



119 North Hersey Avenue
P.O. Box 567
Beloit, Kansas 67420
Phone: 785-738-3551
Fax: 785-738-2517
www.beloitks.org

CITY COUNCIL AGENDA

Tuesday, April 2, 2013

7:00 p.m.

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

2. MAYOR AND COUNCIL REPORTS

3. STAFF REPORTS

- A. City Attorney Report
- B. City Administrator Report

3. PUBLIC HEARING – RICHARD PADGET

4. PUBLIC COMMENT

5. CONSENT AGENDA

- A. 3/19/2013 City Council Meeting Minutes
- B. Appropriations 4A

6. ORDINANCES

- A. Ordinance No. 2127 ATV
- B. Ordinance 2128 Authorizing for the Issuance of Taxable Electric Utility System Revenue Bonds

7. RESOLUTIONS

- A. Resolution 2013-5 Adoption of Tax and Securities Compliance Procedures
- B. Resolution 2013-6 Authorizing and Directing the Sale and Delivery Revenue Bonds

8. FORMAL ACTIONS

- A. Uniform Bid
- B. Entryway Bid

- C. Kohler Contract
- D. Sunflower Manufacturing Contract
- E. Police Officer Hire

9. CLOSED SESSION

- A. Attorney-Client

10. ADJOURNMENT

WORK SESSION AGENDA

1. CORRESPONDENCE AND STAFF REPORTS

- A. City Attorney Report
- B. City Administrator Report

2. DISCUSSION ITEMS

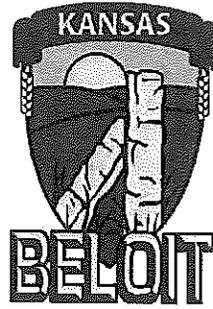
- A. KMU Power Plant Training
- B. Comprehensive Plan Proposals
- C. Sidewalk Policy

3. ADJOURNMENT

NOTE: Background information is available for review in the office of the City Clerk prior to the meeting.

The Public Comment section is to allow members of the public to address the Council on matters pertaining to any business within the scope of Council authority and not appearing on the Agenda. Kansas Statutes prohibit the Council from taking action on any item not appearing on the Agenda, *except where an emergency is determined to exist.*

119 North Hersey Avenue
P O Box 567
Beloit, Kansas 67420



Tel No (785) 738-3553
Fax No (785) 738-2517
Email cjones@beloitks.org

March 8, 2012

Carol & Richard Padgett
523 N. Hersey
Beloit, Ks. 67420

RE: Nuisance at 425 W. South Street, Beloit, Kansas

Order to Abate

Dear Delmar:

I have seen from the alley that city code violations exist on your property at 425 E. South Street. There is filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or other offensive or disagreeable things or substances, in violation of Section 7-201(a) of the city code. Also, there are articles kept, maintained or permitted to the injury, annoyance or inconvenience of the public and/or the neighborhood, in violation of Section 7-201(g) of the city code

Pursuant to Chapter VII, Article 2, **you have ten (10) days** from the date of receipt of this notice to abate the conditions set forth above which are in violation to Section 7-201, or to request a hearing before the governing body as provided by Section 7-208.

If you choose to request a hearing, your request must be in writing to the governing body as set forth in Section 7-208. Failure to make a timely request shall constitute a waiver of your right to contest the findings of the public officer before the governing body. Once a written request for a hearing is received by the city, a date, time and place will be determined and you will be notified of such at least five days prior to said date. You may choose to be represented by counsel and introduce witnesses and evidence at the hearing. Upon conclusion of the hearing, the governing body will record its determination of the matter by adopting a resolution. You will be served with a copy of the resolution.

Should you fail to abate the nuisance or request a hearing within ten (10) days from receipt of this notice, a complaint shall be filed with the Municipal Court against you and upon conviction, you could be fined an amount not to exceed \$100.00 or be imprisoned not to exceed thirty (30) days, or be both fined and imprisoned. Each day during which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

In the alternative to filing a complaint with the Municipal Court, the public officer may present a resolution to the governing body for adoption which authorizes the public officer or other agents of the city to abate the conditions causing the violation at the end of ten (10) days after the passage of the resolution, with costs incurred by the city to be charged against the lot or parcel of ground on which the

Land of the Kansas Post Rock

nuisance exists. A copy of the resolution will be served on you and the city clerk will certify the costs of abatement to the county clerk to be placed on the tax roll.

In the spirit of cooperation, please feel free to contact me should you have any questions about what needs to be done to your property. I will be glad to meet with you, personally, to answer any questions you may have.

Respectfully,

Chris Jones,
Code Enforcement Officer
Beloit, Kansas



03/04/2013 15:26

U.S. Postal ServiceSM
CERTIFIED MAILSM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 4.6
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11

Postmark Here
 27 Feb 13

Sent To
 Carol i Richard Padgett
 Street, Apt. No.,
 or PO Box No. 523 N. Hersey
 City, State, ZIP+4 Beloit, KS. 67402

PS Form 3811, August 2004 See Reverse for Instructions

7009 2620 0000 0000 0000 0000 0000 0000

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Carol i Richard Padgett
 523 N. Hersey
 Beloit, Ks. 67422

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X Richard Padgett Addressee

B. Received by (Printed Name) C. Date of Delivery
 Richard Padgett 3-14-13

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7009 2620 0000 6251 0486
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

To How it may concern!
I would like to request a hearing
to the Governing Body.

on the 425 E south str.

Richard Padgett
523 N Hersey Ave
Beloit Ke.
534 0855.

BELOIT CITY COUNCIL MEETING MINUTES
March 19, 2013

The Beloit City Council met in regular session on March 19, 2013 in the Council Chamber. Mayor Tom Naasz called the meeting to order at 7:00 p.m. City Council members in attendance were Lloyd Littrell, Kent Miller, Bob Richard, Matt Otte, Robert Petterson, Rick Brown, and Frank Delka. Also present were City Administrator Glenn Rodden, City Attorney Katie Cheney, and City Clerk Amanda Lomax. Absent from the meeting was Councilor Pat Struble.

Department heads in attendance were Kendal Francis, Ron Sporleder, Mike Haeffele, Brenon Odle, Chris Jones, and Heather Hartman.

Mayor Tom Naasz gave the invocation and the Pledge of Allegiance was recited.

Mayor Naasz thanked the Beloit Police Department for their hard work and the 46 Felony arrests that they have made in the last several months. Mayor Naasz said he totally support Chief of Police Brenon Odle and thanked him for making our community safer. Councilor Otte read a statement he wrote saying he did support the Beloit Police Department. Councilor Otte also thanked Chief Odle, City Administrator Rodden, City Attorney Cheney, and City Clerk Lomax for their work in answering his questions concerning the police vehicle trades. Councilor Brown echoed support for the Police Department. Councilor Richard echoed support for the Police Department. Councilor Richard said he did not think it was right as council members to question every little appropriation for the police department and council members are to set policies not to micro-manage staff. Councilor Petterson wants more communication in the future.

City Attorney Katie Cheney reported on the following items: 1. Went over map that was handed out to Council showing where the easement is going to be for the Conroy Place Addition. 2. Katie had a hand out summarizing the police vehicle trade that she went over with Council. 3. Katie presented an update contract with Travis Lattin for the new hanger at the airport. The updated contract is with Beottcher Aerial not just with Travis Lattin. 4. Katie went over of how Council needs to designate authority to sign contracts with CPS and closing documents.

City Administrator Glenn Rodden reported on the following: 1. Talked with the League of Kansas Municipalities this week they indicated they could start on the city's codification the end of April. 2. Started tearing up bricks on Mill Street this week. 3. The water tower is under routine maintenance. 4. The Comprehensive Plan Committee met last week. 5. The Electric Department had numerous interviews this past week for two positions that are open.

Public hearing for the vacation of easement in the Conroy Addition started at 7:13 p.m. No one from the public came forward. Time ended 7:14 pm.

The Consent Agenda consisted of March 5, 2013 Council Meeting Minutes, March 12, 2013 Special Council Meeting, and appropriations 3B. A motion was made by Councilor Otte and seconded by Councilor Miller to approve the consent agenda in its entirety. Roll call vote yeas: Delka, Richard, Petterson, Brown, Littrell, Miller, Otte, and Richard. Nays: None.

Ordinance 2125 Easement in the Conroy Place Addition was presented to Council for approval. A motion was made by Councilor Struble and seconded by Councilor Brown to approve Ordinance 2125 Easement in the Conroy Place Addition. Roll Call vote yeas: Littrell, Richard, Delka, Petterson, Otte, Brown, and Miller. Nays: None.

Ordinance 2126 Amending Animal Code was presented to Council for approval. A motion was made by Councilor Miller and seconded by Councilor Delka to approve Ordinance 2126 Amending Animal Code. Roll Call vote yeas: Richard, Otte, Delka, Littrell, Petterson, Brown, and Miller. Nays: None.

Resolution 2013-4 Refinancing Pool Bonds was presented to Council for approval. Resolution 2013-4 authorizes Piper Jaffray & Company to refinance existing Public Building Revenue Bonds that were issued for the construction of the new swimming pool. The refinancing will take place when market conditions are favorable to the city. A motion was made by Councilor Richard and seconded by Councilor Brown to approve Resolution 2013-4 Refinancing Pool Bonds. Roll call vote yeas: Richard, Delka, Petterson, Littrell, Brown, Otte, and Miller. Nays: None.

Staff is recommending that Council approve an Agreement with Beottcher Aerial for the construction of a new hangar at the airport. A motion was made by Councilor Richard and seconded by Councilor Petterson to approve an Agreement with Beottcher Aerial for the construction of a new hangar at the airport. Motion carried 7-0. Nays: None.

Staff is recommending that Council approve a Hangar Lease Agreement with Farmway Coop, Inc. Farmway Coop Inc. would assume the lease for an airport hangar that was previously with James Rome. A motion was made Councilor Miller and seconded by Councilor Brown to approve a Hangar Lease Agreement with Farmway Coop, Inc. Motion carried 7-0. Nays: None.

Staff is recommending that Council appoint City Administrator Glenn Rodden as voting delegate for Kansas Municipal Utilities and that Council appoint Ronnie Sporleder as an alternate voting delegate for Kansas Municipal Utilities. A motion was made by Councilor Richard and seconded by Councilor Otte to appoint City Administrator Glenn Rodden as voting delegate for Kansas Municipal Utilities and that Council appoints Ronnie Sporleder as an alternate voting delegate for Kansas Municipal Utilities. Motion carried 7-0. Nays: None.

Staff is recommending that Council authorized Council President Matt Otte to sign sell of real estate contract with CPS, and Mayor Tom Naasz sign all closing documents, and City Clerk Amanda Lomax to attest to all signatures. A motion was made by Councilor Otte and seconded by Councilor Littrell to authorized Council President Matt Otte to sign a real estate contract with CPS and Mayor Tom Naasz sign all closing documents, and City Clerk Amanda Lomax to attest to all signatures. Motion carried 7-0. Nays: None.

Staff is recommending that Council approve a Mill and Overlay Bid from Hall Brothers in the amount of \$163,409.60. The mill and overlay is for highway 14 as part of the KLINK grant with Kansas Department of Transportation. A motion was made by Councilor Littrell and seconded by Councilor Delka to approve a Mill and Overlay Bid from Hall Brothers in the amount of \$163,409.60. Motion carried 7-0. Nays: None.

A motion was made by Councilor Petterson and seconded by Councilor Delka to Adjourn the Council Meeting. Motion passed 7-0. The meeting ended at 7:33 p.m.

The work session began at 7:34 p.m. City Council members in attendance were Lloyd Littrell, Kent Miller, Bob Richard, Matt Otte, Robert Petterson, Rick Brown, and Frank Delka. Also present were City Administrator Glenn Rodden, City Attorney Katie Cheney, and City Clerk Amanda Lomax. Absent from the meeting was Councilor Pat Struble.

Department heads in attendance were Mike Haeffele, Brenon Odle, Chris Jones, and Heather Hartman.

An ATV Ordinance and supporting materials was presented for Council review. This information was presented in 2009 and did not pass by Council in 2009. The ATV Ordinance will be brought back next meeting.

Code Enforcement Officer Chris Jones told Council about an upcoming animal cruelty workshop that Leadership Mitchell County and the Humane Society are hosting. The animal cruelty workshop will be held March 25, 2013 from 1 p.m. to 5 p.m. at the Technical College.

Parks and Recreation Director Lynn Miller enclosed an invitation for the governing body to tour the Elmwood Cemetery on March 26, 2013 from 1:00 and 4 p.m.

Work Session ended 7:52 p.m.

TOM NAASZ, Mayor

ATTEST:

AMANDA LOMAX, City Clerk

Accounts Payable Detail Listing

City of Beloit

Vend# Vendor Name											
Pay#	Post Date	Due Date	Amount	Invoice	Date	PO#	Date	Status	Debit	Credit	
	Account#	Work Order		Description							
6 ABRAM READY-MIX, INC											
53619	4/4/2013	4/4/2013	650.00	12318	3/14/2013	14049		Posted			
	25-00-6160			26 TONS AB-3			650.00		650.00	0.00	
1060 ACCURATE LABS											
53649	4/4/2013	4/4/2013	272.95	SU17639	3/22/2013	12654		Posted			
	51-41-7490			pH PROBE W/ SHIPPING			272.95		272.95	0.00	
8 ACE HARDWARE											
53519	4/4/2013	4/4/2013	8.58	433158	3/14/2013	14342		Posted			
	53-43-6000			GREAT STUFF			8.58		8.58	0.00	
53520	4/4/2013	4/4/2013	167.25		3/18/2013	10076		Posted			
	52-41-4360			433359-ELBOW 90 3/4", ADAPTER VLV E			48.32		48.32	0.00	
	52-41-4360			433465-NIPPLE, VALV SWING CHECK, F			26.96		26.96	0.00	
	52-41-4360			533562-ROUND OUTLET, FIXT JELJAR, I			81.98		81.98	0.00	
	52-41-4360			533583-BULB 28W CW SPRL			9.99		9.99	0.00	
							167.25		167.25	0.00	
53539	4/4/2013	4/4/2013	16.74	433176	3/14/2013	14423		Posted			
	51-43-6000			BLADE CUTOFF 4.5 X 1/16 MTL			16.74		16.74	0.00	
53590	4/4/2013	4/4/2013	6.00	433197	3/15/2013	14298		Posted			
	10-18-6000			KEY CUTS			6.00		6.00	0.00	
53618	4/4/2013	4/4/2013	53.14		3/5/2013	14051		Posted			
	10-15-6000			432732-NUTS & BOLTS			1.40		1.40	0.00	
	10-15-6000			432741-BULB			7.99		7.99	0.00	
	10-15-6000			433110-ACID			7.99		7.99	0.00	
	10-15-6000			433581-CORD HOLDER & BRUSH			22.98		22.98	0.00	
	10-15-6000			433708-PAIT			12.78		12.78	0.00	
							53.14		53.14	0.00	
53650	4/4/2013	4/4/2013	48.47	433662	3/25/2013	13166		Posted			
	51-41-6000			TRASH BAGS, CLEANING SUPPLIES			48.47		48.47	0.00	
9 ACKERMAN SUPPLY											
53620	4/4/2013	4/4/2013	94.98	223205	3/25/2013	14050		Posted			
	10-15-7450			RUBBER BOOTS & JACKET			94.98		94.98	0.00	
767 AIRGAS MID SOUTH INC											
53621	4/4/2013	4/4/2013	32.90	9908143673	3/20/2013	14048		Posted			
	10-15-7450			OXYGEN & ACETYLENE BOTTLE RENT			32.90		32.90	0.00	
21 ALCO-DUCKWALL STORES INC											
53579	4/4/2013	4/4/2013	28.63	22108833	3/27/2013	13542		Posted			
	10-11-6000			BATTERIES, WATER & SUPPLIES			28.63		28.63	0.00	
53646	4/4/2013	4/4/2013	17.26	22108831	3/27/2013	14537		Posted			
	10-12-6110			OFFICE SUPPLIES			17.26		17.26	0.00	
813 AMERIPRIDE SERVICES INC.											
53622	4/4/2013	4/4/2013	60.33	2300261281		14047		Posted			
	10-15-6000			RAGS & RUGS			60.33		60.33	0.00	
2618 ANGELA CLEARY											
53591	4/4/2013	4/4/2013	25.00		3/18/2013	14295		Posted			
	10-00-3478			SOCCER REFUND FOR ROLAND			25.00		25.00	0.00	
2440 ASC PUMPING EQUIPMENT											
53592	4/4/2013	4/4/2013	592.04	IN0026794	3/19/2013	14302		Posted			
	10-19-4300			SEAL KIT-BOILER			592.04		592.04	0.00	
1414 AT&T LONG DISTANCE											
53517	4/4/2013	4/4/2013	1.72	536515105	3/13/2013	13534		Posted			
	10-20-5310			BAN LONG DISTANCE SERVICE			1.72		1.72	0.00	
74 BELOIT MEDICAL CENTER, PA											
53521	4/4/2013	4/4/2013	215.00	2910	3/20/2013	13526		Posted			
	10-15-3000			EMPLOYEE PYSICALS			215.00		215.00	0.00	
80 BELOIT TYPEWRITER EXCHANGE											
53522	4/4/2013	4/4/2013	28.85	665483	3/21/2013	10081		Posted			
	52-41-7460			PRINTER INK			28.85		28.85	0.00	
53523	4/4/2013	4/4/2013	24.38	665482	3/21/2013	13528		Posted			
	10-11-6110			PENS-NOTEBOOKS			24.38		24.38	0.00	
53593	4/4/2013	4/4/2013	90.24	665498	3/25/2013	14305		Posted			
	10-18-6110			COPY PAPER & PRINT CART			90.24		90.24	0.00	

Accounts Payable Detail Listing

City of Beloit

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
669	BLADE-EMPIRE PUBLISHING (continued)									
53524			4/4/2013	4/4/2013	79.87		2/28/2013	13536		Posted
			53-41-5400			POWER PLANT AD			79.87	0.00
2574	ALEXANDRA BODEN									
53525			4/4/2013	4/4/2013	500.00		3/19/2013	13468		Posted
			10-12-3320			RESTITUTION DUE ON CASE #20120027			500.00	0.00
91	BOETTCHER SUPPLY INC									
53518			4/4/2013	4/4/2013	50.70	786422-1	2/22/2013	13532		Posted
			10-11-4300			120V ELEC BALLAST, ECO			50.70	0.00
53526			4/4/2013	4/4/2013	643.05		3/18/2013	10077		Posted
			52-41-7490			785701-1 30 AMP BREAKER, WATER HE			524.31	0.00
			52-41-7490			785807-1 THHN WIRE			118.74	0.00
									643.05	0.00
53527			4/4/2013	4/4/2013	593.24		2/8/2013	14337		Posted
			53-43-6000			781532-1 4" GRC 90, 4" FEMALE ADPT, F			195.40	0.00
			53-43-6000			782856-1 4" GRC ELBOWS, RIDGE CONI			369.21	0.00
			53-43-6000			786343-1 20A PLUG, 20A CONNECTOR			28.63	0.00
									593.24	0.00
53528			4/4/2013	4/4/2013	153.66		2/8/2013	14338		Posted
			53-43-6000			781530-1 ELBOW, FEMALE ADPT. RIGEI			119.73	0.00
			53-43-6000			785828-1 8" SUPER SAVER FL			5.88	0.00
			53-43-6000			785836-1 60/75W BALLAST			28.05	0.00
									153.66	0.00
53540			4/4/2013	4/4/2013	80.45	785944-1	3/19/2013	14430		Posted
			51-43-8100			PVC METER BOX, 1/2 PINT TEFLON PA5			80.45	0.00
53594			4/4/2013	4/4/2013	34.78		3/14/2013	14299		Posted
			10-18-6000			786020-1 REPAIR PK HYDRANT			20.93	0.00
			10-18-6000			785262-1 CABLE TIES			13.85	0.00
									34.78	0.00
256	BRENNTAG SOUTHWEST INC									
53651			4/4/2013	4/4/2013	1,485.82	BSW383602	3/20/2013	12650		Posted
			51-41-6170			2000 LBS. AMMON. SULFATE @.32/LB/1.			1,485.82	0.00
1258	BUMPER TO BUMPER AUTO PARTS									
53623			4/4/2013	4/4/2013	371.53		3/12/2013	14045		Posted
			10-15-4310			603632-OIL FILTER			7.48	0.00
			10-15-4310			603863-WINDSHIELD SEALER			20.69	0.00
			10-15-4310			604071-BATTERY			79.18	0.00
			10-15-4310			604530-FILTERS			33.97	0.00
			10-15-4310			604322-FILTERS			103.71	0.00
			10-15-4310			604427-WINDSHIELD WASHER SOLVEN			9.48	0.00
			10-15-4310			604463-GLASS CLNER, CARB SPRAY, B			70.71	0.00
			10-15-4310			604578-TAIL LIGHT			3.92	0.00
			10-15-4310			604599-THREAD LOCK			4.23	0.00
			10-15-4310			604617-FILTERS & ANTIFREEZE			38.16	0.00
									371.53	0.00
53637			4/4/2013	4/4/2013	108.93		3/28/2013	14053		Posted
			10-15-4310			604772-FILTERS			24.02	0.00
			10-15-4310			604779-TRANSMISSION FLUID			21.16	0.00
			10-15-4310			604783-HEAT SHRINK TUBING			23.75	0.00
			10-15-4310			604800-LITHIUM GREASE			40.00	0.00
									108.93	0.00
53652			4/4/2013	4/4/2013	12.15	602899	3/1/2013	14540		Posted
			10-13-7420			OIL FILTER/ WINDSHIEL WASHER			12.15	0.00
124	CARRICO IMPLEMENT									
53624			4/4/2013	4/4/2013	689.65		2/22/2013	14044		Posted
			10-15-4330			IA32813-BELTS, PULLEYS, BEARINGS A			478.69	0.00
			10-15-4330			IA33560-CLAMPS			11.59	0.00
			10-15-4330			IA33807-HOSE & FITTINGS			73.44	0.00
			10-15-4330			IA34381-FILTERS			59.77	0.00
			10-15-4330			IA34519-OIL FILTERS			66.16	0.00
									689.65	0.00

Accounts Payable Detail Listing

City of Beloit

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
126	CATLIN'S FRIENDLY IGA (continued)									
53529		4/4/2013	4/4/2013		17.12	2100026083	3/25/2013	14343		Posted
			53-43-3000			PURE WATER			17.12	0.00
53530		4/4/2013	4/4/2013		60.62	2100012705	3/19/2013	12655		Posted
			51-41-6000			PAPER TOWELS & SUPPLIES			60.62	0.00
53625		4/4/2013	4/4/2013		15.81	2100059017	3/15/2013	15.81		Posted
			10-15-6000			HAND SOAP, TOILER PAPER, PINESOL			15.81	0.00
1200	CHEMQUEST, INC.									
53583		4/4/2013	4/4/2013		3,877.50	3033	3/18/2013	12819		Posted
			53-41-6170			165 GALLONS OF R-8621 WATER TREA			3,877.50	0.00
53653		4/4/2013	4/4/2013		2,644.00	3011	2/28/2016	10068		Posted
			52-41-6170			900 POUNDS OF CQ 2000 POLYMER			2,644.00	0.00
2418	LAW OFFICE OF KATIE J CHENEY									
53531		4/4/2013	4/4/2013		213.92	500	2/13/2013	13535		Posted
			30-00-3000			08 GRANT PROJECT-EXPENSES			213.92	0.00
2622	CHRIS NELSON									
53626		4/4/2013	4/4/2013		74.99		3/28/2013	14052		Posted
			10-15-2911			WORK BOOT REINBURSEMENT			74.99	0.00
587	CITY TREASURER OF KANSAS CITY MISSOURI									
53532		4/4/2013	4/4/2013		300.00		3/21/2013	12815		Posted
			53-41-2400			AIR SMOKE SCHOOL FOR MANFRED MI			300.00	0.00
1601	COLE PALMER INSTRUMENT CO									
53533		4/4/2013	4/4/2013		180.69	8446716	3/24/2013	10073		Posted
			52-41-6000			FLEX TUBING FOR THE POLYMER INJEI			180.69	0.00
158	COMPUTER SOLUTIONS INC									
53654		4/4/2013	4/4/2013		57.50	155852	3/22/2013	14539		Posted
			10-13-3000			SERVICE WORK			57.50	0.00
2152	CONSTELLATION NEW ENERGYGAS DIVISION									
53534		4/4/2013	4/4/2013		4,594.19	9319862	3/13/2013	13531		Posted
			10-19-6210			NORTH CAMPUS GAS BILL			4,594.19	0.00
431	CONTINENTAL ANALYTICAL SERVICE									
53535		4/4/2013	4/4/2013		383.00	146317	3/24/2013	10082		Posted
			52-41-3000			MONTHLY PLANT SAMPLE ANALYSES			383.00	0.00
2612	DAVE OEHM									
53578		4/4/2013	4/4/2013		112.40		3/18/2013	13541		Posted
			10-13-5800			FUEL REINBURSTMENT FOR TRAINING			112.40	0.00
193	DOLLAR GENERAL STORE-MSC-410526									
53580		4/4/2013	4/4/2013		11.95	1000187587	3/27/2013	13543		Posted
			10-11-6000			DAWN, DGH AUTO REFILL, SUPPLIES			11.95	0.00
2621	ELECTRO-MECH SCOREBOARD CO.									
53595		4/4/2013	4/4/2013		3,902.00	95223	3/19/2013	14304		Posted
			23-00-6800			SCOREBOARD, WIRELESS MODEM, CA			3,902.00	0.00
2053	EMG, INC									
53584		4/4/2013	4/4/2013		1,653.40	3188	3/6/2013	12825		Posted
			53-41-3000			KEY ACCOUN AND ENERGY CONSULTII			1,653.40	0.00
222	FARMWAY COOP INC.									
53627		4/4/2013	4/4/2013		489.72		3/11/2013	14042		Posted
			10-15-6270			3327-FUEL TRK 44			146.21	0.00
			10-15-6270			6171-FUEL TRKS 44&24			356.20	0.00
			10-15-6270			8300-FUEL TRK 24			40.75	0.00
			10-15-6270			055708-DIESEL EXCISE TAX CREDIT			0.00	53.44
									543.16	53.44
53628		4/4/2013	4/4/2013		(163.24)	111-029473	3/7/2013	13430		Posted
			10-15-6270			FUEL CREDIT, INVOICE PAID 2X			0.00	163.24
260	FASTENAL COMPANY									
53629		4/4/2013	4/4/2013		207.47		3/15/2013	14041		Posted
			10-15-7450			KSCON37209-SAFETY GLASSES			97.48	0.00
			10-15-7450			KSCON37345-18V BATTERIES			109.99	0.00
									207.47	0.00

Accounts Payable Detail Listing

City of Beloit

Vend# Vendor Name		Pay#	Post Date	Due Date	Amount Invoice	Date	PO#	Date	Status
	Account#	Work Order		Description				Debit	Credit
236 FOUTS INSURANCE AGENCY INC. (continued)									
53541	4/4/2013	4/4/2013	2,296.00		3/20/2013	13527			Posted
	10-13-5220			PREMIUM RETURN				0.00	154.00
	10-22-5240			AIRPORT LIABILITY				2,450.00	0.00
								2,450.00	154.00
53542	4/4/2013	4/4/2013	50.00	147443	3/20/2013	13524		50.00	Posted
	10-11-5250			NOTARY BOND					0.00
53656	4/4/2013	4/4/2013	25.00	147528	3/26/2013	13548		25.00	Posted
	10-13-5230			ADD PORTABLE RADIOS & EQUIP					0.00
53657	4/4/2013	4/4/2013	299,437.00		3/25/2013	13549			Posted
	10-11-5210			147514-PROPERTY				60,522.00	0.00
	10-11-5240			147514-GENERAL LIABILITY				9,787.00	0.00
	10-11-5240			147515-CRIME FIDELITY BOND				682.00	0.00
	10-11-5230			147516-INLAND MARINE				7,268.00	0.00
	10-11-5220			147517-BUSINESS AUTOS				19,374.00	0.00
	21-00-2600			147518-WORKERS COMP				74,258.00	0.00
	53-41-5240			147519-COMMERCIAL OUTPUT				122,529.00	0.00
	53-41-5240			147520-E & O LINEBACKER				2,630.00	0.00
	10-13-5240			147521-LAW ENFORCEMENT				2,387.00	0.00
								299,437.00	0.00
53658	4/4/2013	4/4/2013	1,061.00	147522	3/25/2013	13550			Posted
	10-22-5210			PROPERTY/AIRPORT				1,061.00	0.00
2623 FRONT RANGE TRAINING									
53659	4/4/2013	4/4/2013	2,250.00	79	2/28/2016	14542			Posted
	10-13-2400			BASIC SWAT TRAINING				2,250.00	0.00
1609 GIBSON INDUSTRIAL CONTROLS									
53630	4/4/2013	4/4/2013	48.62	15529	3/11/2013	13266			Posted
	53-41-4360			CERAMIC SHAFT SEAL #PS305				48.62	0.00
262 GRAINGER CO									
53543	4/4/2013	4/4/2013	405.20		3/7/2013	10075			Posted
	52-41-7490			9085381748-SWITCHING RELAY'S FOR I				247.42	0.00
	52-41-7490			9085143072-SWITCHING RELAY'S FOR I				157.78	0.00
								405.20	0.00
966 LARRY HAYDEN									
53544	4/4/2013	4/4/2013	14.91		3/21/2013	14426			Posted
	52-43-5800			MEAL REIMBURSTMENT				14.91	0.00
792 HERCULES INDUSTRIES INC									
53631	4/4/2013	4/4/2013	249.63	78139	3/20/2013	12836			Posted
	53-41-4360			2" #2359 PADDLE LOCKS (24)				249.63	0.00
2479 INDEPENDENT ELECTRIC MACHINERY CO., INC									
53585	4/4/2013	4/4/2013	1,800.00	4-12499	3/19/2013	12818			Posted
	53-41-4360			REPAIR, JACKET WATER PUMP MOTOF				1,800.00	0.00
1922 JNT COMPANY LLC									
53545	4/4/2013	4/4/2013	396.99	1108	3/15/2013	13523			Posted
	10-11-3360			WEB HOSTING FEE				396.99	0.00
2359 KANSAS CORPORATION COMMISSION									
53574	4/4/2013	4/4/2013	192.56		3/15/2013	13540			Posted
	10-11-3000			Katie Cheney - 1409 N Bell				64.40	0.00
	10-11-3000			Frasier/Johnson - 116 N Hersey				67.33	0.00
	10-11-3000			Darwin Wiles - 627 E 3rd				60.83	0.00
								192.56	0.00
353 KANSAS DEPT OF REVENUE-USE TAX									
53568	4/4/2013	4/4/2013	1,354.94		3/25/2013	13456			Posted
	53-00-2070			USE TAX FOR MARCH 2013				1,354.94	0.00
352 KANSAS DEPT OF REVENUE-SALES TAX									
53569	4/4/2013	4/4/2013	14,230.55		3/25/2013	13457			Posted
	51-00-2070			SALES TAX MARCH 2013				1,153.96	0.00
	53-00-2070			SALES TAX MARCH 2013				13,076.59	0.00
								14,230.55	0.00

Accounts Payable Detail Listing

City of Beloit

Vend# Vendor Name

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
2619 KARYN MOHLER (continued)								
53596	4/4/2013	4/4/2013	25.00		3/18/2013	14296		Posted
	10-00-3478			REFUND FOR SOCCER-CHEYENNE MO			25.00	0.00
7116 KELLY JIM								
53547	4/4/2013	4/4/2013	90.00	608491698	3/24/2013	10079		Posted
	52-41-2911			UNIFORM BOOTS			90.00	0.00
2617 KIMBERLY FEET								
53538	4/4/2013	4/4/2013	61.00		3/18/2013	13466		Posted
	10-12-3000			OVER PAID COURT FINES ON CASE #20			61.00	0.00
1887 KMEA GRDA OPERATING FUND								
53588	4/4/2013	4/4/2013	64,327.18	GRDA-BE-13-04	3/8/2013	12823		Posted
	53-41-6220			GRDA POWER SUPPLY BILLNG FOR 04			64,327.18	0.00
556 KMEA WAPA OPERATING FUND								
53587	4/4/2013	4/4/2013	17,697.74	WAPA-BL-13-03	3/11/2013	12822		Posted
	53-41-6220			WAPA HYDRO POWER SUPPLY FOR 03			17,697.74	0.00
394 KRIERS' AUTO PARTS								
53548	4/4/2013	4/4/2013	48.47	4925-130449	3/21/2013	14428		Posted
	51-43-4310			PTO CABLE			48.47	0.00
53549	4/4/2013	4/4/2013	5.89	4925-130274	3/19/2013	14341		Posted
	53-43-4310			MINIATURE LONG LIFE			5.89	0.00
53632	4/4/2013	4/4/2013	128.96		3/19/2013	14040		Posted
	10-15-4310			130309-FILL NOZZLE			13.99	0.00
	10-15-4310			130517-TURN/TAIL LAMP			35.22	0.00
	10-15-4310			130647-PAINT			52.08	0.00
	10-15-4310			130663-MINIATURE LAMPS			27.67	0.00
							<u>128.96</u>	<u>0.00</u>
2620 KRISTEN UNDERWOOD								
53597	4/4/2013	4/4/2013	25.00		3/18/2013	14297		Posted
	10-00-3478			SOCCER REFUND FOR SAM UNDERWC			25.00	0.00
395 KRIZ-DAVIS CO								
53550	4/4/2013	4/4/2013	114.36	S100567261.001	3/13/2013	14339		Posted
	53-43-6000			WIRE ROPE			114.36	0.00
2264 KVSV								
53633	4/4/2013	4/4/2013	280.00	1116-00002-0000	2/28/2013	12833		Posted
	53-41-6400			POWER PLANT JOB OPENING AD			280.00	0.00
1037 LATTIN AVIATION-TRAVIS LATTIN								
53575	4/4/2013	4/4/2013	1,200.00		4/1/2013	13539		Posted
	10-22-3000			APRIL 2013-AIRPORT SERVICE CONTRA			1,200.00	0.00
405 LEAGUE OF KS MUNICIPALITIES								
53660	4/4/2013	4/4/2013	160.00		3/26/2013	13165		Posted
	51-41-2400			MAYORS CONFERENCE (KANDAL)			80.00	0.00
	52-41-2400			MAYORS CONFERENCE (KANDAL)			80.00	0.00
							<u>160.00</u>	<u>0.00</u>
409 LIGHT & WATER UTILITIES								

Accounts Payable Detail Listing

City of Beloit

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>					<u>Debit</u>	<u>Credit</u>
409	LIGHT & WATER UTILITIES (continued)									
53645		4/4/2013	4/4/2013		29,056.33		4/1/2013	13546		Posted
	10-11-6220					ADMIN			2,609.57	0.00
	10-11-6220					ADMIN SHARE			48.25	0.00
	10-13-6220					PD SHARE			48.26	0.00
	51-41-6220					WATER SHARE			48.26	0.00
	10-14-6220					FIRE DEPT			224.48	0.00
	10-15-6220					TRANSPORTATION			597.60	0.00
	10-18-6220					PARKS & REC			697.45	0.00
	10-20-6220					CEMETERY			321.00	0.00
	10-22-6220					AIRPORT			474.13	0.00
	51-41-6220					WATER PLANT			8,104.79	0.00
	52-41-6220					SEWER PLANT			9,646.52	0.00
	53-41-6220					POWER PLANT			65.01	0.00
	51-43-6220					WATER SYSTEMS			318.93	0.00
	52-43-6220					SEWER SYSTEMS			318.92	0.00
	53-43-6220					SYSTEMS OP SHARE			318.92	0.00
	51-43-6220					SYSTEMS OP SHARE			29.29	0.00
	52-43-6220					SYSTEMS OP SHARE			29.28	0.00
	53-43-6220					SYSTEMS OP SHARE			29.28	0.00
	10-13-6220					PD SHARE			29.28	0.00
	53-43-6220					ELECTRIC SYSTEMS			54.06	0.00
	10-19-6220					NORTH CAMPUS			4,910.09	0.00
	10-21-6220					POOL			132.96	0.00
									<u>29,056.33</u>	<u>0.00</u>
2112	LINDE LLC CHARLOTTE NC									
53551		4/4/2013	4/4/2013		457.60	47199747	3/15/2013	13164		Posted
	51-41-6170					8800 LBS. CO2			457.60	0.00
1160	MID STATES ENERGY WORKS INC									
53589		4/4/2013	4/4/2013		5,182.16	4033	3/8/2013	12824		Posted
	53-41-3000					INSTALL & PROGRAM BECKWITH M20IC			5,182.16	0.00
1018	MANFRED MILBERS									
53552		4/4/2013	4/4/2013		73.00		3/21/2013	12817		Posted
	53-41-6700					PER DIEM MEALS FOR KANSAS CITY /S			73.00	0.00
2177	MITCHELL CO HOSPITAL HEALTH SYSTEMS									
53661		4/4/2013	4/4/2013		215.00		2/12/2016	14541		Posted
	10-13-3000					HOSPITAL SERVICES			215.00	0.00
470	MITCHELL COUNTY SOLID WASTE									
53553		4/4/2013	4/4/2013		8.00	02927	3/8/2013	10080		Posted
	52-41-3000					DISPOSAL OF SCREENINGS			8.00	0.00
469	MITCHELL COUNTY TREASURER									
53655		4/4/2013	4/4/2013		49.00	375DXV	3/29/2013	14544		Posted
	10-13-5600					VEHICLE REGISTRATION			49.00	0.00
342	MUNICIPAL SUPPLY INC. OF NEBRASKA									
53554		4/4/2013	4/4/2013		129.60	0525188-IN	3/13/2013	14429		Posted
	51-43-8100					A-301 MUELLER 5 1/4 SAFETY FLANGE			129.60	0.00
772	STEVE NELSON									
53555		4/4/2013	4/4/2013		73.00		3/21/2013	12816		Posted
	53-41-6700					PER DIEM MEALS FOR KANSAS CITY SI			73.00	0.00
827	NETWORKS PLUS									
53556		4/4/2013	4/4/2013		265.00	132689	3/15/2013	13521		Posted
	10-13-3360					SERVICE CONTRACT			265.00	0.00
53557		4/4/2013	4/4/2013		265.00	132688	3/15/2013	13520		Posted
	10-11-3360					SERVICE CONTRACT			265.00	0.00
517	PDQ EMERGENCY PRODUCTS									
53662		4/4/2013	4/4/2013		217.89	17589	3/18/2013	14545		Posted
	10-13-2911					SUPPLIES			217.89	0.00
530	PITNEY BOWES									
53558		4/4/2013	4/4/2013		1,407.00	3848488-MR13	3/13/2013	13519		Posted
	10-11-3000					MAILING SYSTEM LEASE			1,407.00	0.00

Accounts Payable Detail Listing

City of Beloit

Vend# Vendor Name											
<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>	<u>Debit</u>	<u>Credit</u>	
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>							
478	POWERPLAN (continued)										
53634	4/4/2013	4/4/2013	328.49	03-337371	3/15/2013	14039		Posted			
	10-15-4330			WINDOW			328.49		0.00		
1263	PRAIRE FIRE COFFEE ROASTERS										
53602	4/4/2013	4/4/2013	87.80	513760	5/13/1976	13544		Posted			
	10-11-6000			2-36 PK COFFEE			87.80		0.00		
53635	4/4/2013	4/4/2013	40.90	513762	3/28/2013	14046		Posted			
	10-15-6000			COFFEE			40.90		0.00		
2477	PRICE TRUCK LINE, INC										
53636	4/4/2013	4/4/2013	81.41	398967	3/11/2013	12830		Posted			
	53-41-4360			FREIGHT FOR SHIPPING THE ELECTRIC			81.41		0.00		
2425	PROTOCOL, LLC										
53571	4/4/2013	4/4/2013	364.00		3/20/2013	14533		Posted			
	10-13-5310			APRIL 2013 BILL			364.00		0.00		
1335	PUR O ZONE										
53598	4/4/2013	4/4/2013	1,897.26	596827	3/18/2013	14303		Posted			
	10-21-6000			CLEANING& PAPER SUPPLIES			651.87		0.00		
	10-18-6000			CLEANING& PAPER SUPPLIES			1,245.39		0.00		
							1,897.26		0.00		
2279	RAMADA CONVENTION CENTER										
53559	4/4/2013	4/4/2013	177.62	5217	3/14/2013	13446		Posted			
	10-15-5800			2 NIGHT HOTEL STAY FOR MIKE			177.62		0.00		
559	RELIABLE OFFICE SUPPLIES										
53572	4/4/2013	4/4/2013	91.47	DMB61100	3/26/2013	14535		Posted			
	10-13-6110			REMAN CANON S35 TONER			91.47		0.00		
580	SALINA JOURNAL										
53638	4/4/2013	4/4/2013	254.96	7683	2/28/2013	12831		Posted			
	53-41-6400			POWER PLANT OPENING AD			254.96		0.00		
607	SHAMBURG OIL COMPANY										
53560	4/4/2013	4/4/2013	224.46		3/22/2013	14340		Posted			
	53-43-6270			367336-DIESEL			101.45		0.00		
	53-43-6270			367359-DIESEL			123.01		0.00		
							224.46		0.00		
626	SOLOMON VALLEY HOME CENTER										
53561	4/4/2013	4/4/2013	92.96		3/6/2013	14425		Posted			
	30-00-8200			10300167-CONCRETE BLOCK			5.72		0.00		
	30-00-8200			10300167-CONCRETE BLOCK,REBAR			87.24		0.00		
							92.96		0.00		
53562	4/4/2013	4/4/2013	17.57	10300951	3/19/2013	10078		Posted			
	52-41-6000			CONTRACTOR TRASH BAGS, MASONR`			17.57		0.00		
53563	4/4/2013	4/4/2013	19.90	10300941	3/19/2013	14551		Posted			
	51-43-6000			SAND BLASTING MEDIUM			19.90		0.00		
53599	4/4/2013	4/4/2013	57.46		3/20/2013	14300		Posted			
	10-18-4300			10301501- HEX WASHER			19.49		0.00		
	10-18-4300			10301086-PRIMER ROADSIDE REPAIR S			37.97		0.00		
							57.46		0.00		
53639	4/4/2013	4/4/2013	28.98		3/4/2013	14038		Posted			
	10-15-6130			10299991- 4X4 SIGN POST			20.00		0.00		
	10-15-6130			10301385-SPRAY PAIN			8.98		0.00		
							28.98		0.00		
84	ST JOHN'S SCHOOL - CROSSWALK GUARD										
53576	4/4/2013	4/4/2013	90.00		4/1/2013	13538		Posted			
	10-13-3000			18 DAYS @ \$5.00			90.00		0.00		
673	THOMPSON'S OK TIRE, INC										
53564	4/4/2013	4/4/2013	12.00	1-64456	3/15/2013	14424		Posted			
	51-43-4310			TIRE REPAIR			12.00		0.00		
53565	4/4/2013	4/4/2013	9.00	1-64533	3/15/2013	14427		Posted			
	51-43-6140			TIRE REPAIR			9.00		0.00		
53640	4/4/2013	4/4/2013	15.00	1-64942	3/26/2013	14037		Posted			
	10-15-6140			TIRE REPAIR TRK 22			15.00		0.00		

Accounts Payable Detail Listing

City of Beloit

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
2195	TIPTON SCREEN PRINTING (continued)									
53600			4/4/2013	4/4/2013	1,898.50		3/27/2013	14301		Posted
			10-17-6800			SOCCER T-SHIRTS & SOCKS			1,898.50	0.00
1163	TMHC SERVICES INC									
53566			4/4/2013	4/4/2013	283.75	173645	1/31/2013	13529		Posted
			51-43-3000			PRE-EMPLOYMENT TESTING			70.00	0.00
			10-11-3000			EMPLOYEE ASST. PROGRAM			213.75	0.00
									<u>283.75</u>	<u>0.00</u>
1533	ULTRA CLEAN CAR WASH									
53663			4/4/2013	4/4/2013	150.77	82	3/29/2013	14543		Posted
			10-13-7420			FEB 2013 CAR WASHES			150.77	0.00
694	UNIVERSITY OF KANSAS									
53570			4/4/2013	4/4/2013	260.00	LE130355-31009-1	3/13/2013	14536		Posted
			10-13-2400			TRAINING COURSE			260.00	0.00
697	USD 273									
53577			4/4/2013	4/4/2013	331.50		4/1/2013	13537		Posted
			10-13-3000			CROSSWALKS-17 DAYS @ \$19.50			331.50	0.00
410	UTILITIES									
53664			4/4/2013	4/4/2013	411.69	7346	3/29/2013	13547		Posted
			10-13-6220			CIRY SHARE OF JAIL UTILITIES			411.69	0.00
2067	VERIZON WIRELESS SERVICES, LLC									
53573			4/4/2013	4/4/2013	131.36	2883855755	3/9/2013	14534		Posted
			10-13-5310			POLICE DEPT. WIRELESS SERVICE			131.36	0.00
712	WACONDA TRADER									
53642			4/4/2013	4/4/2013	129.60		2/27/2013	12834		Posted
			53-41-6400			POWER PLANT AD			129.60	0.00
53643			4/4/2013	4/4/2013	19.00	21517	3/27/2013	13545		Posted
			10-11-6000			BUS. CARDS			19.00	0.00
2288	WILSON & COMPANY									
53567			4/4/2013	4/4/2013	910.04	47918	3/13/2013	13530		Posted
			41-00-8412			PROJECT #1040011100 COOLING TOWE			910.04	0.00
760	ZEE MEDICAL INC									
53641			4/4/2013	4/4/2013	63.12	0021062257	3/19/2013	14036		Posted
			10-15-6000			1ST AID KIT SUPPLIES			63.12	0.00

479,726.48 123 Non-voided payables listed.

Report Setup AP - Accounts Payable Listing : Vendor Name Filter Options Starting: 4/4/2013 Ending: 4/4/2013 Banks: All Payable Status: Posted, Printed, ACH, Recorded, Voided All Vendors Selected

City of Beloit, Kansas

Electric Utility System Revenue Bonds, Series 2013

Debt Service Schedule

Date	Principal	Coupon	Total P+I
09/01/2013	15,700.00	-	15,700.00
03/01/2014	20,000.00	-	20,000.00
09/01/2014	20,000.00	-	20,000.00
03/01/2015	20,000.00	-	20,000.00
09/01/2015	20,000.00	-	20,000.00
03/01/2016	20,000.00	-	20,000.00
09/01/2016	20,000.00	-	20,000.00
03/01/2017	20,000.00	-	20,000.00
09/01/2017	20,000.00	-	20,000.00
03/01/2018	20,000.00	-	20,000.00
Total	\$195,700.00	-	\$195,700.00

Yield Statistics

Bond Year Dollars	-
Average Life	-
Average Coupon	-
Net Interest Cost (NIC)	-
True Interest Cost (TIC)	-
Bond Yield for Arbitrage Purposes	-
All Inclusive Cost (AIC)	-

IRS Form 8038

Net Interest Cost	-
Weighted Average Maturity	1.000 Years

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BELOIT, KANSAS
HELD ON APRIL 2, 2013**

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:

Absent:

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 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF BELOIT, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

Thereupon, Councilmember _____ moved that said Ordinance be passed. The motion was seconded by Councilmember _____. Said Ordinance 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:

Aye: _____.

Nay: _____.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. _____, was signed and approved 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.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF BELOIT, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE

NO. _____ 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.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

(SEAL)

Clerk

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:		
April 2, 2013	ORDINANCE 2127 ATV ORDINANCE		
ORIGINATING DEPARTMENT:	TYPE OF ACTION:	<input checked="" type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION
Administration		<input type="checkbox"/> FORMAL ACTION	<input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the City Council approve Ordinance 2127.

FISCAL NOTE:

- There are publication costs associated with this agenda item.

DISCUSSION:

This ordinance would allow citizens to ride ATVs on city streets if they meet the requirements outlined in the ordinance.

Respectfully submitted,

Glenn Rodden
City Administrator

ORDINANCE NO. 2127

AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 2116 WHICH REGULATES TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF BELOIT, KANSAS, BY SUPPLEMENTING ARTICLE 14 BY ADDING SECTIONS 114.6, 114.7, 114.8, AND 114.9, AUTHORIZING OPERATION OF REGISTERED WORK-SITE UTILITY VEHICLES, REGISTERED MICRO UTILITY TRUCKS, AND REGISTERED ALL TERRAIN VEHICLES ON THE STREETS OF BELOIT, KANSAS AND PROVIDING FOR THE REGISTRATION PROCEDURE AND PENALTIES FOR VIOLATION OF THE SAME.

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

Section 1: Article 14 of the 2012 Standard Traffic Ordinance adopted by the City of Beloit in Ordinance No. 2116, and subsequent editions of the Standard Traffic Ordinance adopted by the City of Beloit thereafter, are hereby supplemented by adding the following Sections 114.6, 114.7, 114.8, and 114.9, to read as follows:

Section 114.6. Lawful Operation of Vehicles within the City Limits. Operation of Work-Site Utility Vehicles (WUV), Micro Utility Trucks (MUT) and All-Terrain Vehicles (ATV) shall be subject to compliance with all other ordinances of the City of Beloit concerning WUV, MUT and ATV operations and may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City, but only after being properly registered as provided herein and only if such owner or operator of the WUV, MUT or ATV has provided motor vehicle liability insurance coverage on such vehicle as required for a motor vehicle in accordance with the Kansas Automobile Injury Reparation Act. K.S.A. 40-3101 et. seq. For purposes of this section, no WUV, MUT or ATV shall be exempt from the Kansas Automobile Injury Reparation Act.

Section 114.7. Equipment Requirements of Work-Site Utility Vehicles, Micro Utility Trucks and All-Terrain Vehicles. No WUV, MUT, or ATV shall be operated on any public highway, street, road or alley unless such vehicle complies with the equipment requirements under the provisions of Article 17, Chapter 8 of Kansas Statutes Annotated; except, windshields shall not be required.

Section 114.8. Registration of Work-Site Utility Vehicles, Micro Utility Trucks and All-Terrain Vehicles. Except when operated by law enforcement for law enforcement purposes or for use in a parade authorized by the Governing Body of the City of Beloit, every owner of a WUV, MUT and an ATV intended to be operated on a street or highway in the City of Beloit, Kansas, whether such owner is a resident of the City or not, shall before such WUV, MUT or ATV is operated on such street or highway, register such vehicle through the office of the Beloit Police Department on such forms as furnished by the Beloit Police Department. The application shall contain the name of the owner, the owner's residential address, a brief description of the vehicle to be registered, insurance information of the vehicle, and such other information as may be required by the department. The application shall be signed by the owner and owner's spouse (if applicable). The department shall furnish to every owner whose vehicle is registered a registration plate or decal which shall be displayed prominently on the rear of the vehicle before its operation in the City. A registration fee of \$25 per year per vehicle shall be charged. Thereafter, any subsequent registration permit shall be \$25 per year per vehicle regardless of the date for which said registration shall be made.

Section 114.9. Age Restriction, Valid Driver's License Required and Penalty. No person shall operate a WUV, MUT or ATV on any public highway, street, road or alley within the corporate limits of the City unless such person has a valid driver's license and is at least eighteen (18) years of age. Violations of any part of this Article shall be an ordinance traffic infraction. Upon entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred

Dollars (\$500.00) plus court costs.

Section 2: This Ordinance shall take effect and be in full force from and after its passage and one publication in the official city newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 2nd day of April, 2013.

Tom Naasz, Mayor

ATTEST:

Amanda J. Lomax, City Clerk

CITY OF BELOIT, KANSAS
ALL-TERRAIN VEHICLE, MICRO UTILITY TRUCK, AND
WORKSITE UTILITY VEHICLE REGISTRATION APPLICATION

Pursuant to City of Beloit Ordinance No. 2127, all owners and operators of
ATVs, MUTs, and WUVs must be at least eighteen (18) years of age.

Registration fee is \$25.00 per year, per vehicle. Complete a separate application for each vehicle.

Owner Information:

Last Name	First Name	Middle	Birthdate
<hr/>			
<small>(primary)</small>			
<hr/>			
<small>(joint owner)</small>			
<hr/>			

Primary Owner Information:

Street Address/PO Box	City	State	Zip Code
<hr/>			

Phone Number: _____ Alternate Phone Number: _____
Email Address: _____

Primary Owner Driver's License Number: _____
Joint Owner Driver's License Number: _____

APPLICATION DATE: _____

Application for: _____ All-Terrain Vehicle
 _____ Micro Utility Truck
 _____ Worksite Utility Vehicle

Vehicle Information:

Make	Model	Year	Color	VIN
<hr/>				

Insurance Information:

Company Name	Policy Number (proof of insurance required and must be attached)
<hr/>	

Signature of Owner

Date

Signature of Joint Owner (if applicable)

City of Beloit Use Only:

Decal #: _____

Date Issued: _____

REQUEST FOR COUNCIL ACTION

DATE:

April 2, 2013

TITLE:

ORDINANCE 2128 AUTHORIZING ISSUANCE OF ELECTRIC SYSTEMS REVENUE BONDS

ORIGINATING DEPARTMENT:

Administration

TYPE OF ACTION:

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

RECOMMENDATION:

I recommend that the Council approve Ordinance 2128.

FISCAL NOTE:

- There is no direct cost associated with passing this ordinance.

DISCUSSION:

This ordinance authorizes the city to issue revenue bonds for the Electric Systems projects for Sunflower Manufacturing and Kohler projects.

Respectfully submitted,

Glenn Rodden
City Administrator

ORDINANCE NO. 2128

OF

THE CITY OF BELOIT, KANSAS

PASSED

APRIL 2, 2013

**TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS
SERIES 2013**

(PUBLISHED IN THE *THE BELOIT CALL* ON APRIL __, 2013)

ORDINANCE NO. 2128

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF BELOIT, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Beloit, 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, the City is authorized under the provisions of the Act, to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the System, provided that the principal of and interest on such revenue bonds shall be payable solely from the Net Revenues derived by the City from the operation of the System; and

WHEREAS, the governing body of the City has pursuant to Resolution No. ____ declared its intention under the Act to acquire, construct, reconstruct, alter, repair, improve, extend or enlarge the System (the “Project”) at an estimated cost of \$195,700 and to issue Taxable Electric Utility System Revenue Bonds in an amount of not to exceed \$195,700; notice of such intention was published one time in the official newspaper of the City and no sufficient written protest thereto was filed with the Clerk within fifteen (15) days after said publication date all as set forth in the Act; and

WHEREAS, none of such revenue bonds so authorized have heretofore been issued and the City proposes to issue \$195,700 of the revenue bonds so authorized to pay the costs of the Project; and

WHEREAS, the governing body of the City has caused plans and specifications for the Project and an estimate of the cost thereof to be made which have previously been accepted and approved and shall be placed on file in the office of the Clerk; and

WHEREAS, the Issuer does not have Outstanding any System Indebtedness other than the Parity Bonds; and

WHEREAS, the Parity Resolution provides the City may issue Additional Bonds which constitute Parity Bonds upon the satisfaction of certain conditions; and

WHEREAS, prior to or simultaneously with the issuance of the Series 2013 Bonds, such terms and conditions will be satisfied.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BELOIT, 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. 10-620 *et seq.*, and K.S.A. 10-1201 *et seq.*, all as amended and supplemented from time to time.

“Additional Bonds” means any bonds secured by the Revenues hereafter issued pursuant to the Bond Resolution.

“Bond Resolution” means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2013 Bonds and making covenants with respect thereto.

“Bonds” means the Series 2011 Bonds, Series 2013 Bonds and any Additional Bonds.

“City” means the City of Beloit, 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.

“Expenses” means all necessary expenses of operation, maintenance and repair of the System, including salaries, wages, costs of materials and supplies, expenses of reasonable upkeep and repairs, insurance, all general administrative expenses of the Issuer and all other expenses incident to the operation of the System, but excluding depreciation.

“Fiscal Year” means the twelve month period ending on December 31.

“Mayor” means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

“Net Revenues” means, for the period of determination, all Revenues less all Expenses.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Parity Bonds” means the Outstanding Series 2011 Bonds, Series 2013 Bonds, and any Additional Bonds hereafter issued pursuant to any Parity Resolution and standing on a parity and equality with the Series 2013 Bonds with respect to the lien on the Net Revenues.

“Parity Resolution” means the Series 2011 Resolution, the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

“Project” means the acquisition, construction, reconstruction, alterations, repair, improvements, extensions or enlargements of the System described in the Preamble to this Ordinance or any Substitute Project.

“Revenue Fund” means the Electric Utility System Revenue Fund referred to in the Bond Resolution.

“Revenues” means all charges, fees, income and revenues (including interest earnings) derived and collected by the Issuer from the operation and ownership of the System.

“Series 2011 Bonds” means the Issuer’s Electric Utility System Revenue Bonds, Series 2011, dated December 21, 2011.

“Series 2013 Bonds” means the Issuer's Taxable Electric Utility System Revenue Bonds, Series 2013, authorized by this Ordinance.

“Series 2011 Resolution” means collectively the Issuer’s Ordinance No. _____ and Resolution No. 2011-12, which authorized the Series 2011 Bonds.

“State” means the State of Kansas.

“Substitute Project” means a substitute or additional project of the System authorized in the manner set forth in the Bond Resolution.

“System” means the Electric Utility System of the Issuer together with all alterations, repairs, reconstructions, extensions, enlargements and improvements thereto hereafter made or acquired by the Issuer.

“System Indebtedness” means collectively all Bonds.

Section 2. Authorization of the Series 2013 Bonds. There shall be issued and are hereby authorized and directed to be issued the Taxable Electric Utility System Revenue Bonds, Series 2013, of the City in the aggregate principal amount of \$195,700 for the purpose of providing funds to: (a) pay the costs of the Project; and (b) pay costs of issuance of the Series 2013 Bonds.

Section 3. Security for the Series 2013 Bonds. The Series 2013 Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Series 2013 Bonds. The Series 2013 Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Series 2013 Bonds, either as to principal or interest.

The covenants and agreements of the City contained herein and in the Series 2013 Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Series 2013 Bonds, all of which Series 2013 Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Series 2013 Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Series 2013 Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues with any Parity Bonds. The Series 2013 Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Parity Bonds; and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Series 2013 Bonds.

Section 4. Terms, Details and Conditions of the Series 2013 Bonds. The Series 2013 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 of the City.

Section 5. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to (a) pay Expenses; (b) pay the principal of and interest on the Bonds as and when the same become due; and (c) provide reasonable and adequate reserves for the payment of the Parity Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance and the Bond Resolution. The Bond Resolution may establish requirements in excess of the requirements set forth herein.

Section 6. Further Authority. The Mayor, 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 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 Series 2013 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 of the City, approval by the Mayor and publication in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on April 2, 2013 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

REQUEST FOR COUNCIL ACTION

DATE:

April 2, 2013

TITLE:

RESOLUTION 2013-5 ADOPTION OF TAX AND SECURITY COMPLIANCE PROCEDURES

ORIGINATING DEPARTMENT:

Administration

TYPE OF ACTION:

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

RECOMMENDATION:

I recommend that the Council approve Resolution 2013-5.

FISCAL NOTE:

- There is no direct cost for passing this resolution.

DISCUSSION:

Gilmore Bell, our bond counsel, has recommended the City of Beloit adopt the attached resolution as a way of meeting IRS requirements for post-bond issuance reporting.

Respectfully submitted,

Glenn Rodden
City Administrator

RESOLUTION NO. 2013-5

A RESOLUTION PROVIDING FOR THE ADOPTION OF TAX AND SECURITIES COMPLIANCE PROCEDURES RELATING TO OBLIGATIONS ISSUED AND TO BE ISSUED BY THE CITY OF BELOIT, KANSAS.

WHEREAS, the City of Beloit, Kansas (the "Issuer") is a city of the second class, duly created, organized and existing under the Constitution and laws of the State of Kansas (the "State"); and

WHEREAS, the Issuer is authorized, pursuant to the Constitution and statutes of the State to issue bonds, notes, leases, certificates and other instruments that evidence indebtedness (collectively, the "Obligations") to finance certain improvements, projects and programs of the Issuer (collectively, the "Project Facilities") and on behalf of certain non-governmental private businesses ("Conduit Borrowers"); and

WHEREAS, the Issuer has heretofore issued certain Obligations and anticipates future issuances of additional Obligations by the Issuer or another governmental entity on behalf of the Issuer, the interest on which is intended to be excluded from gross income for federal income tax purposes or which is subsidized by the federal government (*e.g.* build America bonds) (the "Tax-Advantaged Obligations"); and

WHEREAS, the Internal Revenue Code of 1986, as amended and regulations promulgated thereunder (collectively, the "Code"), impose ongoing requirements related to the investment, use and expenditure of proceeds of Tax-Advantaged Obligations and related funds and restrictions on use of the Project Facilities financed by such Tax-Advantaged Obligations and separate restrictions on facilities financed on behalf of Conduit Borrowers by such Tax-Advantaged Obligations; and

WHEREAS, pursuant to rules promulgated by the Securities and Exchange Commission (the "SEC"), the Issuer has entered into or anticipates entering into continuing disclosure undertakings to provide for the submission of annual reports and notices of certain material events relating to the Tax-Advantaged Obligations for Project Facilities; and

WHEREAS, the Issuer and Conduit Borrowers have entered into or anticipates entering into continuing disclosure undertakings to provide for the submission of annual reports and notices of certain material events relating to the Tax-Advantaged Obligations for facilities financed on behalf of Conduit Borrowers; and

WHEREAS, in certain situations, another governmental entity, such as a public building commission, may issue Tax-Advantaged Obligations on behalf of the Issuer and the Issuer is charged with the responsibility of maintaining compliance with provisions of the Code and regulations of the SEC; and

WHEREAS, the Issuer is committed to full compliance with all such requirements with respect to the Tax-Advantaged Obligations.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BELOIT, KANSAS:

Section 1. Compliance Procedures. In order to comply with the requirements of the Code and directives of the Internal Revenue Service and SEC and to improve tax compliance and documentation, the governing body of the Issuer hereby adopts the Tax and Securities Compliance Procedures, dated as April __, 2013 (the “Compliance Procedures”).

Section 2. Permanent Record. A copy of the Compliance Procedures shall be placed in the permanent records of the Issuer and shall be available for public inspection during regular business hours of the Issuer.

Section 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED AND APPROVED by the governing body of the City of Beloit, Kansas, on April __, 2013.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2013-5 of the City of Beloit, Kansas adopted by the governing body on April 2, 2013 as the same appears of record in my office.

DATED: April 2, 2013.

Clerk

REQUEST FOR COUNCIL ACTION

DATE:

April 2nd, 2013

TITLE:

RESOLUTION 2013-6 AUTHORIZING AND DIRECTING
ELECTRIC SYSTEMS BONDS

ORIGINATING DEPARTMENT:

Administration

TYPE OF ACTION:

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

RECOMMENDATION:

I recommend that the Council approve Resolution 2013-6.

FISCAL NOTE:

- There is no direct cost associated with passing this resolution.

DISCUSSION:

Passing this resolution authorizes the council to sell revenue bonds to support the electric system projects with Sunflower Manufacturing and Kohler Welding.

Respectfully submitted,

Glenn Rodden
City Administrator

Gilmore & Bell, P.C.
03/28/2013

RESOLUTION NO. 2013-6

OF

THE CITY OF BELOIT, KANSAS

ADOPTED

APRIL 2, 2013

\$195,700
TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS
SERIES 2013

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms..... 1

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Series 2013 Bonds. 10
Section 202. Description of the Series 2013 Bonds. 10
Section 203. Designation of Paying Agent and Bond Registrar. 10
Section 204. Method and Place of Payment of the Bonds. 11
Section 205. Registration, Transfer and Exchange of Bonds. 12
Section 206. Execution, Registration, Authentication and Delivery of Bonds. 13
Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. 13
Section 208. Cancellation and Destruction of Bonds Upon Payment. 14
Section 209. Nonpresentation of Bonds. 14
Section 210. Sale of the Series 2013 Bonds - Bond Purchase Agreement. 14

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer. 14
Section 302. Selection of Bonds to be Redeemed. 15
Section 303. Notice and Effect of Call for Redemption. 15

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. 17

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. 17
Section 502. Deposit of Series 2013 Bond Proceeds. 18
Section 503. Application of Moneys in the Project Fund. 18
Section 504. Substitute Project; Reallocation of Proceeds. 18

ARTICLE VI

COLLECTION AND APPLICATION OF REVENUES

Section 601. Revenue Fund.....19
Section 602. Application of Moneys in Funds and Accounts.....19
Section 603. Transfer of Funds to Paying Agent.....20
Section 604. Payments Due on Saturdays, Sundays and Holidays.....20

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEYS

Section 701. Deposits and Investment of Moneys.....21

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

Section 801. Efficient and Economical Operation.....21
Section 802. Rate Covenant.....21
Section 803. Reasonable Charges for all Services.....22
Section 804. Restrictions on Mortgage or Sale of System.....22
Section 805. Insurance.....22
Section 806. Books, Records and Accounts.....22
Section 807. Annual Budget.....22
Section 808. Annual Audit.....23
Section 809. Right of Inspection.....24
Section 810. Administrative Personnel.....24
Section 811. Performance of Duties and Covenants.....24
Section 812. Report on System Condition.....24

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds.....24
Section 902. Parity Bonds.....24
Section 903. Junior Lien Obligations.....26
Section 904. Refunding Bonds.....26

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Remedies.....26
Section 1002. Limitation on Rights of Owners.....26
Section 1003. Remedies Cumulative.....27
Section 1004. Control of Remedies Upon an Event of Default and Event of Insolvency.....27

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance.27

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Amendments.28
Section 1202. Notices, Consents and Other Instruments by Owners.29
Section 1203. Notices.....29
Section 1204. Inconsistent Provisions.....30
Section 1205. Electronic Transactions.....30
Section 1206. Further Authority.30
Section 1207. Severability.30
Section 1208. Governing Law.....30
Section 1209. Effective Date.....30

SCHEDULE I - AMORITIZATION SCHEDULE

EXHIBIT A – FORM OF SERIES 2013 BONDS

RESOLUTION NO. _____

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE ELECTRIC UTILITY SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF BELOIT, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. _____ 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.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Series 2013 Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Series 2013 Bonds.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution 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. 10-620 *et seq.*, and K.S.A. 10-1201 *et seq.*, all as amended and supplemented from time to time.

“Additional Bonds” means any bonds secured by the Revenues hereafter issued pursuant to *Article IX* hereof or Article X of the Series 2011 Resolution.

“Amortization Schedule” means the schedule(s) that set forth the principal and interest payments on the Bonds, and which is attached hereto as *Schedule I* which shall also be printed on each Bond.

“Authorized Denomination” means \$1,000 or any integral multiples thereof, except one Bond in denomination of \$700 (or such amount added to \$1,000 or an integral multiple thereof) or any amount of principal stated to be paid pursuant to the Amortization Schedule.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means each March 1 and September 1, commencing September 1, 2013 and ending March 1, 2018.

“Bond Purchase Agreement” means: (a) with respect to the Series 2013 Bonds, the Bond Purchase Agreement dated as of April __, 2013 between the Issuer and the Purchaser; and (b) with respect to Additional Bonds, the Bond Purchase Agreement between the Issuer and the Purchaser of such Additional Bonds.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means: (a) with respect to the Series 2013 Bonds, the State Treasurer, and its successors and assigns; and (b) with respect to Additional Bonds, the entity designated as Bond Registrar in the supplemental resolution authorizing such Additional Bonds.

“Bond Resolution” means this resolution relating to the Series 2013 Bonds and any supplemental resolution authorizing any Additional Bonds.

“Bonds” means the Series 2011 Bonds, the Series 2013 Bonds and any Additional Bonds.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“City” means the City of Beloit, Kansas.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Consultant” means the Consulting Engineer, or the Independent Accountant, or an independent consultant qualified and having a favorable reputation for skill and experience in financial affairs selected by the Issuer for the purpose of carrying out the duties imposed on the Consultant by the Bond Resolution.

“Consulting Engineer” means an independent engineer or engineering firm or architect or architectural firm, having a favorable reputation for skill and experience in the construction, financing and operation of public utilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by the Bond Resolution.

“Costs of Issuance” means all costs of issuing any series of Bonds, including all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving financial ratings on any series of Bonds, and any premiums or expenses incurred in obtaining any credit enhancement.

“Dated Date” means April 1, 2013.

“Debt Service Account” means the Debt Service Account for Taxable Electric Utility System Revenue Bonds, Series 2013 created by *Section 501* hereof.

“Debt Service Coverage Ratio” means, for any Fiscal Year: (a) with respect to the covenants contained in *Section 802* hereof, the ratio determined by dividing (i) a numerator equal to the Net Revenues for such Fiscal Year by (ii) a denominator equal to the Debt Service Requirements for such Fiscal Year; and (b) with respect to the covenants contained in *Article IX* hereof, the ratio determined by dividing (i) a numerator equal to the Net Revenues for such Fiscal Year by (ii) a denominator equal to the average annual Debt Service Requirements on all System Indebtedness; provided that with respect to Additional Bonds that are proposed to be Parity Bonds, Debt Service Requirements on Junior Lien Obligations shall be disregarded.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

- (a) Cash; or
- (b) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or
- (c) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:
 - (1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;
 - (2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;
 - (3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;
 - (4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;
 - (5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by any Rating Agency.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

(d) Any substantial part of the System shall be destroyed or damaged to the extent of impairing its efficient operation or adversely affecting its Net Revenues and the Issuer shall not within a reasonable time commence the repair, replacement or reconstruction thereof and proceed thereafter to complete with reasonable dispatch the repair, replacement or reconstruction thereof; or

(e) Final judgment for the payment of money shall be rendered against the Issuer as a result of the ownership, control or operation of the System and any such judgment shall not be discharged within one hundred twenty (120) days from the entry thereof or an appeal shall not be taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof; or

(f) An order or decree shall be entered, with the consent or acquiescence of the Issuer, appointing a receiver or receivers of the System or any part thereof or of the revenues thereof, or if such order or decree, having been entered without the consent or acquiescence of the Issuer, shall not be vacated or discharged or stayed on appeal within sixty (60) days after the entry thereof; or

(g) Any proceeding shall be instituted, with the consent or acquiescence of the Issuer, for the purpose of effecting a composition between the Issuer and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the Net Revenues; or

(h) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding; or

(i) A monetary default shall have occurred on any System Indebtedness.

“Expenses” means all necessary expenses of operation, maintenance and repair of the System, including salaries, wages, costs of materials and supplies, expenses of reasonable upkeep and repairs,

insurance, all general administrative expenses of the Issuer and all other expenses incident to the operation of the System, but excluding depreciation.

“Financeable Costs” means the amount of expenditure for a Project which has been duly authorized by action of the governing body of the Issuer to be financed by System Indebtedness, less: (a) the amount of any System Indebtedness of the Issuer which is currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by the Bond Resolution.

“Insurance Consultant” means an individual or firm selected by the Issuer qualified to survey risks and to recommend insurance coverage for entities engaged in operations similar to those of the System and having a favorable reputation for skill and experience in making such surveys and recommendations.

“Issue Date” means the date when the Issuer delivers any series of Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Junior Lien Obligations” means any Additional Bonds payable from, and secured by a lien on the Revenues, which lien is junior to that of any Parity Bonds.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Maximum Annual Debt Service” means the maximum amount of Debt Service Requirements as computed for the then current or any future Fiscal Year.

“Mayor” means the duly elected and acting Mayor, or in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“Moody's” means Moody's Investors Service, Inc., a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody's” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer with notice to the Bond Insurer.

“Net Revenues” means, for the period of determination, all Revenues less all Expenses.

“Notice Address” means with respect to the following entities:

- (a) To the Issuer at:

City of Beloit, Kansas
119 North Hersey Avenue
Beloit, Kansas 67420
Fax: 785-738-2517

- (b) To the Paying Agent at:

Series 2013 Bonds:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

Additional Bonds:

The address set forth in the supplemental resolution authorizing such Additional Bonds.

- (c) To the Purchaser:

Series 2013 Bonds:

North Central Kansas Community Network, Co.
100 N. Mill Street, P.O. Box 565
Beloit, Kansas 67420
Fax: 785-738-2185

Additional Bonds:

The address set forth in the supplemental resolution authorizing such Additional Bonds.

- (d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

Standard & Poor's, a division of
The McGraw-Hill Companies
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the Executive Director.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Operation and Maintenance Account” means the Electric Utility System Operation and Maintenance Account referred to in *Section 501* hereof.

“Ordinance” means Ordinance No. ____ of the Issuer authorizing the issuance of the Series 2013 Bonds, as amended from time to time.

“Outstanding” means, when used with reference to Bonds, as of a particular date of determination, all Bonds theretofore, authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation pursuant to the Bond Resolution;

(b) Bonds deemed to be paid in accordance with the provisions of *Section 1101* of the Bond Resolution; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered under the Bond Resolution.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Parity Bonds” means the Outstanding Series 2011 Bonds, Series 2013 Bonds, and any Additional Bonds hereafter issued pursuant to *Section 902* or *Section 905* of the Bond Resolution or any Parity Resolution and standing on a parity and equality with the Series 2013 Bonds with respect to the lien on the Net Revenues.

“Parity Resolution” means the Series 2011 Resolution, this Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

“Paying Agent” means: (a) with respect to the Series 2013 Bonds, the State Treasurer, and its successors and assigns; and (b) with respect to Additional Bonds, the entity designated as Paying Agent in the supplemental resolution authorizing such Additional Bonds.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g)

repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f).

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Project” shall mean the repairs, alterations, extensions, reconstructions, enlargements or improvements to the System referred to in the preamble to the Ordinance and any Substitute Project.

“Project Fund” means the Project Fund for Taxable Electric Utility System Revenue Bonds, Series 2013 created by *Section 501* hereof.

“Purchase Price” means: (a) with respect to the Series 2013 Bonds the amount set forth in the Bond Purchase Agreement; and (b) with respect to Additional Bonds, the amount set forth in the supplemental resolution authorizing such Additional Bonds.

“Purchaser” means: (a) with respect to the Series 2013 Bonds, North Central Kansas Community Network, Co., Beloit, Kansas, the original purchaser of the Series 2013 Bonds, and any successor and assigns; and (b) with respect to Additional Bonds, the original purchaser of such Additional Bonds, as set forth in the supplemental resolution authorizing such Additional Bonds.

“Rating Agency” means any company, agency or entity that provides financial ratings for the Bonds.

“Rebate Account” means the Rebate Fund for Electric Utility System Revenue, Series 2011 referred to in *Section 501* hereof.

“Record Dates” means the fifteenth day (whether or not a Business Day) next preceding each Bond Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of the Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunding Bonds” means System Indebtedness issued pursuant to *Section 905* hereof for the purpose of refunding any Outstanding System Indebtedness.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 212* hereof.

“Revenue Fund” means the Electric Utility System Revenue Fund referred to in *Section 501* hereof.

“Revenues” means all charges, fees, income and revenues (including interest earnings) derived and collected by the Issuer from the operation and ownership of the System.

“Series 2011 Bond Reserve Account” means the Reserve Account for the Series 2011 Bonds.

“Series 2011 Bonds” means the Issuer’s Electric Utility System Revenue Bonds, Series 2011, dated December 21, 2011.

“Series 2013 Bonds” means the Issuer’s Taxable Electric Utility System Revenue Bonds, Series 2013, authorized by this Ordinance.

“Series 2011 Principal and Interest Account” means the Principal and Interest Account for the Series 2011 Bonds.

“Series 2011 Resolution” means collectively the Issuer’s Ordinance No. _____ and Resolution No. 2011-12, which authorized the Series 2011 Bonds.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Section 207* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” means Standard & Poor’s Ratings Services, a Division of the McGraw-Hill Companies, Inc., New York, New York, a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Standard & Poor’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer with notice to the Bond Insurer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

Substitute Project” means a substitute or additional project of the System authorized in the manner set forth in *Section 504(a)* of this Bond Resolution.

“System” means the electric generating plants and all appurtenances thereto, the electric distribution system, and the electric street lighting system, now serving the Issuer and its inhabitants and others, together with all extensions and improvements thereto hereafter made or acquired by the Issuer.

“System Indebtedness” means collectively the Bonds and any Additional Obligations which are payable out of, or secured by an interest in, the Revenues.

“Term Bonds” means any Bonds designated as Term Bonds in this Bond Resolution or in any supplemental resolution authorizing the issuance of Additional Bonds.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Series 2013 Bonds. The Series 2013 Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$195,700, for the purpose of providing funds to: (a) pay the costs of the Project and (b) pay Costs of Issuance.

Section 202. Description of the Series 2013 Bonds. The Series 2013 Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Series 2013 Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof. The Series 2013 Bonds shall bear interest at the rate of 0.00% per annum.

At the option of the Purchaser, the Series 2013 Bonds may be issued as a single certificate in the denomination of \$195,700, or the Outstanding declining principal balance thereof. The principal on such Series 2013 Bond shall be payable on the dates and in the amounts set forth on the Amortization Schedule, provided that the entire remaining principal payments shall become due and payable on the final Bond Payment Date. If issued as other than as a single certificate with an Amortization Schedule, the Stated Maturities and principal amounts of the Series 2013 Bonds shall be on the dates and in the amounts as set forth in the Amortization Schedule.

Each of the Series 2013 Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *Exhibit A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Series 2013 Bonds and Bond Registrar with respect to the registration, transfer and exchange of the Series 2013 Bonds. The

Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Series 2013 Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

Notwithstanding the foregoing provisions of this Section, if the Series 2013 Bonds are issued as a single certificate with an Amortization Schedule, principal will be paid to the Owner of such Series 2013 Bond as shown on the Bond Register at the close of business on the Record Date for such payment by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner or by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such payment, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed. Presentation and surrender of the Series 2013 Bond to the Paying Agent shall not be necessary until the final payment of the entire obligation evidenced by such Series 2013 Bond.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 208** hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or

not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

The Series 2013 Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Series 2013 Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Series 2013 Bond shall be conclusive evidence that such Series 2013 Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Series 2013 Bond to the Purchaser upon instructions of the Issuer or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 209. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 210. Sale of the Series 2013 Bonds - Bond Purchase Agreement. The Mayor is hereby authorized to enter into the Bond Purchase Agreement between the Issuer and the Purchaser in substantially the form submitted to the governing body concurrently with the adoption of this Resolution, with such changes therein as shall be approved by the Mayor, such officer's signature thereon being conclusive evidence of the approval thereof. Pursuant to the Bond Purchase Agreement, the Issuer agrees to sell the Series 2013 Bonds to the Purchaser for the Purchase Price, upon the terms and conditions set forth therein. and which officer is hereby authorized to execute the Bond Purchase Agreement for and on behalf of the Issuer.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer. The Bonds shall be subject to redemption and payment prior to their Stated Maturity, as follows:

(a) **Optional Redemption.**

(1) *Series 2013 Bonds.* At the option of the Issuer, the Series 2013 Bonds (including installments of principal set forth on the Amortization Schedule) may be called for redemption and payment prior to the Stated Maturity as a whole or in part (selection of principal installments and amounts to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

(2) *Additional Bonds.* Additional Bonds are subject to redemption and payment prior to Stated Maturity in accordance with the provisions of the supplemental resolution authorizing the issuance of such Additional Bonds.

Section 302. Selection of Bonds to be Redeemed.

Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Purchaser. In addition, the Issuer shall cause the Bond

Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the

Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be special obligations of the Issuer payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the Issuer hereby pledges said Net Revenues to the payment of the principal of and interest on the Bonds. The Bonds shall not be or constitute a general obligation of the Issuer, nor shall they constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the Issuer is not pledged to the payment of the Bonds, either as to principal or interest.

The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. The Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues and in all other respects with any Parity Bonds and Parity Obligations. The Bonds shall not have any priority with respect to the payment of principal or interest from said net income and revenues or otherwise over the Parity Bonds and Parity Obligations and the Parity Bonds and Parity Obligations shall not have any priority with respect to the payment of principal or interest from said net income and revenues or otherwise over the Bonds.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Series 2013 Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Project Fund for Taxable Electric Utility System Revenue Bonds, Series 2013;
- (b) Debt Service Account for Taxable Electric Utility System Revenue Bonds, Series 2013;

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Series 2013 Bonds are Outstanding.

The following separate Funds and Accounts created and established in the treasury of the Issuer are hereby ratified and confirmed:

- (a) Electric Utility System Revenue Fund;
- (b) Principal and Interest Account for Electric Utility System Revenue Bonds, Series 2011;
- (c) Reserve Account for Electric Utility System Revenue Bonds, Series 2011;
- (d) Rebate Account for Electric Utility System Revenue Bonds, Series 2011;
- (e) Electric Utility System Operation and Maintenance Account.

The Funds and Accounts referred to in this paragraph shall be administered in accordance with the provisions of the Series 2011 Resolution so long as the Series 2011 Bonds are Outstanding and thereafter in accordance with this Bond Resolution.

Section 502. Deposit of Series 2013 Bond Proceeds. The net proceeds received from the sale of the Series 2013 Bonds shall be deposited simultaneously with the delivery of the Series 2013 Bonds into the Project Fund.

Section 503. Application of Moneys in the Project Fund. Moneys in the Project Fund shall be used for the sole purpose of : (a) paying the costs of the Project, in accordance with the plans and specifications heretofore approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the Issuer's Engineer and approved by the governing body of the Issuer; and (b) for paying Costs of Issuance.

Withdrawals from the Project Fund shall be made only when authorized by the governing body of the Issuer. Each authorization for costs of the Project shall be supported by a certificate executed by the Clerk (or designate) that such payment is being made for a purpose within the scope of this Bond Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, and that such payment is not in excess of the reasonable value thereof. Authorizations for withdrawals for other purposes shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the purpose of this Bond Resolution. Upon completion of the Project, any surplus remaining in the Project Fund shall be deposited in the Debt Service Account.

Section 504. Substitute Project; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other System improvements to be financed with proceeds of the Series 2013 Bonds provided the following conditions are met: (1) the Substitute Project and the issuance of Bonds to pay the cost of the Substitute Project has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Series 2013 Bonds to pay the Financeable Costs of the Substitute Project has been duly adopted by the governing body of the Issuer pursuant to this Section, (3)

the Attorney General of the State has approved the amendment made by such resolution to the transcript of proceedings for the Series 2013 Bonds to include the Substitute Project; and (4) the use of the proceeds of the Series 2013 Bonds to pay the Financeable Cost of the Substitute Project will not adversely affect the tax-exempt status of the Series 2013 Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Series 2013 Bond proceeds among all Projects financed by the Series 2013 Bonds; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Series 2013 Bonds allocated to any Project to exceed the Financeable Costs of the Project; and (3) the reallocation will not adversely affect the tax-exempt status of the Series 2013 Bonds under State or federal law.

ARTICLE VI

COLLECTION AND APPLICATION OF REVENUES

Section 601. Revenue Fund. The Issuer covenants and agrees that from and after the delivery of the Series 2013 Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, all of the Revenues shall as and when received be paid and deposited into the Revenue Fund. Said Revenues shall be segregated and kept separate and apart from all other moneys, revenues, Funds and Accounts of the Issuer and shall not be commingled with any other moneys, revenues, Funds and Accounts of the Issuer. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Bond Resolution, except as may be modified by the provisions of the Parity Resolution.

Section 602. Application of Moneys in Funds and Accounts. The Issuer covenants and agrees that from and after the delivery of the Series 2013 Bonds and continuing so long as any of the Bonds shall remain Outstanding, it will on the first day of each month administer and allocate all of the moneys then held in the Revenue Fund as follows:

(a) **Operation and Maintenance Account.** There shall first be paid and credited to the Operation and Maintenance Account an amount equal to the anticipated Expenses for the ensuing month. All Expenses of the System shall be paid as bills accrue, and such bills shall be paid by a property system of vouchers. Such amounts as may be necessary in the opinion of the governing body of the Issuer to pay the reasonable and proper Expenses of the System for a period of thirty (30) days may be retained and accumulated in the Operation and Maintenance Account before transfers to the other Accounts hereinafter provided for.

(b) **Debt Service Account.** There shall next be paid and credited monthly to the Debt Service Account, to the extent necessary to meet on each Bond Payment Date the payment of all principal of the Series 2013 Bonds, the following sums:

(1) Beginning with the first of said monthly deposits and continuing on the first day of each month thereafter to and including September 1, 2013, an equal pro rata portion of the amount of principal becoming due on the Series 2013 Bonds on October 1, 2013; and thereafter, beginning on October 1, 2013, and continuing on the first day of each month thereafter so long as any of the Series 2013 Bonds remain Outstanding an amount not less than 1/6 of the amount of principal that will become due on the Series 2013 Bonds on the next succeeding Bond Payment Date

The amounts required to be paid and credited to the Debt Service Account pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid

and credited to the debt service accounts established for the payment of the Debt Service Requirements on Parity Bonds under the provisions of the Parity Resolution(s).

All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the Debt Service Requirements of the Series 2013 Bonds as and when the same become due at Maturity and on each Interest Payment Date.

If at any time the moneys in the Revenue Fund are insufficient to make in full the payments and credits at the time required to be made to the Debt Service Account and to the debt service accounts established to pay the principal of and interest on any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service accounts in proportion to the respective principal amounts of said series of Bonds at the time Outstanding which are payable from the moneys in said debt service accounts.

(c) **Series 2011 Bond Reserve Account.** After all payments and credits required at the time to be made under the provisions of paragraphs (a) and (b) of this Section have been made, there shall next be paid and credited to the Series 2011 Bond Reserve Account the sums required by the Series 2011 Resolution.

(d) **Series 2011 Rebate Account.** After all payments and credits required at the time to be made under the provisions of paragraphs (a), (b) and (c) of this Section have been made, there shall next be paid and credited to the Rebate Account the sums required by the Series 2011 Resolution.

(e) **Surplus Moneys.** After all payments and credits required at the time to be made under the provisions of the preceding subsections have been made, all moneys remaining in the Revenue Fund may be expended and used for any lawful purpose.

(h) **Deficiency of Payments into Funds and Accounts.** If at any time the Revenues are insufficient to make any payment on the date or dates hereinbefore specified, the Issuer will make good the amount of such deficiency by making additional payments or credits out of the first available Revenues, such payments and credits being made and applied in the order hereinbefore specified in this Section.

Section 603. Transfer of Funds to Paying Agent. The Treasurer of the Issuer is hereby authorized and directed to withdraw from the Debt Service Account sums sufficient to pay the principal of and interest on the Bonds as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEYS

Section 701. Deposits and Investment of Moneys.

(a) Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States : (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

(b) Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution, in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account ; provided that, during the period of construction of the extensions and improvements to the System, all earnings on the investment of such funds derived from proceeds of the Series 2013 Bonds shall be credited to the Project Fund.

(c) So long as any of the Parity Bonds remain Outstanding, any investments made pursuant to this Section shall be subject to any restrictions in the Parity Resolution with respect to the Funds and Accounts created by and referred to in the Parity Resolution.

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

The Issuer covenants and agrees with each of the Owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

Section 801. Efficient and Economical Operation. The Issuer will continuously own and will operate the System as a revenue producing facility in an efficient and economical manner and will keep and maintain the same in good repair and working order. The Issuer will establish and maintain such rules and regulations for the use of the System as may be necessary to assure maximum utilization and most efficient operation of the System.

Section 802. Rate Covenant. The Issuer, in accordance with and subject to applicable legal requirements, will fix, establish, maintain and collect such rates and charges for the use and services furnished by or through the System as will produce Revenues sufficient to (a) pay the Expenses; (b) pay the Debt Service Requirements on the Bonds as and when the same become due at the Maturity thereof or on any Interest Payment Date; (c) enable the Issuer to have in each Fiscal Year, a Debt Service Coverage Ratio of not less than 1.25 on all Bonds at the time Outstanding; and (d) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the System as provided in this Bond Resolution. The Issuer will require the prompt payment of accounts for service rendered by or through the System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges.

Section 803. Reasonable Charges for all Services. None of the facilities or services provided by the System will be furnished to any user (excepting the Issuer itself) without a reasonable charge being made therefor. If the Revenues derived from the System are at any time insufficient to pay the reasonable Expenses and also to pay the Debt Service Requirements of the Bonds as and when the same become due, then the Issuer will thereafter pay into the Revenue Fund a fair and reasonable payment in accordance with effective applicable rates and charges for all services by the System, and such payments will continue so long as the same may be necessary in order to prevent or reduce the amount of any default in the payment of the Debt Service Requirements of the Bonds.

Section 804. Restrictions on Mortgage or Sale of System. The Issuer will not mortgage, pledge or otherwise encumber the System or any part thereof, nor will it sell, lease or otherwise dispose of the System or any material part thereof; provided, however, the Issuer may permanently abandon the use of, or sell at fair market value, any of its System facilities, provided that::

(a) It is in full compliance with all covenants and undertakings in connection with all of its Bonds then outstanding and payable from the Revenues;

(b) In the event of sale, it will apply the proceeds to either (1) redemption of Outstanding Bonds in accordance with the provisions governing repayment of Bonds in advance of Stated Maturity, or (2) replacement of the property so disposed of by other property the revenues of which shall be incorporated into the System as hereinbefore provided;

(c) It certifies, prior to any abandonment of use, that the facility to be abandoned is no longer economically feasible of producing Net Revenues; and

(d) It certifies that the estimated Net Revenues for the remaining System facilities for the next succeeding Fiscal Year plus the estimated Net Revenues of the facilities, if any, to be added to the System satisfy the rate covenants provided in this Resolution.

Section 805. Insurance. The Issuer will carry and maintain such reasonable amounts of all risk insurance on all properties and all operations of the System insofar as they are of an insurable nature as would be carried by a privately owned utility with similar property and performing similar functions; and in the event of loss or damage or destroyed property, or if such reconstruction or replacement be unnecessary, then such proceeds shall be used in redeeming or paying off Outstanding Bonds, in accordance with their call provisions. The Issuer will also carry general liability insurance in amounts not less than the then maximum liability of a governmental entity for claims arising out of a single occurrence, as provided by the Kansas tort claims act or other similar future law (currently \$500,000 per occurrence).

Section 806. Books, Records and Accounts. The Issuer will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the Issuer) in which complete and correct entries will be made of all dealings and transactions of or in relation to the System. Such accounts shall show the amount of Revenues received from the System, the application of such funds, and all financial transactions in connection therewith. Said books shall be kept by the Issuer according to generally accepted accounting principles as applicable to the operation of municipal utilities.

Section 807. Annual Budget. Prior to the commencement of each Fiscal Year, the Issuer will cause to be prepared and filed with the Clerk a budget setting forth the estimated receipts and expenditures of the System for the next succeeding Fiscal Year. The Clerk, promptly upon the filing of said budget in the Clerk's office, will mail a copy of said budget to the Purchaser of the Bonds. Said

annual budget shall be prepared in accordance with the requirements of the laws of the State and shall contain all information that is required by such laws, including:

- (a) An estimate of the Revenues from the System during the next ensuing Fiscal Year.
- (b) A statement of the estimated Expenses during the next ensuing Fiscal Year.
- (c) A statement of any anticipated unusual Expenses for the System during the next Fiscal Year.
- (d) A statement of any necessary repairs or replacements to the System which may be anticipated during the next Fiscal Year.
- (e) A statement of the amount of Debt Service Requirements to be paid on Outstanding Bonds and Additional Obligations to be paid from Net Revenues during the next Fiscal Year.
- (f) A statement of the estimated Net Revenues during the next Fiscal Year.

Section 808. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements System for the preceding Fiscal Year by an Independent Accountant to be employed for that purpose and paid from the Revenues. Said annual audit shall cover in reasonable detail the operation of the System during such Fiscal Year. The report of said annual audit shall include:

- (a) A classified statement of the Revenues received, the Expenses for operation and maintenance, the Net Revenues and the amount of any capital expenditures made in connection with the System during the previous Fiscal Year;
- (b) A complete balance sheet as of the end of each Fiscal Year with the amount on hand at the end of such Fiscal Year in each of the Funds and Accounts created by and referred to in this Bond Resolution;
- (c) A statement of all Bonds matured or redeemed and interest paid on Bonds during said Fiscal Year;
- (d) A statement of the number of customers served by the System at the beginning and the end of such Fiscal Year;
- (e) A statement showing the amount and character of the insurance carried on the property constituting the System and showing the names of the insurers, the expiration dates of the policies and the premiums thereon;
- (f) Such remarks and recommendations regarding the practices and procedures of operating the System and its accounting practices as said Independent Accountant may deem appropriate.

Within 30 days after the completion of each such annual audit, a copy of the report of thereof shall be filed in the office of the Clerk, and a duplicate copy shall be mailed to the Purchaser. Such audit reports shall at all times during the usual business hours be open to the examination and inspection by any user of the services of the System, any Owner of any of the Bonds, or by anyone acting for or on behalf of such user or Owner.

As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review the report of such audit, and if the audit report discloses that proper provision has not been made for all of the requirements of this Bond Resolution and the Act, the Issuer will promptly cure such deficiency and will promptly proceed to modify the rates and charges to be charged for the use and services furnished by the System or take such other action as may be necessary to adequately provide for such requirements.

Section 809. Right of Inspection. The Purchaser of the Bonds and any Owner or Owners of 10% of the principal amount of the Bonds then Outstanding shall have the right at all reasonable times to inspect the System and all records, accounts and data relating thereto, and shall be furnished all such information concerning the System and the operation thereof which the Purchaser or such Owner or Owners may reasonably request.

Section 810. Administrative Personnel. The Issuer shall use its best efforts to employ at all times administrative personnel experienced and well qualified to operate the System. The Issuer further agrees that such administrative personnel shall be employed in sufficient numbers to ensure that the System will be operated in a prudent and efficient manner.

Section 811. Performance of Duties and Covenants. The Issuer will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the System now or hereafter imposed upon the Issuer by the Constitution and laws of the State and by the provisions of this Bond Resolution.

Section 812. Report on System Condition. The Issuer shall annually cause a qualified employee of the Issuer to make an examination of and report on the condition and operations of the System. Upon request of the Purchaser, but in no event more often than every five years such examination and report shall be made by the Consulting Engineer. Each such report shall make recommendations as to any changes in operations of the System deemed desirable and shall also make reference to any unusual or extraordinary items of maintenance and repair and any extensions, enlargements or improvements that may be needed in the period prior to the preparation of the next report required by this Section. A copy of each such report shall be filed in the office of the Clerk, shall be sent to the Purchaser of the Bonds and, upon written request, to any Owner (at the expense of such Owner).

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. The Issuer covenants and agrees that so long as any of the Parity Bonds remain Outstanding, the Issuer will not issue any System Indebtedness payable out of the Revenues which are superior to the Parity Bonds with respect to the lien on the Revenues.

Section 902. Parity Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other long term obligations payable out of the revenues of the System or any part thereof which stand on a parity or equality with the Bonds unless all of the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on the Bonds or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Resolution; and

(b) The City shall sign a certificate evidencing either of the following:

(1) The Net Revenues for the fiscal year immediately preceding the issuance of Additional Bonds as reflected by information provided by the Independent Accountant shall have been equal to at least 125% of the maximum Debt Service Requirements to be paid out of said revenues in any succeeding fiscal year with respect to the Bonds and Parity Bonds, including the Additional Bonds proposed to be issued.

In the event that the City has instituted any increase in rates for the use and services of the System and such increase shall not have been in effect during the full fiscal year immediately preceding the issuance of additional bonds, the additional Net Revenues which would have resulted from the operation of the System during said preceding fiscal year had such rate increase been in effect for the entire period may be added to the stated Net Revenues, provided that such estimated additional Net Revenues shall be determined by the Independent Accountant.

(2) The estimated Net Revenues, as determined by the Independent Accountant, to be derived by the City from the operation of the System for the fiscal year immediately following the year in which the Project, the cost of construction of which is being financed by such additional bonds, are to be in commercial operation, shall be equal to at least 125% of the maximum Debt Service Requirements required to be paid out of said Net Revenues in any succeeding fiscal year following such commercial operation with respect to the Bonds and Parity Bonds, including the additional bonds proposed to be issued.

In the event that the City increases the rates of the System prior to the issuance of such additional bonds proposed to be issued, the City may adjust said estimated Net Revenues by adding thereto any estimated increase in Net Revenues resulting from any increase in rates for the use and services of the System, which, in the opinion of the Consulting Engineer or Independent Accountant, are reasonable based on projected operations of the System.

(c) When the issuance of additional System revenue bonds (or other long-term debt obligations) of equal stature and priority is permitted by the Statutes of the State of Kansas.

(d) The Resolution authorizing such additional parity bonds shall contain or provide for substantially the same terms, conditions, covenants and procedures as established in this Resolution.

Notwithstanding the foregoing restrictions upon the issuance of Additional Bonds, Additional Bonds may be issued under this Section if it is necessary: (a) in the opinion of a consulting engineer to repair any damage or loss to the System if the same has been damaged or destroyed by disaster to such extent that it cannot be operated or if it is necessary to keep the System in good operating condition; or (b) in the opinion of the City's Counsel to remedy any deficiency of the System relating to environmental pollution matters or to comply with the requirements of any governmental agency having jurisdiction over the City with respect thereto.

Additional Bonds issued under the conditions set forth in this Section shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the revenues of the System with the Bonds, and the City may make equal provision for paying said bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable principal and interest accounts and bond reserve accounts for the payment of such additional bonds and the interest thereon out of moneys in the Revenue Fund.

Section 903. Junior Lien Obligations. In addition to the authority to issue parity lien bonds as set forth in the preceding section, the City may issue revenue bonds which shall be junior and subordinate to the Bonds. If at any time the City shall be in default in paying any interest on or principal of the Bonds or in making any of the transfers required to any of the accounts or funds herein specified, then the City shall make no payment of either principal of or interest on such subordinate bonds until all conditions of default shall be cured. The Net Revenues for the fiscal year immediately preceding the issuance of Additional Bonds as reflected by information provided by the Independent Accountant shall have been equal to at least 125% of the maximum Debt Service Requirements to be paid out of said revenues in any succeeding fiscal year with respect to the Bonds and Junior Lien Bonds, including the Additional Bonds proposed to be issued.

Section 904. Refunding Bonds. The Issuer shall have the right, without complying with the provisions of *Section 902* hereof, to issue Refunding Bonds for the purpose of refunding any of the System Indebtedness under the provisions of any law then available, and the Refunding Bonds so issued shall enjoy complete equality of pledge as did the System Indebtedness that was refunded.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Remedies. The provisions of this Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

The Issuer hereby directs the Paying Agent to notify the Owners and Bond Insurer of any Event of Default of which it has actual notice.

Section 1002. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds of any series shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the Funds and Accounts herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of such Outstanding Bonds.

Section 1003. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1004. Control of Remedies Upon an Event of Default and Event of Insolvency. Notwithstanding anything herein to the contrary, upon the occurrence and continuance of an Event of Default, the Bond Insurer, provided the Bond Insurance Policy is in full force and effect and the Bond Insurer shall not be in default thereunder, shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners under this Bond Resolution.

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Revenues hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until: (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in

accordance with and subject to all of the provisions of this Bond Resolution. The Issuer shall notify the Bond Insurer of any defeasance of any Insured Bonds insured by the Bond Insurer.

Notwithstanding anything in this Bond Resolution to the contrary, in the event that the principal and/or interest due on the Insured Bonds shall be paid by the Bond Insurer pursuant to the Bond Insurance Policy, the Insured Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer and the covenants, agreements and other obligations of the Issuer to the Owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such Owners.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond;
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution; or
- (e) permit the creation of a lien on the Revenues prior or equal to the lien of the Parity Bonds or Additional Obligations.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Project, to reallocate proceeds of the Bonds among Project, to provide for Substitute Project, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond

Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1202. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1203. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given

hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1204. Inconsistent Provisions. In case any one or more of the provisions of this Bond Resolution or of the Bonds issued hereunder shall for any reason be inconsistent with the provisions of any Parity Resolution or any Parity Bonds: (a) the provisions of any Parity Resolution adopted prior to this Bond Resolution shall prevail with respect to Parity Bonds issued prior in time, so long as such Parity Bonds are Outstanding; and (b) the provisions of this Bond Resolution shall prevail with respect to any Parity Resolution adopted subsequent to the Bond Resolution, so long as any Parity Bonds issued under this Bond Resolution are Outstanding.

Section 1205. Electronic Transactions. The issuance of the Series 2013 Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1206. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial 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 1207. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1208. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1209. Effective Date.
This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on April 2, 2013.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. _____ (the "Bond Resolution") of the City of Beloit, Kansas, adopted by the governing body on April 2, 2013, as the same appears of record in my office, and that the Bond Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: April 2, 2013.

Clerk

SCHEDULE I
AMORTIZATION SCHEDULE

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Outstanding Balance</u>
		195,700
9/1/2013	15,700	180,000
3/1/2014	20,000	160,000
9/1/2014	20,000	140,000
3/1/2015	20,000	120,000
9/1/2015	20,000	100,000
3/1/2016	20,000	80,000
9/1/2016	20,000	60,000
3/1/2017	20,000	40,000
9/1/2017	20,000	20,000
3/1/2018	20,000	0
		-

EXHIBIT A
(FORM OF SERIES 2013 BONDS)

**REGISTERED
NUMBER** ____

**REGISTERED
\$**_____

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF MITCHELL
CITY OF BELOIT
ELECTRIC UTILITY SYSTEM REVENUE BOND
SERIES 2013**

**Interest
Rate:** 0.00%

**Maturity
Date:** March 1, 2018

**Dated
Date:** April 1, 2013

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Beloit, in the County of Mitchell, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Stated Maturities set forth on the Amortization Schedule printed hereon, unless called for redemption prior to the Maturity Date shown above.

Method and Place of Payment. The installments of principal payable on this Bond shall be paid on any Bond Payment Date shall be paid by the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar") to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s), which shall be the 15th day (whether or not a business day) next preceding each Bond Payment Date. Such principal shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner or, (b) by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The final payment of principal of this Bond, whether at the Maturity Date set forth above or upon earlier redemption shall be made upon presentation and surrender of this Bond at the principal office of the Paying Agent. The principal or redemption price of and interest on this Bond shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

ADDITIONAL PROVISIONS OF THIS SERIES 2013 BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

Authentication. This Series 2013 Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Series 2013 Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation, and that provision has been duly made for the collection and segregation of the Revenues of the Electric Utility System (the "System") and for the application of the same as provided in the hereinafter defined Bond Resolution.

IN WITNESS WHEREOF, the Issuer has caused this Series 2013 Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF BELOIT, KANSAS

[(Facsimile Seal)]

(facsimile)
Mayor

ATTEST:

By _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Series 2013 Bond is one of a series of Taxable Electric Utility System Revenue Bonds, Series 2013, of the City of Beloit, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

Registration Number _____

(FORM OF REVERSE SIDE OF BOND)

ADDITIONAL PROVISIONS

Authorization of Series 2013 Bonds. This Series 2013 Bond is one of an authorized series of bonds of the Issuer designated "Taxable Electric Utility System Revenue Bonds, Series 2013," aggregating the principal amount of \$195,700 (the "Series 2013 Bonds") issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Series 2013 Bonds and the Resolution of the Issuer prescribing the form and details of the Series 2013 Bonds (collectively the "Bond Resolution"). The Series 2013 Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including, K.S.A. 10-1201 et seq., as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Special Obligations. The Series 2013 Bonds are special obligations of the Issuer payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the taxing power of the Issuer is not pledged to the payment of the Series 2013 Bonds either as to principal or interest. The Series 2013 Bonds shall not be or constitute a general obligation of the Issuer, nor shall they constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision, limitation or restriction. *Under the conditions set forth in the Bond Resolution, the Issuer has the right to issue additional System Indebtedness payable from the same source and secured by the Revenues on a parity with said Revenues; provided, however, that such additional System Indebtedness may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Bond Resolution.*

The Issuer hereby covenants and agrees with the Registered Owner of this Series 2013 Bond that it will keep and perform all covenants and agreements contained in the Bond Resolution, and will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, as will produce Net Revenues sufficient to pay the costs of operation and maintenance of the System, pay the principal of and interest on the Series 2013 Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Bond Resolution for a description of the covenants and agreements made by the Issuer with respect to the collection, segregation and application of the Revenues, the nature and extent of the security for the Series 2013 Bonds, the rights, duties and obligations of the Issuer with respect thereto, and the rights of the Registered Owners thereof.

Redemption Prior to Maturity. The Series 2013 Bonds are subject to redemption prior to maturity, as follows:

Optional Redemption. At the option of the Issuer, this Bond (including installments of principal set forth on the Amortization Schedule) may be called for redemption and payment prior to the Stated Maturity as a whole or in part (selection of principal installments and amounts to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Redemption Denominations. Whenever the Bond Registrar is to select Series 2013 Bonds for the purpose of redemption, it shall, in the case of Series 2013 Bonds in denominations greater than a minimum Authorized Denomination, if less than all of the Series 2013 Bonds then Outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such Series

2013 Bond as though it were a separate Series 2013 Bond in the denomination of a minimum Authorized Denomination.

Notice of Redemption. Notice of redemption, unless waived, shall be given by the Issuer to the the Bond Registrar in accordance with the Bond Resolution. The Issuer shall cause the Bond Registrar to notify each Registered Owner at the address maintained on the Bond Register, such notice to be given by mailing an official notice of redemption by first class mail at least 30 days prior to the redemption date. Notice of redemption having been given as aforesaid, the Series 2013 Bonds or portions of Series 2013 Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Issuer defaults in the payment of the redemption price) such Series 2013 Bonds or portions of Series 2013 Bonds shall cease to bear interest.

Transfer and Exchange. This Series 2013 Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Series 2013 Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Series 2013 Bond or Series 2013 Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Series 2013 Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Series 2013 Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Series 2013 Bonds are issued in fully registered form in Authorized Denominations.

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Series 2013 Bonds:

GILMORE & BELL, P.C.
Attorneys at Law
100 N. Main Suite 800
Wichita, Kansas 67202

(PRINTED LEGAL OPINION)

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Series 2013 Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Series 2013 Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

AMORTIZATION SCHEDULE

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Outstanding Balance</u>
		195,700
9/1/2013	15,700	180,000
3/1/2014	20,000	160,000
9/1/2014	20,000	140,000
3/1/2015	20,000	120,000
9/1/2015	20,000	100,000
3/1/2016	20,000	80,000
9/1/2016	20,000	60,000
3/1/2017	20,000	40,000
9/1/2017	20,000	20,000
3/1/2018	20,000	0

-

