

**EXCERPT OF MINUTES OF A MEETING  
OF THE CITY COUNCIL OF  
THE CITY OF LINDSBORG, KANSAS  
HELD ON JUNE 21, 2021**

The City Council (the "Governing Body") met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Becky Anderson, Blaine Heble, Emile Gallant, Rebecca Van Der Wege, Ed Radatz, Jodi Duncan, Rick Martin, Kirsten Bruce

Absent: Mark Friesen

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

\* \* \* \* \*

(Other Proceedings)

There was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021, OF THE CITY OF LINDSBORG, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2021, OF THE CITY OF LINDSBORG, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 5304 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.**

Councilmember Blaine Heble moved that (1) the Ordinance be passed, and (2) the Resolution be adopted. The motion was seconded by Councilmember Ed Radatz. The motion was carried by the vote of the Governing Body as follows:

Yea: Blaine Heble, Emile Gallant, Rebecca Van Der Wege, Ed Radatz, Jodi Duncan, Rick Martin, Kirsten Bruce.

Nay: \_\_\_\_\_.

The Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 5304, was signed by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City. The Mayor also declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 10-2021, and was signed by the Mayor and attested by the Clerk.

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(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

**CERTIFICATE**

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

(SEAL)

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Clerk

**ORDINANCE NO. 5304**

**OF**

**THE CITY OF LINDSBORG, KANSAS**

**PASSED**

**JUNE 21, 2021**

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**GENERAL OBLIGATION BONDS**  
**SERIES 2021**

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**ORDINANCE NO. 5304**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021, OF THE CITY OF LINDSBORG, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

**WHEREAS**, the City of Lindsborg, Kansas (the “City”) is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City has previously authorized certain public improvements described as follows (collectively the “Improvements”):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Sewer Treatment Plant Improvements (KWPCRF Project No. C20 1790 01A)	05-2021	12-617 <i>et seq.</i> / Charter 24	\$4,950,672.79

**WHEREAS**, the City desires to issue its general obligation bonds in order to permanently finance the costs of such Improvements, associated financing costs, and to retire the following loan agreement of the City, which was entered into in order to temporarily finance the costs of the Improvements (the “Loan”):

<u>Loan Description</u>	<u>Loan Number</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Final Loan Amount</u>	<u>Outstanding Amount</u>	<u>Prepayment Amount</u> <sup>1</sup>
KDHE – KWPCRF	C20 1790 01A	07/30/2009	03/01/2031	\$4,950,672.79	\$1,997,366.35	\$1,997,366.35

<sup>1</sup> Plus interest to prepayment date and associated fees

**WHEREAS**, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$1,990,000 of its general obligation bonds, together with premium thereon, to pay the costs of the Improvements and to prepay the Loan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSBORG, KANSAS, AS FOLLOWS:**

**Section 1. Definitions of Words and Terms.** In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution, including Article 12, Section 5 thereof, and statutes of the State, including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 12-617 *et seq.*, as amended by Charter Ordinance No. 24, all as amended and supplemented from time to time.

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

**“Bond Resolution”** means the resolution to be adopted by the Governing Body prescribing the terms and details of the Bonds and making covenants with respect thereto.

**“Bonds”** means the City's General Obligation Bonds, Series 2021, dated July 7, 2021, authorized by this Ordinance.

**“City”** means the City of Lindsborg, Kansas.

**“Clerk”** means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

**“Finance Manager”** means the duly appointed and acting Finance Manager of the City or, in the Finance Manager's absence, the duly appointed Deputy, Assistant or Acting Finance Manager of the City.

**“Governing Body”** means the City Council of the City.

**“KDHE”** means the Kansas Department of Health and Environment.

**“Loan”** means KDHE Loan for KWPCRF Loan No. C20 1790 01A between the Issuer and KDHE, dated July 30, 2009, and maturing March 1, 2031, in the aggregate outstanding principal amount of \$1,997,366.35.

**“Mayor”** means the duly elected and acting Mayor of the City or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**“Ordinance”** means this Ordinance authorizing the issuance of the Bonds.

**“Refunded Loan”** means the outstanding principal amount of the Loan.

**“State”** means the State of Kansas.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2021, of the City in the principal amount of \$1,990,000, for the purpose of providing funds to: (a) pay the costs of the Improvements; (b) prepay the Refunded Loan; and (c) pay costs of issuance of the Bonds.

**Section 3. 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 4. Terms, Details and Conditions of the Bonds.** The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the Governing Body.

**Section 5. Levy and Collection of Annual Tax.** The Governing Body 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 above referred to 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 general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City 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.

**Section 6. Further Authority.** The Mayor, Finance Manager, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make 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 7. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body and publication of the Ordinance or a summary thereof in the official City newspaper.

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**PASSED** by the City Council on June 21, 2021 and **SIGNED** by the Mayor.

(SEAL)

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Mayor

ATTEST:

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Clerk

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**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on June 21, 2021; that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; and that the Ordinance or a summary thereof was published in the *Lindsborg News Record* on June 24, 2021.

DATED: June 24, 2021.

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Clerk

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(PUBLISHED IN THE *LINDSBORG NEWS RECORD* ON JUNE 24, 2021)

**SUMMARY OF ORDINANCE NO. 5304**

On June 21, 2021, the governing body of the City of Lindsborg, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2021, OF THE CITY OF LINDSBORG, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

The Bonds approved by the Ordinance are being issued in the principal amount set forth therein to pay the costs of certain public improvements and to prepay a KDHE loan of the City. The Bonds constitute general obligations of the City payable as to both principal and interest, to the extent necessary, 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. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 101 South Main, Lindsborg, Kansas 67456-0070. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://www.lindsborgcity.org>.

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

DATED: June 21, 2021.

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City Attorney