

(Published in *The Butler County Times-Gazette* on July 4, 2015)

ORDINANCE NO. 1596

AN ORDINANCE AUTHORIZING THE PURCHASING AND ACQUIRING A FIRE TRUCK IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED NECESSARY BY RESOLUTION NO. 15-02 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-110c, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID EQUIPMENT; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID EQUIPMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY EQUIPMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY ACQUISITION OF SAID EQUIPMENT.

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) has heretofore by Resolution No. 15-02 (the “Resolution of Intent”) duly adopted on February 10, 2015 and published in the City’s official newspaper as required by law on February 14, 2015 and February 21, 2015, found and determined it to be necessary to purchase and acquire a fire truck (the “Equipment”) in the City, as provided by K.S.A. 12-6a01, *et seq.*, as amended and supplemented, at a total estimated cost of \$1,000,000; and

WHEREAS, no sufficient protest petition questioning or challenging the issuance of Bonds to acquire the Equipment was filed with the City Clerk; and

WHEREAS, the governing body hereby finds and determines it to be necessary to authorize the acquisition of the Equipment and to authorize and provide for the issuance of temporary improvement notes from time to time as funds are needed for the orderly acquisition of the Equipment;

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

SECTION 1. It is hereby authorized, ordered and directed that the Equipment be acquired in accordance with the plans and specifications and estimates of costs therefor, which are hereby approved by the governing body and directed to be placed on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 2. It is hereby authorized, ordered and directed that general obligation bonds of the City shall be issued in the manner authorized and provided by law for the purpose of acquiring the Equipment; provided that, said general obligation bonds may be issued in combination with other general obligation bonds being issued by the City as shall be determined by the governing body at the time of such issuance to be in the best interest of the City.

SECTION 3. It is hereby further authorized, ordered and directed that in the absence of otherwise available funds, in order to temporarily finance the estimated costs of the Equipment until the issuance of the general obligation bonds as hereinbefore provided, there may be issued temporary improvement notes (the "Notes"), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the date of the notes and redeemable prior to the stated maturity thereof). Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly acquisition of the Equipment; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the Equipment, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the Equipment. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and K.S.A. 12-6a01, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, adoption and approval and publication one time in the City's official newspaper.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on June 30, 2015.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met at the normal meeting place in the City on June 30, 2015, at 7:00 p.m., with the Mayor Ben Lawrence presiding, and the following members of the governing body present: Troy Tabor, Sheri Geisler, Clark Nelson and Caroline Hale.

and the following members absent: Kris Estes

Thereupon, and among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE PURCHASING AND ACQUIRING A FIRE TRUCK IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED NECESSARY BY RESOLUTION NO. 15-02 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-110c, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID EQUIPMENT; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID EQUIPMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY EQUIPMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY ACQUISITION OF SAID EQUIPMENT.

Thereupon, the Ordinance was considered and discussed; and on motion of Council Member Clark Nelson, seconded by Council Member Sheri Geisler, the Ordinance was adopted by a majority vote of all members of the governing body.

Thereupon, the Ordinance having been adopted by a majority vote of the members of governing body, it was given No. 1596 and directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Ordinance one time as set forth therein and required by law.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the June 30, 2015 meeting of the governing body of the City of Andover, Kansas.

[seal]

Susan C. Renner, City Clerk