



CITY COUNCIL AGENDA

September 1, 2020

THE CITY COUNCIL SHALL HOLD ITS REGULAR MEETINGS IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN, BEGINNING AT 7:00 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION: MINISTERIAL ALLIANCE**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p 4**
- 6. ADMINISTRATION AGENDA p 5**
 - A. City Council Meeting Minutes
 - B. City Council Meeting Minutes
- 7. PRESENTATIONS / PROCLAMATIONS p 12**
 - A. Proclamation – Constitution Week, September 17-23, 2020
- 8. PUBLIC FORUM (*Citizen input and requests*) p 12**
- 9. APPOINTMENTS p 12 -None**
- 10. COMMITTEES, COMMISSIONS p 12 - None**
- 11. OLD BUSINESS p 12 - None**
- 12. NEW BUSINESS p 14**
 - A. Ordinance 1349-20: General Obligation Refunding Bonds p 14
 - B. Resolution 690-20: General Obligation Refunding Bonds p 20
 - C. Ordinance 1350-20 UPOC p 48
 - D. Duplex Request from BrightPorch Properties p 52
 - E. CIP Discussion and Allocation p 56
- 13. CONSENT AGENDA p 57**
 - A. Appropriation Ordinance - September 1, 2020 p 58
- 14. STAFF REPORTS p 65**
- 15. GOVERNING BODY REPORTS p 67**
- 16. ADJOURN**

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice.

At any time during the regular City Council meeting, the City Council may meet in executive session for consultation concerning several matters (real estate, litigation, non-elected personnel and security).

This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the City Clerk in a timely manner, at cityclerk@valleycenter-ks.gov or by phone at (316)755-7310.

For additional information on any item on the agenda, please visit www.valleycenter-ks.gov or call (316) 755-7310.

CALL TO ORDER

ROLL CALL

INVOCATION – MINISTERIAL ALLIANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

RECOMMENDED ACTION:

Staff recommends motion to approve the agenda as presented / amended.

ADMINISTRATION AGENDA

A. MINUTES:

Attached are the Minutes from the August 17, 2020 Special Called City Council Meeting as prepared by the City Clerk.

And

Attached are the Minutes from the August 18, 2020 Regular City Council Meeting as prepared by the City Clerk.

SPECIAL CALLED COUNCIL MEETING
August 17, 2020
VALLEY CENTER CITY HALL
121 S. MERIDIAN
MEETING CALLED TO ORDER VIA ZOOM AND FACEBOOK LIVE

Mayor Cicirello called the special meeting to order via Zoom at 6:15p.m. with the following members present: Chris Evans, Paul Davis, Gina Gregory, Dale Kerstetter, Robert Wilson, Ben Anderson, Matt Stamm and Ronald Colbert.

Members Absent: None

This was a joint meeting with the USD School Board and the Valley Center Recreation Board.

APPROVAL OF AGENDA –

Stamm moved to approve the agenda as presented, seconded by Kerstetter. Vote Yea: Unanimous.

NEW BUSINESS –

Presentation and discussion of Public Swimming Pool/Recreation Center

Kyle McCawley with LampRyneanson presented information about the Pool/Recreation Center.

When questioned about the feasibility of locating the project along Ford Street, McCawley and Smith stated that the location isn't finalized, however the access and cost of infrastructure could increase the cost of the project up to an additional \$1 million.

Clark explained that a Resolution authorizing a 1% sales tax is on the agenda for the August 18, 2020 City Council meeting. That is the first step to getting the question on the November 3rd general election ballot.

Blake Penniston, REC director, explained that the current space in the old fire station has been outgrown.

Gregory asked about the school swimming program and their plans. Superintendent Gibson stated it would depend on the project. They need access to an indoor facility during the school year.

Clark explained the time line. Concept drawings will be completed by end of September or early October. The public will have the opportunity to vote on the sales tax increase on November 3rd. The 1% sales tax would not go into effect until April 1, 2021. At which time, a better estimate of tax revenue can be gathered, to estimate the funds available for the project.

Parks Director, Neal Owings shared his enthusiasm for the project and reminded the group that the current pool is 50 years old and continues to have maintenance issues.

Superintendent Gibson stated his appreciation to the City and the REC and remarked that the relationship has never been stronger.

ADJOURN -

Stamm moved to adjourn, second by Evans. Vote Yea: Unanimous.

Meeting adjourned at 6:45 PM.

Kristi Carrithers, City Clerk

REGULAR COUNCIL MEETING
August 18, 2020
VALLEY CENTER CITY HALL
121 S. MERIDIAN

Mayor Cicirello called the regular meeting to order at 7:00p.m. With the following members present: Matt Stamm, Chris Evans (arrived at 7:02), Paul Davis, Ben Anderson, Gina Gregory, Dale Kerstetter, Robert Wilson and Ronald Colbert.

Members Absent: None

Staff Present: Lloyd Newman, Public Safety Director
Ryan Shrack, Community Development Director
Neal Owings, Parks and Public Buildings Director
Barry Arbuckle, City Attorney
Josh Golka, City Engineer
Barry Smith, Assistant City Administrator
Brent Clark, City Administrator
Eric Purk, Utility Manager
Kristi Carrithers, City Clerk

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Anderson moved to approve the agenda as presented, seconded by Davis. Vote yea: unanimous. Motion carried.

ADMINISTRATION AGENDA –

AUGUST 4, 2020 CITY COUNCIL MINUTES-

Colbert moved to accept the minutes of the August 4, 2020, regular City Council meeting, seconded by Kerstetter. Vote yea: unanimous. Motion carried.

AUGUST 5, 2020 TOWN HALL MEETING MINUTES

Colbert moved to accept the minutes of the August 5, 2020, Town Hall meeting, seconded by Kerstetter. Gregory noted that the date on the minutes was August 4, 2020 and needed to be the 5th. Colbert amended motion to accept the minutes as amended, seconded by Kerstetter. Vote yea: unanimous. Motion carried.

PRESENTATIONS/PROCLAMATIONS –

SWEAR IN OF NEW POLICE OFFICER AUSTIN HART

City Clerk administered the oath of office to Austin Hart as Police Officer for City of Valley Center. He will beginning training at police academy September 8th. Followed by field training in Valley Center.

PUBLIC FORUM – None

APPOINTMENTS – None

COMMITTEES, COMMISSIONS –

PLANNING AND ZONING BOARD MINUTES

Gregory moved to accept and file the minutes of the July 28, 2020 Planning and Zoning Board meeting, seconded by Kerstetter. Vote yea: unanimous. Motion carried.

ECONOMIC DEVELOPMENT BOARD MINUTES

Anderson moved to accept and file the minutes of the August 5, 2020 Economic Development Board meeting, seconded by Kerstetter. Vote yea: unanimous. Motion carried.

OLD BUSINESS

A. ORDINANCE 1347-20; AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

Shrack presented Ordinance 1347-20 for second reading. The Ordinance amends the Future Land Use Map in the City's current Comprehensive Plan.

Based on approval by the Planning and Zoning Board, Gregory moved to approve the amended Future Land Use Map and the associated Ordinance 1347-20 for 2nd reading. Motion seconded by Evans. Vote Yea: Unanimous. Motion carried.

B. ORDINANCE 1348-20; AMENDMENT TO COURT COSTS

Smith requested 2nd. reading approval of Ordinance 1348-20, amending section 2.24.270 regarding court costs. Kerstetter questioned how that Ordinance fit in with the Standard Traffic Ordinance. Smith explained that court costs are not collected if the defendant is found not guilty.

Evans moved, seconded by Anderson to approve Ordinance 1348-20, amending section 2.24.270 amending court costs for 2nd reading. Vote Yea: Stamm, Evans, Davis, Anderson, Gregory, Wilson and Colbert. Opposed: Kerstetter Motion carried.

NEW BUSINESS-**A. KPTS CITY PARTNERSHIP RENEWAL**

Clark introduced Victor Hogstrom with KPTS to discuss the renewal of the City partnership. The partnership gives the City the opportunity to utilize KPTS staff to create a commercial, feature story on Positively Kansas, Valley Center Night during the pledge drive and a mayoral spot. Clark is also hoping that he will be about to use the knowledge of KPTS staff to assist with scheduling on Channel 7 as well as broadcast of City Council meetings.

Hogstrom stated that viewership on KPTS was 350,000. Kerstetter was in support of the renewal, he didn't know about the \$5,000.00 level. Smith stated that funds are available in 2020 to increase the partnership fee. While he can't commit to the same amount next year, the partnership is renewed every year.

Jarrold West address Council in support of the partnership with KPTS. He stated that it's not junk TV. It's good programming for our children and ourselves.

Anderson moved to approve the partnership renewal with KPTS in the amount of \$5,000.00. Motion seconded by Davis. Vote yea: unanimous. Motion carried.

B. RESOLUTION 689-20: SPECIAL QUESTION ELECTION FOR 1% SALES TAX

Clark presented Resolution 689-20 regarding a special question to submit to the electors of the City imposing Citywide retailers' sales tax. The revenue from the tax will be used to pay the costs to construct, furnish and equip an aquatic facility and recreation complex in the City. If approved the special tax would terminate on the earlier of the following: (a) 15 years after its commencement, or (b) accumulation of sufficient revenues to provide for the payment of all costs of the Project, including payment of debt service on financings issued for the Project..

Kerstetter inquired about the first paragraph of the resolution which seems to contradict the timeline. Smith and Clark explained that is the language used is state statue and we are not trying to get 2% regular tax or the special 10 year tax. Clark explained that the tax will only be used for the costs of swimming pool/recreation center and will stop at 15 years or earlier if all expenses have been paid. If approved the increase in sales tax will go into effect April 1, 2021.

Evans moved to adopt Resolution 689-20 authorizing and providing for the calling of special question election to impose a 1% citywide retailers' sales tax. Motion seconded by Davis. Vote Yea: unanimous. Motion carried.

C. APPROVAL OF 2" WATER SERVICE REPLACEMENT FOR VALLEY VIEW APARTMENT COMPLEX

Eric Purk, Utilities Manager spoke to the need to have a water service replacement for the Valley View Apartments complex. Purk stated the department has been experiencing varied unreliable reads and consistently find excess water in the meter vault. There is varied sizes of pipe on both sides of the meter which can be the cause of erroneous reads. Nowak would be able to install a new service beside the old one, including all piping, vault, setter and meter then cut the service over with minimal down time to the customer.

Kerstetter moved to approve the hire of Nowak Construction to replace the 2 inch water service at Valleyview Apartments at a cost not to exceed \$13,850.00 Motion seconded by Anderson. Vote Yea: unanimous. Motion carried.

D. APPROVAL OF PURCHASE OF CUB CADET MOWER

Clark requested Council approval to purchase a new Cub Cadet mower to safely mow the slopes and ditches. Currently a 6' deck is used on some ditches as well as a smaller mower that isn't rated for an angled slope. The staff at public works looked at various mowing options including a remote control mower as well as outsourcing the ditch mowing. After test mowing with the proposed mower, they feel confident this mower addresses the safety concerns for employees.

Smith stated that the 2020 funds would be used and costs could be divided among departments.

Anderson moved to approve purchase of Cub Cadet Pro Z972 SDL mower from Trailers N More in the amount of \$16,999.00. Motion seconded by Stamm. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

- A. APPROPRIATION ORDINANCE – AUGUST 4, 2020
- B. CHECK RECONCILIATION – JULY 2020
- C. TREASURER'S REPORT – JULY 2020
- D. REVENUE AND EXPENSE SUMMARY – JULY 2020
- E. DELINQUENT ACCOUNT REPORT – MAY 2020

Kerstetter moved, seconded by Stamm to approve the Consent Agenda as presented. Vote Yea: Unanimous. Motion carried.

STAFF REPORTS

COMMUNITY DEVELOPMENT DIRECTOR SHRACK

There will be a Land Bank Meeting immediately following the adjournment of the regular City Council Meeting tonight.

September 30, 2020 will be the deadline for the US Census. Valley Center currently is ranked 33 out of the 614 cities in Kansas, with a 77.5% response rate.

PUBLIC SAFETY DIRECTOR NEWMAN

The Valley Center Fire and Police Departments will be at McLaughlin Park tomorrow night 8/19/20 between 5:30 and 7pm collecting school supplies for the Hornet's Hanger. Don't forget the swimsuits as firefighters will be spraying the deck gun from the big Engine Tender truck.

CITY ENGINEER GOLKA

Golka reported that Nowak is approximately 90% complete on the water line replacement project. They are ahead of schedule and should be able to complete the project by end of September/first of October.

ASSISTANT CITY ADMINISTRATOR OF ADMINISTRATION AND FINANCE SMITH

Smith announced that staff has been working on changes to the current CIP. He requested Council look at projects identified by staff or from prior CIPs. Council can provide feedback and direction prior to approval of 2021-2030 CIP to be approved at the September 15, 2020.

CITY ADMINISTRATOR CLARK

Announced that he will be looking for volunteers on September 1, 2020. KPTS and the City will have “Valley Center Night” highlighting Valley Center as we have residents answer phones during the pledge drive from 6:00 10:00pm

GOVERNING BODY REPORTS –

COUNCILMEMBER GREGORY

Stated that she will be attending the Local Emergency Planning meeting and the Sedgwick County Association of Cities meeting via zoom this week. Invited other Council members to log in and attend.

ADJOURN -

Colbert moved to adjourn, second by Kerstetter. Vote Yea: Unanimous.

Meeting adjourned at 8:01 PM.

Kristi Carrithers, City Clerk

ADMINISTRATION AGENDA
RECOMMENDED ACTION

A. MINUTES:

RECOMMENDED ACTION:

Staff recommends motion to approve the minutes of the August 17, 2020 Special Called Council Meeting as presented/ amended.

and

Staff recommends motion to approve the minutes of the August 18, 2020 Regular Council Meeting as presented/ amended.

PRESENTATIONS / PROCLAMATIONS

A. Proclamation – Constitution Week

PUBLIC FORUM

APPOINTMENTS

COMMITTEES, COMMISSIONS

OLD BUSINESS-NONE

PROCLAMATION FOR CONSTITUTION WEEK

September 17 – 23, 2020

WHEREAS: September 17, 2020, marks the two hundred thirty-third (233rd) anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Lou Cicirello, by virtue of the authority vested in me as Mayor of the City of Valley Center, Kansas, do hereby proclaim the week of September 17 through 23, 2020 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Valley Center to be affixed this 1st day of September of the year of our Lord two thousand and twenty.

SEAL

Signed _____

Lou Cicirello, Mayor

Attest _____

Kristi Carrithers, City Clerk

NEW BUSINESS

A. ORDINANCE 1349-20; GENERAL OBLIGATION REFUNDING BONDS:

Barry Smith and Dustin Avery will present documents for the issuance of General Obligation Refunding Bonds.

The “Refunded Bonds” means collectively: (a) the Series 2010-1 Bonds maturing in the years 2021 to 2025, inclusive, in the aggregate principal amount of \$190,000; (b) the Series 2012-1 Bonds maturing in the years 2021 to 2027, inclusive, in the aggregate principal amount of \$1,650,000; (c) the Series 2012-2 Bonds maturing in the years 2022 to 2032, inclusive, in the aggregate principal amount of \$1,130,000; and (d) the Series 2013-1 Bonds maturing in the years 2021 to 2033, inclusive, in the aggregate principal amount of \$3,755,000.

- Ordinance 1349-20

ORDINANCE NO. 1349-20

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020-2, OF THE CITY OF VALLEY CENTER, 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 Valley Center, 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 heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds, reduce debt service requirements of the City for certain years, restructure the debt payments on the Refunded Bonds and provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

WHEREAS, the Governing Body has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALLEY CENTER, 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 and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, 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 Refunding Bonds, Series 2020-2, dated September 24, 2020, authorized by this Ordinance.

“**City**” means the City of Valley Center, 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.

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

“**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 Bonds**” means collectively: (a) the Series 2010-1 Bonds maturing in the years 2021 to 2025, inclusive, in the aggregate principal amount of \$190,000; (b) the Series 2012-1 Bonds maturing in the years 2021 to 2027, inclusive, in the aggregate principal amount of \$1,650,000; (c) the Series 2012-2 Bonds maturing in the years 2022 to 2032, inclusive, in the aggregate principal amount of \$1,130,000; and (d) the Series 2013-1 Bonds maturing in the years 2021 to 2033, inclusive, in the aggregate principal amount of \$3,755,000.

“**Series 2010-1 Bonds**” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2010-1, dated June 15, 2010.

“**Series 2012-1 Bonds**” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2012-1, dated May 1, 2012.

“**Series 2012-2 Bonds**” means the Issuer's General Obligation Bonds, Series 2012-2, dated May 1, 2012.

“**Series 2013-1 Bonds**” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2013-1, dated March 1, 2013.

“**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 Refunding Bonds, Series 2020-2, of the City in the principal amount of \$6,795,000*, for the purpose of providing funds to: (a) refund the Refunded Bonds; and (b) 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 in part from special assessments levied upon the property benefited by the construction of certain public improvements, and, if not so paid, 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 balance of the principal and interest on the Bonds is payable 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 and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments 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 and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments 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 and/or assessments are collected.

Section 6. Further Authority. The Mayor, Director of Finance, 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, approval by the Mayor and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the City Council on September 1, 2020 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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NEW BUSINESS
RECOMMENDED ACTION

A. ORDINANCE 1349-20; GENERAL OBLIGATION REFUNDING
BONDS:

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion that the first reading requirement for the Ordinance be waived.

and

Staff recommends motion that the award of the bid be ratified and that Ordinance 1349-20 be passed.

NEW BUSINESS

B. RESOLUTION 690-20; GENERAL OBLIGATION REFUNDING BONDS:

Following adoption of Ordinance 1349-20, Barry Smith and Dustin Avery will present Resolution 690-20, prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds.

- Resolution 690-20

RESOLUTION NO. 690-20

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020-2, OF THE CITY OF VALLEY CENTER, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1349-20 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.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the City Council of the Issuer (the “Governing Body”) to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Bonds in the principal amount of \$6,795,000* to refund the Refunded Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALLEY CENTER, KANSAS, AS FOLLOWS:

DEFINITIONS

Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution 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 and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

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

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“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 State Treasurer and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” means the General Obligation Refunding Bonds, Series 2020-2, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and 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 of DTC and any successor nominee of DTC.

“City” means the City of Valley Center, Kansas.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Compliance Account” means the Compliance Account created pursuant to *Section 501* hereof.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to 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, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Costs of Issuance Account” means the Costs of Issuance Account for General Obligation Refunding Bonds, Series 2020-2 created pursuant to *Section 501* hereof.

“Dated Date” means September 24, 2020.

“Debt Service Account” means the Debt Service Account for General Obligation Refunding Bonds, Series 2020-2 created within the Bond and Interest Fund pursuant to *Section 501* hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to

the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“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 issuer 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;

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

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any 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.

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

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, 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;

(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 Issuer 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 Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, 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 Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer's Federal Tax Certificate, dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Fiscal Year” means the twelve month period ending on December 31.

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

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

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“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 elected and acting Mayor, or in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“Moody's” means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or

liquidated or shall no longer perform the functions of a securities rating agency, “Moody's” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“**Notice Address**” means with respect to the following entities:

(a) To the Issuer at:

City Hall,
121 S. Meridian,
P.O. Box 188,
Valley Center, Kansas 67147-0188
Fax: (316) 755-7319

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

[Purchaser]
[Purchaser Address]
[Purchaser City, State] [Zip]
Fax: [Fax]

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street, 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“**Notice Representative**” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Fiscal Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. 1349-20 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“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 *Article VII* 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. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“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” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (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 Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements 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 or Standard & Poor's; (i) investments and 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 State 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), all as may be further restricted or modified by amendments to applicable State law.

“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.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery[, plus a premium of \$_____].

“Purchaser” means [Purchaser], [Purchaser City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

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

“Redemption Fund” means the Redemption Fund for Refunded Bonds created pursuant to *Section 501* hereof.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond 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 collectively: (a) the Series 2010-1 Bonds maturing in the years 2021 to 2025, inclusive, in the aggregate principal amount of \$190,000; (b) the Series 2012-1 Bonds maturing in the years 2021 to 2027, inclusive, in the aggregate principal amount of \$1,650,000; (c) the Series 2012-2 Bonds maturing in the years 2022 to 2032, inclusive, in the aggregate principal amount of \$1,130,000; and (d) the Series 2013-1 Bonds maturing in the years 2021 to 2033, inclusive, in the aggregate principal amount of \$3,755,000.

“Refunded Bonds Paying Agent” means the respective paying agent for each series of the Refunded Bonds as designated in the respective Refunded Bonds Resolution, and any successor or successors at the time acting as paying agent for any of the Refunded Bonds.

“Refunded Bonds Redemption Date” means December 1, 2020.

“Refunded Bonds Resolution” means each ordinance and resolution which authorized the Refunded Bonds.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 213* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2010-1 Bonds” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2010-1, dated June 15, 2010.

“Series 2012-1 Bonds” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2012-1, dated May 1, 2012.

“Series 2012-2 Bonds” means the Issuer's General Obligation Bonds, Series 2012-2, dated May 1, 2012.

“Series 2013-1 Bonds” means the Issuer's General Obligation Refunding and Improvement Bonds, Series 2013-1, dated March 1, 2013.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor's” or “S&P” means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“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.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond 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 2033.]

[**“___ Term Bonds”** means the Bonds scheduled to mature in the year ____.]

[**“2033 Term Bonds”** means the Bonds scheduled to mature in the year 2033.]

[**“Term Bonds”** means collectively the [____] Term Bonds[, the [____] Term Bonds] and the 2033 Term Bonds.]

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting 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 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), or securities which represent an undivided interest in such obligations,

which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

AUTHORIZATION AND DETAILS OF THE BONDS

Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding Bonds, Series 2020-2, of the Issuer in the principal amount of \$6,795,000*, for the purpose of providing funds to: (a) refund the Refunded Bonds; and (b) pay Costs of Issuance.

Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, 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

<u>Stated Maturity</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Stated Maturity</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2021	\$_[_____]	[_____]%	2028	\$_[_____]	[_____]%
2022			2029		
2023			2030		
2024			2031		
2025			2032		
2026			2033		
2027					

[TERM BONDS

<u>Stated Maturity</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2033	\$_[_____]	[_____]%

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 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 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.*

Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor of the Issuer is hereby authorized and

empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) 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 (b) 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.

Method and Place of Payment of the Bonds. The principal of, or Redemption Price, 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 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 at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or 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 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 Issuer 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 Issuer of such Special Record Date and, in the name and at the expense of the Issuer, 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 Issuer.

Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Registration, Transfer and Exchange of Bonds. The Issuer 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 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 Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond 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 Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer 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 *Article III* 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 Issuer 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 this *Article II*.

The Issuer 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 Issuer 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 (or a designated representative thereof) 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.

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 Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer 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 Issuer 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 Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

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 Bond 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 Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

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 Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer'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 Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent 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 Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

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 Issuer.

Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. 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 this Section. 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 the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) 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 (3) 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

(b) 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 of 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 (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph 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 Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, 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 Issuer.

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 Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar 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 an Authorized Denominations and form as provided herein.

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 Issuer 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 Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Preliminary and Final Official Statement. The Preliminary Official Statement dated [POS Date], is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer 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 the SEC Rule.

The 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 and Director of Finance are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby ratified and confirmed. The Mayor and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

REDEMPTION OF BONDS

Section 101. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on December 1 in the years 2028, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on December 1, 2027, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** (a) [____] *Term Bonds.*] 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 Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on December 1 in each year, the following principal amounts of such [____] Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	
	*

*Final Maturity

Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination 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 a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, 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 a minimum Authorized Denomination 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 of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for 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. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. 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 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 Issuer 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.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a

Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

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 Issuer 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 of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date 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.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory 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 Bond.

SECURITY FOR BONDS

Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, 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 Issuer. The balance of the principal and interest on the Bonds is payable 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 Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Levy and Collection of Annual Tax; Transfer to Debt Service Account. 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, to the extent necessary, levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes and/or assessments 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 Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes and/or assessments 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 Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Redemption Fund for Refunded Bonds.
- (b) Debt Service Account for General Obligation Refunding Bonds, Series 2020-2 (within the Bond and Interest Fund).
- (c) Costs of Issuance Account for General Obligation Refunding Bonds, Series 2020-2.
- (d) Compliance Account.

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

Deposit of Bond Proceeds and Other Moneys. The net proceeds received from the sale of the Bonds and certain other funds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) Excess proceeds, if any, received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) An amount necessary to pay the Costs of Issuance shall be deposited in the Costs of Issuance Account.

(c) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Redemption Fund.

(d) In addition to the proceeds of the Bonds, the Issuer will use available funds to pay a portion of the costs of refunding the Refunded Bonds.

Application of Moneys in the Redemption Fund. Moneys in the Redemption Fund shall be paid and transferred to the Refunded Bonds Paying Agent, with irrevocable instructions to apply such amount to the payment of the Refunded Bonds on the Refunded Bonds Redemption Date. The Clerk is authorized and instructed to provide appropriate notice of redemption in accordance with the Refunded Bonds Resolution. Any moneys remaining in the Redemption Fund not needed to retire the Refunded Bonds shall be transferred to the Debt Service Account.

Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer 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 Debt Service 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 Issuer. 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 Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured 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 Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account other than Redemption Fund may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; 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 was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account.

Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 30 days prior to the first Stated Maturity of principal or one year after the date of issuance of the Bonds, shall be transferred to Debt Service Account.

Application of Moneys in the Compliance Account. Moneys in the Compliance Account shall be used by the Issuer to pay fees and expenses relating to compliance with federal arbitrage law and state or federal securities laws. Any funds remaining in the Compliance Account on the sixth anniversary of the Issue Date shall be transferred to the Debt Service Account.

DEFAULT AND REMEDIES

Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer 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 Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond 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 Issuer, 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.

Limitation on Rights of Owners. The covenants and agreements of the Issuer 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 of 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 Bond 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.

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 Bond 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 Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, 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.

DEFEASANCE

Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer'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, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond 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 or Redemption Price 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. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer 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 *Article III* hereof. 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 Issuer, 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 Bond Resolution.

TAX COVENANTS

General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate.

The Mayor and Director of Finance are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer 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 Issuer.

Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

CONTINUING DISCLOSURE REQUIREMENTS

Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any 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 Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

MISCELLANEOUS PROVISIONS

Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any 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 shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer 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 Issuer 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 Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the Governing Body 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 Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, 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 Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the Governing Body amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond 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 Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

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 ordinance or resolution of the Issuer 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 Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

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 Bond Resolution, and shall be conclusive in favor of the Issuer 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 take acknowledgments 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 Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond 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 right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Further Authority. The officers and officials of the Issuer, including the Mayor, Director of Finance 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 Bond 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.

Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

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

Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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ADOPTED by the City Council on September 1, 2020.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Bond Resolution of the Issuer adopted by the Governing Body on September 1, 2020, as the same appears of record in my office.

DATED: September 1, 2020.

Clerk

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NEW BUSINESS
RECOMMENDED ACTION

B. RESOLUTION 690-20; GENERAL OBLIGATION REFUNDING
BONDS:

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion to adopt Resolution 690-20, authorizing and directing the sale and delivery of General Obligation Refunding Bonds.

NEW BUSINESS

C. ORDINANCE 1350-20; UNIFORM PUBLIC OFFENSE CODE:

Public Safety Director Newman will present Ordinance 1350-20; Uniform Public Offense Code for 1st reading.

- Ordinance 1350-20

ORDINANCE NO. 1350-20

AN ORDINANCE RELATED TO THE REGULATION OF PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY CENTER, KANSAS, INCORPORATING BY REFERENCE THE “2020 UNIFORM PUBLIC OFFENSE CODE,” 36th EDITION, AMENDING CHAPTER 9.01 OF THE VALLEY CENTER MUNICIPAL CODE AND AMENDMENTS THERETO; AMENDING THE PROVISIONS THEREOF THAT REGULATE.

BE IT ORDAINED, by the Governing Body of Valley Center, Kansas:

Section 1. The Valley Center Municipal Code, Title 9, “Public Peace, Safety and Morals,” Chapter 9.01, “Uniform Public Offense Code,” Section 10, “Adopted by Reference,” is hereby amended to read as follows:

9.01.010 Incorporating Uniform Public Offense Code

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Valley Center, Kansas, that certain code known as the 2020 "Uniform Public Offense Code for Kansas Cities," 36th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with certain additions as are provided in Section 2 of this Ordinance. At least one copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1350-20," and to which shall be attached a copy of this Ordinance, and filed with the City Clerk, to be open for inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the City charged with the enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of the ordinance similarly marked, as may be deemed expedient.

Section 2. Severability. Those sections, paragraphs, and provisions of Title 9 of the City of Valley Center Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the City of Valley Center Municipal Code other than those expressly amended or repealed in Sections 1 and 2 of this Ordinance.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Section 3. Savings Clause. Neither the adoption of the Ordinance, nor the future repeal or amendment of any section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or future amendments thereto, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under either this Ordinance or future amendments thereto, nor be construed as affecting any of the provisions of this Ordinance relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, all rights and obligations thereunder shall continue in full force and effect.

Section 4. Applicability and Effective Date All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance shall be in full force and effect from and after its passage and after publication according to law.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 15th day of September, 2020.

First Reading: September 1, 2020

Second Reading: September 15, 2020

{SEAL}

Lou Cicirello, Mayor

ATTEST:

Kristi Carrithers, City Clerk

NEW BUSINESS
RECOMMENDED ACTION

C. ORDINANCE 1350-20; UNIFORM PUBLIC OFFENSE CODE:

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1350-20, amending Chapter 9.01 of the Valley Center Municipal Code and amendments thereto, for 1st reading.

NEW BUSINESS

D. DUPLEX REQUEST FROM BRIGHTPORCH PROPERTIES:

Comm. Dev. Director Shrack will discuss the attached staff memo and letter received from BrightPorch Properties, then introduce Lee Schnyder and Kevin Hamblin with BrightPorch Properties to address City Council.

- Staff Memo regarding request
- Brightporch Duplex Request Letter

Date: August 24, 2020

Applicant: BrightPorch Properties

Applicant Request: The applicant, BrightPorch Properties, is the current owner of the duplexes in the Ridgefield Addition. Recently, the applicant asked City staff if it would be possible to buy three of the Land Bank lots in the subdivision and build three new duplexes on them (see applicant's request letter). When the original 46 lots were accepted into the Land Bank in 2017, one of the stipulations put on these lots by City Council was that **only** single-family houses would be built on these lots. The applicant asked to address City Council and review this request in person. City staff reviewed this request and agreed to have the applicant come before City Council to discuss the request and possible modification to the three lots in question.

Property Address: Currently unaddressed, but the legal descriptions are as follows: Lots 27-29, Block C, Ridgefield Add. (outlined in black below):



Staff Recommendation: City staff offers no formal recommendation at this time regarding this request.



August 19, 2020

The City of Valley Center
City Council Members
121 S. Meridian
Valley Center, Ks 67147

Dear Council Members,

BrightPorch Properties, the managing company for Redbud Twin Homes, would like the opportunity to address the council on September 1, 2020 at 7:00pm to discuss the potential purchase and rezoning of three residential lots in the Ridgefield addition. Our objective is to purchase, if approved, Block C, Lots 27, 28, and 29.

We understand that these lots, per the Land Bank agreement, are designated for single family homes. At the meeting, we would like to discuss the feasibility of re-designating the zoning of these three lots to allow the building of twin homes. If approved, our intent would be to build three additional twin homes on these lots. Two of the twin homes would consist of a 3-bedrooms with 2-full baths with the third duplex being a 5-bedroom with 3-baths. The construction of these duplexes would be consistent with the exterior design of the current twin homes in the Ridgefield Addition.

Lee Schnyder, president of BrightPorch Properties, and Kevin Hamblin, Community Manager for Redbud Twin Homes will attend this meeting to answer any questions.

Thank you for your time and consideration. We look forward to the opportunity to address the council in person to further discuss this proposal.

Sincerely,

Kevin Hamblin

Kevin Hamblin, Community Manager
Redbud Twin Homes, a BrightPorch Property
709 Redbud Ave.
Valley Center, Ks 67147
316.364.4162
khamblin@brightporch.com

NEW BUSINESS
RECOMMENDED ACTION

D. DUPLEX REQUEST FROM BRIGHTPORCH PROPERTIES:

RECOMMENDED ACTION

Staff offers no formal recommendation at this time regarding this request.

NEW BUSINESS

E. CIP DISCUSSION AND ALLOCATION:

Asst. Administrator Smith will present Capital Improvement Plan and lead discussion for project listing and allocations.

Presentation and discussion only.

CONSENT AGENDA

A. APPROPRIATION ORDINANCE – SEPTEMBER 1, 2020

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

8/25/2020 12:50 PM

A/P HISTORY CHECK REPORT

VENDOR SET: 02 City of Valley Center
BANK: APBK INTRUST CHECKING
DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0078	KRWA - KANSAS RURAL WATER ASSO							
I-202008125772	KRWA - KANSAS RURAL WATER ASSO	R	8/14/2020	920.00		051897		920.00
0080	KDHE-BUREAU OF WATER							
I-202008125784	KDHE-BUREAU OF WATER	R	8/14/2020	104,323.57		051898		104,323.57
0129	JCI INDUSTRIES INC							
I-202008125790	JCI INDUSTRIES INC	R	8/14/2020	10,295.00		051899		10,295.00
0183	KANSAS ONE-CALL SYSTEM, INC							
I-202008115765	KANSAS ONE-CALL SYSTEM, INC	R	8/14/2020	188.40		051900		188.40
0224	SUMNERONE, INC.							
I-202008125788	SUMNERONE, INC.	R	8/14/2020	101.58		051901		
I-202008125789	SUMNERONE, INC.	R	8/14/2020	38.44		051901		140.02
0328	UCI - UTILITY CONSULTANTS							
I-202008125773	UCI - UTILITY CONSULTANTS	R	8/14/2020	80.00		051902		80.00
0509	NOWAK CONSTRUCTION CO., INC.							
I-202008125783	NOWAK CONSTRUCTION CO., INC.	R	8/14/2020	258,907.83		051903		258,907.83
0623	CORE & MAIN							
I-202008125775	CORE & MAIN	R	8/14/2020	350.74		051904		350.74
0708	UNIFIRST							
I-202008125785	UNIFIRST	R	8/14/2020	6.55		051905		6.55
0796	BARDAVON HEALTH INNOVATIONS							
I-202008135795	BARDAVON HEALTH INNOVATIONS	R	8/14/2020	220.00		051906		220.00
0824	GALLS, LLC							
I-202008125777	GALLS, LLC	R	8/14/2020	255.07		051907		
I-202008125778	GALLS, LLC	R	8/14/2020	41.16		051907		
I-202008125779	GALLS, LLC	R	8/14/2020	76.17		051907		
I-202008125780	GALLS, LLC	R	8/14/2020	35.01		051907		
I-202008125781	GALLS, LLC	R	8/14/2020	104.67		051907		512.08
0863	SAM, LLC							
I-202008115767	SAM, LLC	R	8/14/2020	125.00		051908		125.00
0884	SHIRE GRAPHICS							
I-202008125791	SHIRE GRAPHICS	R	8/14/2020	254.88		051909		254.88

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A/P HISTORY CHECK REPORT

VENDOR SET: 02 City of Valley Center
BANK: APBK INTRUST CHECKING
DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0922	INTERSTATE ALL BATTERY CENTER							
I-202008115766	INTERSTATE ALL BATTERY CENTER	R	8/14/2020	54.30		051910		54.30
1085	DERBY OVERHEAD COMPANY							
I-202008115768	DERBY OVERHEAD COMPANY	R	8/14/2020	1,907.50		051911		
I-202008115769	DERBY OVERHEAD COMPANY	R	8/14/2020	8,500.00		051911		
I-202008135796	DERBY OVERHEAD COMPANY	R	8/14/2020	495.00		051911		10,902.50
1101	LAMP RYNEARSON							
I-202008125786	LAMP RYNEARSON	R	8/14/2020	5,430.00		051912		5,430.00
0650	RUSTY ECK FORD							
I-202008185820	RUSTY ECK FORD	R	8/19/2020	33,807.00		051917		33,807.00
0270	INTRUST CARD CENTER							
I-202008195821	INTRUST CARD CENTER	R	8/21/2020	15,824.32		051918		15,824.32
1	FOLSTER, BRANDON							
I-000202008205826	US REFUND	R	8/21/2020	336.35		051919		336.35
0006	AT&T							
I-202008185811	AT&T	R	8/21/2020	334.98		051923		
I-202008185812	AT&T	R	8/21/2020	334.98		051923		
I-202008185813	AT&T	R	8/21/2020	1,416.69		051923		2,086.65
0204	PITNEY BOWES							
I-202008175805	PITNEY BOWES	R	8/21/2020	604.50		051924		604.50
0224	SUMNERONE, INC.							
I-202008205823	SUMNERONE, INC.	R	8/21/2020	258.00		051925		258.00
0254	CITY OF WICHITA							
I-202008205824	CITY OF WICHITA	R	8/21/2020	115,905.25		051926		115,905.25
0587	DELL BUSINESS CREDIT AKA FINAN							
I-202008185810	DELL BUSINESS CREDIT AKA FINAN	R	8/21/2020	7,545.88		051927		7,545.88
0708	UNIFIRST							
I-202008185816	UNIFIRST	R	8/21/2020	139.57		051928		
I-202008185817	UNIFIRST	R	8/21/2020	60.47		051928		
I-202008185818	UNIFIRST	R	8/21/2020	43.42		051928		
I-202008185819	UNIFIRST	R	8/21/2020	63.27		051928		306.73

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VENDOR SET: 02 City of Valley Center
BANK: APBK INTRUST CHECKING
DATE RANGE: 0/00/0000 THRU 99/99/9999

A/P HISTORY CHECK REPORT

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0784	MERIDIAN ANALYTICAL LABS, LLC							
I-202008205825	MERIDIAN ANALYTICAL LABS, LLC	R	8/21/2020	451.00		051929		451.00
0815	KONICA MINOLTA BUSINESS SOLUTI							
I-202008175799	KONICA MINOLTA BUSINESS SOLUTI	R	8/21/2020	79.53		051930		79.53
0824	GALLS, LLC							
I-202008175803	GALLS, LLC	R	8/21/2020	786.13		051931		
I-202008175804	GALLS, LLC	R	8/21/2020	9.00		051931		795.13
0898	GREATER WICHITA YMCA							
I-202008185807	GREATER WICHITA YMCA	R	8/21/2020	265.00		051932		
I-202008185808	GREATER WICHITA YMCA	R	8/21/2020	18.75		051932		283.75
1015	UTILITY REBATE CONSULTANTS, IN							
I-202008175802	UTILITY REBATE CONSULTANTS, IN	R	8/21/2020	42.79		051933		42.79
1078	FLEXIBLE BENEFIT SERVICE CORPO							
I-202008175797	FLEXIBLE BENEFIT SERVICE CORPO	R	8/21/2020	55.00		051934		
I-202008175798	FLEXIBLE BENEFIT SERVICE CORPO	R	8/21/2020	143.00		051934		198.00
1087	THE INSURANCE GUYS							
I-202008185815	THE INSURANCE GUYS	R	8/21/2020	1,314.18		051935		1,314.18
1094	EMC INSURANCE COMPANIES							
I-202008185814	EMC INSURANCE COMPANIES	R	8/21/2020	1,037.00		051936		1,037.00
1102	KANSAS WINDOW TINTING							
I-202008185806	KANSAS WINDOW TINTING	R	8/21/2020	10,845.29		051937		10,845.29
1103	MY SENIOR CENTER							
I-202008205827	MY SENIOR CENTER	R	8/21/2020	4,800.00		051938		4,800.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	35	589,232.22	0.00	589,232.22
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 02 BANK: APBK TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
	35	589,232.22	0.00	589,232.22

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A/P HISTORY CHECK REPORT

VENDOR SET: 03 City of Valley Center
BANK: APBK INTRUST CHECKING
DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0113	CAL LESLIE							
I-202008125793	CAL LESLIE	R	8/14/2020	65.15		051913		65.15
0114	SHAWN CARTER							
I-202008125792	SHAWN CARTER	R	8/14/2020	110.77		051914		110.77
0119	GREG WELCH							
I-202008125774	GREG WELCH	R	8/14/2020	200.00		051915		200.00
0120	WADE GAYLORD							
I-202008135794	WADE GAYLORD	R	8/14/2020	190.75		051916		190.75
0041	RON EKSTROM							
I-202008175800	RON EKSTROM	R	8/21/2020	189.95		051921		
I-202008195822	RON EKSTROM	R	8/21/2020	3.00		051921		192.95
0075	TIMOTHY FRYE							
I-202008185809	TIMOTHY FRYE	R	8/21/2020	62.69		051922		62.69

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
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HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	

TOTAL ERRORS: 0

VENDOR SET: 03 BANK: APBK TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
	6	822.31	0.00	822.31

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A/P HISTORY CHECK REPORT

VENDOR SET: 04 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0159	GEORGIANNE SIMPSON							
I-202008175801	GEORGIANNE SIMPSON	R	8/21/2020	200.00		051920		200.00

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	200.00	0.00	200.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 04 BANK: APBK TOTALS:	1	200.00	0.00	200.00
BANK: APBK TOTALS:	42	590,254.53	0.00	590,254.53
REPORT TOTALS:	42	590,254.53	0.00	590,254.53

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A/P HISTORY CHECK REPORT

SELECTION CRITERIA

VENDOR SET: * - All
VENDOR: ALL
BANK CODES: All
FUNDS: All

CHECK SELECTION

CHECK RANGE: 051897 THRU 051938
DATE RANGE: 0/00/0000 THRU 99/99/9999
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

STAFF REPORTS

A. Community Development Director Shrack

B. Parks & Public Buildings Director Owings

C. Public Safety Director Newman

D. Public Works Director Eggleston

E. City Engineer Golka

F. City Attorney Arbuckle

G. Asst. City Administrator of Finance Smith

H. City Administrator Clark

MEMO

TO: City of Valley Center **DATE:** September 1, 2020
ATTENTION: Mayor Cicirello and Members of Council **PROJECT NO.:** 35-197013-000-2502
FROM: Josh Golka, P.E. **PROJECT:** Valley Center – City Engineer
REFERENCE: Project Status Update **COPIES TO:** Brent Clark, Rodney Eggleston, Barry Smith

Please advise immediately of any misconceptions or omissions you believe to be contained herein.

Shown below is a list of current PEC projects with status updates:

Current Projects:

1. **Waste Water Treatment Plant Phase 3 Improvements (161372)**
 - A. Final control panel/SCADA submittals are still outstanding. The initial submittals require corrections before approval. Once the submittals are approved, a final walkthrough can be scheduled to verify Substantial Completion.
2. **Waterline Replacements (171031)**
 - A. Water main replacements on Colby Avenue from Main Street to 5th Street.
 - B. Waterline testing along Park Avenue from Main Street to 5th Street.
 - C. Crews to start working on concrete and asphalt patching.
3. **Water Tower Rehabilitation (187013-004)**
 - A. Kickoff meeting August 24, 2020.
 - B. Project construction to occur in low water use periods. Tentative schedule 2021.
4. **Meridian from 69th Street to Railroad Paving Improvements (197013-004)**
 - A. Concept approved. Working on field check plans.
 - B. Council approved schedule change from FY2022 to FY2023 on May 5, 2020. WAMPO TIP Amendment submitted and in process.
5. **Meridian from Main Street to 5th Street Paving Improvements (197013-006)**
 - A. Field Survey is finished. PEC has completed the concept and will reach out to schedule a review meeting with the City.

Miscellaneous

1. Attended warranty walkthrough on Community Center pavement. PEC and City staff will work with the contractor on corrective actions.
2. Reviewed Riverdell development plans and drainage report.
3. Provided concept mapping and estimates for Sheridan paving improvements west of Meridian.
4. Provided concept mapping and estimates for paving and utility improvements to serve Ford Street development.

Warranty Projects

1. Storm Water Improvements along Allen from Park to Meridian (197013-002) - Dondlinger & Sons Construction Co., Inc - November 13th, 2021
2. 5th Street from Fiddler's Creek to Broadway (187013-002) - Cornejo & Sons, LLC - April 5, 2021

GOVERNING BODY REPORTS

A. Mayor Cicirello

B. Councilmember Stamm

C. Councilmember Evans

D. Councilmember Davis

E. Councilmember Anderson

F. Councilmember Gregory

G. Councilmember Kerstetter

H. Councilmember Wilson

I. Councilmember Colbert

ADJOURN