oaks were built in the early 1980s. Meadow Lane is the dividing line between the subdivisions with The Oaks being south of Country Acres and Meadow Acres. Meadow Lane between Meadow Road and Grand Avenue has never had a roadway constructed on it. It is believed that Meadow Lane at this location had been intended to be used as a public pathway to Tenth Avenue for the houses on and west of Grand Avenue. The adjoining property owners have maintained and landscaped this area since construction of the houses.





City staff has reviewed this proposal and location and offers the following observations:

1. There is no current plan to extend Meadow Lane or construct a paved pathway at this location.
2. There is no City infrastructure at this location.

Staff is reluctant to recommend that the City relinquish ownership of public property without some public purpose being served. There have been no requests to construct a roadway or a pathway on this property. If the original purpose was to facilitate access to Tenth Avenue, the landscape changed considerably with the construction of Gatewood Park and Warren Middle School and there are multiple alternate pathways for the public to access the park and the sidewalk network on Tenth Avenue. Based on the impact of the park and school on pedestrian patterns, and having no plans to extend Meadow Lane, the Engineering Office supports this request.

The City has contractual agreements with the major utilities that allow them to use the ROW for their utility purposes. Notification has been sent to all of the local utility companies and their responses received as noted are attached. There were no objections to the vacation of the ROW.

**RECOMMENDATION:**

Staff recommends that the City Commission place an ordinance for first consideration for vacating Meadow Lane Street ROW between the east line of Grand Avenue ROW and the west line of Meadow Road. A legal description is attached.

**POLICY:**

The City Commission reviews proposed vacations. Staff generally supports such requests if they facilitate a greater public purpose. This request does meet the criteria for a favorable recommendation by the City Engineer's Office

**ATTACHMENTS:**

Copies of letters from utilities  
Surveys and legal descriptions  
Draft Ordinance



May 12, 2020

Leavenworth Water Department  
601 Cherokee  
Leavenworth, Kansas 66048


Attn. Joel Mahnken

RE: Meadow Lane Road Vacation, Leavenworth, Kansas

A petition has been filed in the Office of the City Clerk praying for the ROAD VACATION:  
All that part of Meadow Lane being 30 feet in width being a part of COUNTRY ACRES ADDITION lying South and Adjacent to Lot 1, Block 4 and all that part of Meadow Lane being 30 feet in width being a part of MEADOW ACRES ADDITION lying south and adjacent to Lot 1, Block 2, City of Leavenworth, Leavenworth County, Kansas. (more fully described in the attached Legal Description provided by Herring Survey, dated 3-30-20)

Please review the attached documents and indicate your wishes below.

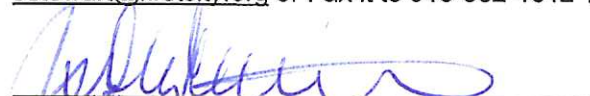
- No objection to the request.
- Objection to the request for the following reason/reasons.

  
 \_\_\_\_\_  
 Authorized Representative

\_\_\_\_\_  
 \_\_\_\_\_

  
 \_\_\_\_\_  
 Date

We would appreciate your reply no later than 3:00 p.m., June 1, 2020. You may scan your response and Email to [jstewart@firstcity.org](mailto:jstewart@firstcity.org) or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this.

  
 \_\_\_\_\_  
 Justin Stewart –Engineering Technician II

File:



May 12, 2020

WESTAR Energy  
2720 Second Ave.  
Leavenworth, Kansas 66048

Attn. Jon Hain

RE: Meadow Lane Road Vacation, Leavenworth, Kansas

A petition has been filed in the Office of the City Clerk praying for the ROAD VACATION:  
All that part of Meadow Lane being 30 feet in width being a part of COUNTRY ACRES ADDITION lying South and Adjacent to Lot 1, Block 4 and all that part of Meadow Lane being 30 feet in width being a part of MEADOW ACRES ADDITION lying south and adjacent to Lot 1, Block 2, City of Leavenworth, Leavenworth County, Kansas. (more fully described in the attached Legal Description provided by Herring Survey, dated 3-30-20)

Please review the attached documents and indicate your wishes below.

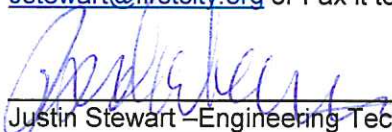
- No objection to the request.
- Objection to the request for the following reason/reasons.

Jon Hain  
Authorized Representative

5-12-20  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We would appreciate your reply no later than 3:00 p.m., June 1, 2020. You may scan your response and Email to [Jstewart@firstcity.org](mailto:Jstewart@firstcity.org) or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this.

  
Justin Stewart - Engineering Technician II

**File:**



May 13, 2020

Kansas Gas, ONEOK  
2720 Second Ave.  
Leavenworth, Kansas 66048

Attn. Scott Evans

RE: Meadow Lane Road Vacation, Leavenworth, Kansas

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Please review the attached documents and indicate your wishes below.

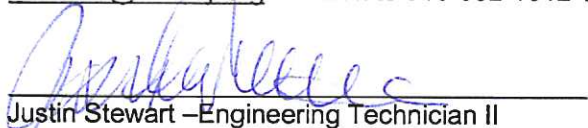
- No objection to the request.
- Objection to the request for the following reason/reasons.

Scott J Evans  
Authorized Representative

5-13-2020  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We would appreciate your reply no later than 3:00 p.m., June 1, 2020. You may scan your response and Email to [Jstewart@firstcity.org](mailto:Jstewart@firstcity.org) or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this.

  
Justin Stewart –Engineering Technician II

File:



May 12, 2020

AT&T  
4501 Brewer Place  
Leavenworth, Kansas 66048

Attn. Jennifer Taylor

RE: Meadow Lane Road Vacation, Leavenworth, Kansas

A petition has been filed in the Office of the City Clerk praying for the ROAD VACATION:  
All that part of Meadow Lane being 30 feet In width being a part of COUNTRY ACRES ADDITION lying South and Adjacent to Lot 1, Block 4 and all that part of Meadow Lane being 30 feet in width being a part of MEADOW ACRES ADDITION lying south and adjacent to Lot 1, Block 2, City of Leavenworth, Leavenworth County, Kansas. (more fully described in the attached Legal Description provided by Herring Survey, dated 3-30-20)

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.

Jennifer Taylor  
Authorized Representative  
AT&T OSP Design Engineer  
\_\_\_\_\_  
\_\_\_\_\_

5/12/2020  
Date

We would appreciate your reply no later than 3:00 p.m., June 1, 2020. You may scan your response and Email to [Jstewart@firstcity.org](mailto:Jstewart@firstcity.org) or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this.

Justin Stewart  
Justin Stewart –Engineering Technician II

File:



May 14, 2020

Time Warner Cable / Spectrum  
8221 W. 119<sup>th</sup> St.  
Overland Park, Kansas 66213

Attn. Vincent P Watson

RE: Meadow Lane Road Vacation, Leavenworth, Kansas

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Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.

*[Signature]*                      5/14/20  
 Authorized Representative                      Date  
*Vincent P. Watson*  
*Spectrum Mid-America, LLC*  
 by: *Charles Communications, Inc, its Manager*

We would appreciate your reply no later than 3:00 p.m., June 1, 2020. You may scan your response and Email to [Jstewart@firstcity.org](mailto:Jstewart@firstcity.org) or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this.

*[Signature]*  
 Justin Stewart –Engineering Technician II

File:

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO.**

**AN ORDINANCE VACATING ALL THAT PART OF THE 30 FOOT WIDE ROAD BEING A PART OF COUNTRY ACRES ADDITION LYING SOUTH AND ADJACENT TO LOT 1 BLOCK 4 AND ALL THAT PART OF MEADOW LANE BEING PART OF MEADOW ACRES ADDITION LYING SOUTH AND ADJACENT TO LOT 1 BLOCK 2, IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AMENDING APPENDIX B, ARTICLE II, ALLEY VACATIONS OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES.**

**WHEREAS**, a Petition for a vacation of all that part of the 30 foot wide road being a part of the COUNTRY ACRES ADDITION lying south and adjacent to lot 1, block 4 and all that part of MEADOW ACRES ADDITION lying south and adjacent to lot 1, block 2 in the City of Leavenworth, Leavenworth County, Kansas; and

**WHEREAS**, the City Clerk of the City of Leavenworth, Kansas gave public notice of the same by publication in the official City newspaper on May 14, 2020 stating that a petition has been filed in the office of the City Clerk praying for such vacation, describing the property fully and setting June 9, 2020 as the hearing date on which the petition shall be presented to the Governing Body of the City for hearing and that at such time and place and giving instructions to all persons interested to be heard under the petition; and

**WHEREAS**, the petition did proceed to hearing as published and no objections were filed with the City Clerk or received at the time of the hearing; and

**WHEREAS**, all utility companies were notified and agreed to such vacation; and

**WHEREAS**, all the requirements of K.S.A. 12-504 *et. seq.* have been complied with;  
and

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

**Section 1.** Vacation of a street/road, previously platted, and being more fully described as:

All that part of Meadow Lane being 30 feet in width being a part of COUNTRY ACRES ADDITION lying South and Adjacent to Lot 1, Block 4 and all that part of Meadow Lane being 30 feet in width being a part of MEADOW ACRES ADDITION lying south and adjacent to Lot 1, Block 2, City of Leavenworth, Leavenworth County, Kansas

(See attached Exhibit).

**Section 2: EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after the date of its publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

{Seal}

\_\_\_\_\_  
Myron J. (Mike) Griswold, Mayor

ATTEST:

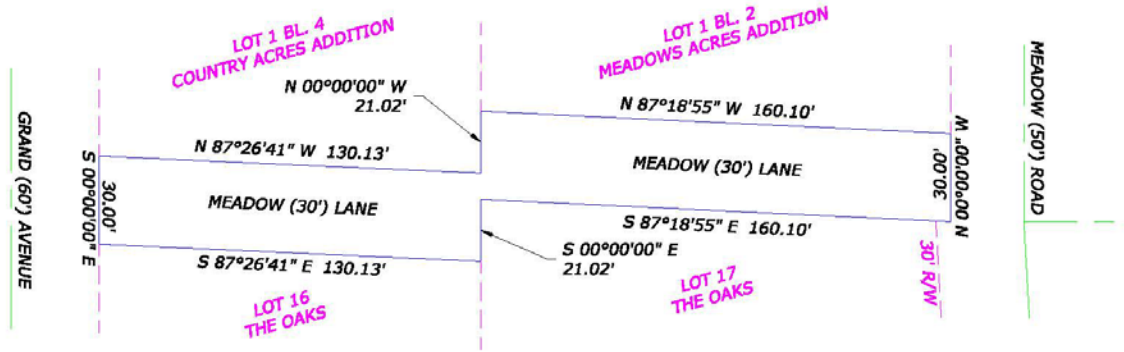
\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



# ROAD VACATION EXHIBIT

PREPARED FOR:  
CITY OF LEAVENWORTH

**ROAD VACATION:**  
All that part of Meadow Lane being 30 feet in width being a part of COUNTRY ACRES ADDITION lying South and adjacent to Lot 1, Block 4 and all that part of Meadow Lane being 30 feet in width being a part of MEADOW ACRES ADDITION lying south and adjacent to Lot 1, Block 2, City of Leavenworth, Leavenworth County, Kansas.



Scale 1" = 50'

Job # K-20-1359  
March 30, 2020

Herring Inc. (dba)  
**HERRING**  
SURVEYING  
COMPANY

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3856 Fax 913.674.5381  
Email - survey@teamcash.com



**THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY**

POLICY REPORT PWD NO. 20-30

UPDATE FOR UNSAFE STRUCTURE  
228-230 OTTAWA STREET

June 9, 2020

Prepared by:



Harold D. Burdette,  
Chief Building Inspector

Reviewed by:



Michael G. McDonald, P.E.  
Director of Public Works

Reviewed by:



Paul Kramer,  
City Manager

**ISSUE:**

Consider current status of the structure located at 228-230 Ottawa Street.

**BACKGROUND:**

This two-family structure was damaged by fire on June 25, 2019. The City received a check from insurance proceeds for \$11,250. A Public Hearing was held on October 22, 2019 regarding the status of repairs. The Commission adopted Resolution No. B-2238, which stated that the owner was to begin repairs and the City Commission would review the status of the project. The Commission has reviewed the status twice, and gave extensions of time for the repairs to be made.

Significant progress has been made, and Building Inspections staff has been performing inspections on the structure. The repairs to the exterior of the structure have been completed, and the interior has been approved for the installation of wall finishes.

When structures are damaged by fire and other hazards and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return it to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy.

**RECOMMENDATION:**

Staff recommends that the City Commission determine that the structure is no longer considered unsafe or hazardous, and authorizes the return of the insurance proceeds to the owner.



**POLICY REPORT  
BOND AND NOTES PROCEEDINGS  
TEMPORARY NOTES, SERIES A2020  
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS SERIES 2020-A  
RESOLUTION B-2252, RESOLUTION B-2253 AND ORDINANCE 8128**

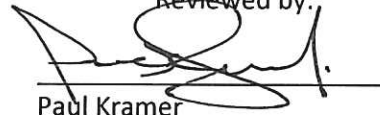
**JUNE 9, 2020**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider proceedings for the Temporary Notes, Series A2020 and the General Obligation Refunding and Improvement Bonds, Series 2020-A. The bond and note sale will be on Tuesday, June 9, 2020. Resolutions B-2252, Resolution B-2253 and Ordinance 8128 attached are drafts and will be finalized after the bond and note sale on Tuesday, June 9, 2020. The results and final documents will be presented to the City Commission at the meeting on the evening of June 9, 2020.

**General Obligation Refunding and Improvement Bonds, Series 2020-A** sold and issued in the amount of \$8,130,000 for the purpose of providing funds to permanently finance the following:

Second and Chestnut Stormwater Project	\$2,030,000.00
Independence Court Stormwater Project	\$ 465,000.00
Paving 2019 Temporary Notes (permanent Financing) Refunding	\$1,415,000.00 \$4,220,000.00

**Temporary Notes, Series A2020** sold and issued in the principal amount of \$1,400,000 to temporarily finance the 2020 General Improvements (Pavement Management Project) until after the project is complete.

**ACTION REQUIRED:**

- |  |                               |
|--|-------------------------------|
| A. Accept Proposals for Temporary Notes, Series A2020  | <b>ACTION:</b> Motion         |
| B. Adopt Resolution B-2252 Issuance of Temporary Notes, Series A2020                                   | <b>ACTION:</b> Motion         |
| C. Accept Proposals for the General Obligation Bonds, Series 2020-A                                    | <b>ACTION:</b> Motion         |
| D. Adopt Resolution B-2253 Issuance of General Obligation Refunding & Improvement Bonds, Series 2020-A | <b>ACTION:</b> Motion         |
| E. Second Consideration Ordinance 8128 General Obligation Refunding & Improvement Bonds, Series 2020-A | <b>ACTION:</b> Roll Call Vote |

**ATTACHMENTS:**

- Draft Resolutions B-2252, B-2253
- Draft Ordinance No. 8128

**ORDINANCE NO. 8128**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$ \_\_\_\_\_ AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 10-427 ET SEQ., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b, AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.**

**WHEREAS**, the Governing Body of the **City of Leavenworth, Kansas**, (the “City”) has heretofore duly authorized, issued and delivered its \$4,165,000 aggregate principal amount of General Obligation Bonds, Series 2012-A (Sewer Project), dated March 1, 2012, (the "Series 2012-A Bonds") pursuant to its Ordinance No. 7890 adopted February 14, 2012, and published as required by law, and Resolution No. B-2026 adopted February 14, 2012, (the “Series 2012-A Bond Resolution”) in accordance with the requirements of K.S.A. 12-618 and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

**WHEREAS**, as of June 1, 2020, there remains outstanding of the Series 2012-A Bonds the principal amount of \$2,935,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

**SERIAL BONDS**

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$195,000	2.000%
2021	200,000	2.000
2022	205,000	2.000
2023	210,000	2.000
2024	210,000	2.000
2025	215,000	2.125
2026	225,000	2.250
2027	230,000	2.250
2028	235,000	2.350
2029	240,000	2.400
2030	250,000	2.500
2031	255,000	2.625
2032	265,000	2.750

**WHEREAS**, pursuant to Section 301 of the Series 2012-A Bond Resolution, the Series 2012-A Bonds, or any portion thereof maturing on September 1, 2019, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2018, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

**WHEREAS**, the City has heretofore duly authorized, issued and delivered its \$5,300,000 aggregate principal amount of General Obligation Improvement and Refunding Bonds, Series 2012-B, dated June 28, 2012, (the "Series 2012-B Bonds") pursuant to its Ordinance No. 7897 adopted June 12, 2012, and published as required by law, and Resolution No. B-2033 adopted June 12, 2012, (the "Series 2012-B Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City, K.S.A. 10-427 et seq. and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

**WHEREAS**, as of June 1, 2020, there remains outstanding of the Series 2012-B Bonds the principal amount of \$1,520,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

**SERIAL BONDS**

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$335,000	1.550%
2021	340,000	1.750
2022	345,000	1.900
2023	160,000	2.050
2024	170,000	2.200
2025	170,000	2.300

**WHEREAS**, pursuant to Section 301 of the Series 2012-B Bond Resolution, the Series 2012-B Bonds, or any portion thereof maturing on September 1, 2018, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2017, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

**WHEREAS**, the City has heretofore duly authorized, issued and delivered its \$5,040,000 aggregate principal amount of General Obligation Refunding and Improvement Bonds, Series 2014-A, dated June 30, 2014, (the "Series 2014-A Bonds") pursuant to its Ordinance No. 7947 adopted June 10, 2014, and published as required by law, and Resolution No. B-2082 adopted June 10, 2014, (the "Series 2014-A Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City, K.S.A. 10-427 et seq. and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

**WHEREAS**, as of June 1, 2020, there remains outstanding of the Series 2014-A Bonds the principal amount of \$1,985,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

**SERIAL BONDS**

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$440,000	2.00%
2021	455,000	2.00
2022	465,000	2.25
2023	475,000	2.50
2024	150,000	2.50

**WHEREAS**, pursuant to Sections 301 of the Series 2014-A Bond Resolution, the Series 2014-A Bonds, or any portions thereof maturing on September 1, 2021, and thereafter may be

called for redemption and payment prior to their stated maturity on September 1, 2020, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

**WHEREAS**, the City has heretofore duly authorized, issued and delivered its \$1,700,000 aggregate principal amount of General Obligation Bonds, Series 2015-A, dated June 30, 2015, (the "Series 2015-A Bonds") pursuant to its Ordinance No. 7972 adopted June 9, 2015, and published as required by law, and Resolution No. B-2113 adopted June 9, 2015, (the "Series 2015-A Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

**WHEREAS**, as of June 1, 2020, there remains outstanding of the Series 2015-A Bonds the principal amount of \$1,065,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$165,000	2.00%
2021	170,000	2.30
2022	175,000	2.50
2023	180,000	2.50
2024	185,000	2.65
2025	190,000	2.75

**WHEREAS**, pursuant to Sections 301 of the Series 2015-A Bond Resolution, the Series 2015-A Bonds, or any portions thereof maturing on September 1, 2021, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2020, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

**WHEREAS**, pursuant to Sections 203 of the Series 2012-A Bond Resolution, the Series 2012-B Bond Resolution, the Series 2014-A Bond Resolution, and the Series 2015-A Bond Resolution (the Series 2012-A Bond Resolution, the Series 2012-B Bond Resolution, the Series 2014-A Bond Resolution, and the Series 2015-A Bond Resolution are collectively referred to as the "Outstanding Bond Resolutions"), the Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Series 2012-A Bonds, the Series 2012-B Bonds, the Series 2014-A Bonds, and the Series 2015-A Bonds (the Series 2012-A Bonds, the Series 2012-B Bonds, the Series 2014-A Bonds, and the Series 2015-A Bonds are collectively referred to as the "Outstanding Bonds"); and

**WHEREAS**, pursuant to Sections 301 of the Series 2012-A Bond Resolution and Series 2012-B Bond Resolution, the City deems it necessary and advisable to call (1) the Series 2012-A Bonds maturing on September 1, 2023, through and including September 1, 2032, (i.e., \$2,335,000) (the "Series 2012-A Refunded Bonds"); and (2) the Series 2012-B Bonds maturing on September 1, 2023, through and including, September 1, 2025, (i.e., \$500,000) (the "Series 2012-B Refunded Bonds") on July 25, 2020, and paid from the issuance of general obligation refunding bonds of the City; and

**WHEREAS**, pursuant to Sections 301 of the Series 2014-A Bond Resolution and Series 2015-A Bond Resolution, the City deems it necessary and advisable to call (1) the Series 2014-A Bonds maturing on September 1, 2023, and September 1, 2024, (i.e., \$ 625,000) (the “Series 2014-A Refunded Bonds”); and (2) the Series 2015-A Bonds maturing on September 1, 2022, through and including, September 1, 2025, (i.e., \$730,000) (the “Series 2015-A Refunded Bonds”) on September 1, 2020, and paid from the issuance of general obligation refunding bonds of the City (the Series 2012-A Refunded Bonds, the Series 2012-B Refunded Bonds, the Series 2014-A Refunded Bonds and the Series 2015-A Refunded Bonds are collectively, the “Refunded Bonds”); and

**WHEREAS**, the City pursuant to Resolution No. B-2191 of the City, adopted on March 27, 2018, authorized the replacement of certain stone elements and to otherwise repair, reconstruct and renovate the City’s Riverfront Community Center building facility at a total estimated cost of \$1,500,000 (the “RFCC Stone Replacement Project”) under the authority of K.S.A. 12-1736 et seq., as amended; and

**WHEREAS**, 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 20<sup>th</sup> 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 Temporary Notes, Series A2018, dated June 28, 2018, 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 the principal amount of Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) (the “Series A2018 Notes”) in part to temporarily finance the cost of the RFCC Stone Replacement Project and the New Lawrence Road Project, a portion of which Series A2018 Notes maturing on December 1, 2020 in the principal amount of \$215,000; maturing on June 1, 2021, in the principal amount of \$220,000; maturing on December 1, 2021, in the principal amount of \$225,000; and maturing June 1, 2022, in the principal amount of \$250,000, all in the aggregate principal amount of \$910,000, will be redeemed and paid on July 1, 2020, from legally available funds of the City; and

**WHEREAS**, the City has, in accordance with the powers of home rule of all cities of the State of Kansas under Section 5 of Article 12 of the Constitution of the State of Kansas, passed and approved, by the vote of not less than two-thirds of the members-elect of the governing body of the City, Charter Ordinance No. 56 of the City, which charter ordinance was published once each week for two consecutive weeks in the official newspaper of the City with such charter ordinance taking effect, without protest, on the sixty-first (61<sup>st</sup>) day following the publication thereof; and

**WHEREAS**, Charter Ordinance No. 56 both exempted the City from the provisions of K.S.A. 13-1024a, which was applicable to the City but not uniformly applicable to all Kansas cities and therefor was, in accordance with the City’s powers of home rule, subject to the City’s authority to exempt itself from the whole or any part of said K.S.A. 13-1024a, and, in accordance with such power of home rule, provided substitute and additional provisions on the same subject as in both K.S.A. 13-1024a; and

**WHEREAS**, the City has, pursuant to Resolution No. B-2214 of the City adopted February 12, 2019, authorized the construction of certain general improvements in the total estimated amount of \$1,887,985 (the “2019 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 \$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. and Charter Ordinance No. 56 of the City in part to temporarily finance the costs of the 2019 Improvements, a portion of which Series A2019 Notes maturing on December 1, 2020, in the principal amount of \$1,390,000 will be redeemed and paid on July 1, 2020, from proceeds of the Bonds authorized herein; and

**WHEREAS**, the Series A2019 Notes are subject to redemption and payment prior to maturity, in whole or in part, at anytime 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 has, pursuant to Ordinance No. 8124 of the City adopted March 10, 2020, authorized certain stormwater utility system improvements and all other things necessary and incidental thereto at an estimated maximum total cost of \$3,165,000 (the “Stormwater Utility System Project”) under the authority of K.S.A. 12-631r, 12-631s, 13-1055a, and 13-1055b, all as amended (the 2019 General Improvements and the Stormwater Utility System Project are collectively referred to as the “Improvements”); and

**WHEREAS**, all legal requirements pertaining to the Improvements have been complied with and the total cost thereof, including bond issuance costs, is \$\_\_\_\_\_ (the “Project Cost”) to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$\_\_\_\_\_ with the balance of such Project Cost payable from bond premium; and

**WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Refunding and Improvement Bonds, Series 2020-A, in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for the purpose of providing funds to (1) currently refund the Refunded Bonds in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City’s 2019 General Improvements, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project, and (4) paying the cost of issuing 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) currently refund the Refunded Bonds in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City’s 2019 General Improvements, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project, and (4) paying the cost of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Refunding and Improvement Bonds, Series 2020-A, of the City in the aggregate principal amount of \_\_\_\_\_ Dollars



(§\_\_\_\_\_) (the "Bonds") as provided by Charter Ordinance No. 56 of the City, K.S.A. 10-427 et seq., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b, 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 9th day of June, 2020.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

**RESOLUTION NO. B-2252****A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES A2020 OF THE CITY OF LEAVENWORTH, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$\_\_\_\_\_ FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF CERTAIN IMPROVEMENT PROJECTS IN THE CITY.**

**WHEREAS**, the governing body of the **City of Leavenworth, Leavenworth County, Kansas**, (the “City”) has in accordance with the requirements of law and Resolution No. B-2244 of the City adopted February 11, 2020, heretofore authorized the construction of certain general improvements together with all things necessary and incidental thereto in the City the maximum estimated amount of \$1,949,726.00 (the “General Improvements”) under the authority of Charter Ordinance No. 56 of the City; and

**WHEREAS**, the City has no funds to finance the costs incurred by the City in providing the Improvements until Bonds are issued by the City for such purposes; and

**WHEREAS**, it is necessary for the City to provide funds to meet the City’s obligations incurred in connection with the Improvements prior to the completion of the Improvements and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS**, that for the purpose of providing funds to pay the costs of making the Improvements until Bonds can be issued therefore, the governing body of the City be, and it is hereby, authorized to issue its Temporary Notes, Series A2020, in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the “Notes”). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, (along with its successors and assigns, the “Securities Depository”) to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas, Topeka, Kansas, (the “Note Registrar” and “Paying Agent”) in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the “Participants”) for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated June 25, 2020, shall become due on December 1, 2021, and shall bear interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on December 1, 2021, or at redemption prior to maturity, (the “Interest Payment Date”) to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15<sup>th</sup> day of the month next preceding such Interest Payment Date (the “Record Date”).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Notes being issued to any registered owner of any of the Notes (“Registered Owner”) other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes as are outstanding and unpaid, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may after consultation with the Note Registrar select a successor securities depository in accordance with subsection (c) hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of any replacement Notes (“Replacement Notes”), all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to it with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to the Depository Trust Company, New York, New York, by the Mayor in the form attached hereto as Exhibit A with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes. The principal amount of the Notes shall not exceed the lesser of the amount of Bonds to be issued to permanently finance the costs of making the Improvements or the estimate of the

cost of making the Improvements as prepared by the project engineer and approved by the governing body of the City.

**BE IT FURTHER RESOLVED** that the City may call the Notes for redemption and payment prior to maturity in whole or in part, (selection of the Notes to be redeemed to be determined by the City) at any time on or after June 1, 2021, at the redemption price (the “Redemption Price”) of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the date of such redemption (the “Redemption Date”).

Notes shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Notes are to be redeemed and paid prior to their stated maturity, such Notes shall be redeemed in such manner as the City shall determine. Notes of less than a full stated maturity shall be selected by the Note Registrar in \$5,000 units of principal amount in such equitable manner as the Note Registrar may determine. In the case of a partial redemption of Notes by lot when Notes of denominations greater than \$5,000 are then outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Note of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Note is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner or the Registered Owner’s duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange without charge to the Registered Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Registered Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Unless waived by any Registered Owner of Notes to be redeemed, if the City shall call any Notes for redemption and payment prior to the stated maturity thereof, the City shall give written notice of its intention to call and pay said Notes to the Note Registrar, and the Underwriter. In addition, the City shall in accordance with the requirements of K.S.A. 10-129, as amended, cause the Note Registrar to give written notice of redemption to the Registered Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information: (a) the Redemption Date; (b) the Redemption Price; (c) if less than all outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent. The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date. Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption

Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest.

In addition to the foregoing notice, the Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

**BE IT FURTHER RESOLVED** that the Notes shall contain recitals and be in the form as prescribed by law. The Notes shall in addition to all other requirements be subject to the terms and conditions of the agreement entitled “Agreement Between Issuer and Agent” by and between the City and the Treasurer of the State of Kansas.

**BE IT FURTHER RESOLVED** that the Notes shall be executed by the facsimile or manual signature of the Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon and, after such execution and the registration of the Notes by the City Clerk and the State Treasurer, Topeka, Kansas, hereby designated as both the City’s Note Registrar and Paying Agent in connection with the Notes, they shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of the Improvements and the costs of issuing the Notes.

**BE IT FURTHER RESOLVED** that the Notes shall be issued and sold to, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, in accordance with both the Note Bid Form (the “Note Bid Form”) between such purchaser and the City, the execution of which Note Bid Form is hereby authorized, and the terms and conditions of this Resolution.

**BE IT FURTHER RESOLVED** that the City covenants and agrees that no part of the proceeds of the Notes or other proceeds shall be used, at any time, directly or indirectly in a manner which if such use had been reasonably anticipated on the date of the issuance of the Notes would have caused the Notes to be or become “Arbitrage Bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the Regulations of the Treasury Department thereunder proposed or in effect at the time of such use applicable to obligations issued on the date of issuance of the Notes.

**BE IT FURTHER RESOLVED** that the Notes are designated as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

**BE IT FURTHER RESOLVED** that the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City’s obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

**BE IT FURTHER RESOLVED** that the form of the Preliminary Official Statement and the Official Statement, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and

confirmed, and the execution, circulation and distribution thereof are thereby approved, ratified and confirmed for and on behalf of the City in substantially the form presented at this meeting.

**BE IT FURTHER RESOLVED** that the authorization of the Improvements is hereby ratified and affirmed.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect and be in force from and after its passage and approval.

**IT IS SO RESOLVED.**

**PASSED** and approved this 9th day of June, 2020.

CITY OF LEAVENWORTH, KANSAS

{Seal}

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla Williamson, CMC, City Clerk

EXHIBIT A

(BLANKET ISSUER LETTER OF REPRESENTATION)

\*\*\*\*\*

RESOLUTION

OF

CITY OF LEAVENWORTH, KANSAS

PASSED

JUNE 9, 2020



§ \_\_\_\_\_  
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS  
SERIES 2020-A

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RESOLUTION

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**RESOLUTION NO. B-2253**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND DELIVERY OF \$\_\_\_\_\_ PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020-A, OF THE CITY OF LEAVENWORTH, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO CURRENTLY REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; PERMANENTLY FINANCE CERTAIN GENERAL IMPROVEMENTS AND CONSTRUCT CERTAIN STORMWATER UTILITY SYSTEM IMPROVEMENTS TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO; AND PRESCRIBING THE FORM AND DETAILS OF SAID BONDS, ALL PURSUANT TO CHARTER ORDINANCE NO. 56 OF THE CITY, K.S.A. 10-427 ET SEQ., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b AND ARTICLE 1 OF CHAPTER 10 OF THE KANSAS STATUTES ANNOTATED, ALL AS AMENDED.**

**WHEREAS**, the Governing Body of the **City of Leavenworth, Kansas**, (the "City") has by its Ordinance No. 8128 passed and approved June 9, 2020, (the "Ordinance") authorized the issuance of its General Obligation Refunding and Improvement Bonds, Series 2020-A, in the aggregate principal amount of \$\_\_\_\_\_ (the "Bonds") under the authority of Charter Ordinance No. 56 of the City, K.S.A. 10-427, et seq., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b, and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, for the purpose of providing funds to (1) currently refund the Refunded Bonds (as defined and described in the Ordinance) in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City's 2019 General Improvements (as defined and described in the Ordinance), including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project (as defined and described in the Ordinance), and (4) paying the cost of issuing the Bonds; and

**WHEREAS**, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; and

**WHEREAS**, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

**ARTICLE I**

**DEFINITIONS**

**Section 101. Definitions of Words and Terms.** In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

**"Act"** means collectively K.S.A. 10-101 to 10-125, inclusive, Charter Ordinance No. 56 of the City, K.S.A. 10-427 et seq., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, and K.S.A. 13-1055b, all as amended.

**"Arbitrage Instructions"** means the Arbitrage Instructions included in Article IV of the City's Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

**"Bond and Interest Fund"** means the Bond and Interest Fund of the City for its general obligation bonds.

**"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing as selected by the City.

**"Bond Payment Date"** means any date on which principal of or interest on any Bond is payable.

**"Bond Register"** means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

**"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and its successors and assigns.

**"Bonds"** means the General Obligation Refunding and Improvement Bonds, Series 2020-A, authorized and issued by the City pursuant to the Ordinance.

**"Business Day"** means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

**"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

**"City"** means the City of Leavenworth, Kansas, the issuer of the Bonds.

**"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

**"Code"** means the Internal Revenue Code of 1986, as amended.

**"Costs of Issuance"** means all costs of issuing the Bonds, including all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code and with the Disclosure Certificate, all expenses, if any, incurred in connection with receiving ratings on the Bonds.

**"Dated Date"** means June 25, 2020.

**"Defaulted Interest"** means interest on any Bond which is payable but not paid on any Interest Payment Date.

**"Defeasance Obligations"** means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the City of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

**"Disclosure Certificate"** means the Continuing Disclosure Certificate attached to the City's Final Certificate as Exhibit D and included in the transcript of proceedings pertaining to the issuance of the Bonds.

**"EMMA"** means the Electronic Municipal Market Access (EMMA) System, the web-based platform of the Municipal Securities rulemaking Board.

**"Event of Default"** means each of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

**"Federal Tax Certificate"** means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

**"Fiscal Year"** means the twelve month period ending on December 31.

**"Funds and Accounts"** means funds and accounts created or referred to in **Section 501** hereof.

**"Improvements"** mean construction of both certain general improvements and stormwater utility system improvements in accordance with the legal authority as described in the recitals to this Resolution.

**"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on any Bond which shall be March 1 and September 1 of each year, commencing March 1, 2021.

**"Maturity"** when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

**"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

**"Ordinance"** means Ordinance No. 8128 passed and approved June 9, 2020, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

**"Outstanding"** means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

**"Owner"** when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

**"Participants"** means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

**"Paying Agent"** means the State Treasurer, and any successors and assigns.

**"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties in which the City is located; (f) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements with or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units of a money market fund or trust the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the

State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

**"Person"** means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

**"Principal and Interest Account"** means the Principal and Interest Account for the City of Leavenworth, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020-A, created herein within the City's Bond and Interest Fund.

**"Project Account"** means the Project Account in the treasury of the City, created herein.

**"Purchase Price"** means the par value of the Bonds plus accrued interest to the date of delivery.

**"Purchaser"** means \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, the original purchaser of the Bonds.

**"Rebate Fund"** means the Rebate Fund for the City of Leavenworth, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020-A, created herein.

**"Record Dates"** for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of each month preceding such Interest Payment Date.

**"Redemption Date"** when used with respect to any Bond to be redeemed means the date fixed for the redemption of such Bond pursuant to the terms of this Resolution.

**"Redemption Price"** when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

**"Refunded Bonds"** means the Series 2012-A Refunded Bonds, the Series 2012-B Refunded Bonds, the Series 2014-A Refunded Bonds and the Series 2015-A Refunded Bonds.

**"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

**"Representation Letter"** means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as Exhibit B.

**"Resolution"** means this resolution relating to the Bonds.

**"Securities Depository"** means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

**"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

**"Series 2012-A Bond Resolution"** means Resolution No. B-2026 of the City, adopted on February 14, 2012, setting forth the terms and conditions of the Series 2012-A Bonds

**"Series 2012-A Bonds"** means the City's outstanding General Obligation Bonds, Series 2012-A (Sewer Project), dated March 1, 2012.

**"Series 2012-A Refunded Bonds"** means the City's Series 2012-A Bonds maturing on September 1, 2023, through and including September 1, 2032, (i.e., \$2,335,000) being paid and redeemed on July 25, 2020, with proceeds of the Bonds.

**"Series 2012-B Bond Resolution"** means Resolution No. B-2033 of the City, adopted on June 12, 2012, setting forth the terms and conditions of the Series 2012-B Bonds

**"Series 2012-B Bonds"** means the City's outstanding General Obligation Improvement and Refunding Bonds, Series 2012-B, dated June 28, 2012.

**"Series 2012-B Refunded Bonds"** means the City's Series 2012-B Bonds maturing on September 1, 2023, through and including September 1, 2025, (i.e., \$500,000) being paid and redeemed on July 25, 2020, with proceeds of the Bonds.

**"Series 2014-A Bond Resolution"** means Resolution No. B-2082 of the City, adopted on June 10, 2014, setting forth the terms and conditions of the Series 2014-A Bonds

**"Series 2014-A Bonds"** means the City's outstanding General Obligation Refunding and Improvement Bonds, Series 2014-A, dated June 30, 2014.

**"Series 2014-A Refunded Bonds"** means the City's Series 2014-A Bonds maturing on September 1, 2023, and September 1, 2024, (i.e., \$625,000) being paid and redeemed on September 1, 2020, with proceeds of the Bonds.

**"Series 2015-A Bond Resolution"** means Resolution No. B-2113 of the City, adopted on June 9, 2015, setting forth the terms and conditions of the Series 2015-A Bonds

**"Series 2015-A Bonds"** means the City's outstanding General Obligation Bonds, Series 2015-A, dated June 30, 2015.

**"Series 2015-A Refunded Bonds"** means the City's Series 2015-A Bonds maturing on September 1, 2023, through and including, September 1, 2025, (i.e., \$730,000) being paid and redeemed on September 1, 2020, with proceeds of the Bonds.

**"Series A2018 Note Resolution"** means Resolution No. B-2201 of the City adopted on June 12, 2018, authorizing the issuance of the Series A2018 Notes.

**"Series A2018 Notes"** means the City's Temporary Notes, Series A2018, dated June 28, 2018, (1) maturing on December 1, 2020 in the principal amount of \$215,000, (2) maturing on June 1, 2021, in the principal amount of \$220,000, (3) maturing on December 1, 2021, in the principal amount of \$225,000, (4) maturing on June 1, 2022, in the principal amount of \$250,000, all being paid and redeemed on July 1, 2020, from legally available funds of the City.

**"Series A2019 Note Resolution"** means Resolution No. B-2224 of the City adopted on June 11, 2019, authorizing the issuance of the Series A2019 Notes.



"**Series A2019 Notes**" means the City's Temporary Notes, Series A2019, dated June 27, 2019, maturing on December 1, 2020, in the principal amount of \$1,390,000 being paid and redeemed on July 1, 2020, from proceeds of the Bonds.

"**State**" means the State of Kansas.

"**State Treasurer**" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas.

"**Stated Maturity**" when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

["**Term Bonds**" means the Bonds scheduled to mature in the year 20\_\_.]

"**Treasurer**" means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

"**United States Government Obligations**" means bonds, notes, certificates of indebtedness, treasury bills or other securities consisting of direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in the future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation).

## ARTICLE II

### AUTHORIZATION AND DETAILS OF THE BONDS

**Section 201. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding and Improvement Bonds, Series 2020-A, of the City in the aggregate principal amount of \$\_\_\_\_\_ for the purpose of providing funds to (1) currently refund the Refunded Bonds in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City's 2019 General Improvements, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project, and (4) paying the cost of issuing the Bonds.

**Section 202. Description of the Bonds.** The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated June 25, 2020, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

SERIAL BONDS

MATURITY (SEPTEMBER 1)	PRINCIPAL AMOUNT	INTEREST RATE
2021	\$ _____	_____ %
2022	_____	_____
2023	_____	_____
2024	_____	_____
2025	_____	_____
2026	_____	_____
2027	_____	_____
2028	_____	_____
2029	_____	_____
2030	_____	_____

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as Exhibit A or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 et seq.

**Section 203. Designation of Paying Agent and Bond Registrar.** The State Treasurer, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of the principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 et seq. and K.S.A. 10-620 et seq., respectively.

**Section 204. Method and Place of Payment of the Bonds.** The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

**Section 205. Registration, Transfer and Exchange of Bonds.** The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

**Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as Exhibit A hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or

employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the City or its representative.

**Section 207. Mutilated, Lost, Stolen or Destroyed Bonds.** If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

**Section 208. Cancellation and Destruction of Bonds Upon Payment.** All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

**Section 209. Preliminary and Final Official Statement.** The Preliminary Official Statement dated May 27, 2020, is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The final Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby

authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 210. Sale of the Bonds.** The sale of the Bonds to the Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

**Section 211. Book-Entry Bonds; Securities Depository.**

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

### ARTICLE III

#### REDEMPTION OF BONDS

##### **Section 301. Optional ~~\*\*and Mandatory\*\*~~ Redemption by City.**

(a) **Optional Redemption.** At the option of the City, the Bonds or portions thereof maturing on September 1, 2028, and thereafter may be called for redemption and payment prior to their Stated Maturity on September 1, 2027, and thereafter as a whole or in part at any time (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the City), at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

[(b) **Mandatory Redemption.** The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited into the Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on September 1 in the years, the principal amounts of such Term Bonds as follows:

<u>Principal Amount</u>	<u>Year</u>
\$ _____	20__
_____	20__

(leaving \$\_\_\_\_\_ to mature September 1, 20\_\_)

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on

said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

**Section 302. Selection of Bonds to be Redeemed.** Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds of the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in \$5,000 units of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the \$5,000 unit or units of face value called for redemption (and to that extent only).

**Section 303. Notice and Effect of Call for Redemption.** In the event the City desires to call the Bonds for optional redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. [; **provided however, that no such written notice of intent shall be required for the mandatory redemption of Term Bonds and Term Bonds shall be called by the Bond Registrar for redemption and notice of redemption shall be given by the Bond Registrar without any further action by the District**] The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.



Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchaser of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

## ARTICLE IV

### SECURITY FOR AND PAYMENT OF BONDS

**Section 401. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**Section 402. Levy and Collection of Annual Tax.** The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Principal and Interest Account, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

## ARTICLE V

### ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF MONEYS

**Section 501. Establishment of Funds and Accounts.** Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

- (a) In the treasury of the City, the "Project Account";
- (b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Leavenworth, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020-A (the "Principal and Interest Account"); and
- (c) Rebate Fund for the City of Leavenworth, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020-A (the "Rebate Fund").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

**Section 502. Disposition of Bond Proceeds and Funds of the City.** The proceeds of the Bonds, upon issuance and delivery thereof, shall be deposited as follows:

(a) Proceeds of the Bonds in the amount of \$\_\_\_\_\_, upon issuance and delivery thereof, shall be deposited in the Project Account to pay costs of issuance which does not include underwriters discount in the amount of \$\_\_\_\_\_; and

(b) Legally available funds of the City in the amount of \$\_\_\_\_\_, shall be deposited with the Treasurer of the State of Kansas for the redemption and payment of a portion of the Series A2018 Notes on July 1, 2020.

(c) Proceeds of the Bonds in the amount of \$\_\_\_\_\_, upon issuance and delivery thereof, shall be deposited with the Treasurer of the State of Kansas for the redemption and payment of a portion of the Series A2019 Notes on July 1, 2020.

(d) Proceeds of the Bonds in the amount of \$\_\_\_\_\_, upon issuance and delivery thereof, together with other legally available funds of the City in the amount of \$\_\_\_\_\_, shall be deposited with the Treasurer of the State of Kansas for the redemption and payment of the Series 2012-A Refunded Bonds and Series 2012-B Refunded Bonds on July 25, 2020.

(e) Proceeds of the Bonds in the amount of \$\_\_\_\_\_, upon issuance and delivery thereof, together with other legally available funds of the City in the amount of \$\_\_\_\_\_, shall be deposited with the Treasurer of the State of Kansas for the redemption and payment of the Series 2014-A Refunded Bonds and Series 2015-A Refunded Bonds on September 1, 2020.

**Section 503. Withdrawals from the Project Account.** The Treasurer shall make withdrawals from the Project Account solely for the purpose of paying the Costs of Issuance. Such withdrawals shall be made only on due authorization by the governing body of the City.

**Section 504. Surplus in the Project Account.** All moneys remaining in the Project Account after the payment of the Costs of Issuance, as determined by the governing body of the City, shall be transferred immediately to the Principal and Interest Account and applied to the next installment of principal due on the series of Bond from which surplus moneys remain.

**Section 505. Application of Moneys in Principal and Interest Account.** All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Principal and Interest Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds and entitled to payment from such moneys.

Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

**Section 506. Application of Moneys in the Rebate Fund.**

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Bond and Interest Fund of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 507. Deposits and Investment of Moneys.** Moneys in each of the Funds and Accounts shall be deposited in accordance with the requirements of K.S.A. 10-131, as amended. All such deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Project Account may, at the direction of the governing body of the City, be paid and credited to the Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then redemption value, whichever is lower.

**Section 508. Nonpresentment of Bonds.** If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or

on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

## ARTICLE VI

### DEFAULT AND REMEDIES

**Section 601. Remedies.** The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

**Section 602. Limitation on Rights of Owners.** The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

**Section 603. Remedies Cumulative.** No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights,

remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

## ARTICLE VII

### DEFEASANCE

**Section 701. Defeasance.** When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Resolution.

## ARTICLE VIII

### TAX COVENANTS

#### **Section 801. General Covenants.**

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely effect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are

issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, to take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

**Section 802. Rebate Covenant.** The City covenants and agrees that it will pay or provide for the payment from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 803. Survival of Covenants.** The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article VII hereof or any other provision of this Resolution until the final maturity date of all Bonds Outstanding.

**Section 804. Qualified Tax-exempt Obligations.** The Bonds are designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

## ARTICLE IX

### CONTINUING DISCLOSURE REQUIREMENTS

**Section 901. Disclosure Requirements.** The City hereby covenants with the Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Purchaser and such Beneficial Owners.

**Section 902. Failure to Comply with Continuing Disclosure Requirements.** In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any such Beneficial Owner may make demand for such compliance by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy as the Purchaser and/or any such Beneficial Owner shall deem effectual to protect and enforce any of the duties of the City under such preceding section.

## ARTICLE X

### MISCELLANEOUS PROVISIONS

**Section 1001. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its Funds and Accounts for the preceding Fiscal Year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk and made available on EMMA. Such audit shall at all times during the usual business hours of the City be open to the examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

**Section 1002. Amendments.** The rights and duties of the City and the Owners, and the terms and provisions of the Bonds or of this Resolution, may be amended or modified at any time in any respect by resolution of the City with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

Any provision of the Bonds or of this Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of



any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk and filed on EMMA. [A copy of every amendatory or supplemental resolution shall be sent to the surveillance group of any rating agency then maintaining a rating on the Bonds.]

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Paying Agent under this Resolution.

**Section 1003. Notices, Consents and Other Instruments by Owners.** Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to make acknowledgements within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.

**Section 1004. Further Authority.** The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 1005. Severability.** If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

**Section 1006. Governing Law.** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 1007. Effective Date.** This Resolution shall take effect and be in full force from and after its passage by the governing body of the City.

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

**PASSED** by the governing body of the City on June 9, 2020.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the governing body of the City of Leavenworth, Kansas, adopted by the governing body at a regularly scheduled meeting held on June 9, 2020, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: June 9, 2020.

\_\_\_\_\_  
Carla Williamson, CMC, City Clerk

(SEAL)

EXHIBIT A  
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
CITY OF LEAVENWORTH  
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND  
SERIES 2020-A

No. R-\_\_\_\_\_ \$\_\_\_\_\_

Rate of Interest: \_\_\_\_\_ Maturity Date: \_\_\_\_\_ Dated Date: June 25, 2020 CUSIP \_\_\_\_\_

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT \_\_\_\_\_

The City of Leavenworth, in the County of Leavenworth, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on March 1 and September 1 of each year (the "Interest Payment Dates") commencing March 1, 2021, until said principal amount is paid.

The principal of and premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 15th day of February or August next preceding the applicable interest payment date (the "Record Dates"). The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$\_\_\_\_\_ (the "Bonds") issued for the purposes set forth in Ordinance No. 8128 of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-101 to 125,

inclusive, as amended, K.S.A. 10-620 to 10-632, inclusive, Charter Ordinance No. 56 of the City, K.S.A. 10-427 et seq., K.S.A. 12-631r, 12-631s, 13-1055a, 13-1055b and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. B-2253 of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issued in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds or portions thereof maturing in the years 2028 and thereafter may be called for redemption and payment prior to maturity on September 1, 2027, and thereafter in whole or in part at any time in such order as may be determined by the City (selection of Bonds within the same maturity to be by lot by the Bond Registrar in such manner as it shall determine) at a redemption price of 100% of the principal amount redeemed, plus accrued interest to date of redemption.

[Each of the Bonds maturing on September 1, 20\_\_, shall also be subject to mandatory redemption and payment prior to maturity beginning on September 1, 20\_\_, and on each September 1 thereafter to and including September 1, 20\_\_, pursuant to the redemption schedule set forth in the Resolution at the Redemption Price of 100% (expressed as a percentage of the principal amount) plus accrued interest thereon to the Redemption Date.]

Bonds will be redeemed in integral multiples of \$5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than \$5,000, treat each \$5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the registered owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

This Bond is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Leavenworth, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual with its corporate seal to be affixed, all as of the 25th day of June, 2020.

CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
(manual)  
Mayor

ATTEST: \_\_\_\_\_  
(manual)  
City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Leavenworth, Kansas, General Obligation Refunding and Improvement Bonds, Series 2020-A described in the within mentioned Resolution.

Registration Date: \_\_\_\_\_

OFFICE OF THE STATE TREASURER  
Topeka, Kansas,  
as Bond Registrar and Paying Agent

By \_\_\_\_\_

I.D.#: \_\_\_\_\_

\*\*\*\*\*

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Leavenworth, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of June 25, 2020.

WITNESS my hand and official seal.

\_\_\_\_\_  
(manual)  
City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JAKE LATURNER, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this \_\_\_\_\_.

WITNESS my hand and official seal.

JAKE LATURNER  
TREASURER OF THE STATE OF KANSAS

By \_\_\_\_\_  
State Treasurer

(SEAL)

\*\*\*\*\*

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_

\_\_\_\_\_  
(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$\_\_\_\_\_ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Social Security or Taxpayer  
Identifying No.

\_\_\_\_\_  
Signature (Sign Here Exactly as  
Name(s) Appear on Face of  
Certificate)

Signature guaranty:

By \_\_\_\_\_

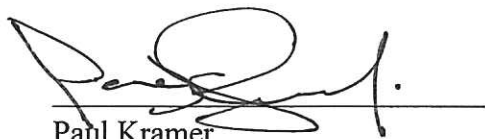
\*\*\*\*\*

EXHIBIT B  
(DTC LETTERS OF REPRESENTATIONS)



**Policy Report**  
2020-21 City Commission Goals  
June 9, 2020

Prepared by:



Paul Kramer  
City Manager

**Subject:**

The City Commission reviewed the 2020-2021 City Commission goals at the June 2 Study Session. Along with the modifications presented at the June 2 meeting, the Commission made three (3) additional changes, related to public transit, the continuation of the stormwater management program and to exploring an upgrade of the City's Recycle Center. Those changes are included in the document below.

The City Commission goals are not designed as an exhaustive list of efforts to be undertaken by City staff over the next year, but instead represent guidance to staff on allocating resources to big-picture Commission priorities.

**Highlighted changes:**

1) Economic Development

**Added**

- Undertake review of City ordinances related to building safety, appearance, and dilapidation to determine whether they are adequate to protect the City's interest in maintaining a safe, aesthetically pleasing, and vibrant downtown.

2) Community Improvement

**Removed:**

- Adopt 2018 property maintenance code

**Modified**

- Youth participation in City activities has been modified to add "study possible adjustments to the City's recreation program going forward"

**Added**

- Complete and adopt the 2030 Comprehensive Plan
- Review adopt-a-park program
- Allocate funding for and implanting of a public transit service.
- Explore options for improved accessibility, attractiveness and functionality at the City's Recycle Center.

### 3) Public Safety

#### **Removed**

- Adopt 2018 International Fire Code

### 4) Roadways and Infrastructure

#### **Modified:**

- Continuation of stormwater management program, to include prioritization of projects, expedited work and timely and accurate reporting.

#### **Added**

- Continue advocacy to secure design and construction funding for the replacement of the Centennial Bridge
- Pursue a KDOT/City partnership on a road project on Fourth Street through downtown
- Pursue and implement a plan to reach a 90-day emergency reserve in the Wastewater Treatment fund.

### 5) Outreach and Transparency

#### **Removed**

- Complete new City website
- Issue RFQ for 2030 Comprehensive Plan

### 6) Other Items Receiving General Support

#### **Added**

- Explore IT solution that allows City Commissioners to access key documents, informational reports, photos, and other items pertinent to their governance duties and responsibilities.
- Police Department quarterly update

#### **Action Requested:**

The 2019-20 City Commission Goals are attached hereto for your reading, information and consideration for approval.

ATTACHMENTS: Proposed 2020-21 City Commission goals.

# City Commission Goals 2020-2021

*\*Scheduled for adoption June 9, 2020*

Paul Kramer

## Leavenworth City Commission Goals 2020-2021

### **1. Economic Development**

#### **a. Business Attraction, Retention, & Expansion**

- i. Lobby and advocate for federal funding for new construction, renovation and repair for existing and proposed Bureau of Prisons facilities.**
- ii. Pursue all avenues to showcase, market and draw interest to bring development to the Business and Technology Park. Efforts to include, but not limited to engaging third-party experts, partnering with business development organizations, proactively recruiting and reaching out to individual industries.**
- iii. Implement marketing plan for new business park and continue efforts to market the City in general.**
- iv. Support local and destination transportation efforts for the City.**
- v. Promote Leavenworth as a destination for “vetpreneurs,” transitioning service members and military retirees through informational presentations, hiring events and expanding partnerships.**
- vi. Actively pursue a grocery store for North Leavenworth.**

#### **b. Downtown Development & Revitalization**

- i. Plan/pursue future downtown and northeast improvement projects using all available recruitment and retention methods.**
- ii. Work to reduce the number of unoccupied and/or abandoned buildings using available tools, methods and incentives.**
- iii. Explore efforts to improve the aesthetic appearance of downtown, including lawn maintenance and landscaping, reducing litter, decorative elements, etc.**
- iv. Undertake review of City ordinances related to building safety, appearance, and dilapidation to determine whether they are adequate to protect the City’s interest in maintaining a safe, aesthetically pleasing, and vibrant downtown.**

#### **c. Tourism**

- i. Boost travel demand through statewide industry events and extend invitations to meet in Leavenworth for future meetings.**
- ii. Concentrate on the SMERF markets (Social, Military, Education, Religious and Fraternal), as well as emerging markets: sports tourism, the arts (film festivals, art festivals, etc.)**
- iii. Identify projects/programs to reinvest transient guest tax funds.**

## **2. Community Improvement**

### **a. Community Appearance and Image**

- i. Implement rental property program and collect relevant data.**
- ii. Engage in partnerships to benefit look, perception and quality of life in the City.**
- iii. Continue actions by Code Enforcement to reduce and eliminate blighted properties.**
- iv. Determine options to focus on perpetually blighted properties, including all legal opportunities available to the City Commission.**
- v. Successfully complete and adopt the update to the City's Comprehensive Plan, "Leavenworth 2030: First City, Future Forward." The Comprehensive Plan update will shape the future of planning and development in Leavenworth over the next 10 years.**
- vi. Review status of adopt-a-park program to identify the level of activity at adopted parks and to pursue groups - community service organizations, churches, and other groups – to adopt every park in the City Leavenworth.**

### **b. Community Amenities**

- i. Update and improve amenities at less-used City parks to spur growth.**
- ii. Streamline registration, reservation and payment process for Parks and Recreation projects.**
- iii. Increase youth participation in City activities and study possible adjustments to the City's recreation program going forward.**
- iv. Support partnerships to continue increased use of Havens Park.**
- v. Allocate City funding for a state grant program to pursue a public transit option in Leavenworth for 2021. Pending results of the grant, move to implement the transit service in concert with governmental and community partners.**
- vi. Explore a more accessible, attractive and functional recycling center.**

## **3. Public Safety**

### **a. Police**

- i. Address recent trends in domestic violence incidents.**

## Leavenworth City Commission Goals 2020-2021

- ii. Engage in targeted initiatives to reduce drug crimes in high risk areas.
- iii. Continue to focus on community engagement.
- iv. Continue to grow and expand crime analysis and mapping initiative with technological enhancements.
- v. Make state funding of mental health facilities a top legislative priority.

### b. Fire

- i. Explore the replacement of Fire Station No. 3.

## 4. Roadways and Infrastructure

### a. Roadways

- i. Create a long-term collector/arterial street plan (Thornton, Limit, Vilas, 10<sup>th</sup> Avenue, County Road 5).
- ii. Explore options for streetscape improvements (4<sup>th</sup> Street, 7<sup>th</sup> Street, Cherokee).
- iii. Pursue improvements to roadways, landscaping and amenities on the west side of the Centennial Bridge to improve the aesthetics of the entryway to the City. (Mike)
- iv. Following KDOT's announcement that the Centennial Bridge made the list of 40 projects identified in the IKE 10-year state transportation program, the City Commission and City Manager must continue advocacy through key stakeholders and employ all means available to secure a design contract and funding to build the new bridge before 2030.
- v. Work with KDOT and state elected officials to secure funding, full or partial, for improvement of Highway 7/73 (4<sup>th</sup> Street) from Limit Street to Metropolitan Avenue, with an emphasis on the stretch of 4<sup>th</sup> Street running through Downtown.

### b. Infrastructure

- i. Support projects and improvements that lead to annexation.
- ii. Continue stormwater management program to include a focus on projects that impact residents, quality of life and safety. Identify, complete and report repairs and replacement projects in a timely and responsible manner.
- iii. Actively pursue and implement a plan to reach a 90 day emergency reserve in the Wastewater Treatment budget. Evaluate different methods to create a plan, including looking at a temporary citizen advisory committee.

## 5. Outreach and Transparency

## Leavenworth City Commission Goals 2020-2021

### **a. Public information**

- i. Explore new ways for the Commission to reach the public (i.e., podcasts, social media, etc.)
- ii. Continue performance measurement tools for measuring how we are doing in providing City services – including exploring citizen satisfaction surveys.
- iii. Streamline registration, reservation, and payment processes for all services.

### **b. Openness**

- i. Make Development Regulations available online in real time to public, staff, and development community.

### **c. Financial Management**

- i. Review and recommend changes to the Purchasing Policy, focusing on the bidding process, to increase eligible bidders and simplify the bidding process.

## **6. Other Items Receiving General Support**

- a. Schedule the City Attorney to conduct periodic training regarding advisory board scope of authority, duties, and responsibilities (Planning Commission, Zoning Board of Appeals and Preservation Commission).
- b. Explore and pursue a secure IT solution that allows City Commissioners to access key documents, informational reports, photos, and other items pertinent to their governance duties and responsibilities.
- c. Provide Annual Updates
  - i. Main Street Program
- d. Provide semi-annual updates and reports
  - i. Leavenworth Public Library
  - ii. Leavenworth County Development Corp
  - iii. Leavenworth CVB
  - iv. St Mary University
  - v. Alliance Against Family Violence
- e. Provide quarterly updates and reports
  - i. Leavenworth School Board
  - ii. Police Department