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RESOLUTION NO. 1217 - Consider approval of Resolution No. 1217 prescribing the form and details of The City of Pittsburg, Kansas, General Obligation Bonds, Series 2019A, the issuance of which was authorized by the City pursuant to its Ordinance No. S-1059, passed and approved on January 8, 2019; and authorizing certain other documents and actions in connection with the issuance of the Bonds.

Resolution No. 1217 . . . . . 46

INSURANCE BROKERAGE SERVICE AGREEMENT -  
Consider staff recommendation to enter into a one-year agreement with Ryan Insurance, LLC, in which Ryan Insurance, LLC, will act as the City's property and casualty insurance Broker/Agent of Record (AOR), for the period beginning April 1, 2019.

Insurance Broker Memo. . . . . 77

**CITY OF PITTSBURG, KANSAS**  
**COMMISSION AGENDA**  
**Tuesday, January 08, 2019**  
**5:30 PM**

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**CALL TO ORDER BY THE MAYOR:**

- a. Flag Salute Led by the Mayor
- b. Public Input

**REORGANIZATION OF THE BOARD OF COMMISSIONERS:**

- a. Mayor Elected from Members of the Governing Body.
- b. New Mayor Sworn In and Seated by the City Clerk.
- c. Presentation of ceremonial gavel to outgoing Mayor Jeremy Johnson.
- d. President of the Board of Commissioners Elected from Members of the Governing Body.
- e. President of the Board Sworn In and Seated by the City Clerk.

**CONSENT AGENDA:**

- a. Approval of the December 11, 2018, City Commission Meeting minutes.
- b. Approval of staff recommendation to designate The Morning Sun as the official City newspaper.
- c. Approval of staff recommendation to designate BMO Harris Bank, Community National Bank, Commerce Bank, Equity Bank, GNBank, Labette Bank, Landmark Bank and US Bank as official City depositories.
- d. Approval of the applications submitted by Snak Atak (1101 East 4th Street) and the Knights of Columbus (407 East 11th Street) to sell Cereal Malt Beverages for the year 2019 and authorize the City Clerk to issue the licenses.
- e. Approval of staff recommendation to appoint Joe Leek to serve a first term as a member of the Airport Advisory Committee, effective immediately and to conclude on December 31, 2021.

**CITY OF PITTSBURG, KANSAS**  
**COMMISSION AGENDA**  
**Tuesday, January 08, 2019**  
**5:30 PM**

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- f. Approval of Change Order No. 1 reflecting a deduct of \$1,351.50, making a new contract construction amount of \$160,412.34, and for final payment to ProSeal, Inc., of El Dorado, Kansas, in the amount of \$160,412.34 for the 2018 Asphalt Rejuvenation Project.
- g. Approval of the Appropriation Ordinance for the period ending January 8, 2019, subject to the release of HUD expenditures when funds are received.  
**ROLL CALL VOTE.**

**SPECIAL PRESENTATIONS:**

- a. ELECTRICAL UTILITY UPDATE - Representatives of GE Warren Associates will provide an update on the analysis and other activities they have completed in relation to the creation of an electrical utility. **Receive for file.**
- b. ACTIVE TRANSPORTATION ADVISORY BOARD ANNUAL REPORT - Deborah McGeorge, Chairperson of the Active Transportation Advisory Board (ATAB), will present their annual report. **Receive for file.**
- c. PITTSBURG FARMERS' MARKET ADVISORY BOARD ANNUAL REPORT - Brad Snow, Chairman of the Farmers' Market Advisory Board, will present their annual report. **Receive for file.**

**CONSIDER THE FOLLOWING:**

- a. REVIEW OF BIDS/AWARD OF SALE - The City of Pittsburg advertised for bids to be received until 10:00 a.m. on January 8, 2019, for the purchase of General Obligation Bonds, Series 2019A, to be acted upon by the Governing Body at its meeting commencing at 5:30 p.m. The City's Director of Finance along with the City's Financial Advisor will present a verbal recommendation.  
**Approve or disapprove verbal recommendation.**

**CITY OF PITTSBURG, KANSAS**  
**COMMISSION AGENDA**  
**Tuesday, January 08, 2019**  
**5:30 PM**

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- b. ORDINANCE NO. S-1059 - Consider approval of Ordinance No. S1059, authorizing the issuance of General Obligation Bonds, Series 2019A, of The City of Pittsburg, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., and Charter Ordinance No. 25 of the City, all as amended. **Approve or disapprove Ordinance No. S-1059 and, if approved, authorize the Mayor to sign the Ordinance on behalf of the City.**
  
- c. RESOLUTION NO. 1217 - Consider approval of Resolution No. 1217 prescribing the form and details of The City of Pittsburg, Kansas, General Obligation Bonds, Series 2019A, the issuance of which was authorized by the City pursuant to its Ordinance No. S-1059, passed and approved on January 8, 2019; and authorizing certain other documents and actions in connection with the issuance of the Bonds. **Approve or disapprove Resolution No. 1217 and, if approved, authorize the Mayor to sign the Resolution on behalf of the City.**
  
- d. INSURANCE BROKERAGE SERVICE AGREEMENT - Consider staff recommendation to enter into a one-year agreement with Ryan Insurance, LLC, in which Ryan Insurance, LLC, will act as the City's property and casualty insurance Broker/Agent of Record (AOR), for the period beginning April 1, 2019. **Approve or disapprove staff recommendation and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
  
- e. LETTER AGREEMENT - Consider approval of a letter agreement for the City Manager for calendar year 2019. **Approve or disapprove the City Manager's Letter Agreement and, if approved, authorize the Mayor to sign the Agreement on behalf of the City.**

**NON-AGENDA REPORTS & REQUESTS:**

**ADJOURNMENT**

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
December 11<sup>th</sup>, 2018

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A Regular Session of the Board of Commissioners was held at 5:36 p.m. on Tuesday, December 11<sup>th</sup>, 2018, in the City Commission Room, located in the Law Enforcement Center, 201 North Pine, with Mayor Jeremy Johnson presiding and the following members present: Sarah Chenoweth, Chuck Munsell, and Patrick O'Bryan. Commissioner Dawn McNay was absent.

Mayor Johnson led the flag salute.

APPROVAL OF MINUTES – NOVEMBER 27<sup>th</sup>, 2018 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved the November 27<sup>th</sup>, 2018, City Commission Meeting minutes as submitted. Motion carried. Absent: McNay.

ORDINANCE NO. G-1291 - On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1291, amending Section 82-51 of the Pittsburg City Code to provide deposit amounts for applicants for water service, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

ORDINANCE NO. G-1292 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1292, amending Section 82-118 of the Pittsburg City Code to provide reconnection charges for restoration of water service, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

ORDINANCE NO. G-1293 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1293, amending Section 82-286 of the Pittsburg City Code to provide turn-on fees for new water service, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

ORDINANCE NO. G-1294 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1294, amending Section 82-52 of the Pittsburg City Code to provide deposit amounts for applicants for sewer service, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

ORDINANCE NO. G-1295 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1295, repealing Sections 82-116 and 82-117 of the Pittsburg City Code regarding reconnect fees and turn-on fees for new and terminated water service since these provisions are also addressed in Sections 82-118 and 82-286, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
December 11<sup>th</sup>, 2018

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ORDINANCE NO. S-1057 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. S-1057, levying and assessing special assessments to pay the cost of paving and constructing the Silverback Way Street and Boulevard in the City of Pittsburg, Kansas, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried. Absent: McNay.

FORGIVABLE LOAN – SOUTHEAST KANSAS RECYCLING CENTER – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved the recommendation of the Economic Development Advisory Committee (EDAC) to forgive \$3,000 of the Southeast Kansas Recycling Center's 2018 loan payment, as they have fully complied with the City's requirement for loan forgiveness, and authorized the Mayor to sign the appropriate documents on behalf of the City. Motion carried. Absent: McNay.

FINAL PAYMENT – WATER TOWER PROJECT – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved final payment in the amount of \$75,440.00 to Maguire Iron, Inc., of Sioux Falls, South Dakota, for the Water Tower Blasting and Painting Project. Motion carried. Absent: McNay.

LAND BANK BOARD OF TRUSTEES MEMBERSHIP – On motion of O'Bryan, seconded by Chenoweth, the Governing Body appointed Richard Proffitt to a first term and reappointed Brian Jones and Matt Hess to second terms as members of the Land Bank Board of Trustees effective January 1, 2019, and concluding on December 31, 2021. Motion carried. Absent: McNay.

2019 CEREAL MALT BEVERAGE LICENSES – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved applications submitted by Dillons Companies, LLC (2600 North Broadway), Bo's 1 Stop (1116 West 4th Street), Rhodes Grocery (310 East Centennial), Pitt Stop (902 South Joplin), Pizza Hut #1652 (102 East Quincy), Pete's #3 (4002 North Broadway), Pete's #7 (1711 North Broadway), Pete's #21 (1711 North Broadway), Horton's Pizza Plus (1601 East 4th Street) and Main Street Axe Company, LLC (216 South Broadway) to sell Cereal Malt Beverages for the year 2019 and authorized the City Clerk to issue the licenses. Motion carried. Absent: McNay.

2019 LEAGUE OF KANSAS MUNICIPALITIES DUES – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved the 2019 dues to the League of Kansas Municipalities in the amount of \$8,808.63. Motion carried. Absent: McNay.

APPROPRIATION ORDINANCE – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved the Appropriation Ordinance for the period ending December 11<sup>th</sup>, 2018, subject to the release of HUD expenditures when funds are received with the following roll call vote: Yea: Chenoweth, Johnson, Munsell, and O'Bryan. Motion carried. Absent: McNay.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
December 11<sup>th</sup>, 2018

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FLEXIBLE SPENDING ACCOUNT AGREEMENT – MAESTRO HEALTH – Consideration of an agreement with Maestro Health for the administration of City employee flexible spending accounts was not considered. Absent: McNay.

RESOLUTION NO. 1216 – On motion of Chenoweth, seconded by O'Bryan, the Governing Body adopted Resolution No. 1216, declaring and describing the corporate limits and boundary lines of the City of Pittsburg, Crawford County, Kansas. Motion carried. Absent: McNay.

ORDINANCE NO. S-1058 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Ordinance No. S-1058, amending Ordinance No. S-1051, fixing the salary and compensation of the officers and employees of the City of Pittsburg, Kansas, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried with Munsell voting in opposition. Absent: McNay.

PUBLIC HEARING - 2018 BUDGET AMENDMENT – Following Public Hearing, on motion of Munsell, seconded by Johnson, the Governing Body approved the proposed amended use of 2018 funds in the 2018 budget. Motion carried. Absent: McNay.

ECONOMIC DEVELOPMENT QUARTERLY REPORT - Director of Economic Development Blake Benson and Pittsburg State University Director of Community Engagement Sydney Anselmi presented the quarterly Economic Development Report.

Commissioner McNay joined the meeting at 6:02 p.m.

JOLLY FOX BREWERY PROJECT – On motion of Munsell, seconded by Chenoweth, the Governing Body approved the recommendation of the Economic Development Advisory Committee (EDAC) to provide a loan in the amount of \$200,000 to Joel Stewart, Brandon Davis and Sefali Nursariwala for the Jolly Fox Brewery project, to be repaid over seven years at 5% interest, contingent on the approval of conventional financing, and authorized the Mayor to sign the necessary documents on behalf of the City. Motion carried.

APPOINTMENT OF CITY COMMISSION MEMBER - On motion of Chenoweth, seconded by McNay, the Governing Body appointed Dan McNally to fill the term on the City Commission vacated by Jeremy Johnson effective January 1<sup>st</sup>, 2019, and to conclude in January of 2020. Motion carried.

B.J. Harris, Jim Hoskins, John Ketterman, Dan McNally, and Amy Sawyer addressed the Governing Body regarding their applications for appointment to the City Commission.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
December 11<sup>th</sup>, 2018

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ECONOMIC DEVELOPMENT SERVICES AGREEMENT – On motion of O'Bryan, seconded by Munsell, the Governing Body approved the Economic Development Services Agreement, including Exhibit "A", between The Pittsburg Area Chamber of Commerce and The City of Pittsburg in which the Chamber will perform the services related to the location and retention of industrial, manufacturing and retail businesses in the City for the year beginning January 1, 2019, and expiring December 31, 2019, and authorized the Mayor to sign the Agreement on behalf of the City. Motion carried.

BUSINESS DEVELOPMENT AND INNOVATION SERVICES AGREEMENT – On motion of Chenoweth, seconded by O'Bryan, the Governing Body approved the Business Development and Innovation Services Agreement between Pittsburg State University (PSU) and The City of Pittsburg in which PSU will provide support to the City to effectively help create and attract new businesses, industries and manufacturing concerns to the City, as well as more effectively promote the expansion and growth of existing businesses and industries already located in the City for the year beginning January 1, 2019, and expiring December 31, 2019, and authorized the Mayor to sign the Agreement on behalf of the City. Motion carried.

DISPOSITION OF BIDS – INSPECTION AND MAINTENANCE OF ELEVATORS AND LIFTS – On motion of Chenoweth, seconded by Johnson, the Governing Body awarded the bid for a full maintenance contract with monthly inspections of elevators and lifts at various City facilities for a 3-year period from January 1, 2019 through December 31, 2021, to Thyssen Krupp Elevator, of Springfield, Missouri, based on their low bid amount of \$14,052.48, and authorized the Mayor to execute the contract documents once prepared. Motion carried.

DISPOSITION OF BIDS – INSPECTION AND MAINTENANCE OF GENERATORS – On motion of Chenoweth, seconded by Johnson, the Governing Body awarded the bid for the annual inspection and maintenance of fixed location generators at various City facilities for a 3-year period from January 1, 2019 through December 31, 2021, to Central Power Systems, of Liberty, Missouri, based on their low bid amount of \$9,104.28, and authorized the Mayor to execute the contract documents once prepared. Motion carried.

RESOLUTION NO. 1215 – On motion of O'Bryan, seconded by Chenoweth, the Governing Body adopted Resolution No. 1215, authorizing and providing for the public sale of General Obligation Bonds, Series 2019A of the City of Pittsburg, Kansas, setting forth the details of said sale; and providing for the giving of notice thereof, and authorized the Mayor to sign the Resolution on behalf of the City. Motion carried.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
December 11<sup>th</sup>, 2018

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NON-AGENDA REPORTS & REQUESTS –

COMMISSION ROOM/COURT ROOM MODIFICATIONS – On motion of Chenoweth, seconded by Johnson, the Governing Body approved an expenditure in the amount of \$89,710 to Southwest Audio Visual, of Springfield, Missouri, for technology modifications in the Commission Room/Court Room. Motion carried.

EXECUTIVE SESSION - On motion of O'Bryan, seconded by Munsell, the Governing Body recessed into Executive Session for sixty minutes to discuss personnel matters of non-elected personnel pursuant to K.S.A. 75-4319(b)(1), to discuss the 2018 evaluation of the City Manager. Motion carried.

The Governing Body recessed into Executive Session at 6:45 p.m.

The Governing Body reconvened into Regular Session at 7:45 p.m.

Mayor Johnson announced that no decisions were made and no votes were taken during the Executive Session.

ADJOURNMENT: On motion of Chenoweth, seconded by O'Bryan, the Governing Body adjourned the meeting at 7:45 p.m. Motion carried.

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Jeremy Johnson, Mayor

ATTEST:

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Tammy Nagel, City Clerk



## Interoffice Memorandum

TO: Daron Hall, City Manager  
FROM: Tammy Nagel, City Clerk  
DATE: December 27, 2018  
SUBJECT: Agenda Item – Designation of Official Newspaper

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Kansas Statutes require that the Official City Newspaper be designated by formal Governing Body action. It is our practice to designate the Official Newspaper each year following reorganization of the Board of Commissioners.

I would recommend that we continue to utilize *The Morning Sun* as the City's Official Newspaper.

Please place an item on the agenda for the City Commission Meeting of January 8<sup>th</sup>, 2019, designating *The Morning Sun* as the Official City Newspaper.

I will be available to answer any questions at your convenience. Thank you.



## Interoffice Memorandum

TO: Daron Hall, City Manager  
FROM: Jamie Clarkson, Director of Finance  
DATE: January 3, 2019  
SUBJECT: Agenda Item – Designation of Official Depositories

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As you are aware, Kansas Statutes require that Official City Depositories be designated by formal Governing Body action, and it is the practice to designate these depositories each year following reorganization of the Board of Commissioners.

I recommend continuing with the facilities we are currently using. These are BMO Harris Bank, Community National Bank, Commerce Bank, Equity Bank, GNBANK, Labette Bank, Landmark National Bank and US Bank.

Please place an item on the agenda for the City Commission Meeting of January 8<sup>th</sup>, 2019, designating these banking institutions as Official City Depositories.

I will be available to answer any questions at your convenience. Thank you.

## Interoffice Memorandum

**TO:** DARON HALL  
City Manager

**FROM:** CAMERON ALDEN  
Director of Public Works

**DATE:** December 31, 2018

**SUBJECT:** Agenda Item – January 8, 2019  
Appointment to Airport Advisory Committee

---

The Airport Advisory Committee is seeking a candidate to serve the expired term Jerry Waltrip.

By Ordinance, this Committee shall consist of seven members, five of whom shall be users of the airport and two of whom shall be non-users. Mr. Waltrip's term has expired and leaves a member opening for a non-user.

Joe Leek of Pittsburg, Kansas has expressed an interest in serving on the Committee. A brief biography for Mr. Leek has been attached.

In this regard, would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, January 8, 2019. Action being requested is the appointment of Mr. Leek to serve on the Airport Advisory Committee effective immediately and set to expire in 2021.

If you have any questions concerning this matter, please do not hesitate to contact me.

Attachments: Joe Leek Biography

## Joe Dale Leek Biography

Retired from Community National Bank and Trust on February 28, 2016. Served as the Corporate Marketing Director from 2011 to 2016. Previously was CNBT President of the Pittsburg banking center from 2003 to 2011.

From 1996 to 2003 was the Finance and Insurance Representative of Parkview Housing in Pittsburg, KS from 1996 to 2003.

From 1988 to 1996 held the position of Senior Vice President of City National Bank of Pittsburg, KS.

From 1974 to 1988 held the position of Vice President/Marketing for Citizens National Bank of Fort Scott, KS.

Graduate of the Colorado Graduate School of Banking, Boulder CO.

Graduate of the National Installment Credit School, Norman, OK.

Received a Bachelor of Science Degree in Business Administration from Kansas University in 1973.

Received an Associate Arts Degree from Fort Scott Community College.

Memberships in the First United Methodist Church, Crestwood Country Club, Pittsburg noon hour Rotary Club, Kansas University Alumni Association.



DEPARTMENT OF PUBLIC UTILITIES

(620) 240-5126

1506 North Walnut • Pittsburg KS 66762

[www.pittks.org](http://www.pittks.org)

## Interoffice Memorandum

**TO:** DARON HALL  
City Manager

**FROM:** MATT BACON  
Director of Public Utilities

**DATE:** January 2, 2019

**SUBJECT:** Agenda Item – January 8, 2019  
Final Payment and Change Order 1  
2018 Asphalt Rejuvenation Project

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The contractor, ProSeal, Inc., of El Dorado, Kansas, has completed all work on the above-referenced project and is now requesting final payment. They have also submitted Change Order No. 1 for consideration. This change order reflects a deduct of \$1,351.50 making a new contract construction amount of \$160,412.34. The contractor is requesting final payment in the amount of \$160,412.34.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, January 8<sup>th</sup>, 2019. Action necessary will be approval or disapproval of Change Order No. 1 and final payment to ProSeal, Inc. in the amount of \$160,412.34. This project is being funded by sales tax street program funds.

If you have any questions concerning this matter, please feel free to contact me.



**DEPARTMENT OF PUBLIC WORKS**  
201 W. 4th Street • Pittsburg KS 66762

**FINAL PAYMENT DUE CONTRACTOR**

**PROJECT:**

2018 ASPHALT SURFACE MAINTENANCE WITH AN ASPHALT REJUVENATING AGENT (FURNISHED AND APPLIED)  
(W 20th Street-US 69 Bypass to Pine; W 15th Street-Walnut to Broadway; N Pine Street-4th Street to 10th Street; W 4th Street-US 69 Bypass to Pine; W 3rd Street-Walnut to Police Station; W Jefferson Street-Georgia to Broadway; Joplin Heights Area Streets; E 23rd Street-Rouse to KCS; N Free King Hwy-4th Street to 20th Street; Lincoln Square Area Streets; N Michigan Street-7th Street to 10th Street; E 11th Street-Joplin to Michigan; E 12th Street-Joplin to Michigan; S Rouse Street-Quincy to KCS Tracks; Twin Lakes Area Streets; Random Acres Area Streets)

Date: October 1, 2018

CONTRACTOR: ProSeal, Inc.  
P.O. Box 741  
El Dorado, Kansas 67042

ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....	\$	161,763.84
CHANGE ORDER NO. 1 DATED 10-01-2018.....	\$	(1,351.50)
CHANGE ORDER NO. _ DATED .....		
TOTAL CONSTRUCTION COST.....	\$	160,412.34
Less Previous Payments.....	\$	-
BALANCE DUE CONTRACTOR (FINAL PAYMENT).....	\$	160,412.34

ACCEPTED BY: ProSeal, Inc.

*[Signature]*

DATE:

12/14/18

SUBMITTED BY: Greg Hardister, Engineering Supervisor, City of Pittsburg

*[Signature]*

DATE:

12-13-18

APPROVED BY: Cameron Alden, Director of Public Works/City Engineer, City of Pittsburg

*[Signature]*

DATE:

12-13-18

DATE OF APPROVAL BY CITY COMMISSION:



## 2018 ASPHALT SURFACE MAINTENANCE WITH ASPHALT REJUVENATING AGENT

(W 20th Street-US 69 Bypass to Pine; W 15th Street-Walnut to Broadway; N Pine Street-4th Street to 10th Street; W 4th Street-US 69 Bypass to Pine; W 3rd Street-Walnut to Police Station; W Jefferson Street-Georgia to Broadway; Joplin Heights Area Streets; E 23rd Street-Rouse to KCS; N Free King Hwy-4th Street to 20th Street; Lincoln Square Area Streets; N Michigan Street-7th Street to 10th Street; E 11th Street-Joplin to Michigan; E 12th Street-Joplin to Michigan; S Rouse Street-Quincy to KCS Tracks; Twin Lakes Area Streets; Random Acres Area Streets)

### Change Order No. 1

CONTRACTOR: ProSeal, Inc.

Date: October 1, 2018

P.O. Box 741

El Dorado, Kansas 67042

ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....	\$ 161,763.84
CHANGE ORDER NO. 1 DATED 9-26-2018.....	\$ (1,351.50)
NEW CONTRACT CONSTRUCTION AMOUNT.....	\$ 160,412.34

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
1	Base Bid - Reclamite Asphalt Rejuvenator Application	-1325	S.Y.	\$ 1.02	\$ (1,351.50)

TOTAL CHANGE ORDER NO. 1.....	(\$1,351.50)
NEW CONTRACT CONSTRUCTION AMOUNT.....	\$ 160,412.34
ENGINEERING AND INSPECTION (10%).....	\$ -
LEGAL AND ADMINISTRATIVE (5%).....	\$ -
NEW PROJECT TOTAL.....	\$ 160,412.34

ACCEPTED BY: PROSEAL, INC.

DATE: 12/4/18

SUBMITTED BY: Greg Hardister, Engineering Supervisor, City of Pittsburg

DATE: 12-13-18

APPROVED BY: Cameron Alden, Director of Public Works/City Engineer, City of Pittsburg

DATE: 12-13-18



**DEPARTMENT OF PUBLIC WORKS**  
201 W. 4th Street • Pittsburg KS 66762

<b>PROJECT:</b> 2018 ASPHALT SURFACE MAINTENANCE WITH AN ASPHALT REJUVENATING AGENT (FURNISHED AND APPLIED) (W 20th Street-US 69 Bypass to Pine; W 15th Street-Walnut to Broadway; N Pine Street-4th Street to 10th Street; W 4th Street-US 69 Bypass to Pine; W 3rd Street-Walnut to Police Station; W Jefferson Street-Georgia to Broadway; Joplin Heights Area Streets; E 23rd Street-Rouse to KCS; N Free King Hwy-4th Street to 20th Street; Lincoln Square Area Streets; N Michigan Street-7th Street to 10th Street; E 11th Street-Joplin to Michigan; E 12th Street-Joplin to Michigan; S Rouse Street-Quincy to KCS Tracks; Twin Lakes Area Streets; Random Acres Area Streets)	<b>DATE:</b> October 1, 2018 <b>PAY ESTIMATE:</b> Final
--	--

**CONTRACTOR:** ProSeal, Inc.  
P.O. Box 741  
El Dorado, Kansas 67042

<b>ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....</b>	\$ 161,763.84
<b>CHANGE ORDER NO. 1 DATED 10-01-2018.....</b>	(\$1,351.50)
<b>TOTAL CONSTRUCTION COST.....</b>	\$ 160,412.34

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	CONTRACT AMOUNT	ADD QUANTITY	UNIT	NEW QUANTITY	NEW CONTRACT	% COMPLETE	VALUE
1	Base Bid	158,592	S.Y.	\$ 1.02	\$ 161,763.84	-1325	S.Y.	157,267	\$ 160,412.34	100%	\$ 160,412.34
						Contract Construction Amount				\$ 160,412.34	
						Value of Completed Work				\$ 160,412.34	
						Less 10% Retainage				\$ -	
						Less Previous Estimates				\$ -	
						Total Deductions				\$ -	
						Amount Due Contractor on this Estimate				\$ 160,412.34	

**REQUESTED BY:** PROSEAL, INC.

DATE: 12/4/18

**REVIEWED BY:** GREG HARDISTER, ENGINEERING SUPERVISOR, CITY OF PITTSBURG

DATE: 12-13-18

**APPROVED BY:** CAMERON ALDEN, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER, CITY OF PITTSBURG

DATE: 12-13-18



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation  
National Casualty Company, an Ohio corporation

AMCO Insurance Company, an Iowa corporation  
Allied Property and Casualty Insurance Company, an Iowa corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

DUSTIN J. DAVIS  
JOLENE K. ERPELDING  
RYAN MURRY  
SHARON R. MORIARITY  
SCOTT T. CAMIEN

LONNIE D. CURRIER  
JANE ANN O'CONNOR  
STACEY R. DONNELLEY  
C. LEE LEWALLEN  
CECELIA A. SEUFERT

ROSEMARY DAVIS  
JANETTE S. DREIER  
SUZANNE M. HAY  
MICHELLE D. HAMILTON

EL DORADO KS

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

TWO MILLION AND NO/100 DOLLARS

\$ 2,000,000.00

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

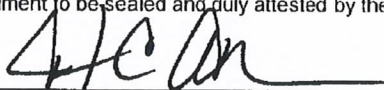
"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 1st day of May, 2017.



Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company, National Casualty Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company

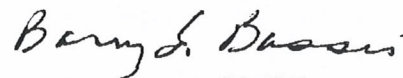


ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 1st day of May, 2017, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

BARRY T. BASSIS  
Notary Public, State of New York  
No. 02BA4656400  
Qualified in New York County  
Commission Expires April 30, 2019



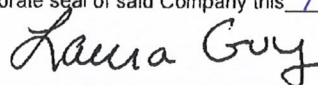
Notary Public  
My Commission Expires  
April 30, 2019

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 4th day of December, 2018.

This power of attorney expires: April 30, 2019

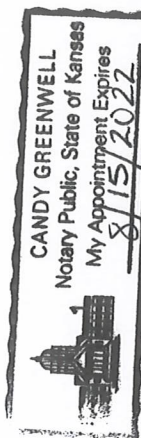


Assistant Secretary

TO: CITY CLERK  
CITY OF PITTSBURG  
PITTSBURG, KANSAS 66762

PROJECT: 2018 Asphalt Surface Maintenance  
(Asphalt Rejuvenating Agent) IFB2018-002

In accordance with the provisions of the Contract of the above Project, I/We hereby certify and swear that all subcontractors, vendors, persons or firms who have furnished labor or materials for the work, and all rentals of materials, equipment, or property used in connection with the work, and that all taxes have been paid in full or otherwise satisfied.



State of Kansas,  
Butler County

On this 4<sup>th</sup> day of December,  
20018, before me, a Notary Public in  
and for the aforementioned County  
and State, personally appeared  
Chris Greenwell,  
to me known to be the identical person  
who executed the above statement.

Candy Greenwell  
Notary Public

My Commission Expires 8/15/22

Contractor: Proseal Inc.

By: [Signature]

Title: President

Seal: [Seal] (Corporate)



The Nationwide Mutual Insurance Company, Surety Company  
on bond for the above project hereby approves the final payment to the Contractor, and  
agrees that the final payment shall not relieve the Surety Company of any of its  
obligations to the City of Pittsburg as set forth in the Surety Company's bond.

IN WITNESS this 4<sup>th</sup> day of December, 2002018.



Nationwide Mutual Insurance Company

[Signature]  
Signature of Authorized Representative

ATTORNEY-IN-FACT Jolene K. Erpelding

RESIDENT AGENT.

cc: Engineering Division

Power of Attorney

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National Casualty Company, an Ohio corporation

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EL DORADO KS

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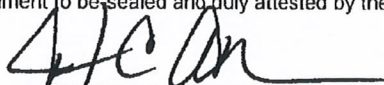
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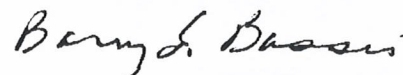
Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company, National Casualty Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

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BARRY T. BASSIS  
Notary Public, State of New York  
No. 02BA4656400  
Qualified in New York County  
Commission Expires April 30, 2019



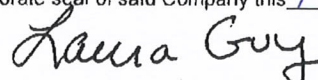
Notary Public  
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IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 4th day of December, 2018.

This power of attorney expires: April 30, 2019



Assistant Secretary

Tax Policy Group  
915 SW Harrison St  
Topeka, KS 66612-1588

Samuel M. Williams, Secretary



Department of Revenue

Phone: 785-296-3081

Fax: 785-296-7928

www.ksrevenue.org

Jeff Colyer, M.D., Governor

## STATE OF KANSAS PROJECT COMPLETION CERTIFICATION

TO: City of Pittsburg

Name of Entity to whom Project Exemption Certificate was Issued

201 W 4th St

Pittsburg

KS

66762

Street Address

City

State

Zip Code

This is to certify, to the best of my knowledge and belief, that all materials purchased under **Exemption Certificate Number** 0000070735, issued by the Kansas Department of Revenue, were incorporated into the building or project for which the exemption was issued and were entitled to an exemption pursuant to K.S.A. 79-3606(c), (d), (e), (xx), (aaa), (ccc), (iii), (qqq), (sss), (ttt), (uuu), (xxx) and (yyy) as amended.

ProSeal, Inc.

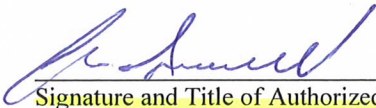
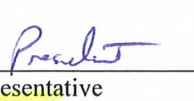
Contractor / Subcontractor

P.O. Box 741

P.O. Box and/or Street Number and Name

El Dorado, Kansas 67042

City, State Zip

   
Signature and Title of Authorized Representative

  
Date

### INSTRUCTIONS

Upon completion of a tax exempt project, the contractor must furnish this certification to the exempt entity for which the work was performed. The exempt entity needs to retain this document in their files and record the actual date that the project was completed on-line at <https://www.kdor.ks.gov/apps/kcsc/>. All invoices must be retained by the contractor for a period of five (5) years and are subject to audit by the Kansas Department of Revenue.

PR-77 (Rev. 09/16)

VENDOR SET: 99 City of Pittsburg, KS

BANK: \* ALL BANKS

DATE RANGE:12/05/2018 THRU 12/31/2018

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
C-CHECK	VOID CHECK	V	12/07/2018			183691		
C-CHECK	VOID CHECK	V	12/07/2018			183700		
C-CHECK	VOID CHECK	V	12/07/2018			183721		
C-CHECK	VOID CHECK	V	12/07/2018			183722		
C-CHECK	VOID CHECK	V	12/07/2018			183723		
C-CHECK	VOID CHECK	V	12/07/2018			183725		
C-CHECK	VOID CHECK	V	12/07/2018			183726		
C-CHECK	VOID CHECK	V	12/07/2018			183727		
C-CHECK	VOID CHECK	V	12/11/2018			183731		
C-CHECK	VOID CHECK	V	12/11/2018			183732		
C-CHECK	VOID CHECK	V	12/11/2018			183733		
C-CHECK	VOID CHECK	V	12/11/2018			183735		
C-CHECK	VOID CHECK	V	12/11/2018			183736		
C-CHECK	VOID CHECK	V	12/14/2018			183746		
C-CHECK	VOID CHECK	V	12/14/2018			183751		
C-CHECK	VOID CHECK	V	12/14/2018			183752		
C-CHECK	VOID CHECK	V	12/28/2018			183815		
C-CHECK	VOID CHECK	V	12/28/2018			183816		

\* \* T O T A L S \* \*

NO

INVOICE AMOUNT

DISCOUNTS

CHECK AMOUNT

REGULAR CHECKS:

0

0.00

0.00

0.00

HAND CHECKS:

0

0.00

0.00

0.00

DRAFTS:

0

0.00

0.00

0.00

EFT:

0

0.00

0.00

0.00

NON CHECKS:

0

0.00

0.00

0.00

VOID CHECKS:

18 VOID DEBITS

0.00

VOID CREDITS

0.00

0.00

0.00

TOTAL ERRORS: 0

NO

INVOICE AMOUNT

DISCOUNTS

CHECK AMOUNT

VENDOR SET: 99 BANK: \* TOTALS:

18

0.00

0.00

0.00

BANK: \* TOTALS:

18

0.00

0.00

0.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:12/05/2018 THRU 12/31/2018

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0026	STANDARD INSURANCE COMPANY	D	12/07/2018			000000		1,322.52
0224	KDOR	D	12/07/2018			000000		2,907.12
0224	KDOR	D	12/12/2018			000000		6,291.67
0321	KP&F	D	12/14/2018			000000		40,715.37
0321	KP&F	D	12/28/2018			000000		46,629.91
0728	ICMA	D	12/14/2018			000000		585.00
0728	ICMA	D	12/28/2018			000000		585.00
1050	KPERS	D	12/14/2018			000000		39,407.10
1050	KPERS	D	12/28/2018			000000		37,498.94
3079	COMMERCE BANK	D	12/21/2018			000000		29,171.51
5904	TASC	D	12/14/2018			000000		6,584.40
5904	TASC	D	12/28/2018			000000		6,296.33
6415	GREAT WEST TANDEM KPERS 457	D	12/14/2018			000000		4,286.00
6415	GREAT WEST TANDEM KPERS 457	D	12/28/2018			000000		4,286.00
6952	ADP INC	D	12/21/2018			000000		7,388.55
7290	DELTA DENTAL OF KANSAS INC	D	12/07/2018			000000		2,539.95
7290	DELTA DENTAL OF KANSAS INC	D	12/14/2018			000000		3,501.80
7290	DELTA DENTAL OF KANSAS INC	D	12/21/2018			000000		3,336.20
7290	DELTA DENTAL OF KANSAS INC	D	12/28/2018			000000		1,508.10
7877	CORESOURCE	D	12/06/2018			000000		41,679.20
7877	CORESOURCE	D	12/13/2018			000000		22,233.44
7877	CORESOURCE	D	12/20/2018			000000		37,122.27

VENDOR SET: 99 City of Pittsburg, KS

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
7877	CORESOURCE	D	12/27/2018			000000		52,005.29
0046	ETTINGERS OFFICE SUPPLY	E	12/10/2018			002848		642.98
0054	JOPLIN SUPPLY COMPANY	E	12/10/2018			002849		5,618.51
0055	JOHN'S SPORT CENTER, INC.	E	12/10/2018			002850		89.99
0062	LINDSEY SOFTWARE SYSTEMS, INC.	E	12/10/2018			002851		932.00
0084	INTERSTATE EXTERMINATOR, INC.	E	12/10/2018			002852		697.00
0087	FORMS ONE, LLC	E	12/10/2018			002853		886.73
0101	BUG-A-WAY INC	E	12/10/2018			002854		60.00
0105	PITTSBURG AUTOMOTIVE INC	E	12/10/2018			002855		1,109.06
0112	MARRONES INC	E	12/10/2018			002856		61.55
0117	THE MORNING SUN	E	12/10/2018			002857		451.61
0194	KANSAS STATE TREASURER	E	12/10/2018			002858		3,629.50
0207	PEPSI-COLA BOTTLING CO OF PITT	E	12/10/2018			002859		157.15
0292	UNIFIRST CORPORATION	E	12/10/2018			002860		44.70
0294	COPY PRODUCTS, INC.	E	12/10/2018			002861		264.00
0328	KANSAS ONE-CALL SYSTEM, INC	E	12/10/2018			002862		520.80
0335	CUSTOM AWARDS, LLC	E	12/10/2018			002863		204.04
0364	CRAWFORD COUNTY SHERIFF'S DEPA	E	12/10/2018			002864		4,875.00
0412	NAN MCKAY & ASSOCIATES	E	12/10/2018			002865		423.00
0534	TYLER TECHNOLOGIES INC	E	12/10/2018			002866		390.00
0659	PAYNES INC	E	12/10/2018			002867		478.81
0746	CDL ELECTRIC COMPANY INC	E	12/10/2018			002868		75.00

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0784	MIRACLE RECREATION EQUIP CO	E	12/10/2018			002869		1,904.00
0823	TOUCHTON ELECTRIC INC	E	12/10/2018			002870		86.00
0866	AVFUEL CORPORATION	E	12/10/2018			002871		19,419.70
1478	KANSASLAND TIRE OF PITTSBURG	E	12/10/2018			002872		1,231.16
1792	B&L WATERWORKS SUPPLY, LLC	E	12/10/2018			002873		4,065.11
2005	GALLS PARENT HOLDINGS, LLC	E	12/10/2018			002874		372.24
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	12/10/2018			002875		889.90
2186	PRODUCERS COOPERATIVE ASSOCIAT	E	12/10/2018			002876		1,978.41
3248	AIRGAS USA LLC	E	12/10/2018			002877		2,290.45
4307	HENRY KRAFT, INC.	E	12/10/2018			002878		2,497.04
4618	TRESA MILLER	E	12/10/2018			002879		554.50
4698	THE MORNING SUN	E	12/10/2018			002880		187.04
5014	MID-AMERICA SANITATION	E	12/10/2018			002881		1,603.78
5049	CRH COFFEE INC	E	12/10/2018			002882		40.90
5236	SHOWCASES	E	12/10/2018			002883		282.96
5623	CRAWFORD COUNTY CLERK	E	12/10/2018			002884		23,152.56
5855	SHRED-IT US JV LLC	E	12/10/2018			002885		280.00
5907	BREATHING AIR SERVICES INC	E	12/10/2018			002886		95.00
6175	HENRY C MENGHINI	E	12/10/2018			002887		502.70
7028	MATTHEW L. FRYE	E	12/10/2018			002888		400.00
7038	SIGNET COFFEE ROASTERS	E	12/10/2018			002889		41.25
7283	CORESOURCE, INC	E	12/10/2018			002890		44,632.91

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BANK: 80144 BMO HARRIS BANK

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7407	LIMELIGHT MARKETING LLC	E	12/10/2018			002891		3,000.00
7629	EARLES ENGINEERING & INSPECTIO	E	12/10/2018			002892		111,437.50
7661	LOGAN WENDT	E	12/10/2018			002893		282.00
7705	JOANNA L DERFELT	E	12/10/2018			002894		1,000.00
7852	TRIA HEALTH, LLC	E	12/10/2018			002895		1,605.62
7959	ALL ABOARD FOUNDATION	E	12/10/2018			002896		2,448.34
5757	MAGUIRE IRON INC	E	12/17/2018			002897		75,440.00
0046	ETTINGERS OFFICE SUPPLY	E	12/17/2018			002898		272.17
0055	JOHN'S SPORT CENTER, INC.	E	12/17/2018			002899		609.95
0068	BROOKS PLUMBING LLC	E	12/17/2018			002900		120.80
0087	FORMS ONE, LLC	E	12/17/2018			002901		178.10
0105	PITTSBURG AUTOMOTIVE INC	E	12/17/2018			002902		180.12
0112	MARRONES INC	E	12/17/2018			002903		185.35
0117	THE MORNING SUN	E	12/17/2018			002904		378.96
0201	SPICER-ADAMS WELDING, INC.	E	12/17/2018			002905		180.00
0202	CLIFF HIX ENGINEERING INC	E	12/17/2018			002906		40.00
0207	PEPSI-COLA BOTTLING CO OF PITT	E	12/17/2018			002907		204.10
0276	JOE SMITH COMPANY, INC.	E	12/17/2018			002908		91.85
0317	KUNSHEK CHAT & COAL CO, INC.	E	12/17/2018			002909		1,480.77
0345	VICTOR L PHILLIPS CO	E	12/17/2018			002910		115.50
0364	CRAWFORD COUNTY SHERIFF'S DEPA	E	12/17/2018			002911		2,854.00
0516	AMERICAN CONCRETE CO INC	E	12/17/2018			002912		1,580.06

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:12/05/2018 THRU 12/31/2018

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0577	KANSAS GAS SERVICE	E	12/17/2018			002913		5,213.42
0583	DICKINSON INDUSTRIES INC	E	12/17/2018			002914		73.00
0628	KC BOBCAT	E	12/17/2018			002915		9,489.00
0726	PITTSBURG STATE UNIVERSITY	E	12/17/2018			002916		19.99
0746	CDL ELECTRIC COMPANY INC	E	12/17/2018			002917		3,094.78
1478	KANSASLAND TIRE OF PITTSBURG	E	12/17/2018			002918		306.90
1629	PITTSBURG BEAUTIFUL	E	12/17/2018			002919		5,265.00
2005	GALLS PARENT HOLDINGS, LLC	E	12/17/2018			002920		187.33
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	12/17/2018			002921		510.91
2035	O'BRIEN ROCK CO., INC.	E	12/17/2018			002922		124.75
2186	PRODUCERS COOPERATIVE ASSOCIAT	E	12/17/2018			002923		945.50
2825	KANSAS DEPT OF ADMINISTRATION	E	12/17/2018			002924		454.06
2921	DP2 BILLING SOLUTIONS, LLC	E	12/17/2018			002925		4,662.89
2960	PACE ANALYTICAL SERVICES INC	E	12/17/2018			002926		3,557.00
4307	HENRY KRAFT, INC.	E	12/17/2018			002927		81.30
4354	LIFESTYLE LEASING INC	E	12/17/2018			002928		3,690.00
5482	JUSTIN HART	E	12/17/2018			002929		60.00
5552	NATIONAL SIGN CO INC	E	12/17/2018			002930		390.00
6117	ALEXANDER OPEN SYSTEMS, INC	E	12/17/2018			002931		1,800.00
6175	HENRY C MENGHINI	E	12/17/2018			002932		1,005.00
6402	BEAN'S TOWING & AUTO BODY	E	12/17/2018			002933		2,807.00
6658	DAVIS-MOORE INC	E	12/17/2018			002934		25,000.00

VENDOR SET: 99 City of Pittsburg, KS

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DATE RANGE:12/05/2018 THRU 12/31/2018

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6822	ELIZABETH BRADSHAW	E	12/17/2018			002935		1,199.80
6851	SCHULTE SUPPLY INC	E	12/17/2018			002936		165.60
6995	SUMMER WARREN	E	12/17/2018			002937		405.00
7038	SIGNET COFFEE ROASTERS	E	12/17/2018			002938		123.75
7514	NTHERM, LLC	E	12/17/2018			002939		3,777.70
7540	THOMAS W NICHOLS	E	12/17/2018			002940		540.00
7615	MARY JO HARPER	E	12/17/2018			002941		420.00
7655	HW ACQUISITIONS, PA	E	12/17/2018			002942		313.00
7735	ELIZABETH KING	E	12/17/2018			002943		38.00
7800	MORGAN ALYSE PANOVIK	E	12/17/2018			002944		260.00
7841	AD-WEAR & SPECIALTY OF TEXAS I	E	12/17/2018			002945		840.65
7902	J GRAHAM CONSTRUCTION, INC	E	12/17/2018			002946		40,923.09
7999	MADELINE COOPER	E	12/17/2018			002947		400.00
8018	TERRY M LAMB	E	12/17/2018			002948		1,235.00
8023	MARK A BROCK	E	12/17/2018			002949		1,800.00
8024	BC DEVELOPMENT LLC	E	12/17/2018			002950		1,550.00
0046	ETTINGERS OFFICE SUPPLY	E	12/26/2018			002951		235.08
0054	JOPLIN SUPPLY COMPANY	E	12/26/2018			002952		427.00
0073	K P & P INC	E	12/26/2018			002953		85.00
0077	THE LITTLE SHOP OF FLOWERS	E	12/26/2018			002954		40.00
0101	BUG-A-WAY INC	E	12/26/2018			002955		110.00
0105	PITTSBURG AUTOMOTIVE INC	E	12/26/2018			002956		193.50

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DATE RANGE:12/05/2018 THRU 12/31/2018

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0112	MARRONES INC	E	12/26/2018			002957		157.55
0117	THE MORNING SUN	E	12/26/2018			002958		113.88
0128	VIA CHRISTI HOSPITAL	E	12/26/2018			002959		231.00
0202	CLIFF HIX ENGINEERING INC	E	12/26/2018			002960		298.00
0203	GADES SALES CO INC	E	12/26/2018			002961		750.00
0276	JOE SMITH COMPANY, INC.	E	12/26/2018			002962		62.04
0294	COPY PRODUCTS, INC.	E	12/26/2018			002963		1,258.96
0312	HACH COMPANY, INC	E	12/26/2018			002964		347.47
0345	VICTOR L PHILLIPS CO	E	12/26/2018			002965		134.76
0364	CRAWFORD COUNTY SHERIFF'S DEPA	E	12/26/2018			002966		7,527.90
0478	VIETTI AUTO BODY INC	E	12/26/2018			002967		2,421.95
0577	KANSAS GAS SERVICE	E	12/26/2018			002968		119.98
0823	TOUCHTON ELECTRIC INC	E	12/26/2018			002969		890.00
0866	AVFUEL CORPORATION	E	12/26/2018			002970		19,329.06
1478	KANSASLAND TIRE OF PITTSBURG	E	12/26/2018			002971		72.50
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	12/26/2018			002972		132.99
2767	BRENNTAG SOUTHWEST, INC	E	12/26/2018			002973		1,820.00
3126	W.W. GRAINGER, INC	E	12/26/2018			002974		526.77
3571	LARRY'S DIESEL REPAIR LLC	E	12/26/2018			002975		463.78
4766	ACCURATE ENVIRONMENTAL	E	12/26/2018			002976		624.60
5014	MID-AMERICA SANITATION	E	12/26/2018			002977		406.58
5514	JOE NOGA	E	12/26/2018			002978		750.00

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5805	ROSENBAUER SOUTH DAKOTA LLC	E	12/26/2018			002979		93.48
5855	SHRED-IT US JV LLC	E	12/26/2018			002980		197.63
6175	HENRY C MENGHINI	E	12/26/2018			002981		345.00
6595	AMAZON.COM, INC	E	12/26/2018			002982		5,773.57
7023	BLEVINS ASPHALT CONSTRUCTION C	E	12/26/2018			002983		162,154.63
7028	MATTHEW L. FRYE	E	12/26/2018			002984		400.00
7038	SIGNET COFFEE ROASTERS	E	12/26/2018			002985		45.00
7167	MAILFINANCE, INC	E	12/26/2018			002986		345.93
7240	JAY HATFIELD CERTIFIED USED CA	E	12/26/2018			002987		2,409.86
7284	TRANSYSTEMS CORPORATION	E	12/26/2018			002988		8,356.00
7427	OLSSON INC	E	12/26/2018			002989		9,945.64
7567	MERIDIAN OIL & EQUIPMENT LLC	E	12/26/2018			002990		1,073.16
7572	OZARK MOUNTAIN ENERGY, INC	E	12/26/2018			002991		14,981.30
7615	MARY JO HARPER	E	12/26/2018			002992		227.50
7629	EARLES ENGINEERING & INSPECTIO	E	12/26/2018			002993		20,332.80
7739	COMMUNITIES IN SCHOOLS OF MID	E	12/26/2018			002994		120.00
5340	COMMERCE BANK TRUST	E	12/28/2018			002995		35,747.44
0046	ETTINGERS OFFICE SUPPLY	E	12/31/2018			002996		20.79
0055	JOHN'S SPORT CENTER, INC.	E	12/31/2018			002997		90.00
0101	BUG-A-WAY INC	E	12/31/2018			002998		50.00
0105	PITTSBURG AUTOMOTIVE INC	E	12/31/2018			002999		337.96
0112	MARRONES INC	E	12/31/2018			003000		156.50

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0142	HECKERT CONSTRUCTION CO INC	E	12/31/2018			003001		3,944.87
0300	PITTSBURG FORD-MERCURY, INC.	E	12/31/2018			003002		81.80
0306	CASTAGNO OIL CO INC	E	12/31/2018			003003		132.00
0317	KUNSHEK CHAT & COAL CO, INC.	E	12/31/2018			003004		2,386.80
0583	DICKINSON INDUSTRIES INC	E	12/31/2018			003005		367.50
0746	CDL ELECTRIC COMPANY INC	E	12/31/2018			003006		14,024.72
1033	BOLLINGER GROUP, LLC	E	12/31/2018			003007		998.25
1321	SHARP'S AUTOBODY CLINIC	E	12/31/2018			003008		2,158.00
1478	KANSASLAND TIRE OF PITTSBURG	E	12/31/2018			003009		14.00
2005	GALLS PARENT HOLDINGS, LLC	E	12/31/2018			003010		204.53
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	12/31/2018			003011		889.90
2767	BRENNTAG SOUTHWEST, INC	E	12/31/2018			003012		1,396.00
3261	PITTSBURG AUTO GLASS	E	12/31/2018			003013		50.00
5275	US LIME COMPANY-ST CLAIR	E	12/31/2018			003014		4,463.49
5855	SHRED-IT US JV LLC	E	12/31/2018			003015		437.50
5883	SPROULS CONSTRUCTION INC	E	12/31/2018			003016		52,101.89
6777	DH PACE CO	E	12/31/2018			003017		341.20
7038	SIGNET COFFEE ROASTERS	E	12/31/2018			003018		41.25
7448	CARUS CORPORATION	E	12/31/2018			003019		2,472.89
0497	CRAWFORD COUNTY DISTRICT COURT	R	12/05/2018			183670		36.00
1	FLEEMAN, ANNA	R	12/06/2018			183677		25.00
1	SHAFFER, SCOTT	R	12/06/2018			183678		200.00

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1	TAYLOR, STEPHEN	R	12/06/2018			183679		75.00
8017	A1 AIR LLC	R	12/07/2018			183682		34,500.00
2004	AIRE-MASTER OF AMERICA, INC.	R	12/07/2018			183683		17.22
8016	SARA S BEEZLEY KELLER	R	12/07/2018			183684		600.00
1	CANNON, TRAVIS	R	12/07/2018			183685		371.69
8019	CORNERSTONE REGIONAL SURVEYING	R	12/07/2018			183686		2,497.50
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183687		74.58
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183688		97.08
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183689		83.28
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183690		2,147.39
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183692		14.07
4263	COX COMMUNICATIONS KANSAS LLC	R	12/07/2018			183693		29.40
7517	CRAW-KAN TELEPHONE COOPERATIVE	R	12/07/2018			183694		979.98
7646	CUMMINS, INC.	R	12/07/2018			183695		489.78
1	DE LUNA, VANESSA	R	12/07/2018			183696		62.50
6088	EMERGENCY RESPONSE SOLUTIONS,	R	12/07/2018			183697		295.79
6740	FELD FIRE	R	12/07/2018			183698		415.00
6358	FIRE X INC	R	12/07/2018			183699		1,492.00
7935	CANDACE BREWSTER GAYOSO	R	12/07/2018			183701		1,000.00
7993	GERALD E WARREN, II	R	12/07/2018			183702		13,068.53
0845	JOCK'S NITCH	R	12/07/2018			183703		1,229.00
5228	KDHE	R	12/07/2018			183704		20.00

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5228	KDHE	R	12/07/2018			183705		20.00
0226	KDOR LIQUOR TAX	R	12/07/2018			183706		234.23
2678	MID AMERICA ROOFING,	R	12/07/2018			183707		55,130.00
3434	PITTSBURG SUNRISE ROTARY	R	12/07/2018			183708		225.00
0175	REGISTER OF DEEDS	R	12/07/2018			183709		20.00
0175	REGISTER OF DEEDS	R	12/07/2018			183710		21.00
0175	REGISTER OF DEEDS	R	12/07/2018			183711		21.00
0175	REGISTER OF DEEDS	R	12/07/2018			183712		21.00
0175	REGISTER OF DEEDS	R	12/07/2018			183713		21.00
0175	REGISTER OF DEEDS	R	12/07/2018			183714		21.00
0175	REGISTER OF DEEDS	R	12/07/2018			183715		21.00
5048	SH STRIPING, LLC	R	12/07/2018			183716		3,500.00
5979	TT TECHNOLOGIES INC	R	12/07/2018			183717		255.51
2916	US CELLULAR	R	12/07/2018			183718		99.08
0093	US POST OFFICE	R	12/07/2018			183719		458.00
5589	VERIZON WIRELESS SERVICES, LLC	R	12/07/2018			183720		7,685.36
1108	WESTAR ENERGY	R	12/07/2018			183724		42,165.15
0175	REGISTER OF DEEDS	R	12/07/2018			183728		72.00
1616	CITY OF PITTSBURG	R	12/07/2018			183729		75.00
8015	HERE WE GO LLC	R	12/11/2018			183730		3,375.00
1	PITTSBURG HIGH SCHOOL BAND	R	12/11/2018			183734		200.00
1	DEFOREST, KENNY	R	12/13/2018			183738		200.00

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1	DRAKE, DAVID	R	12/13/2018			183739		50.00
6154	4 STATE MAINTENANCE SUPPLY INC	R	12/14/2018			183740		456.55
2876	A-PLUS CLEANERS & LAUNDRY	R	12/14/2018			183741		350.00
2004	AIRE-MASTER OF AMERICA, INC.	R	12/14/2018			183742		17.22
1	BAKER, MATT	R	12/14/2018			183743		527.00
1	BAKER, ROUTY	R	12/14/2018			183744		230.00
7856	BARDAVON HEALTH INNOVATIONS, L	R	12/14/2018			183745		1,175.00
8021	C BRICK OWENS RLA LLC	R	12/14/2018			183747		9,664.51
5283	CLASS LTD	R	12/14/2018			183748		18.90
0748	CONRAD FIRE EQUIPMENT INC	R	12/14/2018			183749		3,229.99
7657	COPY PRODUCTS, INC.	R	12/14/2018			183750		2,131.08
4263	COX COMMUNICATIONS KANSAS LLC	R	12/14/2018			183753		96.14
5857	CREATIVE PRODUCT SOURCING INC	R	12/14/2018			183754		163.50
0021	CUES	R	12/14/2018			183755		992.31
0375	WICHITA WATER CONDITIONING, IN	R	12/14/2018			183756		6.00
1	DE LUNA, VANESSA	R	12/14/2018			183757		31.25
6088	EMERGENCY RESPONSE SOLUTIONS,	R	12/14/2018			183758		1,318.75
0118	FED EX	R	12/14/2018			183759		60.96
6358	FIRE X INC	R	12/14/2018			183760		1,021.50
7463	DEREK HEIKES	R	12/14/2018			183761		10,000.00
8020	QUENTIN HOLMES	R	12/14/2018			183762		20.00
0380	KANSAS DEPARTMENT OF REVENUE	R	12/14/2018			183763		250.00

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7414	KANSAS GAS SERVICE (ESG)	R	12/14/2018			183764		227.95
1370	KDH&E	R	12/14/2018			183765		500.00
6656	KNIPP EQUIPMENT INC	R	12/14/2018			183766		695.00
7190	LEXISNEXIS RISK DATA MANAGEMEN	R	12/14/2018			183767		381.92
1	LISTWAN, BRIAN	R	12/14/2018			183768		27.00
7938	ROSANO DEL PILAR MENDEZ	R	12/14/2018			183769		25.00
7392	ASSURECO RISK MANAGEMENT & REG	R	12/14/2018			183770		350.00
0175	REGISTER OF DEEDS	R	12/14/2018			183771		21.00
7771	D & M RYAN, INC	R	12/14/2018			183772		141.75
7270	SECURITY 1ST TITLE, LLC	R	12/14/2018			183773		240.00
6377	SOUTHEAST KANSAS RECYCLING CEN	R	12/14/2018			183774		642.00
0349	UNITED WAY OF CRAWFORD COUNTY	R	12/14/2018			183775		55.85
7053	U.S. PEROXIDE, LLC	R	12/14/2018			183776		950.00
5589	VERIZON WIRELESS SERVICES, LLC	R	12/14/2018			183777		392.84
5410	WATCO COMPANIES INC	R	12/14/2018			183778		250.00
2350	WASTE CORPORATION OF MISSOURI	R	12/14/2018			183779		251.31
4636	WESTAR ENERGY, INC. (HAP)	R	12/14/2018			183780		709.16
5371	PITTSBURG FAMILY YMCA	R	12/14/2018			183781		323.96
5533	UNIVERSITY BANK	R	12/18/2018			183793		17,000.00
1	BROADSTREET, HARRISON	R	12/20/2018			183794		50.00
1	HAYES, TEAGUE	R	12/20/2018			183795		200.00
6154	4 STATE MAINTENANCE SUPPLY INC	R	12/21/2018			183796		208.25

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4263	COX COMMUNICATIONS KANSAS LLC	R	12/21/2018			183797		22.58
8025	DENNIE DIGHERA	R	12/21/2018			183798		419.78
1	DE LUNA, VANESSA	R	12/21/2018			183799		68.75
6740	FELD FIRE	R	12/21/2018			183800		320.00
6358	FIRE X INC	R	12/21/2018			183801		543.50
8028	CHRISTINA M LLOYD	R	12/21/2018			183802		3,000.00
7716	JORDAN MEADOWS	R	12/21/2018			183803		3,860.00
7817	NORTON POWER SYSTEMS INC	R	12/21/2018			183804		2,574.50
6571	ROUTE 66 ELECTRIC, LLC	R	12/21/2018			183805		375.00
7442	UNIFIED SCHOOL DISTRICT #250-C	R	12/21/2018			183806		6,562.98
7878	MARK A WERNER	R	12/21/2018			183807		952.80
1108	WESTAR ENERGY	R	12/21/2018			183808		2,203.13
1222	ALL SEASONS CARPET, LLC	R	12/28/2018			183813		5,103.08
0523	AT&T	R	12/28/2018			183814		6,681.68
5561	AT&T MOBILITY	R	12/28/2018			183817		131.20
7995	HERITAGE TRACTOR INC	R	12/28/2018			183818		1.38
6923	HUGO'S INDUSTRIAL SUPPLY INC	R	12/28/2018			183819		236.69
6750	HW LOCHNER, BWR DIVISION	R	12/28/2018			183820		12,313.85
6785	MCCONNELL & ASSOCIATES CORP	R	12/28/2018			183821		54,563.21
0188	SECRETARY OF STATE	R	12/28/2018			183822		112.00
0349	UNITED WAY OF CRAWFORD COUNTY	R	12/28/2018			183823		55.85
1264	UNIVERSITY OF KANSAS	R	12/28/2018			183824		20.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5371	PITTSBURG FAMILY YMCA	R	12/28/2018			183825		323.96

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	114	329,560.69	0.00	329,560.69
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	23	397,881.67	0.00	397,881.67
EFT:	172	843,774.78	0.00	843,774.78
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 99 BANK: 80144 TOTALS:	309	1,571,217.14	0.00	1,571,217.14
BANK: 80144 TOTALS:	309	1,571,217.14	0.00	1,571,217.14
REPORT TOTALS:	309	1,571,217.14	0.00	1,571,217.14

Passed and approved this 8<sup>th</sup> day of January, 2019.

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, Mayor

ATTEST:

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Tammy Nagel, City Clerk

## **INTEROFFICE MEMORANDUM**

To: DARON HALL  
CITY MANAGER

From: CAMERON ALDEN  
DIRECTOR OF PUBLIC WORKS  
KIM VOGEL  
DIRECTOR OF PARKS AND RECREATION

CC: TAMMY NAGEL  
CITY CLERK

Date: JANUARY 2, 2019

Subject: Agenda Item – January 8, 2019  
Active Transportation Advisory Board

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Deborah McGeorge, Chairman of the Active Transportation Advisory Board, would like to update the City Commission on the progress made by the board in 2018 and their goals for 2019.

In this regard, would you place an item on the agenda for the City Commission meeting scheduled for Tuesday, January 8, 2019. No action should be necessary following the presentation.

If you have questions, please do not hesitate to contact me.

## **INTEROFFICE MEMORANDUM**

To: DARON HALL  
CITY MANAGER

From: KIM VOGEL  
DIRECTOR OF PARKS AND RECREATION

CC: TAMMY NAGEL  
CITY CLERK

Date: JANUARY 2, 2019

Subject: Agenda Item – January 8, 2019  
Farmers' Market Update

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Brad Snow, Chairman of the Pittsburg Farmers' Market Advisory Board, would like to update the City Commission on the 2018 market season. Mr. Snow will also review any changes to the market for the 2019 season and outline the new market goals established by the advisory board.

In this regard, would you place an item on the agenda for the City Commission meeting scheduled for Tuesday, January 8, 2019. No action should be necessary following the presentation.

If you have questions, please do not hesitate to contact me.

(Published in The Morning Sun on January \_\_\_, 2019.)

**ORDINANCE NO. S-1059**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$\_\_\_\_\_ AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2019A, OF THE CITY OF PITTSBURG, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-685 ET SEQ., K.S.A. 12-6a01 ET SEQ., AND CHARTER ORDINANCE NO. 25 OF THE CITY, ALL AS AMENDED.**

**WHEREAS**, the Governing Body of the **City of Pittsburg, Kansas**, (the “City”) has authorized pursuant to Resolution No. 1210 of the City, passed and approved October 9, 2018, the construction of certain main trafficway improvements to Walnut Street in the City from the south line of West 28<sup>th</sup> Street approximately 530 feet to the south line of West 29<sup>th</sup> Street (the “Walnut Street Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$150,000 under the authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1211 of the City, passed and approved October 23, 2018, the construction of main trafficway improvements to South Rouse Avenue and East Quincy Street in the City by installing traffic control devices (the “South Rouse Avenue and East Quincy Street Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$250,000 under the authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1212 of the City, passed and approved October 23, 2018, the construction of improvements to restroom, concession and storage facilities at the Don Gutteridge Sports Complex owned by the City (the “Sports Complex Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$200,000 under the authority of Charter Ordinance No. 25 of the City; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1213 of the City, passed and approved October 23, 2018, the paving and construction of Silverback Way Street and Boulevard (the “Silverback Way Street Improvements”) in the City and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$1,500,000 under the authority of K.S.A. 12-6a01 et seq., as amended; and

**WHEREAS**, \$250,000 of the cost of the Silverback Way Street Improvement has been assessed by the City against those lots and parcels of land specially benefited thereby, none of which has been paid to the City by the owners of such property; and

**WHEREAS**, the Walnut Street Improvements, the South Rouse Avenue and East Quincy Street Improvements, the Sports Complex Improvements, and the Silverback Way Street Improvements are collectively hereinafter referred to as the “Improvements”; and

**WHEREAS**, all legal requirements pertaining to the Improvements have been complied with and the total cost of the Improvements, including the costs of issuing the bonds hereinafter authorized to be issued to finance the costs of such Improvements, has been ascertained to be \$\_\_\_\_\_ (the “Project Cost”); and

**WHEREAS**, \$\_\_\_\_\_ of the Project Cost will be paid by the expenditure of premium to be earned by the City in connection with the issuance of the bonds, leaving unpaid the balance of the Project Cost in the amount of \$\_\_\_\_\_ for which general obligation bonds of the City may be issued; and

**WHEREAS**, the City deems it necessary and advisable to issue its general obligation bonds in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for the purpose of paying the balance of the Project Costs; and

**WHEREAS**, the City has, in accordance with K.S.A. 10-106, published notice (the “Sale Notice”) of the City’s intent to sell the Bonds; and

**WHEREAS**, the City does, in accordance with the terms and conditions of the Sale Notice, hereby authorize the issuance and sale of the bonds to the best bidder.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, CRAWFORD COUNTY, KANSAS:**

**Section 1.** That for the purpose of providing funds to pay the cost of making the Improvements hereinbefore described, there is hereby authorized and directed to be issued General Obligation Bonds of the City in the aggregate principal amount \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the “Bonds”) as provided by K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Charter Ordinance No. 25 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the “Resolution”).

**Section 2.** That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

**Section 3.** That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

**Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

**Section 6.** That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

**PASSED** by the Governing Body and approved by the Mayor this 8th day of January 2019.

**CITY OF PITTSBURG, KANSAS**

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Mayor

\_\_\_\_\_  
Tammy Nagel, City Clerk

(SEAL)

\*\*\*\*\*

RESOLUTION NO. 1217

OF

CITY OF PITTSBURG, KANSAS

PASSED

JANUARY 8, 2019

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§  
GENERAL OBLIGATION BONDS  
SERIES 2019A

\*\*\*\*\*

## RESOLUTION

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## **RESOLUTION NO. 1217**

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF THE CITY OF PITTSBURG, KANSAS, GENERAL OBLIGATION BONDS, SERIES 2019A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$ \_\_\_\_\_ THE ISSUANCE OF WHICH WAS AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. S-1059 PASSED AND APPROVED JANUARY 8, 2019; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

**WHEREAS**, the Governing Body of the **City of Pittsburg, Kansas**, (the “City”) has authorized pursuant to Resolution No. 1210 of the City, passed and approved October 9, 2018, the construction of certain main trafficway improvements to Walnut Street in the City from the south line of West 28<sup>th</sup> Street approximately 530 feet to the south line of West 29<sup>th</sup> Street (the “Walnut Street Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$150,000 under the authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1211 of the City, passed and approved October 23, 2018, the construction of main trafficway improvements to South Rouse Avenue and East Quincy Street in the City by installing traffic control devices (the “South Rouse Avenue and East Quincy Street Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$250,000 under the authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1212 of the City, passed and approved October 23, 2018, the construction of improvements to restroom, concession and storage facilities at the Don Gutteridge Sports Complex owned by the City (the “Sports Complex Improvements”) and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$200,000 under the authority of Charter Ordinance No. 25 of the City; and

**WHEREAS**, the City has authorized pursuant to Resolution No. 1213 of the City, passed and approved October 23, 2018, the paving and construction of Silverback Way Street and Boulevard (the “Silverback Way Street Improvements”) in the City and the payment of the cost thereof from the proceeds of general obligation bonds in the principal amount of \$1,500,000 under the authority of K.S.A. 12-6a01 et seq., as amended; and

**WHEREAS**, \$250,000 of the cost of the Silverback Way Street Improvement has been assessed by the City against those lots and parcels of land specially benefited thereby, none of which has been paid to the City by the owners of such property; and

**WHEREAS**, the Walnut Street Improvements, the South Rouse Avenue and East Quincy Street Improvements, the Sports Complex Improvements, and the Silverback Way Street Improvements are collectively hereinafter referred to as the “Improvements”; and

**WHEREAS**, all legal requirements pertaining to the Improvements have been complied with and the total cost of the Improvements, including the costs of issuing the bonds hereinafter authorized to be issued to finance the costs of such Improvements, has been ascertained to be \$ \_\_\_\_\_ (the “Project Cost”); and

**WHEREAS**, \$\_\_\_\_\_ of the Project Cost will be paid by the expenditure of premium to be earned by the City in connection with the issuance of the bonds, leaving unpaid the balance of the Project Cost in the amount of \$\_\_\_\_\_ for which general obligation bonds of the City may be issued; and

**WHEREAS**, the City has by its Ordinance No. S-1059 passed and approved January 8, 2019, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2019A, in the aggregate principal amount of \$\_\_\_\_\_ (the "Bonds") under the authority of K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Charter Ordinance No. 25 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, to pay a portion of the Project Cost; and

**WHEREAS**, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; and

**WHEREAS**, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

## ARTICLE I

### DEFINITIONS

**Section 101. Definitions of Words and Terms.** In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

**"Bond and Interest Fund"** means the Bond and Interest Fund of the City for its general obligation bonds.

**"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing as selected by the City.

**"Bond Payment Date"** means any date on which principal of or interest on any Bond is payable.

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

**"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and its successors and assigns.

**"Bonds"** means the General Obligation Bonds, Series 2019A, authorized and issued by the City pursuant to the Ordinance.

**"Business Day"** means a day other than a Saturday, Sunday or holiday 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.

**"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

**"City"** means the City of Pittsburg, Kansas, the issuer of the Bonds.

**"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

**"Code"** means the Internal Revenue Code of 1986, as amended.

**"Costs of Issuance"** means all costs of issuing the 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 and with the Disclosure Certificate, all expenses, if any, incurred in connection with receiving ratings on the Bonds.

**"Dated Date"** means February 7, 2019.

**"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) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) 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 City 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; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

**"Disclosure Certificate"** means the Continuing Disclosure Certificate attached to the City's Final Certificate as Exhibit D and included in the transcript of proceedings pertaining to the issuance of the Bonds.

**"Event of Default"** means each of the following occurrences or events:

(a) Payment of the principal or the Redemption Price 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 City 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 Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), 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 City by the Owner of any of the Bonds then Outstanding.

**"Federal Tax Certificate"** means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

**"Fiscal Year"** means the twelve month period ending on December 31.

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

**"Improvements"** mean certain main trafficway, street, and sports complex improvements constructed in the City in accordance with the legal authority as described in the recitals to this Resolution.

**"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on any Bond which shall be March 1 and September 1 of each year, commencing September 1, 2019.

**"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.

**"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

**"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any successors or assigns to the Bond rating functions thereof which is deemed acceptable by the City and Bond Counsel.

**"Ordinance"** means Ordinance No. S-1059 passed and approved January 8, 2019, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

**"Outstanding"** means, when used with reference to the 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;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

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

**"Participants"** means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

**"Paying Agent"** means the State Treasurer, and any successors and assigns.

**"Permitted Investments"** means: (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 City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties in which the City is located; (f) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements with 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, Inc. or Standard & Poor's; (i) investments in 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 States 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). No Permitted Investment shall include any derivative 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.

**"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.

**"Principal and Interest Account"** means the Principal and Interest Account for the City of Pittsburg, Kansas, General Obligation Bonds, Series 2019A, created herein within the City's Bond and Interest Fund.

**"Project Account"** means the Project Account in the treasury of the City, created herein.

**"Purchase Price"** means the purchase price of the Bonds as set forth in the Bid Proposal for Purchase of Bonds as submitted by the Original Purchaser and accepted by the City.

**"Purchaser"** means \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, the original purchaser of the Bonds.

**"Record Dates"** for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of each month preceding such Interest 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 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 this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

**"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

**"Representation Letter"** means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as Exhibit B.

**"Resolution"** means this resolution relating to the Bonds.

**"Securities Depository"** means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

**"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

**"Standard & Poor's"** means Standard & Poor's Ratings Services, a division of Standard & Poor's Financial Services LLC, a part of McGraw Hill Financial, Inc., New York, New York and any successors or assigns to the Bond rating functions thereof which is deemed acceptable by the City and Bond Counsel.

**"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 of Kansas.

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

**"Term Bonds"** means the Bonds scheduled to mature in the year 20\_\_\_\_\_.

**"Treasurer"** means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

**"United States Government Obligations"** means bonds, notes, certificates of indebtedness, treasury bills or other securities consisting of 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 the 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).

## ARTICLE II

### AUTHORIZATION AND DETAILS OF THE BONDS

**Section 201. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2019A, of the City in the aggregate principal amount of \$ \_\_\_\_\_ for the purpose of providing funds to pay the costs of the Improvements.

**Section 202. Description of the Bonds.** The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated January 8, 2019, 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), and shall bear interest at the rates per annum as follows:

#### SERIAL BONDS

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$ _____	_____%
2021	_____	_____
2022	_____	_____
2023	_____	_____
2024	_____	_____
2025	_____	_____
2026	_____	_____
2027	_____	_____
2028	_____	_____
2029	_____	_____

#### TERM BONDS

20__	_____	_____
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The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or 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, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) 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 (2) 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 or Redemption Price of 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 corporate trust 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 (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 (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, 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 City 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 City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore 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.

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 City.

**Section 205. Registration, Transfer and Exchange of Bonds.** The City 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 corporate trust 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 Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this 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 Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City 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 City 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 204** hereof.

The City 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 City 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 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 City by the manual or facsimile signature of

the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City 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 City 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 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 Bond shall be entitled to any security or benefit under this 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 Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the City 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 City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City'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 City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City 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 City, and shall be entitled to all the benefits of this 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 City.

**Section 209. Preliminary and Final Official Statement.** The preliminary Official Statement dated December 18, 2018, is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The final Official Statement is hereby authorized to be prepared by supplementing, amending and completing the preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 210. Sale of the Bonds.** The sale of the Bonds to the Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

**Section 211. Book-Entry Bonds; Securities Depository.**

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments

as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

### ARTICLE III

#### REDEMPTION OF BONDS

##### **Section 301. Optional and Mandatory Redemption by City.**

(a) At the option of the City, the Bonds or portions thereof either maturing or subject to mandatory redemption and payment on September 1, 2027, and thereafter may be called for redemption and payment prior to their Stated Maturity on September 1, 2026, and thereafter as a whole or in part at any time (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the City), at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

(b) **Mandatory Redemption.** The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited

into the Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on September 1 in the years, the principal amounts of such Term Bonds as follows:

<u>Principal Amount</u>	<u>Year</u>
\$ _____	20 ____

(leaving \$ \_\_\_\_\_ to mature September 1, 20 \_\_\_\_)

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.

**Section 302. Selection of Bonds to be Redeemed.** Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds of the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in \$5,000 units 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 \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, 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 such \$5,000 unit or units 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 the \$5,000 unit or units of face value called for redemption (and to that extent only).

**Section 303. Notice and Effect of Call for Redemption.** In the event the City 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; provided however, that no such written notice of intent shall be required for the mandatory redemption of Term Bonds and Term Bonds shall be called by the Bond Registrar for redemption and notice of redemption shall be given by the Bond Registrar without any further action by the City. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.

Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchaser of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

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 City 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 City 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 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.

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

## ARTICLE IV

### SECURITY FOR AND PAYMENT OF BONDS

**Section 401. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the City. The balance of the principal of and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**Section 402. Levy and Collection of Annual Tax.** The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Principal and Interest Account, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

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

## ARTICLE V

### ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF MONEYS

**Section 501. Establishment of Funds and Accounts.** Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

- (a) In the treasury of the City, the "Project Account"; and

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Pittsburg, Kansas, General Obligation Bonds, Series 2019A (the "Principal and Interest Account").

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

**Section 502. Disposition of Bond Proceeds.**

(a) Proceeds of the Bonds in the amount of \$\_\_\_\_\_ representing Capitalized Interest on the Bonds shall be deposited in the Principal and Interest Account.

(b) Proceeds of the Bonds in the amount of \$\_\_\_\_\_ upon issuance and delivery thereof, shall be deposited in the Project Account.

**Section 503. Withdrawals from the Project Account.** The Treasurer shall make withdrawals from the Project Account solely for the purpose of permanently financing the costs of the Improvements and paying the costs of issuing the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

**Section 504. Surplus in the Project Account.** All moneys remaining in the Project Account after the completion of the Improvements, as determined by the governing body of the City, shall be transferred immediately to the Principal and Interest Account and applied to the next installment of principal due on the series of Bond from which surplus moneys remain.

**Section 505. Application of Moneys in Principal and Interest Account.** All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Principal and Interest Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. 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 Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds and entitled to payment from such moneys.

Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

**Section 506. Deposits and Investment of Moneys.** Moneys in each of the Funds and Accounts shall be deposited in accordance with the requirements of K.S.A. 10-131, as amended. All such deposits shall be continuously and adequately secured by the financial institutions holding such deposits 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 City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; 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 or account was created. All interest on any Permitted Investment held in any fund or account shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Project Account may, at the direction of the governing body of the City, be paid and credited to the Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then redemption value, whichever is lower.

**Section 507. 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 City 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 Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

## ARTICLE VI

### DEFAULT AND REMEDIES

**Section 601. Remedies.** The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City 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 City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the 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 City, 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.

**Section 602. Limitation on Rights of Owners.** The covenants and agreements of the City 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 shall be 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 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 Outstanding Bonds.

**Section 603. 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 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 City 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.

## ARTICLE VII

### DEFEASANCE

**Section 701. Defeasance.** When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this 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 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; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City 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 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 City, 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 Resolution.

ARTICLE VIII  
TAX COVENANTS

**Section 801. General Covenants.**

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely effect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, to take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

**Section 802. Survival of Covenants.** The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article VII hereof or any other provision of this Resolution until the final maturity date of all Bonds Outstanding.

**Section 803. Qualified Tax-exempt Obligations.** The Bonds are designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

ARTICLE IX  
CONTINUING DISCLOSURE REQUIREMENTS

**Section 901. Disclosure Requirements.** The City hereby covenants with the Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Purchaser and such Beneficial Owners.

**Section 902. Failure to Comply with Continuing Disclosure Requirements.** In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any such Beneficial Owner may make demand for such compliance

by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy as the Purchaser and/or any such Beneficial Owner shall deem effectual to protect and enforce any of the duties of the City under such preceding section.

## ARTICLE X

### MISCELLANEOUS PROVISIONS

**Section 1001. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its Funds and Accounts for the preceding Fiscal Year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours of the City be open to the examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

**Section 1002. Amendments.** The rights and duties of the City and the Owners, and the terms and provisions of the Bonds or of this Resolution, may be amended or modified at any time in any respect by resolution of the City 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 City is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

Any provision of the Bonds or of this Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the City 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 City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein 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 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 City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this 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 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 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 City 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 City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Paying Agent under this Resolution.

**Section 1003. 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 Resolution, and shall be conclusive in favor of the City 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 make acknowledgements 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 Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this 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 rights so to act with respect to such Bonds and that the pledgee is not the City.

**Section 1004. Further Authority.** The officers and officials of the City, 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 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 1005. Severability.** If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

**Section 1006. Governing Law.** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 1007. Effective Date.** This Resolution shall take effect and be in full force from and after its passage by the governing body of the City.

**PASSED** by the governing body of the City on January 8, 2019.

CITY OF PITTSBURG, KANSAS

(SEAL)

\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the governing body of the City of Pittsburg, Kansas, adopted by the governing body at a regularly scheduled meeting held on January 8, 2019, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: January 8, 2019.

\_\_\_\_\_  
Tammy Nagel, City Clerk

(SEAL)

EXHIBIT A  
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF CRAWFORD  
CITY OF PITTSBURG  
GENERAL OBLIGATION BOND  
SERIES 2019A

No. R-\_\_\_\_\_ \$ \_\_\_\_\_

Rate of Interest: \_\_\_\_\_ Maturity Date: September 1, 20\_\_ Dated Date: February 7, 2019 CUSIP \_\_\_\_\_

Registered Owner: \_\_\_\_\_  
Principal Amount: \_\_\_\_\_ Dollars

The City of Pittsburg, in the County of Crawford, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on March 1 and September 1 of each year (the "Interest Payment Dates") commencing September 1, 2019, until said principal amount is paid.

The principal of and premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 15th day of February or August next preceding the applicable interest payment date (the "Record Dates"). The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$ \_\_\_\_\_ (the "Bonds") issued for the purposes set forth in Ordinance No. S-1059 of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part 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. 10-101 to 125, inclusive, as amended by K.S.A. 10-620 to 10-632, inclusive, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Charter Ordinance No. 25 of the City and all amendments thereof, acts

supplemental thereto, the Ordinance, Resolution No. 1217 of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issued in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds either maturing or subject to mandatory redemption and payment in the years 2027 and thereafter may be called for redemption and payment prior to maturity on September 1, 2026, and thereafter in whole or in part at any time in such order as may be determined by the City (selection of Bonds within the same maturity to be by lot by the Bond Registrar in such manner as it shall determine) at a redemption price of 100% of the principal amount redeemed, plus accrued interest to date of redemption.

Each of the Bonds maturing on September 1, 20\_\_, shall also be subject to mandatory redemption and payment prior to maturity on September 1, 20\_\_, and September 1, 20\_\_, pursuant to the redemption schedule set forth in the Resolution at the Redemption Price of 100% (expressed as a percentage of the principal amount) plus accrued interest thereon to the Redemption Date.

Bonds will be redeemed in integral multiples of \$5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than \$5,000, treat each \$5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the registered owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

This Bond is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this 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, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Pittsburg, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual or facsimile signatures with its corporate seal to be affixed or imprinted hereon, all as of the 8th day of January, 2019.

CITY OF PITTSBURG, KANSAS

\_\_\_\_\_  
(manual or facsimile)

Mayor

ATTEST: \_\_\_\_\_  
(manual or facsimile)

City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Pittsburg, Kansas, General Obligation Bonds, Series 2019A described in the within mentioned Resolution.

Registration Date: \_\_\_\_\_

OFFICE OF THE STATE TREASURER  
Topeka, Kansas,  
as Bond Registrar and Paying Agent

By \_\_\_\_\_

I.D.#: \_\_\_\_\_

\*\*\*\*\*

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Pittsburg, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of February 7, 2019.

WITNESS my hand and official seal.

\_\_\_\_\_  
(manual or facsimile)

City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JAKE LATURNER, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this \_\_\_\_\_.

WITNESS my hand and official seal.

JAKE LATURNER  
TREASURER OF THE STATE OF KANSAS

By \_\_\_\_\_  
State Treasurer

(SEAL)

\*\*\*\*\*

BOND ASSIGNMENT

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

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_

\_\_\_\_\_  
(Social Security or Taxpayer Identifying No.)

the 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 Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Social Security or Taxpayer  
Identifying No.

\_\_\_\_\_  
Signature (Sign Here Exactly as  
Name(s) Appear on Face of  
Certificate)

Signature guaranty:

By \_\_\_\_\_

\*\*\*\*\*

EXHIBIT B  
(DTC LETTERS OF REPRESENTATIONS)



## Interoffice Memorandum

TO: Daron Hall, City Manager  
FROM: Jared Peterson, Purchasing Agent  
DATE: January 4, 2019  
SUBJECT: Agenda Item – Designation of Insurance Broker

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The insurance broker selection committee comprised of Tiffany Jarman (HR Director), Tammy Nagel (City Clerk), Chris Patterson (Memorial Auditorium Manager), Tim Tompkins (Police Lieutenant), Angie Erickson (Financial Analyst), and Jared Peterson (Purchasing Agent), received and reviewed proposals from four insurance brokerage firms seeking to do business with the City of Pittsburgh. Each firm submitted a written proposal and was provided an opportunity to present to the committee.

Duties of the City's insurance broker include but are not limited to marketing and providing competitive quotations on a variety of property and liability coverage, as well as provide in-depth professional services, risk management consulting, claims management, loss control services, auto liability, auto physical damage, general and professional liability, and public officials liability losses.

After careful review and consideration, and consultation with the City Manager, the committee narrowed the field to two firms. Further discussion and evaluation was conducted and a finalist was selected.

The Committee recommends the City enter into a one year contract with Ryan Insurance, LLC, for insurance brokerage services. The term of the contract, which would begin on April 1<sup>st</sup>, 2019, would be one-year with two one-year renewal options.

Please place an item on the agenda for the City Commission Meeting of January 8<sup>th</sup>, 2019, designating Ryan Insurance, LLC, as the City's insurance Agent of Record/Broker and authorizing the Mayor to sign the contract between the City and Ryan Insurance, LLC.

I will be available to answer any questions at your convenience. Thank you.