

(Published in *The Baldwin Signal*, on March 3, 2014)

ORDINANCE NO. 1308

AN ORDINANCE OF THE CITY OF BALDWIN CITY, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF STORMWATER DRAINAGE IMPROVEMENTS AND CITY HALL IMPROVEMENTS IN THE CITY; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

WHEREAS, K.S.A. 12-631r(a) *et seq.* (the “Drainage Act”) provides, in part, that whenever the governing body of any city determines it is necessary to construct storm sewers, channels, retention basins or drains for the purpose of managing the storm drainage areas of all or any portion of such city and in the unincorporated areas outside of but within three miles of the corporate limits of such city, the governing body may authorize the construction of such storm sewers, channels, retention basins or drains, such construction shall be authorized by ordinance; such ordinance shall designate where such storm sewers, channels, retention basins or drains shall be located; and construction of such improvements located outside the corporate limits of a city shall not commence unless such construction is approved by a resolution adopted by the board of county commissioners of the county in which such improvements are to be located; and

WHEREAS, the governing body of the City of Baldwin City, Kansas (the “City”) hereby finds and determines that it is necessary to construct storm sewer improvements within the corporate limits of the City, described as follows (collectively the “Drainage Project”):

Culvert replacement and drainage improvements at the intersection of 2nd and Elm Streets, 3rd and Fremont Streets, North 2nd and Ames Streets, and 2nd and Ames Streets; and

WHEREAS, the governing body of the City hereby further finds and determines that general obligation bonds of the City should be issued under the authority of the Drainage Act to pay the costs of the Drainage Project and related financing costs; and

WHEREAS, K.S.A. 12-1736 provides, in part, that any city in the State of Kansas may erect or construct, acquire a public building or buildings and procure any necessary site therefor and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings; and

WHEREAS, K.S.A. 12-1737 provides, in part, that the governing body of any city may, for the purposes of financing the costs associated with the foregoing, issue general obligation bonds of the City; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to authorize and provide for the construction of improvements to City Hall, a public building in the City, and to provide for the payment of the costs thereof without the necessity of an election, all as provided by said K.S.A. 12-1736 *et seq.*, as amended and supplemented from time to time (the “Public Building Act”).

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

Section 1. Drainage Findings. It is hereby found and determined that the Drainage Project be constructed in accordance with the plans and specifications therefor which are to be prepared by or approved by the City Engineer, and which will be placed on file for public inspection. The estimated construction and engineering costs of the Drainage Project are \$315,000.

Section 2. Drainage Financing. The costs of the Drainage Project, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Drainage Act (the "Drainage Bonds") in an amount not to exceed \$315,000.

Section 3. City Hall Authorization. The construction of improvements to City Hall, a public building in the City, shall be made under the provisions of the Public Building Act in accordance with plans and specifications to be approved by the governing body of the City and placed on file with the City Clerk (the "Public Building Project").

Section 4. Bond Authorization. The estimated costs of the Public Building Project are in the amount of \$300,000. The costs of the Public Building Project shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Public Building Act (the "Public Building Bonds").

Section 3. Reimbursement. The bonds authorized in this Ordinance may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Ordinance, pursuant to Treasury Regulation § 1.150-2.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BALDWIN CITY, KANSAS
HELD ON MARCH 17, 2014**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit: *Mayor Marilyn Pearse, Jason Mock, Shane Starkey, Christi Darnell*

Absent: *Kathy Gerstner, Ken Wagner*

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

(Other Proceedings)

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE OF THE CITY OF BALDWIN CITY, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF STORMWATER DRAINAGE IMPROVEMENTS AND CITY HALL IMPROVEMENTS IN THE CITY; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

Thereupon, Councilmember *Mock* moved that said Ordinance be passed. The motion was seconded by Councilmember *Darnell*. Said Ordinance, having been approved by a first reading on March 3, 2014, was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: *3*

Nay: *0*

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. *1308*, was signed and approved by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City.

(Other Proceedings)

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

CERTIFICATE

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

(SEAL)




Clerk