ORDINANCE NO. 2896

AN ORDINANCE AMENDING ORDINANCE NO. 2823 OF THE CITY OF GARDNER, KANSAS, AUTHORIZING CERTAIN ELECTRIC SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF, ALL PURSUANT TO CHARTER ORDINANCE NO. 28 OF THE CITY; AND REPEALING ORDINANCE NO. 2821.

WHEREAS, the City of Gardner, Kansas (the "City"), is authorized pursuant to Article 12, Section 5 of the Constitution of the State of Kansas and Charter Ordinance No. 28 of the City, passed on June 15, 2020, to purchase, extend, improve, and construct works for the purpose of supplying the City and its inhabitants with natural gas, water, electricity, heating, street-railway service, telephone service, or internet or communication service and to issue general obligation bonds of the City for such purposes;

WHEREAS, pursuant to Ordinance No. 2823 of the City passed on January 21, 2025 ("Ordinance No. 2823"), the Governing Body of the City authorized certain electric system improvements, including but not limited to the construction of a new substation (Substation 4), construction of an interconnection facility with Evergy, and all related improvements (collectively, the "Improvements"), and the issuance of general obligation bonds to pay the costs thereof; and

WHEREAS, the scope of the improvements and estimated cost of financing the Improvements have increased, and the Governing Body of the City has determined it is necessary and desirable to amend Ordinance No. 2823 to more accurately describe the scope of the improvements and to increase the bonding authority of the Improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

SECTION 1. Ordinance No. 2823 of the City is hereby amended by deleting the second recital paragraph of such Ordinance in its entirety and replacing it with the following:

> **WHEREAS**, the Governing Body of the City has determined that it is necessary to make certain improvements to the City's electric system, including construction of a new substation (Substation 4) generally located south of U.S. Interstate 35 on Clare Road, together with an interconnection facility with Evergy, an additional transformer, and all related improvements, at a total estimated cost of $18,645,000 (collectively, the "Improvements");

SECTION 2. Ordinance No. 2823 of the City is hereby amended by deleting Section 2 of such Ordinance in its entirety and replacing it with the following:

> **Section 2.** For the purpose of providing funds to pay all or a portion of the cost of the Improvements, the City authorizes the issuance of its general obligation bonds in an aggregate amount not to exceed $18,645,000 pursuant to Charter Ordinance No. 28 of the City.

SECTION 3. Ordinance No. 2823 of the City is hereby amended by deleting Section 3 of such Ordinance in its entirety and replacing it with the following:

> **Section 3.** In accordance with United States Treasury Regulation 1.150-2, the Governing Body of the City hereby indicates its intent to reimburse the City with the proceeds of bonds, notes, or other obligations of the City, the interest on which is expected to be exempt from federal income taxation, for costs of the Improvements in an amount not to exceed $18,645,000.

SECTION 4. Ordinance No. 2821 of the City passed on January 21, 2025, is hereby repealed in its entirety.

SECTION 5. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

[*Remainder of Page Intentionally Left Blank*]

PASSED by the City Council of the City of Gardner, Kansas, on September 21, 2026.

SIGNED by the Mayor of the City of Gardner on September 21, 2026.

CITY OF GARDNER, KANSAS

/s/
Mayor

(Seal)

ATTEST:

/s/
City Clerk