

Gilmore & Bell, P.C.  
03/10/2025

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**ORDINANCE NO. S-572**

**OF**

**THE CITY OF CHANUTE, KANSAS**

**PASSED**

**MARCH 10, 2025**

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**GENERAL OBLIGATION BONDS  
SERIES 2025-A**

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**ORDINANCE NO. S-572**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2025-A, OF THE CITY OF CHANUTE, 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.**

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**WHEREAS**, the City of Chanute, 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**, pursuant to the laws of the State of Kansas applicable thereto, by proceedings duly had, the City Commission of the City (the "Governing Body") has authorized the following improvements (the "Improvements") to be made in the City, to-wit:

<b><u>Project Description</u></b>	<b><u>Res. No.</u></b>	<b><u>Authority (K.S.A.)</u></b>	<b><u>Amount</u></b>
Public Water Supply System Improvements – Water Clarifiers	2021-98/ 2024-97	65-163d <i>et seq.</i>	\$25,000,000

**WHEREAS**, the Governing Body is authorized by law to issue general obligation bonds of the City to pay the costs of the Improvements, and the City has issued (a) \$9,000,000 of its General Obligation Bonds, Series 2021-A, and (b) \$9,835,000 of its General Obligation Bonds, Series 2024-A, to pay a portion of the costs of the Improvements, and the City now proposes to issue an additional \$7,000,000 of its general obligation bonds to pay additional costs of the Improvements; and

**WHEREAS**, the City has heretofore issued its General Obligation Refunding Bonds, Series 2017-A (the "Series 2017-A Bonds"), and pursuant to K.S.A. 10-427 *et seq.*, the City is authorized and empowered to refund any bonds, any interest on such bonds or both bonds and the interest thereon of the Issuer and may issue refunding bonds of the Issuer therefor; and

**WHEREAS**, and in order to restructure the debt payments on the Series 2017-A Bonds and provide an orderly plan of finance for the City, it has become desirable and in the best interests of the City and its inhabitants to refund all or a portion of the interest coming due on May 1, 2025, for the Series 2017-A Bonds (the "Interest Payment").

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHANUTE, 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.*, K.S.A. 10-620 *et seq.*, and K.S.A. 65-163d *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 Bonds, Series 2025-A, dated March 25, 2025, authorized by this Ordinance.

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

**“City”** means the City of Chanute, 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 Commission of the City.

**“Interest Payment”** means the portion of the interest coming due on May 1, 2025, for the Series 2017-A Bonds in the amount of \$21,217.50.

**“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.

**“Series 2017-A Bonds”** means the City's General Obligation Refunding Bonds, Series 2017-A, dated June 28, 2017.

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

**“Substitute Improvements”** means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2025-A, of the City in the principal amount of \$7,130,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) refund the Interest Payment.

**Section 3. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**Section 4. Terms, Details and Conditions of the Bonds.** The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and

subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the Governing Body.

**Section 5. Levy and Collection of Annual Tax.** The Governing Body shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

**Section 6. Further Authority.** The Mayor, Chief Finance Officer, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

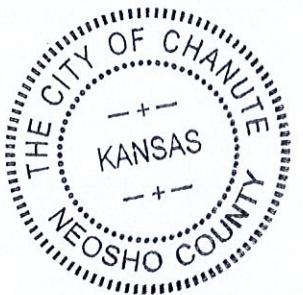
**Section 7. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

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

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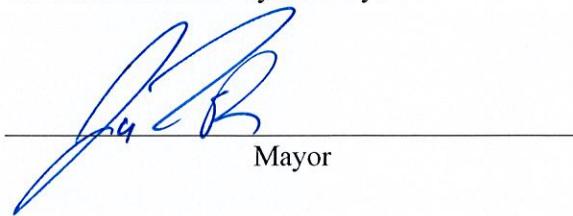
**PASSED** by the City Commission on March 10, 2025 and **SIGNED** by the Mayor.

(SEAL)



ATTEST:

  
Tina O'Barley  
Clerk

  
\_\_\_\_\_  
Mayor

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## CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on March 10, 2025; that the record of the final vote on its passage is found on page 371 of journal 18; and that the Ordinance or a summary thereof was published in the *Chanute Tribune* on March 14, 2025.

DATED: March 14, 2025.

  
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Clerk

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(PUBLISHED IN THE **CHANUTE TRIBUNE** ON MARCH 14, 2025)

**SUMMARY OF ORDINANCE NO. S-572**

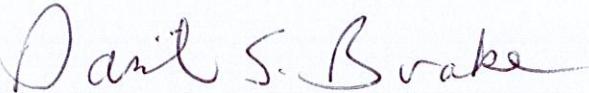
On March 10, 2025, the governing body of the City of Chanute, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2025-A, OF THE CITY OF CHANUTE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

The Series 2025-A Bonds approved by the Ordinance are being issued in the principal amount set forth therein to finance certain improvements in and refund a portion of the interest on a previously issued general obligation bond of the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 101 S. Lincoln, P.O. Box 907, Chanute, Kansas 66720-0907. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.chanute.org](http://www.chanute.org).

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

DATED: March 10, 2025.

  
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City Attorney

**EXCERPT OF MINUTES OF A MEETING  
OF THE CITY COMMISSION OF  
THE CITY OF CHANUTE, KANSAS  
HELD ON MARCH 10, 2025**

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

Mayor Jacob LaRue and Commissioners Kevin Berthot, Tim Egner, Tim Fairchild, and Larry Taylor.

Absent: None

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

\* \* \* \* \*  
(Other Proceedings)

There was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2025-A, OF THE CITY OF CHANUTE, 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.**

Commissioner Taylor moved that the Ordinance be passed. The motion was seconded by Commissioner Berthot. The Ordinance was duly read and considered, and upon being put, the motion for the passage of the Ordinance was carried by the following vote of the Governing Body:

Yea: Mayor LaRue and Commissioners Berthot, Egner, Fairchild, and Taylor.

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

The Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. S-572, was signed by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City.

There was presented a Resolution entitled:

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2025-A, OF THE CITY OF CHANUTE, KANSAS,**

**PREVIOUSLY AUTHORIZED BY ORDINANCE NO. S-572 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.**

Commissioner Fairchild moved that the Resolution be adopted. The motion was seconded by Commissioner Taylor. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the Governing Body:

Yea: Mayor LaRue and Commissioners Berthot, Egner, Fairchild, and Taylor.

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

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2025-34, and was signed by the Mayor and attested by the Clerk.

\* \* \* \* \*

(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 Chanute, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Clerk