

**ORDINANCE NO. 2200**

**AN ORDINANCE APPROVING REVISED COST ESTIMATES OF THE PROPOSED IMPROVEMENTS TO THE MUNICIPALLY OWNED ELECTRICAL PLANT AND DISTRIBUTION SYSTEM OF THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS, BY CONSTRUCTING CERTAIN IMPROVEMENTS TO THE SYSTEM AND DOING ALL OTHER THINGS NECESSARY AND INCIDENTAL THERETO, AND AUTHORIZING THE PUBLICATION OF THE NOTICE OF INTENTION OF THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS, TO MAKE SUCH IMPROVEMENTS AND TO ISSUE AND SELL REVENUE BONDS OF SAID CITY TO PAY PART OF THE COST THEREOF.**

**WHEREAS**, the City of Burlingame, Osage County, Kansas, (the "City") is a municipality as defined by K.S.A. 10-101 and 10-1201 et seq. and all amendments thereto; and

**WHEREAS**, the City is authorized by the laws of the State of Kansas to issue and sell Revenue Bonds of the City for the improvement of its electrical plant and distribution system pursuant to K.S.A. 10-1201 et seq., as amended (the "Act"); and

**WHEREAS**, the Governing Body of the City has by it's Ordinance No. 2195 passed and approved August 19, 2013, and published as required by law, found it to be necessary and advisable that the City improve its electrical plant and distribution system by constructing certain improvements to the system and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which initial estimates showed a total cost of the Project to be approximately One Million Forty-one Thousand Dollars (\$1,041,000.00), be approved; and

**WHEREAS**, the Governing Body further found by it's Ordinance No. 2195 that the Project would not cause a duplication of any existing utility service furnished by a private utility; and

**WHEREAS**, the Governing Body of the City has heretofore applied for and received a Community Development Block Grant in the amount of Four Hundred Thousand Dollars (\$400,000) (the “Grant”) to pay part of the cost of the Project; and

**WHEREAS**, in accordance with Ordinance No. 2195, the City published, as required by the Act, its Notice of Intention to issue and sell Electrical Utility System Revenue Bonds of the City in the estimated maximum principal amount of \$641,000 to pay the balance of the \$1,041,000 estimated cost of the Project subject to the written protest of not less than twenty percent (20)% of the qualified electors of the qualified electors of the City filed within fifteen (15) days of the publication of the City’s Notice of Intention; and

**WHEREAS**, a sufficient protest against the issuance of such bonds was not filed with the City in accordance with the requirements of the Act; and

**WHEREAS**, no bonds have been issued by the City in connection with the Project; and

**WHEREAS**, the City has determined that the estimated cost of the Project has now increased due to escalating construction and equipment costs by the estimated amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) with the result that the current total estimated cost of the Project is now One Million Two Hundred Sixty-six Thousand Dollars (\$1,266,000.00); and

**WHEREAS**, the City still expects to pay Four Hundred Thousand Dollars (\$400,000) of the costs of the Project from the Grant with the balance of the Project costs to be paid from the proceeds of Electrical Utility System Revenue Bonds of the City in the maximum principal amount of Eight Hundred Sixty-six Thousand Dollars (\$866,000).

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

**Section 1.** That the revised estimates of costs of the Project, which estimates are now on file in the office of the City Clerk of said City, be and the same are hereby approved.

**Section 2.** That notice be given by the Governing Body of the City of its intention to improve its electrical plant and distribution system in accordance with the plans, specifications

and revised cost estimates therefore and to sell revenue bonds of the City in an aggregate amount not exceeding \$866,000 to pay part of the current estimated \$1,266,000 cost thereof with the balance of such costs (i.e., \$400,000) to be paid from the proceeds of a Community Development Block Grant to the City. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue bonds proposed to be issued for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

**Section 3.** That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of its revenue bonds payable from the rates, fees and charges of its electrical plant and distribution system. The City does hereby express its official intent to reimburse any expenditures made or obligations incurred by it subsequent to the date of this ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described. This ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

**Section 4.** That this Ordinance shall take effect and be in force from and after its adoption by the governing body of the City by at least a two-thirds vote of the members thereof and publication in the official City newspaper.

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**PASSED** by the Governing body and approved by the Mayor this 18th day of November, 2013.

CITY OF BURLINGAME, KANSAS

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Michael T. Dorr, Mayor

(SEAL)

ATTEST:

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Lee Ann Smiley, City Clerk