

**ORDINANCE NO. 8128**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$7,900,000 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 \$3,944,518.05 (the “Project Cost”) to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$3,805,000 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 Seven Million Nine Hundred Thousand Dollars (\$7,900,000) for the purpose of providing funds together with other legally available 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 Seven Million Nine Hundred Thousand Dollars (\$7,900,000) (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)

/s/s Myron J. "Mike Griswold  
Myron J. "Mike" Griswold, Mayor

ATTEST:

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