

(Published in *The Neodesha Derrick* on November 4, 2021)

ORDINANCE NO. 1755

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AMENDING
ORDINANCE NO. 1622, AS PREVIOUSLY AMENDED.

WHEREAS, the City of Neodesha, Kansas (the “City”) previously adopted Ordinance No. 1622 (the “Original Ordinance”), as amended by Ordinance No. 1704 (the “2018 Amending Ordinance”), which Original Ordinance and 2018 Amending Ordinance (collectively, the “Authorizing Ordinance”) authorized the City to acquire and construct certain improvements to and otherwise reconstruct, improve, equip and rehabilitate the municipal water system (the “Water System”), including particularly the acquisition, construction, replacement and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto; repair of the Fall River dam; upgrade the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replace existing motors with Variable Frequency Drive (VFD); and upgrade the SCADA computer system that monitors and runs the water treatment plant (the “Water Project”); and

WHEREAS, the Authorizing Ordinance authorized, ordered and directed that the Water Project be acquired at total estimated costs of Six Million Five Hundred Thousand Dollars (\$6,500,000) which estimated costs were to be paid from the City’s general obligation bonds to be issued by the City in an amount not to exceed \$6,500,000; and

WHEREAS, the final costs of the Project have not yet been determined, and together with estimated fees and expenses of financing said acquisition, the current estimated costs exceed the estimate and the governing body finds and determines it desirable to acquire the Water Project at an estimated cost of \$7,300,000, including fees and expenses of financing; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend the Authorizing Ordinance.

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

Section 1. Amendment to Sections 2 and 3. Sections 2 and 3 of the Authorizing Ordinance (as defined above), are hereby repealed and replaced with the following:

Section 2. It is hereby authorized, ordered and directed that the Water Project be acquired, constructed and installed, all as hereinbefore described, at a total estimated cost not to exceed Seven Million Three Hundred Thousand Dollars (\$7,300,000), which estimate includes all fees and expenses of financing the Water Project.

Section 3. It is hereby further authorized, ordered and directed that the costs of acquiring, constructing and installing the Water Project shall be paid from the proceeds of

the City's general obligation bonds to be issued by the City in an amount which shall not exceed \$7,300,000; and said bonds may be issued in combination with any other bonds 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. The City shall continue to seek and review the best possible methods of permanent financing as it proceeds with the Water Project.

Section 4. Definitions. All words and terms not otherwise defined herein shall have the meanings ascribed to them by the Authorizing Ordinance.

Section 5. Effect of Amendments. Except as specifically set forth herein, or as amended hereby, the Authorizing Ordinance is hereby ratified and confirmed and shall continue to be in effect.

Section 6. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication hereof one time in the City's official newspaper.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas on the 27th day of October, 2021.

CITY OF NEODESHA, KANSAS

[seal]

Devin Johnson, Mayor

ATTEST:

Stephanie Fyfe, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Neodesha, Kansas met in regular session, at the usual meeting place in said City on October 27, 2021, at 2:00 p.m., with Mayor Devin Johnson presiding, and the following members of the governing body present:

Commissioner Moffatt
Commissioner Nichol

and the following members absent:

n/a

Among other business, there came on for consideration and discussion the following:

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After discussion, upon motion by Commissioner Moffatt, seconded by Commissioner Nichol, each section of the Ordinance was passed by a majority of the members elect.

A majority of the members elect having voted in favor of the passage of said Ordinance, it was designated Ordinance No. 1755 and was ordered to be executed by the Mayor and by the City Clerk, and the City Clerk was directed to publish the Ordinance one time in the official city newspaper as required by law and provided therein.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the October 27, 2021 regular meeting of the governing body of the City of Neodesha, Kansas.

[seal]

Stephanie Fyfe, City Clerk