

RESOLUTION NO. 2087

A RESOLUTION AUTHORIZING THE OFFER FOR PUBLIC SALE OF CERTAIN GENERAL OBLIGATION BONDS OF THE CITY OF GARDNER, KANSAS, AND REPEALING RESOLUTION NO. 2085 OF THE CITY.

WHEREAS, the City of Gardner, Kansas (the “City”), has previously issued the following general obligation bonds (collectively, the “Refunded Bonds”):

(a) General Obligation Bonds, Series 2011A, dated September 8, 2011, in the original principal amount of \$1,325,000 and outstanding in the principal amount of \$820,000; and

(b) General Obligation Bonds, Series 2012A, dated February 1, 2012, in the original principal amount of \$3,995,000 and outstanding in the principal amount of \$2,670,000;

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds and to provide an orderly plan of finance for the City, the Governing Body of the City has determined it is desirable and in the best interest of the City and its inhabitants to provide for the sale of general obligation refunding bonds to refund all or a portion of the Refunded Bonds;

WHEREAS, the City has also previously issued the following general obligation notes (collectively, the “Outstanding Notes”):

(a) General Obligation Temporary Notes, Series 2019C, dated December 12, 2019, outstanding in the principal amount of \$1,130,000; and

(b) General Obligation Temporary Notes (Taxable Under Federal Law), Series 2019D, dated December 12, 2019, outstanding in the principal amount of \$2,510,000;

WHEREAS, the Governing Body of the City has further determined that it is necessary to issue general obligation bonds to pay the principal of and interest on the Outstanding Notes and to finance certain public infrastructure improvements within the City; and

WHEREAS, the Governing Body of the City has further determined it is desirable and in the best interest of the City and its inhabitants to provide for the sale of general obligation bonds to finance certain sewer system improvements at the Kill Creek Water Resource Recovery Facility within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

Section 1. The following bonds of the City (collectively, the “Bonds”), shall be offered at competitive public sale on August 2, 2021, at 11:00 a.m., Central Time, or at such other date and time approved by the City’s Finance Director, provided such date is a City Council meeting date:

Approximate Principal Amount	Name of Obligation	Series
\$5,100,000	General Obligation Refunding and Improvement Bonds	2021A (the “Series 2021A Bonds”)
\$2,255,000	General Obligation Bonds (Taxable Under Federal Law)	2021B (the “Series 2021B Bonds”)

Section 2. The Finance Director, in conjunction with Ehlers & Associates, Inc., the City’s Municipal Advisor, is authorized and directed to receive bids for the purchase of the Bonds on behalf of the City at the specified time and place and to deliver a report on all bids so received to the Governing Body at its meeting to be held at 7:00 p.m. on the sale date at which meeting the Governing Body shall review the bids and act on the acceptance of the best bid for each series of Bonds. Such bids may be received electronically through an experienced municipal bond electronic bid provider and through other means determined by the Finance Director, in consultation with the City’s Bond Counsel, Kutak Rock LLP, and Municipal Advisor, to be in the best interest of the City. The issuance of the Bonds is conditioned on receipt of an opinion of the City’s Bond Counsel to the effect that the Bonds have been validly issued and that the interest on the Series 2021A Bonds is exempt from federal income taxation subject to the standard exceptions. The inclusion of the refunding component in the Series 2021A Bonds is conditioned on net present value savings from the refunding in an amount acceptable to the Governing Body of the City.

Section 3. The Mayor and City Clerk are authorized to cause to be prepared and executed a preliminary official statement and notice of sale for use in connection with the public sale of the Bonds.

Section 4. The Finance Director is authorized and directed to give, or cause to be given, notice of the sale of the Bonds by publishing a summary of the notice of bond sale not less than six days before the date of the sale in the official City newspaper and the *Kansas Register* and by making copies of the notice of sale and preliminary official statement available to prospective purchasers of the Bonds.

Section 5. For the purpose of enabling the purchaser of the Series 2021A Bonds and the Series 2021B Bonds (collectively, the “Original Purchasers” or individually, an “Original Purchaser”) to comply with the requirements of Rule 15c2-12(b)(i) of the Securities and Exchange Commission, the appropriate officers of the City are authorized, if requested, to provide each Original Purchaser a letter or certification to the effect that the City deems the information contained in the preliminary official statement to be “final” as of its date, except for the omission

of such information as is permitted by Rule 15c2-12(b)(i), and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable each Original Purchaser to comply with the requirements of such Rule.

Section 6. The City agrees to provide to each Original Purchaser within seven business days of the date of the sale of the applicable series of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of each Original Purchaser, whichever is earlier, sufficient copies of the final official statement to enable the Original Purchasers to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 7. The City agrees to enter into a written agreement or contract on or before the date of delivery of each series of Bonds and to provide ongoing disclosure about the City for the benefit of the holders of each series of Bonds as required by Rule 15c2-12(b)(5)(1) of the Securities and Exchange Commission. The City may further designate Kutak Rock LLP, upon the request of the City, as an agent of the City for the purpose of obtaining and disseminating information in connection with the Rule.

Section 8. The City Administrator; the Finance Director; the City Clerk; the City's Bond Counsel; the Municipal Advisor; and the other officers and representatives of the City are authorized and directed to take such other action as may be necessary to carry out the public sale of the Bonds, including, but not limited to, providing notice of redemption for the Refunded Bonds and Outstanding Notes being refunded with proceeds of the Bonds.

Section 9. Resolution No. 2085 of the City, adopted June 21, 2021, is hereby repealed in its entirety.

Section 10. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Governing Body of the City of Gardner, Kansas, on July 6, 2021.

CITY OF GARDNER, KANSAS

_____/s/_____
Mayor

(Seal)

ATTEST:

_____/s/_____
City Clerk