

ORDINANCE NO. 2019 - 3

AN ORDINANCE AMENDING ORDINANCE NO. 2017-18 OF THE CITY OF HUTCHINSON, KANSAS, RELATING TO CERTAIN PUBLIC IMPROVEMENTS AND THE ISSUANCE OF GENERAL OBLIGATION BONDS PURSUANT TO CHARTER ORDINANCE NO. 50 OF THE CITY AND AUTHORIZING THE COST OF SUCH IMPROVEMENTS TO BE FINANCED BY THE CITY'S GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2017-A.

WHEREAS, pursuant to Ordinance No. 2017-25 of the City of Hutchinson, Kansas (the "City"), passed on November 7, 2017, and Resolution No. 2017 R 11 (the "Bond Resolution") of the City, adopted on November 7, 2017, the City issued its General Obligation Refunding and Improvement Bonds, Series 2017-A, dated November 28, 2017, in the aggregate principal amount of \$6,265,000 (the "Bonds") for the purpose of paying the cost of certain improvements within the City;

WHEREAS, in accordance with Section 6.06 of the Bond Resolution, the City is authorized to substitute or add other improvements (the "Substitute Improvements") to the improvements being financed with the proceeds of the Bonds if the City complies with the conditions set forth in such Section 6.06 with respect to the Substitute Improvements;

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, Charter Ordinance No. 50 of the City, passed on October 4, 2016, and Ordinance No. 2017-18 of the City ("Ordinance No. 2017-18") passed on September 5, 2017, the Governing Body authorized the construction of certain park, multi-use trail, and parking lot improvements (collectively, the "Public Improvements") and authorized financing a portion of the Public Improvements with general obligation bonds of the City in an amount not to exceed \$2,205,000;

WHEREAS, certain improvements to Orchard Park, consisting of an enclosed rental pavilion, parking lot, and all related appurtenances and comprising a portion of the Public Improvements as described in Ordinance No. 2017-18 (the "Orchard Park Improvements"), will not be completed;

WHEREAS, the Governing Body finds it desirable and in the best interests of the City to use a portion of funds previously allocated to the Orchard Park Improvements to pay for certain substitute improvements to Orchard Park and Fun Valley Sports Complex within the City (the "Series 2017-A Substitute Improvements");

WHEREAS, the Governing Body further finds it desirable and in the best interests of the City to: (1) amend Ordinance No. 2017-18 to authorize a portion of the costs of the Series 2017-A Substitute Improvements to be financed with general obligations bonds of the City; and (2) finance such costs of the Series 2017-A Substitute Improvements as Substitute Improvements under the Bond Resolution using \$771,175 of the portion of Bond proceeds initially allocated to the Orchard Park Improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS, AS FOLLOWS:

Section 1. Ordinance No. 2017-18 is hereby amended by replacing the second recital paragraph in its entirety with the following:

WHEREAS, the Governing Body of the City has determined that it is necessary and desirable to make certain park, multi-use trail, and parking lot improvements, together with all related appurtenances (collectively, the “Public Improvements”), at a total estimated cost of \$3,560,300, including:

(a) certain park improvements to Orchard Park consisting of an open air shelter kit, including installation, site work and utilities, a parking lot, and all related appurtenances;

(b) certain park improvements to Hobart-Detter field consisting of replacement of the existing poles and lighting system and all related appurtenances;

(c) certain park improvements to Carey Park Golf Course consisting of new greens, moving or adding tee boxes, new irrigation piping and heads, bunker additions, new and removed trees, and all related appurtenances;

(d) construction of a concrete multi-use trail along the north side of State Fair Road from Main Street to Plum Street and along the south side of 23rd Avenue from Plum Street to Severance Street, and all related appurtenances;

(e) certain street improvements to 11th Avenue from Jackson Street to Main Street consisting of reconstruction of the street, curb, and sidewalk and all related appurtenances;

(f) certain improvements to the parking lot at Sherman and Walnut Streets consisting of removing and replacing existing pavement, installing new curb and gutter, elimination of the driveway to Walnut Street, building access to the parking lot from the existing alley, new pavement markings, and all related appurtenances; and

(g) certain park improvements to Fun Valley Sports Complex consisting of renovations to the existing restrooms, design and renovation of the existing bleachers, and all related appurtenances; and

Section 2. Subject to Section 3 of this Ordinance, the Governing Body of the City hereby authorizes and directs proceeds of the Bonds in the amount of \$771,175 (which were initially allocated to pay a portion of the cost of the Orchard Park Improvements) to be used to pay a portion of the cost of the Series 2017-A Substitute Improvements, with the balance of the cost of the Series 2017-A Substitute Improvements payable from other available funds of the City.

Section 3. No proceeds of the Bonds shall be used to pay the cost allocated to the Series 2017-A Substitute Improvements until the following conditions have been met: (a) the Attorney General of the State of Kansas (the “State”) has approved an amendment to the transcript of proceedings for the Bonds to include the Series 2017-A Substitute Improvements; and (b) the City has received an opinion of bond counsel to the effect that financing the costs of the Series 2017-A Substitute Improvements will not adversely affect the tax-exempt status of the Bonds under State or federal law, and the costs of the Series 2017-A Substitute Improvements have been authorized pursuant to Section 6.06 of the Bond Resolution and the laws of the State.

Section 4. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

PASSED by the Governing Body of the City of Hutchinson, Kansas, on June 18, 2019.

Signed by the Mayor of the City of Hutchinson, Kansas, on June 18, 2019.

CITY OF HUTCHINSON, KANSAS
David A. Inskeep, Mayor

ATTEST:
Karen Weltmer, City Clerk