

•PUBLIC NOTICE•

ORDINANCE NO. 422

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ORDINANCE NO. 422
AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$35,000, FOR THE PURPOSE OF FINANCING THE COMPLETION COSTS OF A COMMUNITY BUILDING IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Alma, Kansas (the "City"), has heretofore authorized and provided for the calling of a bond election in the City, in order to submit to the voters the proposition of issuing general obligation bonds of the City, in an amount not to exceed \$260,000, to pay the costs of constructing and equipping a community building to house a public activity and meeting room, library and City offices (the "Project") under the authority of K.S.A. 12-1736 to 12-1739, inclusive (the "Public Building Act"), as amended; and

WHEREAS, said bond election was duly called and held in the City on December 8, 2009, and a majority of those voting on the proposition at said bond election voted in favor thereof; and

WHEREAS, the City has previously issued its General Obligation Bonds, Series 2010, in the principal amount of \$225,000 dated March 23, 2010 (the "2010 Bonds") for the purpose of paying the costs of construction and equipping the Project; and

WHEREAS, the governing body has, pursuant to the K.S.A. 10-101 et seq., as amended and supplemented (the "Bond Act") and by Resolution No. 2011-1, adopted May 9, 2011, authorized the underwriting of general obligation bonds of the City in the amount of \$35,000 to pay the completion costs of the Project, and the notice of the intent to seek private placement was published in The Norton Telegram and The Kansas Register, as required by law; and

WHEREAS, the City is authorized by the Public Building Act and the Bond Act, to issue, sell and deliver its general obligation bonds for the purpose of providing financing for the costs of the Project, and is not required to sell such general obligation bonds at public sale if the principal amount thereof is less than \$2,000,000; and

WHEREAS, the City is not prohibited from providing for the issuance of bonds to pay the completion costs of the Project that is more than 12 months from its last bond issue; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds, pursuant to the Public Building Act and Bond Act, for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. General Obligation Bonds, Series 2011, of the City in the total principal amount of Thirty-Five Thousand Dollars (\$35,000.00) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of the improvements described above (the "Project").

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereafter adopted by the governing body of the City (the "Resolution").

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 et seq., the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Paying Agent dated as of June 29, 2011 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all

of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

SECTION 5. 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 above referred to 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 other general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2011 Principal and Interest Account, as defined in the Resolution.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City 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.

SECTION 6. Tax Covenants. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, no use will be made of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b) (2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the Rules and Regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to ensure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable Rules and Regulations of the United States Treasury Department thereunder.

SECTION 7. Authorization of Bond Purchase Agreement. The City is hereby authorized to enter into and deliver a Bond Purchase Agreement dated as of June 1, 2011 (the "Bond Purchase Agreement"), by and between the City, and DeWaay Financial Network, LLC, Wichita, Kansas (the "Underwriter"), pursuant to which the Bonds shall be sold and delivered to the Underwriter.

SECTION 8. Designation as Qualified Tax-Exempt Obligations. The governing body of the City designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 9. Further Authority. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 10. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 11. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 12. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City's official newspaper.

ADOPTED AND APPROVED by the governing body of the City of Alma, Kansas on June 13, 2011.

CITY OF ALMENA, KANSAS

[seal]
 By /s/Camille Cox
 Camille Cox, Mayor
 ATTEST:
 By /s/Twila Ingram
 Twila Ingram, City Clerk



Christopher Fisher of Norton takes a good long jump while racing at the Norton MX Race this past weekend. This race was for the Ponca Qualifiers. Christopher took fifth in the Open C Class and fourth in the 250 C Class.

— Telegram photo by Dana Paxton

Norton Motocross Race results

By **DANA PAXTON**
 dpaxton@nwkansas.com
 Two days of Motocross racing took place this past weekend at the Norton MX Race Track in the Ponca Qualifier. Riders from all over Nebraska and Kansas participated.

Saturday's Race Results
 On Saturday, 15 races took place with riders in the Pee Wee division all the way to the over-40 group, male and female.

The first race was the Open Outlaw. Jeremy Sproul of Norton took first, earning 25 points, followed by Jon Harding, also of Norton, in second for 22 points.

The Mini-Open had Logan riders Jared Lammey and then Zack Sherman placing sixth and seventh, respectively. Jared had 15 points and Zack had 14. No local riders rode in the PIT Bike Division.

In the third race held for the female riders in the Women B Division there were no locals who placed but in the Women C Division Kyleana Blay of Oberlin placed sixth for 15 points.

The fourth race was for the Vet Divisions A, B and C. In the A Division David Blau of Oberlin placed third for 20 points. No local riders raced in the B or C Divisions.

The Pee Wee Open was the fifth race of the day and Ty Kats of Prairie View took second for 22 points and John Burmaster of Oberlin placed fifth for 16 points.

Four local riders placed in the sixth race for the 250 C Class. Christopher Fisher of Norton took fourth for 18 points, Brandon Kats of Prairie View placed seventh for 14 points. In thirteenth place was Garret Otter of Norton with eight points followed by Dustin Nairn of Norton in nineteenth place with two points.

Trey Kats of Prairie View won the seventh race for the 65 six to eight-year-old Division for 25 points and Nicholas Mandle, Jr. of Norton took sixth for 15 points.

In the 65 nine to eleven-year-old Division Zack Sherman of Logan placed ninth for 12 points.

Andy Nickell of Alma placed sixth in the eighth race for the 250 B Class and earned himself 15 points.

There were no local riders in the ninth race held for the Pee Wee four to six-year-olds.

Trey Kats of Prairie View won the tenth race in the Pee Wee seven to eight-year-old Division for 25 points. Ty Kats, also of Prairie View, came in fourth for 18 points and John Burmaster of Oberlin took sixth for 15 points.

Only one local rider from Alma placed in the eleventh race in the Open-Amateur Division. Andy Nickell earned himself 16 points for a fifth place finish.

No local riders rode in the twelfth race for the Over-40 riders.

The race results for the thirteenth race in the 85 twelve to sixteen year old Division showed Garret Otter of Norton placing fourth with 18 points followed by Jared Lammey in seventh for 14 points.

In the 85 Seven to Eleven Division, Kelson Kats of Prairie View took third for 20 points and Trenton Chisham placed fifth for 16 points.

Jeremy Sproul of Norton won the fourteenth race in the 450 Open A race for 25 points and no local riders raced in the 450 Open B Division.

In the final race for Saturday, Christopher Fisher of Norton won the 450 Open C for 25 points followed by BJ Tallent also of Norton, in fourth for 18 points.

Sunday's Race Results
 There were fourteen races held on Sunday. Once again of all ages and male and female riders alike.

Jeremy Sproul won the first race of the day in the 450 Open A Class for 25 points. No local riders rode in the 450 Open B Class.

The second race for the day was the 450 Open C Class which was won by BJ Tallent of Norton for 25 points followed by Brandon Kats of Prairie View in third for 20 points and Christopher Fisher of Norton in fifth for 16 points.

Race results for the 85 twelve to sixteen age division showed Garret Otter of Norton placing fourth for 18 points followed by Kared Lammey of Logan placing fifth for 16 points earned.

In the 85 seven to eleven age division Kelson Kats of Prairie

View took third for 20 points followed by Trenton Chisham in fifth with 16 points and Tyson Glennemeier in seventh with 14 points.

The Open-Amateur was the fourth race and Andy Nickell of Alma placed sixth for 15 points.

In the Over 40 Class David Blau of Oberlin took fourth for 18 points earned.

No local riders raced in the Pee Wee four to six-year-old division.

Trey Kats of Prairie View won the sixth race, which was the Pee Wee seven to eight-year-old division, earning 25 points. Ty Kats, also of Prairie View, took third for 20 points and John Burmaster placed sixth for 15 points.

Andy Nickell of Alma was the only local rider to place in the 250 B Class earning himself 15 points.

The eighth race was to the 65 Class. In the six to eight-year-old division, Trey Kats of Prairie View, won for 25 points, followed by Nicholas Mandl, Jr. of Norton in fifth, earning himself 16 points.

In the 65 nine to eleven-year-old division, Zack Sherman of Logan placed seventh for 14 points.

The ninth race was the 250 C Class and Christopher Fisher of Norton took fourth for 18 points followed by Brandon Kats of Prairie View in fifth for 16 points and Garret Otter of Norton in thirteenth for eight points earned.

Ty Kats of Prairie View took third in the Pee Wee Open, the tenth race. He got 20 points for his performance followed by John Burmaster of Oberlin in fifth earning himself 16 points.

The eleventh race was for the VET Divisions A, B and C. There were no local riders entered.

In the Women C Class, Kyleana Blau of Oberlin placed fourth for 18 points.

Kelson Kats of Prairie View

took third in the Mini-Open Class for 20 points followed by Jared Lammey of Logan in sixth with 15 points and Zack Sherman also of Logan in seventh for 14 points.

Jon Harding won the final race of the weekend, the Open Outlaw race. This earned him 25 points. Jeremy Sproul also of Norton, placed fourth for 18 points.

Next Action
 The next race will be this Sunday in Wauneta, Neb. This year's final race for the Norton MX track will take place on Aug. 14.

LODGE NOTICES

American Legion Harmonson Redd Post No. 63
 Second and Fourth Monday 7:30 p.m.
 Darren McMullen, Commander
 Curt Archibald, Adjutant

Eagles Lodge FOE 3288
 Second and Fourth Wednesday, 7:30 p.m.
 Larry Hawks, President
 Secretary, Ron Miller

Veterans of Foreign Wars
 Reg. 7:00 p.m.
 First Mon. of each Month
 Curt Archibald, Commander
 Joe Ballinger, Quartermaster

I.O.O.F. No. 157
 Meet at Eagles Club
 First and Third Thursday
 Each Month at 7:30 p.m.
 Geneva Tier, Noble Grand
 Randy Knoll, Secretary

The American Legion Riders Post 63
 Meet at 5:00 p.m. at the American Legion Building on the Second Sunday of Every Month
 website: www.alr63.org

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 711 Head Sold

HEIFERS:

70 mix heifers, Norton	786..	120.00
17 mix heifers, Norton	743..	120.00
64 blk and red heifers, Norton . . .	807..	117.25
76 mix heifers, Beaver City	878..	113.25
19 blk heifers, Norton	960..	107.50

STEERS:

28 mix steers, Norton	819..	129.10
140 mix steers, Hanston	792..	129.10
54 mix steers, Beaver City	855..	127.25
127 mix steers, Oakley	884..	124.00

Clarence Tien-785-973-2231, Cellular-785-567-8113;
 Monte Jessup-785-669-2556; Jan Tien-785-973-2744

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