

## Table of Contents

Agenda . . . . .	2
Approval of the May 28, 2013, City Commission Meeting minutes. 05-28-2013 Minutes. . . . .	4
Approval of Ordinance No. G-1180, amending Section 54-5 of the Pittsburg City Code to allow firearms in Memorial Auditorium for certain sales and events approved in advance by the Memorial Auditorium Manager. Memo for Firearms Ordinance amendment. . . . .	8
Amend Sec 54-5 2013 . . . . .	9
Approval of staff recommendation to award the bid for the Asphalt Surface Maintenance with an Asphalt Rejuvenating Agent (Furnished and Applied) to Proseal, Inc., of El Dorado, Kansas, based on their low bid of \$0.88 per square yard. Asphalt Surface Maintenance Bid Disposition Memo . . . . .	11
Asphalt Surface Maintenance Bid Tab Sheet. . . . .	12
Approval of the Appropriation Ordinance for the period ending June 11, 2013, subject to the release of HUD expenditures when funds are received. CHECK LIST . . . . .	13
REVIEW OF BIDS/AWARD OF SALE - GENERAL OBLIGATION BONDS SERIES 2013A AND TEMPORARY NOTES SERIES 2013A - The City of Pittsburg advertised for bids to be received until 11:00 a.m. on June 11, 2013, for the purchase of \$1,415,000 aggregate principal General Obligation Bonds, Series 2013A and \$1,365,000 aggregate principal Temporary Notes, Series 2013A, 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. Bond/T-Note Memo . . . . .	31
RESOLUTION NO. 1138 - Approval of Resolution No. 1138 prescribing the form and details of the City of Pittsburg, Kansas, General Obligation Bonds, Series 2013A, the issuance of which was authorized by the City pursuant to its Ordinance No. S-1003 passed and approved June 11, 2013; and authorizing certain other documents and actions in connection with the issuance of the Bonds. Resolution No. 1138 . . . . .	32
RESOLUTION NO. 1139 - Approval of Resolution No. 1139 authorizing and directing the issuance of Temporary Notes, Series 2013A, of the City of Pittsburg, Kansas, in the aggregate principal amount of \$1,365,000 for the purpose of providing funds to pay costs of main trafficway and water line improvement projects in the City. Resolution No. 1139 . . . . .	63
REQUEST TO CHANGE STREET NAME - Watco Companies, Inc. has submitted a request to rename North Olive from 3rd Street to 4th Street in honor of 30 years of business. Watco Renaming Street Request Memo . . . . .	73

**CITY OF PITTSBURG, KANSAS**  
**COMMISSION AGENDA**  
**Tuesday, June 11, 2013**  
**5:30 PM**

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**CALL TO ORDER BY THE MAYOR:**

- a. Invocation by Pete Mayo of Via Christi
- b. Flag Salute Led by the Mayor
- c. Public Input

**CONSENT AGENDA:**

- a. Approval of the May 28, 2013, City Commission Meeting minutes.
- b. Approval of Ordinance No. G-1180, amending Section 54-5 of the Pittsburg City Code to allow firearms in Memorial Auditorium for certain sales and events approved in advance by the Memorial Auditorium Manager. **First and only reading, if the Governing Body concurs.**
- c. Approval of staff recommendation to award the bid for the Asphalt Surface Maintenance with an Asphalt Rejuvenating Agent (Furnished and Applied) to Proseal, Inc., of El Dorado, Kansas, based on their low bid of \$0.88 per square yard.
- d. Approval of the Appropriation Ordinance for the period ending June 11, 2013, subject to the release of HUD expenditures when funds are received.  
**ROLL CALL VOTE.**

**SPECIAL PRESENTATION:**

- a. RETAIL PRESENTATION - Sonya Bhakta of Pittsburg State University will provide information on retail business in Pittsburg. **Receive for file.**

**CONSIDER THE FOLLOWING:**

- a. REVIEW OF BIDS/AWARD OF SALE - GENERAL OBLIGATION BONDS SERIES 2013A AND TEMPORARY NOTES SERIES 2013A - The City of Pittsburg advertised for bids to be received until 11:00 a.m. on June 11, 2013, for the purchase of \$1,415,000 aggregate principal General Obligation Bonds, Series 2013A and \$1,365,000 aggregate principal Temporary Notes, Series 2013A, 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, June 11, 2013**  
**5:30 PM**

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- b. ORDINANCE NO. S-1003 - Approval of Ordinance No. S-1003, authorizing the issuance of General Obligation Bonds, Series 2013A, of The City of Pittsburg, Kansas, under the authority of Article 12, Section 5, of the Constitution of The State of Kansas, Home Rule Ordinance No. HR-4 of The City, K.S.A. 12-101, and K.S.A. 10-101 to 125, inclusive, all as amended. **Second Reading - ROLL CALL VOTE.**
  
- c. RESOLUTION NO. 1138 - Approval of Resolution No. 1138 prescribing the form and details of the City of Pittsburg, Kansas, General Obligation Bonds, Series 2013A, the issuance of which was authorized by the City pursuant to its Ordinance No. S-1003 passed and approved June 11, 2013; and authorizing certain other documents and actions in connection with the issuance of the Bonds. **Approve or disapprove Resolution No. 1138 and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
  
- d. RESOLUTION NO. 1139 - Approval of Resolution No. 1139 authorizing and directing the issuance of Temporary Notes, Series 2013A, of the City of Pittsburg, Kansas, in the aggregate principal amount of \$1,365,000 for the purpose of providing funds to pay costs of main trafficway and water line improvement projects in the City. **Approve or disapprove Resolution No. 1139 and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
  
- e. LIBRARY ANNUITY FUND USE - Library staff is requesting authorization to utilize the Library Annuity Fund for non-budgeted emergency building repairs to the roof and air conditioner unit. **Approve or disapprove request.**
  
- f. REQUEST TO CHANGE STREET NAME - Watco Companies, Inc. has submitted a request to rename North Olive from 3rd Street to 4th Street in honor of 30 years of business. **Approve or disapprove request and, if approved, authorize the City Attorney to prepare the necessary Resolution.**

**NON-AGENDA REPORTS & REQUESTS:**

**ADJOURNMENT**

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
May 28<sup>th</sup>, 2013

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A Regular Session of the Board of Commissioners was held at 5:30 p.m., on Tuesday, May 28<sup>th</sup>, 2013, in the City Commission Room, located in the Law Enforcement Center, 201 North Pine, with Mayor Michael Gray presiding and the following members present: John Ketterman, Chuck Munsell, Monica Murnan and Patrick O'Bryan.

Martin Dickinson of the All Saints Anglican Church provided the invocation.

Mayor Gray led the flag salute.

APPROVAL OF MINUTES – MAY 14<sup>th</sup>, 2013 - On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the May 14<sup>th</sup>, 2013, City Commission Meeting minutes as submitted. Motion carried.

HOME RULE ORDINANCE NO. HR-4 – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved Home Rule Ordinance No. HR-4 authorizing the City of Pittsburg, Kansas to issue and sell General Obligation Bonds of the City for the purpose of providing funds to refinance and prepay certain lease and loan obligations of the City, together with the payment of the costs thereof; authorizing the execution of all necessary and related documents pertaining thereto, all pursuant to Article 12, Section 5, of the Constitution of the State of Kansas and K.S.A. 12-101, as amended, on second reading with the following roll call vote: Yea: Gray, Ketterman, Munsell, Murnan, and O'Bryan. Motion carried.

ORDINANCE NO. G-1179 – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved Ordinance No. G-1179, amending Section 78-114 of the Pittsburg City Code to restrict parking in the North 24 parking spaces of the public parking lot located at the Northeast Corner of 4th Street and Locust Street described as the South six (6) feet of Lot 157 and all of Lots 155 and 156, Block 23, in Pittsburg Original Town Addition, on on second reading with the following roll call vote: Yea: Gray, Ketterman, Munsell, Murnan, and O'Bryan. Motion carried.

DISPOSITION OF BIDS – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the bid for the annual purchase of Polymer for use at the Wastewater Treatment Plant submitted by Polydyne, Inc., of Riceboro, Georgia, on the basis of their low bid meeting specifications of \$1.19 per pound, and authorized the issuance of the necessary purchase order. Motion carried.

DISPOSITION OF BIDS – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the bid for the annual purchase of Hydrated Lime for use at the Wastewater Treatment Plant submitted by U.S. Lime Company-St. Clair, of Dallas, Texas, on the basis of their low bid meeting specifications of \$169.25 per ton, and authorized the issuance of the necessary purchase order. Motion carried.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
May 28<sup>th</sup>, 2013

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DISPOSITION OF BIDS – BIOLOGICAL TREATMENT – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the bid for the annual purchase of Biological Treatment for use at the Wastewater Treatment Plant submitted by Heussner Company, Inc., of Berryville, Arkansas, on the basis of their low bid meeting specifications of \$5.00 per pound, and authorized the issuance of the necessary purchase order. Motion carried.

DISPOSITION OF BIDS – WATER TREATMENT PLANT CHEMICALS – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the low bids meeting specifications for the annual purchase of chemicals for use at the Water Treatment Plant as follows: Lime (Calcium Oxide) to U.S. Lime Company-St. Clair, of Dallas, Texas, for \$164.25 per ton; Liquid Chlorine to Brenntag Southwest, Inc., of Nowata, Oklahoma, for \$26.50 per 100 lbs.; Sodium Fluorosilicate to Brenntag Mid-South, Inc., of Springfield, Missouri, for \$43.75 per 100 lbs.; Liquid Polymeric Phosphate to Brenntag Mid-South, Inc., of Springfield, Missouri, for \$0.5625 per lb.; Soda Ash to Brenntag Mid-South, Inc., of Springfield, Missouri, for \$28.50 per 100 lb.; Aluminum Sulfate to Brenntag Mid-South, Inc., of Springfield, Missouri, for \$34.50 per 100 lbs.; Polymer to Brenntag Southwest, Inc., of Nowata, Oklahoma, for \$0.9000 per lb.; and Liquid Carbon Dioxide to Praxair Distribution, Inc., of Joplin, Missouri, for \$125.00 per ton; and authorized the issuance of the necessary purchase orders. Motion carried.

APPROPRIATION ORDINANCE – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the Appropriation Ordinance for the period ending May 28<sup>th</sup>, 2013, subject to the release of HUD expenditures when funds are received, with the following roll call vote: Yea: Gray, Ketterman, Munsell, Murnan and O'Bryan. Motion carried.

DOWNTOWN SECOND STORY LOAN APPLICATION – On motion of Ketterman, seconded by Munsell, the Governing Body approved the recommendation of the Citizen's Advisory Board to approve a Downtown Second Story Loan Application submitted by Jax Lab, LLC in the amount of \$36,000. Motion carried.

SPECIAL PRESENTATION - 2012 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) - Karen Linn of Berberich Trahan & Company, the City's auditing firm, presented the 2012 audit and CAFR.

ORDINANCE NO. S-1003 – On motion of Ketterman, seconded by O'Bryan, the Governing Body approved Ordinance No. S-1003, authorizing the issuance of General Obligation Bonds, Series 2013A, of The City of Pittsburg, Kansas, under the authority of Article 12, Section 5, of the Constitution of The State of Kansas, Home Rule Ordinance No. HR-4 of The City, K.S.A. 12-101, and K.S.A. 10-101 to 125, inclusive, all as amended, on first reading. Motion carried.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
May 28<sup>th</sup>, 2013

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LINCOLN SQUARE DEEDS – On motion of Murnan, seconded by O'Bryan, the Governing Body approved staff recommendation to deed Blu Skye Properties Lot #1, Home Center Construction Lot #5, and Matt Hess Lot #9 in the Lincoln Square Development, and authorized the Mayor to sign the appropriate documents on behalf of the City. Motion carried.

DISPOSITION OF BIDS – ADA RAMPS – On motion of Ketterman, seconded by Munsell, the Governing Body approved the low bid meeting specifications submitted by Sprouls Construction, Inc., of Lamar, Missouri, in the amount of \$178,799 for the construction of ADA Ramps on Walnut Street (Quincy to 3rd Street), Joplin Street (4th Street to 6th Street) and Joplin Street (9th Street to 20th Street), and authorized the Mayor to sign the contract documents once they are prepared. Motion carried.

WATER TREATMENT PLANT EMERGENCY GENERATOR – It was the consensus of the Governing Body to authorize staff to proceed with advertising the Design/Build Process for Emergency Power Generation at the Water Treatment Plant.

NON-AGENDA REPORTS & REQUESTS:

SPECIAL EVENT PERMIT - SEK ART FEST – On motion of O'Bryan, seconded by Ketterman, the Governing Body approved the request submitted by Steve Robb on behalf of SEK Art Fest 2013, for a special event permit to display fiberglass coal bucket sculptures on Broadway from 2<sup>nd</sup> Street to 8<sup>th</sup> Street (four per block) from June 10<sup>th</sup>, 2013, through September 1<sup>st</sup>, 2013. Motion carried.

POLICE DEPARTMENT STAFFING – Police Chief Mendy Hulvey discussed current staffing in the Police Department. Chief Hulvey provided an overview on minimum acceptable staffing levels, crime index comparisons, drug trafficking, and narcotics staffing. Chief Hulvey explained that the police department is understaffed, under-equipped and is taking on more and more responsibility as alternatives for dealing with drugs and mental health issues disappear.

Commissioner O'Bryan suggested that City Manager Daron Hall explore funding options to increase staffing levels in the Police Department. Commissioner Ketterman stated that he would like more than one officer per shift added to the police department staffing. Mayor Gray suggested the Citizens Academy be used to inform citizens of the Police Department work load.

WIND STORM RESPONSE - Commissioner Munsell thanked City staff for their quick response and clean-up effort following the recent wind storm. Commissioner Ketterman also thanked Westar for their quick response.

MT. OLIVE CEMETERY - Commissioner Munsell complimented Mt. Olive Cemetery staff on the appearance of the cemetery on Memorial Day.

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
May 28<sup>th</sup>, 2013

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ADJOURNMENT: On motion of O'Bryan, seconded by Ketterman, the Governing Body adjourned the meeting at 6:44 p.m. Motion carried.

\_\_\_\_\_  
Michael E. Gray, Mayor

ATTEST:

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

## INTEROFFICE MEMORANDUM

To: Daron Hall, City Manager  
From: Kim Vogel, Director of Parks and Recreation  
CC: Tammy Nagel, City Clerk  
Date: June 5, 2013  
Subject: Agenda Item for June 11, 2013

### Amendment to Section 54-5 of the Pittsburg City Code

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Memorial Auditorium and Convention Center has had several requests for rentals that would include the auction, raffle, or showing of firearms. Due to Pittsburg City Code 54-5 these events were unable to take place in the facility thus resulting in a loss of revenue. Most recently an estate auction is being planned in the lower level and the auctioneer is requesting that the firearms be included in the sale.

After discussion with City staff we are requesting an ordinance amending Section 54-5 of the Pittsburg City Code to permit possession of firearms within Memorial Auditorium during certain sales and events approved in advance by the Memorial Auditorium Manager.

The change will apply to Section (b) "This Section shall not apply to:" (4) Lessees renting space within the Memorial Auditorium for auctions, gun shows, fundraising banquets and other similar events when approved by the Memorial Auditorium Manager in advance and in writing. The lessee shall be solely responsible for any applicable federal licensing and a list of all such firearms must be provided to the Memorial Auditorium Manager at least five (5) days prior to any such event.

In this regard would you please place an item on the June 11, 2013 City Commission Agenda. Action necessary would be to approve or disapprove allowing an amendment to Section 54-5 of the Pittsburg City Code to permit firearms in Memorial Auditorium for during certain sales and events approved by the Memorial Auditorium Manager.

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

ORDINANCE NO. G-1180

AN ORDINANCE amending Section 54-5 of the Pittsburg City Code to permit the possession of firearms within Memorial Auditorium during certain sales and events approved in advance by the Memorial Auditorium Manager.

Section 1: Section 54-5 of the Pittsburg City Code is hereby amended to read as follows:

**Sec. 54-5. Firearms in public buildings.**

- (a) It is unlawful to possess a firearm within the following buildings owned or leased by the City of Pittsburg, Kansas when conspicuously posted at all exterior entrances that firearms are prohibited in such building:
- (1) 201 West Fourth Street, known as City Hall;
  - (2) 3510 Airport Drive, known as the Atkinson Municipal Airport terminal building;
  - (3) 708 West Ninth Street, known as the Aquatic Center;
  - (4) 1316 West Atkinson Avenue, known as the animal shelter;
  - (5) 611 North Pine Street, known as the public safety center;
  - (6) 308 North Walnut, known as the public library;
  - (7) 710 West Ninth Street, known as Lincoln Center;
  - (8) 603 North Pine Street, known as housing and community development;
  - (9) 503 North Pine Street, known as Memorial Auditorium;
  - (10) 725 East Sixth Street, known as Schlanger Park Community Center;
  - (11) 1920 South Olive, known as the wastewater treatment facility;
  - (12) 602 South Free King Highway, known as the water treatment plant;
  - (13) 1301 North Walnut Street, known as the public works maintenance building;
  - (14) 910 Memorial Drive, known as the Four Oaks Golf Course Center; and
  - (15) Any other City-owned building provided said building is conspicuously posted with signs at all exterior entrances to the building stating that firearms are prohibited in such building.
- (b) This Section shall not apply to:

(1) Duly authorized law enforcement officers, fire personnel authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, or military personnel when engaged in their duties to the extent permitted by federal or state law.

(2) Public officers or public employees trained and duly licensed in firearm safety while within the Atkinson Municipal Airport terminal building while on the grounds performing periodic deer harvests.

(3) Attorneys when the firearm is possessed solely for the purpose of attempting to submit the firearm into evidence or examining the firearm in the course of a pending court proceeding.

(4) Lessees renting space within the Memorial Auditorium for auctions, gun shows, fundraising banquets and other similar events when approved by the Memorial Auditorium Manager in advance and in writing. The lessee shall be solely responsible for any applicable federal licensing and a list of all such firearms must be provided to the Memorial Auditorium Manager at least five (5) days prior to any such event.

(c) For purposes of this Section, a firearm is any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion that is calculated to or reasonably likely to produce death or serious bodily injury.

(d) Any person who enters a building listed herein with a firearm in violation of this Section shall be required to forfeit the firearm, either temporarily or permanently, and may be required to leave the premises regardless of the public nature of the building.

(e) Violation of this Section is a Class A violation.

Section 2. This Ordinance shall take effect upon its passage and publication in the official city paper.

PASSED AND APPROVED this 11<sup>th</sup> day of June, 2013.

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Mayor – Michael Gray

ATTEST:

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Tammy Nagel - City Clerk



DEPARTMENT OF PUBLIC WORKS

201 West 4<sup>th</sup> Street · Pittsburg KS 66762

(620) 231-4170

www.pittks.org

## Interoffice Memorandum

**TO:** DARON HALL  
City Manager

**FROM:** WILLIAM A. BEASLEY  
Director of Public Works

**DATE:** June 4, 2013

**SUBJECT:** Agenda Item – June 11, 2013  
Disposition of Bids  
Asphalt Surface Maintenance

---

Bids were received on Tuesday, June 4<sup>th</sup>, 2013, for Asphalt Surface Maintenance with an Asphalt Rejuvenating Agent (Furnished and Applied). Two bids were submitted (see attached bid tab sheet). After reviewing the bids received, staff is recommending that the bid be awarded to Proseal, Inc., of El Dorado, Kansas, based on their low bid of \$0.88 per square yard. The application of this rejuvenating agent is expected to add life to recently paved streets extending the length of time that they will require major maintenance in the future.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, June 11<sup>th</sup>, 2013. Action necessary will be approval or disapproval of staff's recommendation. The material will be purchased with Street Sales Tax Funds.

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

Attachments: Bid Tab Sheet



**The City of Pittsburg, Kansas**  
**Recapitulation of Bids**  
**Asphalt Surface Maintenance**  
**Tuesday, June 4<sup>th</sup>, 2013**  
**2:00 p.m.**

Name & Address of Bidder	Base Bid Per Square Yard	Alternate Bid Per Square Yard
Gee Asphalt Systems, Inc. 4715 6 <sup>th</sup> Street SW Cedar Rapids, Iowa 52404	NO BID	\$1.13
Proseal, Inc. P.O. Box 741 El Dorado, Kansas 67042	\$0.88	NO BID

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
C-CHECK	VOID CHECK	V	5/23/2013			170650		

* * 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:					
	1 VOID DEBITS		0.00		
	VOID CREDITS		0.00	0.00	
TOTAL ERRORS:	0				
VENDOR SET: 99	BANK: * TOTALS:	1	0.00	0.00	0.00
BANK: *	TOTALS:	1	0.00	0.00	0.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6226	THERMO ORION INC	N	5/31/2013			000000		
2519	EAGLE BEVERAGE CO INC	R	5/23/2013			170646		147.40
3516	CITY OF PITTSBURG	R	5/23/2013			170647		2,160.00
3516	CITY OF PITTSBURG	R	5/23/2013			170648		405.00
4263	COX COMMUNICATIONS	R	5/23/2013			170649		1,555.43
6985	DARRICK DEGRUSON	R	5/23/2013			170651		125.00
6209	MYTOWN MEDIA	R	5/23/2013			170652		100.00
0175	REGISTER OF DEEDS	R	5/23/2013			170653		12.00
5904	TASC	R	5/23/2013			170654		1,881.00
0349	UNITED WAY OF CRAWFORD COUNTY	R	5/23/2013			170655		107.87
1	VONFELDT, KATHLEEN	R	5/23/2013			170656		100.00
2350	WASTE CORPORATION OF MISSOURI	R	5/23/2013			170657		474.81
1108	WESTAR ENERGY	R	5/23/2013			170658		436.22
5371	PITTSBURG FAMILY YMCA	R	5/23/2013			170659		78.22
1	VANBECELAERE, DIANE	R	5/24/2013			170661		15.00
1	ALLEN, TERRY	R	5/28/2013			170665		100.00
2519	EAGLE BEVERAGE CO INC	R	5/31/2013			170666		110.55
1	BENSON, CHRISTEL	R	5/31/2013			170667		30.00
4263	COX COMMUNICATIONS	R	5/31/2013			170668		27.16
1	PHS FEAST AND FOLLIES	R	5/31/2013			170669		381.34
0175	REGISTER OF DEEDS	R	5/31/2013			170670		36.00
1108	WESTAR ENERGY	R	5/31/2013			170671		36.33

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1	YMCA ACADEMY OF DANCE	R	5/31/2013			170672		3,313.30
6226	THERMO ORION INC	R	5/31/2013			170673		1,500.00
6891	JORDAN M BROWN	R	5/31/2013			170674		175.00
5506	MIKE E BROWN	R	5/31/2013			170675		175.00
1	HOLMAN, GRANT	R	5/31/2013			170676		100.00
0002	INTERNATIONAL CITY/COUNTY MANA	R	5/31/2013			170677		920.00
0497	CRAWFORD COUNTY DISTRICT COURT	R	6/04/2013			170687		36.00
6154	4 STATE MAINTENANCE SUPPLY INC	R	6/04/2013			170688		133.30
2004	AIRE-MASTER OF AMERICA, INC.	R	6/04/2013			170689		15.91
0061	BARTLET & WEST	R	6/04/2013			170690		359.00
5966	BOBCAT OF SPRINGFIELD	R	6/04/2013			170691		144.91
5283	CLASS LTD	R	6/04/2013			170692		378.45
0748	CONRAD FIRE EQUIPMENT INC	R	6/04/2013			170693		362.26
1072	CUSIP GLOBAL SERVICES	R	6/04/2013			170694		452.00
7004	DILLON AND WITT INC	R	6/04/2013			170695		20,950.00
0060	E-FILLIATE INCORPORATED	R	6/04/2013			170696		158.53
6358	FIRE X INC	R	6/04/2013			170697		97.00
6535	HOFFMAN SUPPLY CO INC	R	6/04/2013			170698		2,883.40
6367	NATIONAL FLEET TESTING SERVICE	R	6/04/2013			170699		1,100.00
1081	POSTMASTER	R	6/04/2013			170700		268.00
0010	ROSE BRAND WIPERS, INC	R	6/04/2013			170701		26,220.00
0188	SECRETARY OF STATE	R	6/04/2013			170702		28.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00188	SECRETARY OF STATE	R	6/04/2013			170703		98.00
00188	SECRETARY OF STATE	R	6/04/2013			170704		112.00
6716	SID BOEDEKER SAFETY SHOE SERVI	R	6/04/2013			170705		120.00
6847	VOLVO RENTS INC	R	6/04/2013			170706		435.00
0014	SPLASHTACULAR, INC.	E	5/29/2013			999999		21,925.00
0026	STANDARD INSURANCE COMPANY	D	6/03/2013			999999		1,263.59
0034	CRONISTER BROTHERS, INC	E	5/29/2013			999999		51.96
0038	LEAGUE OF KANSAS MUNICIPALITIE	E	5/29/2013			999999		165.00
0046	ETTINGERS OFFICE SUPPLY	E	5/29/2013			999999		1,864.66
0051	GRIZZLE BEAR, LLC	E	5/29/2013			999999		450.00
0055	JOHN'S SPORT CENTER	E	5/29/2013			999999		727.95
0063	LOCKE WHOLESALE SUPPLY	E	5/29/2013			999999		2,335.33
0068	BROOKS PLUMBING LLC	E	5/29/2013			999999		104.98
0078	SUPERIOR LINEN SERVICE	E	5/29/2013			999999		446.45
0084	INTERSTATE EXTERMINATOR, INC.	E	5/29/2013			999999		310.00
0087	FORMS ONE	E	5/29/2013			999999		904.54
0088	D & H LEASING INC	E	5/29/2013			999999		248.18
0101	BUG-A-WAY INC	E	5/29/2013			999999		105.00
0105	PITTSBURG AUTOMOTIVE INC	E	5/29/2013			999999		1,679.26
0109	RANDY VILELA TRUCKING, HAULING	E	5/29/2013			999999		121.80
0112	MARRONES INC	E	5/29/2013			999999		145.15
0113	DITCH WITCH OF KANSAS UNDERCON	E	5/29/2013			999999		899.97

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0117	THE MORNING SUN	E	5/29/2013			999999		376.34
0128	VIA CHRISTI HOSPITAL	E	5/29/2013			999999		1,175.00
0133	JIM RADELL CONSTRUCTION INC	E	5/29/2013			999999		4,654.38
0135	PITTSBURG AREA CHAMBER OF COMM	E	5/29/2013			999999		420.00
0145	BROADWAY LUMBER COMPANY, INC.	E	5/29/2013			999999		206.60
0154	BLUE CROSS & BLUE SHIELD	D	5/24/2013			999999		13,941.44
0154	BLUE CROSS & BLUE SHIELD	D	5/31/2013			999999		18,770.82
0154	BLUE CROSS & BLUE SHIELD	D	6/03/2013			999999		30,859.42
0163	O'REILLY AUTOMOTIVE INC	E	5/29/2013			999999		33.06
0183	PRO-PRINT INC	E	5/29/2013			999999		329.00
0199	KIRKLAND WELDING SUPPLIES	E	5/29/2013			999999		78.38
0200	SHERWIN WILLIAMS COMPANY	E	5/29/2013			999999		4,391.44
0292	UNIFIRST CORPORATION	E	5/29/2013			999999		47.55
0294	COPY PRODUCTS, INC.	E	5/29/2013			999999		1,380.00
0300	PITTSBURG FORD-MERCURY, INC.	E	5/29/2013			999999		900.10
0305	BBD SYSTEMS INC	E	5/29/2013			999999		35.00
0306	CASTAGNO OIL CO INC	E	5/29/2013			999999		1,107.00
0312	HACH COMPANY	E	5/29/2013			999999		135.95
0321	KP&F	D	5/24/2013			999999		36,272.10
0328	KANSAS ONE-CALL SYSTEM INC	E	5/29/2013			999999		359.80
0329	O'MALLEY IMPLEMENT CO INC	E	5/29/2013			999999		25.99
0332	PITTCRAFT PRINTING	E	5/29/2013			999999		39.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0339	GENERAL MACHINERY	E	5/29/2013			999999		1,803.15
0363	FISHER SCIENTIFIC	E	5/29/2013			999999		1,548.00
0375	CONVENIENT WATER COMPANY	E	5/29/2013			999999		45.00
0420	CONTINENTAL RESEARCH CORP	E	5/29/2013			999999		342.37
0438	SEWERS, DRAINS & MORE	E	5/29/2013			999999		65.00
0512	CALIFORNIA CONTRACTORS SUPPLIE	E	5/29/2013			999999		128.00
0534	TYLER TECHNOLOGIES INC	E	5/29/2013			999999		390.00
0571	WILBERT MFG. & SUPPLY	E	5/29/2013			999999		303.00
0589	BERRY TRACTOR & EQUIPMENT	E	5/29/2013			999999		444.64
0636	SAM BROWN & SON SHEET METAL	E	5/29/2013			999999		110.00
0659	PAYNES INC	E	5/29/2013			999999		65.00
0690	TREASURED IMAGES	E	5/29/2013			999999		135.15
0695	BERBERICH TRAHAN & CO PA	E	5/29/2013			999999		8,211.50
0709	BATES SALES COMPANY INC	E	5/29/2013			999999		693.76
0728	ICMA	D	5/24/2013			999999		998.93
0746	CDL ELECTRIC COMPANY INC	E	5/29/2013			999999		1,067.50
0805	BROADWAY ANIMAL HOSPITAL PA	E	5/29/2013			999999		537.49
0844	HY-FLO EQUIPMENT CO	E	5/29/2013			999999		378.37
0853	AMERICAN WATER WORKS ASSOC	E	5/29/2013			999999		572.00
0968	LEE ENTERPRISES	E	5/29/2013			999999		795.00
1030	FREDDY VAN'S INC	E	5/29/2013			999999		6,150.00
1050	KPERS	D	5/24/2013			999999		28,063.19

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1075	COASTAL ENERGY CORP	E	5/29/2013			999999		30,281.42
1299	STRUKEL ELECTRIC INC	E	5/29/2013			999999		935.00
1478	KANSASLAND TIRE OF PITTSBURG	E	5/29/2013			999999		2,766.98
1490	ESTHERMAE TALENT	E	5/29/2013			999999		50.00
1576	PAVING MAINTENANCE SUPPLY INC	E	5/29/2013			999999		3,479.85
1619	MIDWEST TAPE	E	5/29/2013			999999		65.98
1792	B&L WATERWORKS SUPPLY INC	E	5/29/2013			999999		225.12
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	5/29/2013			999999		975.65
2027	COLLEEN BROOKS	E	5/29/2013			999999		50.00
2035	O'BRIEN ROCK CO., INC.	E	5/29/2013			999999		5,013.20
2111	DELL MARKETING L.P.	E	5/29/2013			999999		956.06
2186	PRODUCERS COOPERATIVE ASSOCIAT	E	5/29/2013			999999		3,831.96
2223	PITNEY BOWES	E	5/29/2013			999999		50.68
2664	UNIVAR USA INC	E	5/29/2013			999999		3,017.39
2960	PACE ANALYTICAL SERVICES INC	E	5/29/2013			999999		3,388.00
2994	COMMERCIAL AQUATIC SERVICE INC	E	5/29/2013			999999		11,318.38
3079	COMMERCE BANK	D	5/31/2013			999999		13,622.99
3126	W.W. GRAINGER, INC	E	5/29/2013			999999		204.08
3248	AIRGAS USA LLC	E	5/29/2013			999999		222.56
3261	PITTSBURG AUTO GLASS	E	5/29/2013			999999		480.00
3571	LARRY'S DIESEL REPAIR LLC	E	5/29/2013			999999		699.00
3971	FASTENAL COMPANY	E	5/29/2013			999999		189.23

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
3972	WASHINGTON ELECTRONICS INC	E	5/29/2013			999999		2,681.08
4085	GILMORE & BELL	E	5/29/2013			999999		1,350.00
4133	T.H. ROGERS HOMECENTER	E	5/29/2013			999999		664.36
4183	BARBIZON LIGHT OF THE ROCKIES	E	5/29/2013			999999		50.61
4307	HENRY KRAFT, INC.	E	5/29/2013			999999		242.93
4390	SPRINGFIELD JANITOR SUPPLY, IN	E	5/29/2013			999999		470.64
4711	RANDOM HOUSE, INC.	E	5/29/2013			999999		18.75
4970	ERIC VANCE	E	5/29/2013			999999		2,725.00
5034	KANSAS BUILDING SCIENCE INSTIT	E	5/29/2013			999999		1,150.00
5275	US LIME COMPANY-ST CLAIR	E	5/29/2013			999999		3,793.58
5295	SPRINGFIELD BLUEPRINT	E	5/29/2013			999999		109.56
5340	COMMERCE BANK TRUST	E	5/31/2013			999999		26,403.69
5552	NATIONAL SIGN CO INC	E	5/29/2013			999999		748.50
5590	HD SUPPLY WATERWORKS, LTD.	E	5/29/2013			999999		3,845.10
5591	GILMORE PLUMBING & HEATING	E	5/29/2013			999999		131.45
5640	CORRECT CARE SOLUTIONS LLC	E	5/29/2013			999999		17.50
5657	TELEDYNE ISCO INC	E	5/29/2013			999999		141.25
5668	COUNTRYSIDE ANIMAL HOSPITAL OF	E	5/29/2013			999999		102.20
5746	LAYNE CHRISTENSEN COMPANY	E	5/29/2013			999999		36,556.00
5851	MEMPHIS NET & TWINE CO INC	E	5/29/2013			999999		403.50
5855	SHRED-IT USA INC	E	5/29/2013			999999		257.63
5904	TASC	D	5/24/2013			999999		6,528.75

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6175	HENRY C MENGHINI	E	5/29/2013			999999		1,555.10
6203	SOUTHWEST PAPER CO INC	E	5/29/2013			999999		283.59
6402	BEAN'S TOWING & AUTO BODY	E	5/29/2013			999999		1,537.50
6415	ING FINANCIAL ADVISORS	D	5/24/2013			999999		4,479.00
6528	GALE GROUP/CENGAGE	E	5/29/2013			999999		184.73
6952	ADP INC	D	5/24/2013			999999		1,786.12
6952	ADP INC	D	5/31/2013			999999		2,730.78

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

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	47	68,854.39	0.00	68,854.39
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	12	159,317.13	0.00	159,317.13
EFT:	101	225,689.77	100.23CR	225,589.54
NON CHECKS:	1	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 99	BANK: 80144	TOTALS:	161	453,861.29	100.23CR	453,761.06
BANK: 80144	TOTALS:	161	453,861.29	100.23CR	453,761.06	

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
7007	MANPOWER	R	5/24/2013			170664		764.40
0011	AMERICAN ELECTRIC INC	E	6/03/2013			999999		818.75
0090	THE MAC LLC	E	5/28/2013			999999		238.00
0105	PITTSBURG AUTOMOTIVE INC	E	5/28/2013			999999		586.76
0105	PITTSBURG AUTOMOTIVE INC	E	6/03/2013			999999		25.14
0294	COPY PRODUCTS, INC.	E	5/28/2013			999999		528.41
0339	GENERAL MACHINERY	E	6/03/2013			999999		2,869.32
0373	BROADWAY ELECTRONICS INC	E	5/28/2013			999999		2,087.00
0709	BATES SALES COMPANY INC	E	6/03/2013			999999		67.30
0806	JOHN L CUSSIMANIO	E	6/03/2013			999999		490.00
0866	AVFUEL CORPORATION	E	6/03/2013			999999		26,486.84
0961	KANSAS JUDICIAL COUNCIL	E	5/28/2013			999999		150.00
1075	COASTAL ENERGY CORP	E	5/28/2013			999999		13,940.40
1629	PITTSBURG BEAUTIFUL	E	5/28/2013			999999		1,825.00
5308	BUS ANDREWS EQUIPMENT INC	E	5/28/2013			999999		60.61
5609	RON WHITE	E	5/28/2013			999999		122.50
6117	ALEXANDER OPEN SYSTEMS, INC	E	6/03/2013			999999		87.50
6309	TAMMY FRYE	E	6/03/2013			999999		400.00
6495	CIVICPLUS	E	6/03/2013			999999		300.00
6772	INDUSTRIAL CRATING INC	E	6/03/2013			999999		1,720.00
6822	ELIZABETH BRADSHAW	E	5/28/2013			999999		180.30
6865	MICHAEL S COLE	E	6/03/2013			999999		60.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6875	DARON HALL	E	5/28/2013			999999		88.00
6875	DARON HALL	E	6/03/2013			999999		319.00
6959	JERALD L STEFFENHAGEN SR	E	5/28/2013			999999		357.00
6962	LATHROP CONSTRUCTION, INC.	E	5/28/2013			999999		13,819.89
6995	SUMMER WARREN	E	5/28/2013			999999		60.00

* * T O T A L S * *		NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:		1	764.40	0.00	764.40
HAND CHECKS:		0	0.00	0.00	0.00
DRAFTS:		0	0.00	0.00	0.00
EFT:		26	67,746.28	58.56CR	67,687.72
NON CHECKS:		0	0.00	0.00	0.00
VOID CHECKS:		0	VOID DEBITS 0.00		
			VOID CREDITS 0.00	0.00	
TOTAL ERRORS:	0				
VENDOR SET: 99	BANK: EFT	TOTALS:	27	68,510.68	58.56CR 68,452.12
BANK: EFT	TOTALS:	27	68,510.68	58.56CR 68,452.12	

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6266	KENNETH JOSEPH BRADY	R	6/03/2013			170678		261.00
6585	CLASS HOMES 1 LLC	R	6/03/2013			170679		247.00
6168	K AND B RENTALS LLC	R	6/03/2013			170680		593.00
1601	GRAIG MOORE	R	6/03/2013			170681		156.00
6517	STACE MORRIS	R	6/03/2013			170682		102.00
1800	DAN RODABAUGH	R	6/03/2013			170683		383.00
6451	NAZAR SAMAN	R	6/03/2013			170684		928.00
4897	JOHN VINARDI	R	6/03/2013			170685		604.00
4636	WESTAR ENERGY, INC. (HAP)	R	6/03/2013			170686		911.00
0006	OLIN CHANDLER	E	6/04/2013			999999		196.00
0013	ASHLEY K. CANTRELL	E	6/04/2013			999999		503.00
0109	RANDY VILELA TRUCKING, HAULING	E	6/04/2013			999999		434.00
0140	A&M RENTALS	E	6/04/2013			999999		897.00
0266	JOHN S KUTZ	E	6/04/2013			999999		98.00
0372	CONNER REALTY	E	6/04/2013			999999		346.00
0855	CHARLES HOSMAN	E	6/04/2013			999999		466.00
0969	SEK-CAP INC	E	6/04/2013			999999		1,402.84
1008	BENJAMIN M BEASLEY	E	6/04/2013			999999		377.00
1231	JOHN LOVELL	E	6/04/2013			999999		259.00
1609	PHILLIP H O'MALLEY	E	6/04/2013			999999		4,616.00
1638	VERNON W PEARSON	E	6/04/2013			999999		422.00
1688	DORA WARE	E	6/04/2013			999999		687.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1961	DUSTIN D MAJOR	E	6/04/2013			999999		89.00
1982	KENNETH STOTTS	E	6/04/2013			999999		3,088.00
1985	RICK A MOORE	E	6/04/2013			999999		771.00
2304	DENNIS HELMS	E	6/04/2013			999999		208.00
2339	CHRIS WINDSOR	E	6/04/2013			999999		154.00
2398	WILLIAM E SAMSON	E	6/04/2013			999999		296.00
2542	CHARLES YOST	E	6/04/2013			999999		1,542.00
2624	JAMES ZIMMERMAN	E	6/04/2013			999999		1,383.00
2718	KENNETH B DUTTON	E	6/04/2013			999999		277.00
2850	VENITA STOTTS	E	6/04/2013			999999		446.00
2913	KENNETH N STOTTS JR	E	6/04/2013			999999		263.00
3002	BARBARA MINGORI	E	6/04/2013			999999		811.00
3067	STEVE BITNER	E	6/04/2013			999999		4,922.00
3082	JOHN R JONES	E	6/04/2013			999999		232.00
3114	PATRICIA BURLESON	E	6/04/2013			999999		1,242.00
3142	COMMUNITY MENTAL HEALTH CENTER	E	6/04/2013			999999		427.00
3193	WILLIAM CROZIER	E	6/04/2013			999999		1,800.00
3272	DUNCAN HOUSING LLC	E	6/04/2013			999999		6,830.00
3273	RICHARD F THENIKL	E	6/04/2013			999999		1,151.00
3294	JOHN R SMITH	E	6/04/2013			999999		705.00
3593	REMINGTON SQUARE	E	6/04/2013			999999		7,213.00
3668	MID AMERICA PROPERTIES OF PITT	E	6/04/2013			999999		3,009.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
3708	GILMORE BROTHERS RENTALS	E	6/04/2013			999999		68.00
3724	YVONNE L. ZORNES	E	6/04/2013			999999		644.00
3746	JAROLD BONBRAKE	E	6/04/2013			999999		327.00
3821	JAMES T BLANCHO	E	6/04/2013			999999		226.00
4218	MEADOWLARK TOWNHOUSES	E	6/04/2013			999999		1,841.00
4308	KENNETH BATEMAN	E	6/04/2013			999999		471.00
4492	PITTSBURG SENIORS	E	6/04/2013			999999		3,718.00
4546	C & M PROPERTIES LLC	E	6/04/2013			999999		81.00
4564	TERRY L SIMPSON	E	6/04/2013			999999		389.00
4752	S & N MANAGEMENT, LLC	E	6/04/2013			999999		677.00
4786	JENNIFER STANLEY	E	6/04/2013			999999		346.00
4828	LINDA G MARTINSON	E	6/04/2013			999999		142.00
4928	PITTSBURG STATE UNIVERSITY	E	6/04/2013			999999		1,380.00
5035	ZACK QUIER	E	6/04/2013			999999		476.00
5039	VANETA MATHIS	E	6/04/2013			999999		273.00
5393	CARLOS ANGELES	E	6/04/2013			999999		568.00
5508	BUTLER RENTALS INC	E	6/04/2013			999999		103.00
5549	DELBERT BAIR	E	6/04/2013			999999		274.00
5583	ROBERT L NANKIVELL SR	E	6/04/2013			999999		95.00
5653	PEGGY HUNT	E	6/04/2013			999999		228.00
5658	DEANNA J HIGGINS	E	6/04/2013			999999		163.00
5660	HERBERT WARING	E	6/04/2013			999999		353.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5676	BARBARA TODD	E	6/04/2013			999999		34.00
5817	JAMA ENTERPRISES LLP	E	6/04/2013			999999		249.00
5834	DENNIS TROUT	E	6/04/2013			999999		365.00
5854	ANTHONY A SNYDER	E	6/04/2013			999999		267.00
5875	BRIAN WARE	E	6/04/2013			999999		450.00
5885	CHARLES T GRAVER	E	6/04/2013			999999		500.00
5896	HORIZON INVESTMENTS GROUP INC	E	6/04/2013			999999		550.00
5906	JOHN HINRICHS	E	6/04/2013			999999		193.00
5939	EDNA R TRENT	E	6/04/2013			999999		220.00
5961	LARRY VANBECELAERE	E	6/04/2013			999999		540.00
6002	SALLY THRELFALL	E	6/04/2013			999999		333.00
6032	TIM J. RIDGWAY	E	6/04/2013			999999		1,143.00
6073	REBECCA FOSTER	E	6/04/2013			999999		225.00
6108	TILDEN BURNS	E	6/04/2013			999999		525.00
6130	T & K RENTALS LLC	E	6/04/2013			999999		1,373.00
6150	JAMES L COX	E	6/04/2013			999999		354.00
6161	MICHAEL J STOTTS	E	6/04/2013			999999		162.00
6172	ANDREW A WACHTER	E	6/04/2013			999999		210.00
6186	TROY ROSENSTIEL	E	6/04/2013			999999		509.00
6294	RONALD E WUERDEMAN	E	6/04/2013			999999		197.00
6295	DAVID L PETERSON	E	6/04/2013			999999		603.00
6298	KEVAN L SCHUPBACH	E	6/04/2013			999999		5,572.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6306	BALKANS DEVELOPMENT LLC	E	6/04/2013			999999		28.00
6314	PARKVIEW HOUSING INC	E	6/04/2013			999999		550.00
6317	RONALD L EMERSON	E	6/04/2013			999999		167.00
6322	R JAMES BISHOP	E	6/04/2013			999999		371.00
6380	WAYNE E THOMPSON	E	6/04/2013			999999		577.00
6391	DOWNTOWN PITTSBURG HOUSING PAR	E	6/04/2013			999999		3,375.00
6441	HEATHER D MASON	E	6/04/2013			999999		276.00
6507	MARTHA E MOORE	E	6/04/2013			999999		96.00
6628	SEAN HALL	E	6/04/2013			999999		400.00
6633	CHRISTINA OBERLE	E	6/04/2013			999999		223.00
6647	MICHAEL A SMITH	E	6/04/2013			999999		648.00
6657	OZARKS AREA COMMUNITY ACTION C	E	6/04/2013			999999		1,914.92
6673	JUDITH A COLLINS	E	6/04/2013			999999		358.00
6753	REBECCA SPONSEL	E	6/04/2013			999999		533.00
6763	BRETT A WARY	E	6/04/2013			999999		460.00
6799	KEVIN KITTERMAN	E	6/04/2013			999999		264.00
6868	DAVID SIMPSON (308)	E	6/04/2013			999999		225.00
6886	DELBERT BAIR	E	6/04/2013			999999		434.00
6905	JENNIFER M TRISLER	E	6/04/2013			999999		348.00
6908	BRANDON DEMO	E	6/04/2013			999999		248.00
6916	STILWELL HERITAGE & EDUCATIONA	E	6/04/2013			999999		5,323.00
6966	CHARLOTTE BURGESS	E	6/04/2013			999999		476.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6971	PAMELA BEER	E	6/04/2013			999999		412.00
6972	TAVARRA HORN	E	6/04/2013			999999		15.00
7012	RICKY R STEVENS	E	6/04/2013			999999		397.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	9	4,185.00	0.00	4,185.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	104	93,098.76	0.00	93,098.76
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

VENDOR SET: 99	BANK: HAP	TOTALS:	113	97,283.76	0.00	97,283.76
BANK: HAP	TOTALS:		113	97,283.76	0.00	97,283.76
REPORT TOTALS:			302	619,655.73	158.79CR	619,496.94

Passed and approved this 11<sup>th</sup> day of June, 2013.

---

Michael E. Gray, Mayor

ATTEST:

---

Tammy Nagel, City Clerk



**FINANCE AND ADMINISTRATION**

201 West 4<sup>th</sup> Street · Pittsburg KS 66762

(620) 231-4100

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

## Interoffice Memorandum

**TO:** Daron Hall, City Manager

**FROM:** Jamie Clarkson, Director of Finance

**DATE:** June 4, 2013

**SUBJECT:** Review of Bids / Award of Sale- General Obligation Bonds Series 2013A and Temporary Notes Series 2013A

---

The City of Pittsburg advertised for bids to be received until 11:00 a.m. on June 11, 2013, for the purchase of \$1,415,000 aggregate principal amount of General Obligations Bonds, Series 2013A and \$1,365,000 aggregate principal amount of Temporary Notes, Series 2013A, to be acted upon by the Governing body.

The general obligation bonds are being issued to refinance the City's FCIP lease to provide interest cost savings while keeping the same maturity. The temporary notes are being issued to provide additional funding for the East Quincy Street improvements project, the 20<sup>th</sup> and Broadway intersection improvements project, the South Broadway KLINK paving project, and the South Broadway and East Madison water line projects.

Tom Kaleko of Springsted, the City's financial advisor will be present to discuss the bids received and answer questions.

cc: Tammy Nagel, City Clerk

\*\*\*\*\*

RESOLUTION

OF

CITY OF PITTSBURG, KANSAS

PASSED

JUNE 11, 2013

\_\_\_\_\_  
\$ \_\_\_\_\_  
GENERAL OBLIGATION BONDS  
SERIES 2013A

\*\*\*\*\*

RESOLUTION

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms.....	<u>Page</u> 1
--	------------------

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds.....	6
Section 202. Description of the Bonds.....	6
Section 203. Designation of Paying Agent and Bond Registrar.....	7
Section 204. Method and Place of Payment of the Bonds.....	7
Section 205. Registration, Transfer and Exchange of Bonds.....	8
Section 206. Execution, Registration, Authentication and Delivery of Bonds....	9
Section 207. Mutilated, Lost, Stolen or Destroyed Bonds.....	9
Section 208. Cancellation and Destruction of Bonds upon Payment.....	10
Section 209. Preliminary and Final Official Statement.....	10
Section 210. Sale of the Bonds.....	10
Section 211. Book-Entry Bonds; Securities Depository.....	10

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption by the City.....	12
Section 302. Selection of Bonds to be Redeemed.....	13
Section 303. Notice and Effect of Call for Redemption.....	13

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds.....	14
Section 402. Levy and Collection of Annual Tax.....	14

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS  
DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds and Account.....	15
Section 502. Disposition of Bond Proceeds.....	15
Section 503. Withdrawals from the Project Account.....	15
Section 504. Surplus in the Project Account.....	15
Section 505. Application of Moneys in Principal and Interest Account.....	15
Section 506. Application of Moneys in Rebate Fund.....	16

Section 507. Deposits and Investment of Moneys.....	16
Section 508. Nonpresentment of Bonds.....	17

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies.....	17
Section 602. Limitation on Rights of Owners.....	17
Section 603. Remedies Cumulative.....	17

ARTICLE VII

DEFEASANCE

Section 701. Defeasance.....	18
------------------------------	----

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.....	18
Section 802. Rebate Covenants.....	19
Section 803. Survival of Covenants.....	19
Section 804. Qualified Tax-exempt Obligations.....	19

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements.....	19
Section 902. Failure to Comply with Continuing Disclosure Requirement.....	19

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Notice of Prepayment of Lease/Purchase Agreement.....	20
Section 1002. Annual Audit.....	20
Section 1003. Amendments.....	20
Section 1004. Notices, Consents and Other Instruments by Owners.....	21
Section 1005. Further Authority.....	21
Section 1006. Severability.....	22
Section 1007. Governing Law.....	22
Section 1008. Effective Date.....	22
Passage.....	23
Signatures and Seal.....	23

- Exhibit A: Form of Bond
- Exhibit B: Letter of Representations

**RESOLUTION NO. 1138**

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF THE CITY OF PITTSBURG, KANSAS, GENERAL OBLIGATION BONDS, SERIES 2013A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$\_\_\_\_\_ THE ISSUANCE OF WHICH WAS AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. S-1003 PASSED AND APPROVED JUNE 11, 2013; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

**WHEREAS**, the Governing Body of the City of Pittsburg, Crawford County, Kansas (the "City") pursuant to K.S.A. 75-37,125, as amended, entered into a Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp ("Banc of America") dated as of November 13, 2007, (the "Lease/Purchase Agreement") in connection with certain energy conservations measures in the maximum amount of \$1,826,933.00 to finance energy conservation measures undertaken to improve facilities and instrumentalities of the City (the "Project"); and

**WHEREAS**, the City wishes to refinance and prepay the Lease/Purchase Agreement on October 1, 2013, in the total amount of \$1,380,183.83 (consisting of principal in the amount of \$1,339,873.13, accrued interest in the amount of \$27,460.70, and prepayment premium in the amount of \$12,850) and permanently finance the Project, with proceeds of general obligation bonds of the City; and

**WHEREAS**, the City has by its Ordinance No. S-1003 passed and approved June 11, 2013, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2013A, in the aggregate principal amount of \$\_\_\_\_\_ (the "Bonds") under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, K.S.A. 12-101, and Home Rule Ordinance No. HR-4 of the City, to refinance and prepay the Lease/Purchase Agreement and permanently finance the Project; 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:

**"Arbitrage Instructions"** means the Arbitrage Instructions in the City's No Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

**"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 2013A, 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 July 11, 2013.

**"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.

**"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on any Bond which shall be April 1 and October 1 of each year, commencing April 1, 2014.

**"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.

**"Ordinance"** means Ordinance No. S-1003 passed and approved June 11, 2013, 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 2013A, created herein within the City's Bond and Interest Fund.

**"Project"** means those energy conservation measures initially financed and undertaken to improve facilities and instrumentalities of the City in accordance with the legal authority as described in the recitals to this Resolution.

**"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, plus accrued interest to the date of delivery.

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

**"Rebate Fund"** means the Rebate Fund for the City of Pittsburg, Kansas, General Obligation Bonds, Series 2013A, created herein.

**"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.

**"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 2013A, of the City in the aggregate principal amount of \$\_\_\_\_\_ for the purpose of providing funds to refinance and prepay the Lease/Purchase Agreement, permanently finance the Project, and pay the costs of issuing the Bonds in accordance with Article 12, Section 5, of the Constitution of the State of Kansas, Home Rule Ordinance No. HR-4 of the City, K.S.A. 12-101, and Article 1 of the Chapter 10, Kansas Statutes Annotated, all as amended.

**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 July 11, 2013, 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>(APRIL 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2014	\$145,000	_____%
2015	145,000	____
2016	145,000	____
2017	145,000	____
2018	150,000	____
2019	150,000	____
2020	150,000	____
2021	155,000	____
2022	155,000	____
2023	75,000	____

#### 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 May 28, 2013, 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) **Optional Redemption.** At the option of the City, the Bonds or portions thereof maturing on April 1, 2022, and thereafter may be called for redemption and payment prior to their Stated Maturity on April 1, 2021, 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 April 1 in each year, the following principal amounts of such Term Bonds:

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

(leaving \$ \_\_\_\_\_ to mature April 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. 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 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 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 2013A (the "Principal and Interest Account"); and
- (c) Rebate Fund for the City of Pittsburg, Kansas, General Obligation Bonds, Series 2013A (the "Rebate Fund").

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.** The 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 prepaying the Lease/Purchase Agreement on October 1, 2013, permanently financing the costs of the Project, 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 prepayment of the Lease/Purchase Agreement on October 1, 2013, 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. Application of Moneys in the Rebate Fund.**

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Bond and Interest Fund of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 507. 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 (except amounts required to be deposited in the Rebate Fund in accordance with the Arbitrage Instructions) 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 508. 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. Rebate Covenant.** The City covenants and agrees that it will pay or provide for the payment from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 803. 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 804. 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. Notice of Prepayment of Lease/Purchase Agreement.** That the Mayor and Clerk of the City be, and they are hereby, authorized to give written notice to Banc of America Public Capital Corp of the City's intent to prepay the outstanding principal balance of the Lease/Purchase Agreement together with accrued and unpaid interest thereon on October 1, 2013, which written notice shall be given to Banc of America Public Capital Corp by the City by certified, return receipt requested, mail at least thirty (30) days prior to such prepayment date to be sent to the address specified in the Lease/Purchase Agreement and the exhibits thereto.

**Section 1002. 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 1003. 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 1004. 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 1005. 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 1006. 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 1007. Governing Law.** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 1008. Effective Date.** This Resolution shall take effect and be in full force from and after its passage by the governing body of the City.

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

**PASSED** by the governing body of the City on June 11, 2013.

CITY OF PITTSBURG, KANSAS

(SEAL)

\_\_\_\_\_  
Michael E. Gray, 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 June 11, 2013, 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: June 11, 2013.

\_\_\_\_\_  
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 2013A

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

Rate of Interest: \_\_\_\_\_  
Maturity Date: April 1, 20\_\_  
Dated Date: June 11, 2013  
CUSIP \_\_\_\_\_

Registered Owner:

PRINCIPAL AMOUNT \_\_\_\_\_

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 April 1 and October 1 of each year (the "Interest Payment Dates") commencing April 1, 2014, 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 March or September 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.

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

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 11th day of July, 2013.

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 2013A described in the within mentioned Resolution.

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

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

By \_\_\_\_\_

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

\*\*\*\*\*

FURTHER TERMS AND PROVISIONS

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-1003 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, Article 12, Section 5, of the Constitution of the State of Kansas, K.S.A. 12-101, and Home Rule Ordinance No. HR-4 of the City and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. 1138 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 maturing in the years 2022 and thereafter may be called for redemption and payment prior to maturity on April 1, 2021, 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 April 1, 20\_\_, (the "Term Bonds") shall also be subject to mandatory redemption and payment prior to maturity beginning on April 1, 20\_\_, and continuing on each April 1 thereafter to and including April 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.

\*\*\*\*\*

**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 \_\_\_\_\_

\*\*\*\*\*

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 July 11, 2013.

WITNESS my hand and official seal.

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

City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, RON ESTES, 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.

RON ESTES  
TREASURER OF THE STATE OF KANSAS

By \_\_\_\_\_

Assistant State Treasurer

(SEAL)

\*\*\*\*\*

EXHIBIT B  
(DTC LETTERS OF REPRESENTATIONS)

**RESOLUTION NO. 1139****A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES 2013A, OF THE CITY OF PITTSBURG, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,365,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF MAIN TRAFFICWAY AND WATER LINE IMPROVEMENT PROJECTS IN THE CITY.**

**WHEREAS**, the City, in accordance with the requirements of law, has heretofore authorized, pursuant to its Resolution No. 1099, passed February 23, 2010, and as amended by its Resolution No. 1134 passed March 26, 2013, and its Resolutions No. 1119 and No. 1120, both of which were passed April 24, 2012, the construction of certain main trafficway improvements, together with all things necessary and incidental thereto, in the City, (the “Main Trafficway Improvements”) in an aggregate amount not to exceed \$5,782,300 (plus one percent per month from and after the date of the approval of said Resolutions Nos. 1099, 1119, and 1120 and, in the case of Resolution No. 1134, one-half of one percent per month from and after the date of its approval) under the statutory authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City, in accordance with the requirements of law, has heretofore authorized pursuant to its Resolution No. 1133, passed March 12, 2013, the construction of certain water line improvements, together with all things necessary and incidental thereto, in the City (the “Water Line Improvements”) (the “Main Trafficway Improvements and the Water Line Improvements are collectively referred to as the “Improvements”) in an aggregate amount not to exceed \$250,000 (plus one-half of one percent per month from and after the date of the approval of said Resolution No. 1133) under the statutory authority of Charter Ordinance No. 25 of the City and K.S.A. 65-163u et seq., as amended; and

**WHEREAS**, the City previously financed a portion of the Main Trafficway Improvements in the amount of \$1,550,000 with proceeds of its Temporary Notes, Series 2012A which mature July 1, 2014; and

**WHEREAS**, the City now wishes to issue temporary notes to finance an additional portion of the costs of the Main Trafficway Improvements in the amount of \$1,115,000.00; and

**WHEREAS**, the cost of the Improvements is payable either in whole or in part from the proceeds of general obligation bonds of the City (the "Bonds") or other legally available funds of the City; and

**WHEREAS**, the City has no funds to finance the costs incurred by the City in providing the Improvements until Bonds are issued by the City for such purposes; and

**WHEREAS**, under the statutory authority of K.S.A. 10-123 proper and full authority is conferred upon the City to issue its temporary notes for the purpose of financing on an interim basis the costs of constructing the Improvements until bonds of the City to permanently finance the cost of the Improvements can be issued.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS**, that for the purpose of providing funds to finance on an interim basis certain costs of constructing the Improvements, as previously described, the governing body of the City be, and it is hereby, authorized to issue its Temporary Notes, Series 2013A in the aggregate principal amount of One Million Three Hundred Sixty-five Thousand Dollars (\$1,365,000) (the "Notes"). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas, Topeka, Kansas, (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their

interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated July 11, 2013, bearing interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum and maturing on or before July 1, 2014, being redeemable and cancelable at the time Bonds are issued in lieu thereof. Interest on the Notes shall be payable in lawful money of the United States of America at the maturity of the Notes on July 1, 2014, or prior redemption (the "Interest Payment Date") to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding the applicable interest payment date (the "Record Date").

(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 Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes as are outstanding and unpaid, 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 Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners

or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may after consultation with the Note Registrar select a successor securities depository in accordance with subsection (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 Note. Upon the issuance of any replacement Notes ("Replacement Notes"), 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 Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes 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 Note Registrar receives written evidence satisfactory to it 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 Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Blanket Issuer Letter of Representation to Depository Trust Company, New York, New York, by the Mayor in the form attached hereto as Exhibit A (the “Representation Letter”) 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 the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes. The principal amount of the Notes shall not exceed the lesser of the amount of Bonds to be issued to permanently finance the costs of making the the Improvements or the estimate of the cost of making the Improvements as prepared by the project engineer and approved by the governing body of the City.

**BE IT FURTHER RESOLVED** that the City may call the Notes for redemption and payment prior to maturity in whole or in part at any time (selection of the Notes to be redeemed to be determined by the City), at the redemption price (the “Redemption Price”) of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the date of such redemption (the “Redemption Date”).

Notes shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Notes are to be redeemed and paid prior to their stated maturity, such Notes shall be redeemed in such manner as the City shall determine. Notes of less than a full stated maturity shall be selected by the Note Registrar in \$5,000 units of principal amount in such equitable manner as the Note Registrar may determine. In the case of a partial redemption of Notes by lot when Notes 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 Note 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 Note is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner or the Registered Owner's duly authorized agent shall forthwith present and surrender such Note to the Note 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 Registered Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Registered Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Unless waived by any Registered Owner of Notes to be redeemed, if the City shall call any Notes for redemption and payment prior to the stated maturity thereof, the City shall give written notice of its intention to call and pay said Notes to the Note Registrar, and the Underwriter. In addition, the City shall in accordance with the requirements of K.S.A. 10-129, as amended, cause the Note Registrar to give written notice of redemption to the Registered Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information: (a) the Redemption Date; (b) the Redemption Price; (c) if less than all outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note 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 Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent. The failure of any Registered 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 Notes or portions of Notes that are to be redeemed on such Redemption Date. Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest.

In addition to the foregoing notice, 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 and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

**BE IT FURTHER RESOLVED** that the Notes shall contain recitals and be in the form as prescribed by law. The Notes shall in addition to all other requirements be subject to the terms and conditions of the agreement entitled “Agreement Between Issuer and Agent” by and between the City and the Treasurer of the State of Kansas.

**BE IT FURTHER RESOLVED** that the Notes shall be executed by the facsimile or manual signature of the Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon and, after such execution and the registration of the Notes by the City Clerk and the State Treasurer, Topeka, Kansas, hereby designated as both the City’s Note

Registrar and Paying Agent in connection with the Notes, they shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest. The proceeds of the Notes shall be placed in the City Treasury and applied solely to (1) pay on an interim basis the cost of constructing the Improvements and (2) to pay the costs of issuing the Notes.

**BE IT FURTHER RESOLVED** that the Notes shall be issued and sold to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, in accordance with both the Note Bid Form (the "Note Bid Form") between such purchaser and the City, the execution of which Note Bid Form is hereby authorized, and the terms and conditions of this Resolution.

**BE IT FURTHER RESOLVED** that the City covenants and agrees that no part of the proceeds of the Notes or other proceeds shall be used, at any time, directly or indirectly in a manner which if such use had been reasonably anticipated on the date of the issuance of the Notes would have caused the Notes to be or become "Arbitrage Bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the Regulations of the Treasury Department thereunder proposed or in effect at the time of such use applicable to obligations issued on the date of issuance of the Notes.

**BE IT FURTHER RESOLVED** that the forms of preliminary Official Statement and the final Official Statement, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed, and the execution, circulation and distribution thereof are hereby approved, ratified and confirmed for and on behalf of the City, in substantially the form presented at this meeting.

**BE IT FURTHER RESOLVED** that the Notes are designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

**BE IT FURTHER RESOLVED** that the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City's obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect and be in force from and after its passage and approval.

**IT IS SO RESOLVED.**

**PASSED** and approved this 11th day of June, 2013.

CITY OF PITTSBURG, KANSAS

\_\_\_\_\_  
Michael E. Gray, Mayor

ATTEST:

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

(SEAL)

EXHIBIT A

(LETTER OF REPRESENTATION)

ATTACHED



DEPARTMENT OF PUBLIC WORKS

201 West 4<sup>th</sup> Street · Pittsburg KS 66762

(620) 231-4170

www.pittks.org

## Interoffice Memorandum

TO: DARON HALL  
City Manager

FROM: WILLIAM A. BEASLEY  
Director of Public Works

DATE: June 4, 2013

SUBJECT: Agenda Item – June 11, 2013  
Street Name Change

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In celebration of 30 years of being in business, the City of Pittsburg has received a request to rename North Olive from 3<sup>rd</sup> Street to 4<sup>th</sup> Street in honor of Watco Companies, Inc. Watco Companies, Inc., started by Richard Webb in 1983, is a successful business headquartered in Pittsburg and employing 3,350 people throughout the United States, Canada and Western Australia. Currently, there are only five parcels of property in this block, none of which are addressed on this portion of Olive Street. Therefore, the renaming of this portion of Olive Street should not adversely affect the property owners.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, June 11<sup>th</sup>, 2013. Action necessary will be approval or disapproval of the request to rename the street and, if approved, direct the City Attorney to prepare the necessary Resolution and upon approval of the Resolution direct staff to erect the necessary signage.

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