

ORDINANCE NO. 18-3361

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF ABILENE, KANSAS AND GREAT PLAINS MANUFACTURING, INCORPORATED; AUTHORIZING THE EXECUTION OF OTHER DOCUMENTS RELATED THERETO; AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE CERTAIN COSTS RELATED THERETO.

WHEREAS, the City of Abilene, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, the City and Great Plains Manufacturing, Incorporated, a Kansas corporation (the “Developer”) have negotiated the terms of an Economic Development Incentive Agreement, dated as of September 10, 2018 (the “Development Agreement”) relating to the acquisition, furnishing and equipping of a manufacturing facility (the “Project”) located in the City; and

WHEREAS, to facilitate the construction of the Project, the City has agreed under the terms of the Economic Development Incentive Agreement to design, engineer and construct street improvements; and

WHEREAS, the construction of the Project will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens; and

WHEREAS, pursuant to the Constitution, particularly Article 12, Section 5 thereof, and statutes of the State of Kansas, particularly of K.S.A. 12-101 *et seq.*, as amended (collectively, the “Home Rule Act”), the Governing Body hereby finds and determines that it is necessary and desirable and in the interest and for the general economic welfare of the City and its inhabitants, that the City (a) enter into the Development Agreement; and (b) authorize the issuance of bonds of the City, in one or more series, pursuant to the Home Rule Act, in an aggregate principal amount necessary to finance costs of designing and constructing the street improvements, all as described in and in the amounts set forth in the Economic Development Incentive Agreement, and related reserves and financing costs (the “Bonds”); and

WHEREAS, the Governing Body hereby further finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare, including economic development, of the City, to authorize by home rule ordinance the execution of the Economic Development Incentive Agreement and authorize the issuance of the Bonds to provide funds to pay the costs of the street improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

Section 1. Economic Development. The Governing Body hereby finds and determines that the Project will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens.

Section 2. Development Agreement. The Economic Development Incentive Agreement is hereby approved in substantially the form presented to the Governing Body. The Mayor or Vice Mayor of

the City is hereby authorized and directed to execute the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, with such alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which as may be approved by the City Manager and as are approved as to form by the City Attorney, and the execution or taking of such actions shall be conclusive evidence of such necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the Economic Development Incentive Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. Financing Authorization. The Governing Body affirms its intention to issue and sell, pursuant to the Home Rule Act, the Bonds, to finance the City's obligations pursuant to the Economic Development Incentive Agreement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Ordinance, pursuant to Treasury Regulation §1.150-2.

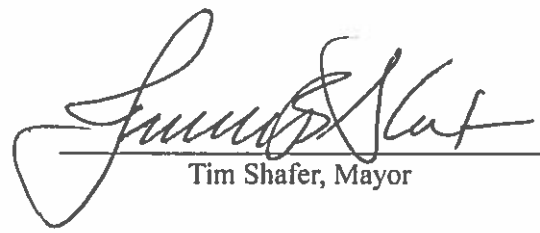
Section 4. Further Authority. The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Economic Development Incentive Agreement.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of a summary thereof one time in the official City newspaper.

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PASSED by not less than two-thirds vote of the City Commission of the City of Abilene, Kansas,
on September 10, 2018





Tim Shafer, Mayor



Penny Soukup, City Clerk

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 18-3361 (the "Ordinance") of the City of Abilene, Kansas (the "City"); that said Ordinance was passed by the City Commission on September 10, 2018, that the record of the final vote on its passage is found on page ____ of journal ____; that a Summary of the Ordinance was published in the official newspaper of the City on September 14, 2018; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: September 10, 2018.




Penny Soukup, City Clerk

(Published in *The Abilene Reflector-Chronicle* on September 14, 2018)

SUMMARY OF ORDINANCE NO. 18-3361

On September 14, 2018, the City Commission of the City of Abilene, Kansas (the "City") passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF ABILENE, KANSAS AND GREAT PLAINS MANUFACTURING, INCORPORATED; AUTHORIZING THE EXECUTION OF OTHER DOCUMENTS RELATED THERETO; AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE CERTAIN COSTS RELATED THERETO.

The Ordinance authorizes the execution of an Economic Development Incentive Agreement between the City and Great Plains Manufacturing, Incorporated, a Kansas corporation, duly qualified to do business in the State of Kansas (collectively, the "Developer") relating to the acquisition, furnishing and equipping of a manufacturing facility (the "Project") located in the City. The Ordinance also authorizes the issuance of bonds of the City to provide funds to meet the City's obligations under the Economic Development Incentive Agreement. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 419 North Broadway Ave., Abilene, Kansas 67410. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.abilenecityhall.com.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 10, 2018.



Aaron O. Martin, City Attorney

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ABILENE, KANSAS
HELD ON SEPTEMBER 10, 2018**

The City Commission (the "Governing Body") met in regular session at the usual meeting place in the City, at 4:00 p.m., the following members being present and participating, to-wit:

Mayor Tim Shafer, Commissioners Dee Marshall, Terry Chaput and Chris Ostermann

Absent: Commissioner Sharon Petersen

The Mayor declared that a quorum was present and called the meeting to order.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF ABILENE, KANSAS AND GREAT PLAINS MANUFACTURING, INCORPORATED; AUTHORIZING THE EXECUTION OF OTHER DOCUMENTS RELATED THERETO; AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE CERTAIN COSTS RELATED THERETO.

Thereupon, Commissioner Ostermann moved that the Ordinance be passed. The motion was seconded by Commissioner Chaput. The Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the Governing Body as follows:

Aye: _____4_____

Nay: _____0_____

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Abilene, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.




Penny Soukup, City Clerk