

**PRELIMINARY OFFICIAL STATEMENT DATED SEPTEMBER 17, 2025**

**NEW ISSUES – BOOK-ENTRY ONLY**

**BOND RATING: S&P “AA-”  
NOTE RATING: S&P “SP-1+”**

*In the opinion of Bond Counsel, under existing law and assuming continued compliance with certain requirements of the Internal Revenue Code of 1986, as amended (the "Code"): the interest on the Securities [(including any original issue discount properly allocable to an owner thereof)] is excluded from gross income for federal income tax purposes, is not an item of tax preference for purposes of the federal alternative minimum tax and is exempt from income taxation by the State of Kansas. The Securities have **not** been designated "qualified tax-exempt obligations" within the meaning of Code § 265(b)(3). See "TAX MATTERS - Opinion of Bond Counsel" herein.*

**CITY OF ANDOVER, KANSAS**

**\$12,850,000\***  
**GENERAL OBLIGATION BONDS**  
**SERIES A, 2025**

**\$36,235,000\***  
**GENERAL OBLIGATION**  
**TEMPORARY NOTES**  
**SERIES A, 2025**

**Dated: Date of Delivery**

**Due: As shown on inside cover**

The City of Andover, Kansas General Obligation, Series A, 2025 (the "Series A, 2025 Bonds" or the "Bonds"), and the General Obligation Temporary Notes, Series A, 2025 (the "Series A, 2025 Notes" or the "Notes") (the Bonds and the Notes collectively the "Security" or "Securities"), will be issued by the City of Andover, Kansas (the "City" or the "Issuer"), as fully registered securities, without coupons, and, when issued, will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Securities. Purchases of the Securities will be made in book-entry form, in the denominations of \$5,000 or any integral multiple thereof (the "Authorized Denomination"). Purchasers will not receive certificates representing their interests in Securities purchased. So long as Cede & Co. is the registered owner of the Securities, as nominee of DTC, references herein to the Security owners or registered owners shall mean Cede & Co., as aforesaid, and shall not mean the Beneficial Owners (as herein defined) of the Securities. Principal will be payable upon presentation and surrender of the Securities by the registered owners thereof at the office of the Treasurer of the State of Kansas, Topeka, Kansas, as bond registrar, note registrar and paying agent (the "Paying Agent," "Note Registrar" and "Bond Registrar"). Interest payable on each Security shall be paid to the persons who are the registered owners of the Securities as of the close of business on the fifteenth day (whether or not a business day) of the calendar month preceding each interest payment date by check or draft of the Paying Agent mailed to such registered owner or, in the case of an interest payment to Cede & Co. or a registered owner of \$500,000 or more in aggregate principal amount of Securities, by electronic transfer. So long as DTC or its nominee, Cede & Co., is the Owner of the Securities, such payments will be made directly to DTC. DTC is expected, in turn, to remit such principal and interest to the DTC Participants (herein defined) for subsequent disbursement to the Beneficial Owners.

Principal of the Bonds will mature annually on each October 1, in the amounts and years set forth on the inside cover hereof, beginning October 1, 2026 and semiannual interest will be payable on April 1 and October 1, beginning on April 1, 2026. The Bonds maturing on October 1, 2034 and thereafter will be subject to redemption prior to maturity, in whole or in part, at the option of the Issuer, on October 1, 2033 or any date thereafter.

Principal of the Notes will be payable at maturity or earlier redemption upon presentation and surrender of the Notes by the registered owners thereof at the Office of the Paying Agent. Semiannual interest will be payable on April 1 and October 1, beginning on April 1, 2026. The Notes will be subject to redemption prior to maturity, in whole or in part, at the option of the issuer, on April 1, 2027 or any date thereafter.

The Securities shall be general obligations of the Issuer, payable as to both principal and interest from special assessments levied upon property benefited by the improvements, and, if not so paid, from ad valorem property taxes which may be levied without limitation as to rate of amount upon all of the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal of and interest on the Securities as the same become due. See "THE BONDS– Security for the Bonds " and "THE NOTES–Security for the Notes" herein.

**SEPARATE BIDS WILL BE RECEIVED ON TUESDAY, SEPTEMBER 30, 2025  
UNTIL 10:00 A.M., APPLICABLE CENTRAL TIME**

The Securities are offered when, as and if issued by the Issuer, subject to the approval of legality by Spencer Fane LLP, Wichita, Kansas, Bond Counsel. It is expected that the Securities will be available for delivery through the facilities of DTC on or about October 30, 2025.

*THE COVER PAGE CONTAINS CERTAIN INFORMATION FOR QUICK REFERENCE ONLY. THE COVER PAGE IS NOT A SUMMARY OF THIS ISSUE. INVESTORS MUST READ THE ENTIRE PRELIMINARY OFFICIAL STATEMENT, INCLUDING ALL APPENDICES ATTACHED HERETO TO OBTAIN INFORMATION ESSENTIAL TO THE MAKING OF AN INFORMED INVESTMENT DECISION.*

The date of this Official Statement is \_\_\_\_\_, 2025

*\*Preliminary, subject to change*

This Preliminary Official Statement and information contained herein are subject to completion or amendment without notice. These Bonds may not be sold nor an offer to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of these Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the Bonds laws of any such jurisdiction.

# MATURITY SCHEDULES

## CITY OF ANDOVER, KANSAS

**\$12,850,000\***  
**GENERAL OBLIGATION BONDS**  
**SERIES A, 2025**

**\$36,235,000\***  
**GENERAL OBLIGATION**  
**TEMPORARY NOTES**  
**SERIES A, 2025**

### Series A, 2025 Serial Bonds

<u>Stated Maturity October 1</u>	<u>Principal Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP<sup>(1)</sup></u>
2026	\$180,000			
2027	415,000			
2028	435,000			
2029	455,000			
2030	485,000			
2031	500,000			
2032	520,000			
2033	540,000			
2034	565,000			
2035	580,000			
2036	605,000			
2037	625,000			
2038	655,000			
2039	675,000			
2040	705,000			
2041	730,000			
2042	765,000			
2043	795,000			
2044	835,000			
2045	875,000			
2046	910,000			

### [Series A, 2025 Term Bonds

<u>Stated Maturity October 1</u>	<u>Principal Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP<sup>(1)</sup></u>
				]

### Series A, 2025 Notes

<u>Stated Maturity October 1</u>	<u>Principal Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP<sup>(1)</sup></u>
2028	\$36,235,000			

(All plus accrued interest, if any)

<sup>(1)</sup> CUSIP data is provided by CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Capital IQ, a subsidiary of The McGraw-Hill Companies, Inc. and is included solely for the convenience of the Owners of the Securities. Neither the Issuer nor the Underwriter shall be responsible for the selection or correctness of the CUSIP numbers set forth above.

\*Preliminary, subject to change

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**IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICES OF THE SECURITIES AT LEVELS ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.**

**THE SECURITIES HAVE NOT BEEN REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION UNDER THE SECURITIES ACT OF 1933, AS AMENDED. THE SECURITIES ARE OFFERED PURSUANT TO AN EXEMPTION FROM REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION. THE REGISTRATION, QUALIFICATION OR EXEMPTION OF THE SECURITIES IN ACCORDANCE WITH THE APPLICABLE SECURITIES LAW PROVISIONS OF THE JURISDICTIONS IN WHICH THESE SECURITIES HAVE BEEN REGISTERED, QUALIFIED OR EXEMPTED SHOULD NOT BE REGARDED AS A RECOMMENDATION THEREOF. NEITHER THESE JURISDICTIONS NOR ANY OF THEIR AGENCIES HAVE GUARANTEED OR PASSED UPON THE SAFETY OF THE SECURITIES AS AN INVESTMENT, UPON THE PROBABILITY OF ANY EARNINGS THEREON OR UPON THE ACCURACY OR ADEQUACY OF THIS PRELIMINARY OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.**

**THIS PRELIMINARY OFFICIAL STATEMENT CONTAINS STATEMENTS THAT ARE "FORWARD-LOOKING STATEMENTS" AS DEFINED IN THE PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995. WHEN USED IN THIS PRELIMINARY OFFICIAL STATEMENT, THE WORDS "ESTIMATE," "INTEND," "EXPECT" AND SIMILAR EXPRESSIONS ARE INTENDED TO IDENTIFY FORWARD-LOOKING STATEMENTS. SUCH STATEMENTS ARE SUBJECT TO RISKS AND UNCERTAINTIES THAT COULD CAUSE ACTUAL RESULTS TO DIFFER MATERIALLY FROM THOSE CONTEMPLATED IN SUCH FORWARD-LOOKING STATEMENTS. READERS ARE CAUTIONED NOT TO PLACE UNDUE RELIANCE ON THESE FORWARD-LOOKING STATEMENTS, WHICH SPEAK ONLY AS OF THE DATE HEREOF.**

**THIS PRELIMINARY OFFICIAL STATEMENT IS DEEMED TO BE FINAL (EXCEPT FOR PERMITTED OMISSIONS) BY THE ISSUER FOR PURPOSES OF COMPLYING WITH RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION.**

**IN MAKING AN INVESTMENT DECISION INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED.**

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**CITY OF ANDOVER, KANSAS**

City Hall – 1609 E. Central Ave.

Andover, Kansas 67002

Telephone: (316) 733-1303

**Mayor**

Ronnie Price

**City Council**

Mike Warrington, Council Member

Phil Hamilton, Council Member

Michael Henry, Council Member

Tim Berry, Council Member

Paul Wemmer, Council Member

Jodi Ocadiz, Council Member

**City Staff**

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J.T. Klaus

of

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Wichita, Kansas

**Bond Counsel**

Spencer Fane LLP

Wichita, Kansas

**Paying Agent/Bond Registrar**

Office of State Treasurer

Topeka, Kansas

**Financial Advisor**

Piper Sandler & Co.

Leawood, Kansas

**Underwriter - Series A, 2025 Bonds**

**Underwriter - Series A, 2025 Notes**



No dealer, broker, salesman or other person has been authorized by the Issuer or the Underwriter to give any information or to make any representations with respect to the Securities other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of the Securities by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been furnished by the Issuer and other sources which are believed to be reliable, but such information is not guaranteed as to accuracy or completeness, and is not to be construed as a representation, by the Underwriter. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the Issuer since the date hereof.

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# OFFICIAL STATEMENT

## CITY OF ANDOVER, KANSAS

**\$12,850,000\***  
**GENERAL OBLIGATION BONDS**  
**SERIES A, 2025**

**\$36,235,000\***  
**GENERAL OBLIGATION**  
**TEMPORARY NOTES**  
**SERIES A, 2025**

### INTRODUCTION

#### General Matters

The purpose of this Official Statement is to furnish information relating to the City of Andover, Kansas (the "Issuer" or the "City"), the Issuer's General Obligation Bonds, Series A, 2025, dated October 30, 2025, to be issued in the principal amount of \$12,850,000\* (the "Series A, 2025 Bonds" or the "Bonds") and the Issuer's General Obligation Temporary Notes, Series A, 2025, dated October 30, 2025, to be issued in the principal amount of \$36,235,000\* (the "Series A, 2025 Notes" or the "Notes") (the Series A, 2025 Bonds and Series A, 2025 Notes collectively, the "Securities").

The Appendices to this Preliminary Official Statement are integral parts of this document, to be read in their entirety.

The Issuer is a municipal corporation duly organized and existing under the laws of the State of Kansas. Additional information regarding the Issuer is contained in *APPENDIX A* to this Preliminary Official Statement.

The materials contained on the cover page, in the body and in the Appendices to this Preliminary Official Statement are to be read in their entirety. Except for the information expressly attributed to other sources deemed to be reliable, all information has been provided by the Issuer. The presentation of information herein, including tables of receipts from various taxes, is intended to show recent historic information, and is not intended to indicate future or continuing trends in the financial position or other affairs of the Issuer. No representation is made that past experience, as might be shown by such financial or other information, will necessarily continue or be repeated in the future. Except to the extent described under the section captioned "TAX MATTERS-Opinion of Bond Counsel," Bond Counsel expresses no opinion as to the accuracy or sufficiency of any other information contained herein.

#### Continuing Disclosure

The Securities and Exchange Commission (the "SEC") has promulgated amendments to Rule 15c2-12 (the "Rule"), requiring continuous secondary market disclosure. The City has established an undertaking to provide ongoing disclosure concerning the City for the benefit of owners of the Bonds, as required under Section (b)(5) (I) of the Rule. A description of the City's ordinance relating to such undertaking is included as APPENDIX C to this Official Statement. Examples of the City's filings for recent years are set forth on the following table:

<b>Fiscal Year</b>		<b>Financial Information</b>	<b>Operating Data</b>
<b><u>Ending December 31</u></b>	<b><u>Report Date</u></b>	<b><u>Filing Date</u></b>	<b><u>Filing Date (†)</u></b>
2019	12/31/20	10/09/2020	10/09/2020
2020	12/31/21	12/16/2021	12/16/2021
2021	12/31/22	05/02/2023	05/02/2023
2022	12/31/23	12/29/2023	12/29/2023
2023	12/31/24	12/30/2024	12/30/2024
2024	12/31/25	Not yet due	Not yet due

*†Operating Data is filed with the Electronic Municipal Market Access System ("EMMA") under the caption entitled "Audited Financial Statements or ACFR" as part of the City's Annual Comprehensive Financial Report and is not separately filed under the caption "Operating Data".*

The City failed to file the ACFR, which contains audited financial statements and operating data for fiscal year ending December 31, 2021, within the report date requirement. Thus, the City filed a Notice of Failure to File on May 2, 2023.

Ordinances of the City regarding the City's undertaking pursuant to the Rule in effect prior to January 20, 2024 defined "Audited Financial Statements" to include "general purpose financial statements for the previous fiscal year, prepared

*\*Preliminary, subject to change.*

according to generally accepted accounting principles . . .” Effective January 20, 2024, the City passed a new ordinance regarding its undertaking pursuant to the Rule which defines “Audited Financial Statements” to include “annual financial statements, prepared using accounting practices prescribed by the State according to the Kansas Municipal Accounting and Audit Guide to demonstrate compliance with the “Cash Basis” and budget laws of the State and audited as required or permitted by the laws of the State according to auditing standards generally accepted in the United States, and the standards applicable to financial audits in *Government Auditing Standards*, issued by the Comptroller General of the United States.” Pursuant to Kansas law, going forward, the City intends to obtain a waiver of generally accepted accounting principles from the State each year and, instead, prepare its audited financial statements in accordance with the Kansas Municipal Accounting and Audit Guide.

### **Additional Information**

All of the summaries of statutes, opinions, financial and statistical data, and other related reports and documents described in this Official Statement are subject to the actual provisions of such documents. The summaries do not purport to be complete statements of such provisions and reference is made to such documents, copies of which are either publicly available or available for inspection during normal business hours from Matt Koehn, Director of Finance, 1609 E. Central Ave., Andover, Kansas 67002. Additional information regarding the City or the securities may be obtained from Jennifer McCausland, City Administrator, (316) 733-1303, or from the Financial Advisor for the securities, Piper Sandler & Co., 11635 Rosewood Street, Leawood, Kansas 66211 (913) 345-3377, Attn: Clayton Kelley.

## **THE BONDS**

### **Authority for the Bonds**

The Bonds are being issued pursuant to and in full compliance with the Constitution and statutes of the State of Kansas (the "State"), including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 12-6a01 *et seq.*, K.S.A. 12-685, and K.S.A. 10-620 *et seq.*, all as amended and supplemented (the "Act"), and an ordinance and resolution passed by the governing body of the Issuer (collectively the "Bond Ordinance").

### **Security for the Bonds**

The Bonds and the interest thereon will constitute general obligations of the City payable as to both principal and interest thereon, in part, from the collection of special assessments which have been levied against certain properties in the City, and the remainder of said principal and interest, and any portion of the specially assessed part not so paid, shall be paid from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

### **Levy and Collection of Annual Tax, Transfer to Principal and Interest Account**

The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Issuer in the manner provided by law. Such taxes and/or assessments 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 Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer, shall thereafter be transferred to the Principal and Interest Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

### **Description of the Bonds**

Subject to the Book-Entry Only System, the Bonds shall consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall be dated October 30, 2025 (the “Dated Date”). Interest on the Bonds will be payable on April 1 and October 1 in each year beginning April 1, 2026 (the “Interest Payment Dates”). The principal of the Bonds shall become due in the amounts and on the dates set forth on the inside cover page of this Official Statement subject to redemption and payment prior to maturity. The Bonds shall bear interest (computed on the basis of a 360-day year consisting 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.

## **Designation of Paying Agent and Bond Registrar**

The Issuer will at all times maintain a paying agent and bond registrar meeting the qualifications set forth in the Bond Ordinance. The Issuer reserves the right to appoint a successor paying agent or bond registrar. 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 by the Issuer shall at all times meet the requirements of Kansas law.

The Treasurer of the State of Kansas, Topeka, Kansas (the "Bond Registrar" and "Paying Agent") has been designated by the Issuer as 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.

## **Method and Place of Payment of the Bonds**

Subject to the Book-Entry Only System, the principal of, or redemption price, 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 or on the redemption date to the person in whose name such Bond is registered on the Bond Register at the maturity or redemption thereof, upon presentation and surrender of such Bond at the principal 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 at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or 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, ABA routing number and account number to which such Owner wishes to have such transfer directed.

**SO LONG AS CEDE & CO., REMAINS THE REGISTERED OWNER OF THE BONDS, THE PAYING AGENT SHALL TRANSMIT PAYMENTS TO THE BONDS DEPOSITORY, WHICH SHALL REMIT SUCH PAYMENTS IN ACCORDANCE WITH ITS NORMAL PROCEDURES.** See "THE BONDS – Book-Entry Bonds; Bonds Depository."

## **Payments Due on Saturdays, Sundays and Holidays**

In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

## **Book-Entry Bonds; Securities Depository**

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. 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 the following paragraphs.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Bonds Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a Bonds depository and registered clearing agency under the Bonds and Exchange Act of 1934, as amended, or (3) 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

(b) if the Bond Registrar receives written notice from Participants having interest 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 Bonds 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 of 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 (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor Bonds depository in accordance with the following paragraph 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 Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository, 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 Issuer.

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

### **Registration, Transfer and Exchange of Bonds**

The provisions governing the registration, transfer and exchange of Bonds are set out in the Issuer/Agent Agreement (the "Agreement") between the Issuer and the Bond Registrar and are generally described as follows.

As long as any of the Bonds remain Outstanding, subject to the Book-Entry Only System hereinafter described, 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 the Agreement. Upon surrender of any Bond at the principal 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 the Bond Ordinance and the Agreement. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds. 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.

The Issuer and Bond Registrar shall not be required to issue, register, transfer, or exchange any Bonds during a period beginning on the day following the Record Date preceding any Interest Payment Date and ending on such Interest Payment Date or within 15 days of a date on which Bonds are to be redeemed after proper notice of redemption has been given.

### **Mutilated, Lost, Stolen or Destroyed Bonds**

The provisions governing the replacement of mutilated, lost, stolen or destroyed Bonds are set out in the Agreement between the Issuer and the Bond Registrar, are governed by applicable provisions of the Uniform Commercial Code and are generally described as follows.

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 Issuer and the Bond Registrar such Bond or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer'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 Issuer, in its discretion, may pay such Bond instead of issuing a new Bond. Upon the issuance of any new Bond, the Issuer 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.

### **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 Issuer 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 Bond Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

### **Redemption Provisions**

***Optional Redemption.*** At the option of the Issuer, Bonds maturing on October 1, 2034 and thereafter may be called for redemption and payment prior to their stated maturity on October 1, 2033, and any date thereafter as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

[ ***Mandatory Redemption.*** [20\_\_] *Term Bonds.* The Bonds maturing on October 1, [20\_\_] (the "[20\_\_] Term Bonds") shall be subject to mandatory redemption and payment prior to stated maturity pursuant to the mandatory redemption requirements hereinafter set forth at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The payments which are to be deposited into the Principal and Interest Account shall be sufficient to redeem, and the Issuer shall redeem on October 1 in each year, the following principal amounts of such [20\_\_] Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	
(Leaving \$ _____ to mature on October 1, [20__])	

***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 are to be redeemed and paid prior to their maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine, with Bonds of less than a full maturity to 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 in 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 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 of the \$5,000 unit or units of face value called for redemption (and to that extent only).

### ***Notice and Effect of Call for Redemption.***

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to their stated maturity, the Issuer shall cause the Paying Agent to give written notice of its intention to call and pay said Bonds to the Owners of said Bonds by 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 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 that the redemption price will become due and payable upon each such Bond or portion called for redemption and that interest shall cease to accrue from and after the redemption date; (e) any conditions to be met prior to redemption and (f) 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 provided or an immaterial defect in the notice shall not invalidate any redemption.

At the option of the City, a notice of optional redemption may be made conditional upon moneys being on deposit with the Paying Agent on or prior to the redemption date in an amount sufficient to pay the redemption price on the redemption date. If such notice is conditional and moneys are not received, the notice shall be of no force and effect, the Paying Agent shall not redeem such Bonds and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Bonds will not be redeemed.

On or prior to any redemption date, the Issuer 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. If official notice of redemption is given as described, the Bonds or portions of Bonds to be redeemed shall become due and payable on the redemption date, at the redemption price specified, and from and after the redemption date (unless the Issuer defaults in the payment of the redemption price) such Bonds or portion of Bonds shall cease to bear interest.

In addition to the foregoing notice, the Issuer directs the Paying Agent to provide certain additional notice of redemption if any bonds are held in a book-entry system. Failure to give additional notice shall not affect or invalidate the redemption of any Bond.

For so long as the Bonds Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified to the Bonds Depository. It is expected that the Bonds Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Bonds Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Bonds Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. The Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal Bonds established by the State or the Bonds and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

## **THE NOTES**

### **Authority for the Notes**

The Notes are being issued pursuant to and in full compliance with the Constitution and statutes of the State, including K.S.A. 10-101 to 10-125, inclusive (specifically including K.S.A. 10-123), and K.S.A. 12-617 *et seq.* and K.S.A. 12-1736 to K.S.A. 12-1739, all as amended and supplemented from time to time (the "Act"), and a resolution passed by the governing body of the Issuer (the "Note Resolution").

### **Security for the Notes**

The Notes are general obligations of the Issuer payable as to both principal and interest in part from (i) general obligation bonds issued to permanently finance said improvements, from (ii) lawfully available funds of the City, (iii) in part from ad valorem property taxes which may be levied without limitation as to rate of amount upon all of the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

### **Description of the Notes**

Subject to the Book-Entry Only System, the Notes shall consist of fully registered Notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall be dated October 30, 2025, (the "Dated Date"). Interest on the Notes will be payable on April 1 and October 1 in each year beginning April 1, 2026 (the "Interest Payment Dates"). The principal of the Notes shall become due in the amounts and on the dates set forth on the inside cover page of this Official Statement subject to redemption and payment prior to maturity. The Notes shall bear interest (computed on the basis of a 360-day year consisting 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.

## **Designation of Paying Agent and Note Registrar**

The Treasurer of the State of Kansas, Topeka, Kansas (the "Note Registrar" and "Paying Agent") has been designated by the Issuer as paying agent for the payment of principal of and interest on the Notes and note registrar with respect to the registration, transfer and exchange of Notes.

## **Method and Place of Payment of the Notes**

Subject to the Book-Entry Only System, the principal of, or redemption price, and interest on the Notes shall be payable as follows in lawful money of the United States of America. The principal or redemption price of each Note shall be paid at maturity to the person in whose name such Note is registered on the Note Register at the maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent.

The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding each interest payment date (the "Record Date") for such interest by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner.

**SO LONG AS CEDE & CO., REMAINS THE REGISTERED OWNER OF THE NOTES, THE PAYING AGENT SHALL TRANSMIT PAYMENTS TO THE SECURITIES DEPOSITORY, WHICH SHALL REMIT SUCH PAYMENTS IN ACCORDANCE WITH ITS NORMAL PROCEDURES. See "THE NOTES – Book-Entry Notes; Securities Depository."**

## **Payments Due on Saturdays, Sundays and Holidays**

In any case where a stated maturity date, redemption date, or Interest Payment Date (a "Note Payment Date") is not a business day, then payment of principal, redemption price or interest need not be made on such Note Payment Date but may be made on the next succeeding business day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

## **Book-Entry Notes; Securities Depository**

The Notes 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 Notes, except in the event the Note Registrar issues Replacement Notes. It is anticipated that during the term of the Notes, 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 Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraphs.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) 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 (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interest in not less than 50% of the Notes 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 Notes being issued to any 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 Owners of such determination or such notice and of the availability of certificates to 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 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 (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph 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 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 Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, 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 Issuer.

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 Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar 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 a Note or Notes for cancellation shall cause the delivery of the Notes to the successor Securities Depository in appropriate denominations and form as provided in the Note Resolution.

### **Registration, Transfer and Exchange of Notes**

The provisions governing the registration, transfer and exchange of Notes are set out in the Issuer/Agent Agreement (the "Agreement") between the Issuer and the Note Registrar and are generally described as follows.

As long as any of the Notes remain Outstanding, subject to the Book-Entry Only System hereinafter described, each Note when issued shall be registered in the name of the Owner thereof on the Note Register. Notes may be transferred and exchanged only on the Note Register as provided in the Agreement. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any authorized denomination of the same stated maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange. Notes 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 Note 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 Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Resolution and the Agreement. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. 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.

The Issuer and Note Registrar shall not be required to issue, register, transfer, or exchange any Notes during a period beginning on the day following the Record Date preceding any Interest Payment Date and ending on such Interest Payment Date or within 15 days of a date on which Notes are to be redeemed after proper notice of redemption has been given.

### **Mutilated, Lost, Stolen or Destroyed Notes**

If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same stated maturity and of like tenor and principal amount. If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note. Upon the issuance of any new Note, the Issuer 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.

### **Nonpresentment of Notes**

If any Note is not presented for payment when the principal thereof becomes due at its stated maturity, and if funds sufficient to pay such Note have been made available to the Paying Agent, all liability of the Issuer to the owner thereof for the payment of such Note 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 Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under the Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at its stated maturity, the Paying Agent shall repay to the Issuer the funds therefore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

## **Redemption Provisions**

***Optional Redemption.*** At the option of the Issuer, the Notes may be called for redemption and payment prior to their stated maturity on April 1, 2027, or any date thereafter, as a whole or in part (selection of and the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

***Selection of Notes to be Redeemed.*** Notes shall be redeemed in the principal amount of \$5,000 or any integral multiple thereof. If less than all of the Notes then outstanding are to be redeemed, then Notes of less than a full maturity will be selected by lot in units of \$5,000. If one or more, but not all, of the \$5,000 units of value represented by a Note is to be redeemed, then, upon receiving notice of such redemption, the Owner thereof (or the Owner's authorized agent) shall present the Note to the Note Registrar for payment of the principal of and interest on the \$5,000 units to be redeemed, and for exchange, without charge to the Owner, for a new Note in the amount of the unredeemed portion of such Note.

***Notice and Effect of Call for Redemption.*** Unless waived by any Owner of Notes to be redeemed, if the Issuer calls any Notes for redemption and payment prior to their maturity, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices to Note Owners shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

At the option of the City, a notice of optional redemption may be made conditional upon moneys being on deposit with the Paying Agent on or prior to the redemption date in an amount sufficient to pay the redemption price on the redemption date. If such notice is conditional and moneys are not received, the notice shall be of no force and effect, the Paying Agent shall not redeem such Notes and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Notes will not be redeemed.

On or prior to any Redemption Date, the Issuer 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. If official notice of redemption is given as described above, 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.

## **THE DEPOSITORY TRUST COMPANY**

1. The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Securities. The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered bond certificate will be issued for each scheduled maturity of the Securities, and will be deposited with DTC.

2. DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.6 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S.

securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a S&P Global Ratings rating of “AA+”. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC’s records. The ownership interest of each actual purchaser of each Security (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Securities unless authorized by a Direct Participant in accordance with DTC’s MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC’s practice is to credit Direct Participants’ accounts upon DTC’s receipt of funds and corresponding detail information from the Issuer or Paying Agent, on the payment date in accordance with their respective holdings shown on DTC’s records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in “street name,” and will be the responsibility of such Participant and not of DTC nor its nominee, the Paying Agent, or the Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Issuer or Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to the Paying Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant’s interest in the Securities, on DTC’s records, to the Paying Agent. The requirement for physical delivery of the Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC’s records and followed by a book-entry credit of tendered Securities to the Paying Agent’s DTC account.

10. DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the Issuer or Paying Agent. Under such circumstances, in the event that a successor securities depository is not obtained, certificates are required to be printed and delivered.

11. The Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, certificates will be printed and delivered to DTC.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer takes no responsibility for the accuracy thereof.

## THE PROJECTS

The proceeds of the Bonds will be used in part, to pay the costs of (i) certain water, sewer, paving, and storm water drainage improvements, (ii) street improvements, and (iii) pay the costs of issuing the Bonds.

The proceeds of the Notes will be used to: (i) pay the cost of certain wastewater improvements in the City and (ii) pay the costs of issuing the Notes.

## SOURCES AND USES OF FUNDS

The following table itemizes the sources and uses of funds associated with the issuance of the Securities:

<b>Sources of Funds:</b>	<b><u>Bonds</u></b>	<b><u>Notes</u></b>
Principal Amount	\$12,850,000.00*	\$36,235,000.00*
Available Funds of the Issuer		
Net Reoffering Premium		
<b><i>Total</i></b>		
<b>Uses of Funds:</b>		
Deposit to Project Fund		
Costs of Issuance		
Underwriter's Discount		
<b><i>Total</i></b>		

*\*Preliminary, subject to change*

## RISK FACTORS AND INVESTMENT CONSIDERATIONS

***A PROSPECTIVE PURCHASER OF THE SECURITIES DESCRIBED HEREIN SHOULD BE AWARE THAT THERE ARE CERTAIN RISKS ASSOCIATED WITH THE SECURITIES WHICH MUST BE RECOGNIZED. THE FOLLOWING STATEMENTS REGARDING CERTAIN RISKS ASSOCIATED WITH THE OFFERING SHOULD NOT BE CONSIDERED AS A COMPLETE DESCRIPTION OF ALL RISKS TO BE CONSIDERED IN THE DECISION TO PURCHASE THE SECURITIES. PROSPECTIVE PURCHASERS OF THE SECURITIES SHOULD ANALYZE CAREFULLY THE INFORMATION CONTAINED IN THIS PRELIMINARY OFFICIAL STATEMENT AND ADDITIONAL INFORMATION IN THE FORM OF THE COMPLETE DOCUMENTS SUMMARIZED HEREIN, COPIES OF WHICH ARE AVAILABLE AND MAY BE OBTAINED FROM THE ISSUER OR THE UNDERWRITER.***

### Taxation of Interest on the Securities

An opinion of Bond Counsel will be obtained to the effect that interest earned on the Securities is excludable from gross income for federal income tax purposes under current provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable rulings and regulations under the Code; however, an application for a ruling has not been made and an opinion of counsel is not binding upon the Internal Revenue Service. There can be no assurance that the present provisions of the Code, or the rules and regulations thereunder, will not be adversely amended or modified, thereby rendering the interest earned on the Securities includable in gross income for federal income tax purposes.

The Issuer has covenanted in the Bond Ordinance and in other documents and certificates to be delivered in connection with the issuance of the Securities to comply with the provisions of the Code, including those which require the Issuer to take or omit to take certain actions after the issuance of the Securities. Because the existence and continuation of the excludability of the interest on the Securities depends upon events occurring after the date of issuance of the Securities, the opinion of Bond Counsel described under "TAX MATTERS" assumes the compliance by the Issuer with the provisions of the Code described above and the regulations relating thereto. No opinion is expressed by Bond Counsel with respect to the excludability of the interest on the Securities in the event of noncompliance with such provisions. The failure of the Issuer to comply with the provisions described above may cause the interest on the Securities to become includable in gross income as of the date of issuance.

## **Market for the Securities**

**Rating.** The Securities have been assigned the respective financial ratings set forth in the section hereof entitled “RATING.” There is no assurance that a particular rating will remain in effect for any given period of time or that it will not be revised, either downward or upward, or withdrawn entirely, if in the judgment of the agency originally establishing such rating, circumstances so warrant. Any downward revision or withdrawal of any rating may have an adverse effect on the market price of the Securities.

**Secondary Market.** There is no assurance that a secondary market will develop for the purchase and sale of the Securities. It is the present practice of the Underwriter, however, to make a secondary market as dealers in issues of municipal Securities which the Underwriter distributes. The Underwriter intends to continue this practice with respect to the Securities, but is not obligated to do so. Prices of Securities traded in the secondary market, though, are subject to adjustment upward and downward in response to changes in the credit markets. From time to time it may be necessary for the Underwriter to suspend indefinitely secondary market trading in the Securities as a result of the financial condition or market position of the Underwriter, prevailing market conditions, lack of adequate current financial information about the Issuer, or a material adverse change in the financial condition of the Issuer, whether or not the Securities are in default as to principal and interest payments, and other factors which in the opinion of the Underwriter may give rise to uncertainty concerning prudent secondary market practices.

## **Premium on Securities**

[The initial offering price of the Securities that are subject to optional redemption are in excess of the principal amount thereof.] Any person who purchases a Security in excess of its principal amount, whether during the initial offering or in a secondary market transaction, should consider that the Securities are subject to redemption at par under the various circumstances described under the sections entitled “Redemption Provisions” in the sections entitled “THE BONDS” and “THE NOTES.”

## **Legal Matters**

Various state and federal laws, regulations and constitutional provisions apply to the obligations created by the Securities. There is no assurance that there will not be any change in, interpretation of, or addition to such applicable laws, provisions and regulations which would have a material effect, either directly or indirectly, on the Issuer or the taxing authority of the Issuer. Legislation adopted by the 2021 Kansas Legislature provides that, effective January 1, 2022, no Kansas municipality may approve an appropriation or budget or levy a tax rate exceeding the municipality’s revenue neutral rate without first conducting a public hearing pursuant to certain notice procedures. See discussion in Appendix A, “FINANCIAL INFORMATION CONCERNING THE ISSUER, Property Tax Levy”. Other changes in laws affecting the taxing authority of the City could limit the ability of the City to collect revenue sufficient to pay principal and interest on the Securities.

The Issuer’s City Attorney is a partner with the law firm representing the Issuer as Bond Counsel.

## **Book-Entry System**

Purchasers of the Securities through broker-dealers become creditors of the broker-dealer with respect to the Securities. Records of the owners’ holdings are maintained only by the broker-dealer and the owner. In the event of the insolvency of the broker-dealer, the owner would be required to look to the broker-dealer’s estate, and to any insurance maintained by the broker-dealer, to make good the owner’s loss. The Issuer is not responsible for failures to act by, or insolvencies of, the Securities Depository or any broker-dealer.

## **Limitations on Remedies Available to Owners of Securities**

The enforceability of the rights and remedies of the owners of Securities, and the obligations incurred by the Issuer in issuing the Securities, are subject to the following: the federal Bankruptcy Code and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditors’ rights generally, now or hereafter in effect; usual equity principles which may limit the specific enforcement under state law of certain remedies; the exercise by the United States of America of the powers delegated to it by the United States Constitution; and the reasonable and necessary exercise, in certain unusual situations, of the police power inherent in the State of Kansas and its governmental subdivisions in the interest of serving a legitimate and significant public purpose. Bankruptcy proceedings, or the exercise of powers by the federal or state government, if initiated, could subject the owners of the Securities to judicial discretion and interpretation of their rights in bankruptcy and otherwise, and consequently may involve risks of delay, limitation or modification of their rights.

## **Kansas Public Employees Retirement System**

As described in “**APPENDIX A – FINANCIAL INFORMATION – Pension and Employee Retirement Plans**,” the Issuer participates in the Kansas Public Employees Retirement System (“KPERS”), as an instrumentality of the State to provide retirement and related benefits to public employees in Kansas. KPERS administers three statewide defined benefit retirement plans for public employees which are separate and distinct with different membership groups, actuarial assumptions, experience, contribution rates and benefit options. The Issuer participates in the Police and Fireman’s Retirement System (KP&F). Under existing law, employees make contributions and the Issuer makes all employer contributions to the Plan; neither the employees nor the Issuer are directly responsible for any unfunded accrued actuarial liability (“UAAL”). However, the Plan contribution rates may be adjusted by legislative action over time to address any UAAL. According to KPERS’ Valuation Report, KPERS had an aggregate UAAL of approximately \$8.290 billion in calendar year 2023 of which \$1.381 billion is attributable to KP&F.

### **No Additional Interest or Mandatory Redemption upon Event of Taxability**

Neither the Bond Ordinance nor the Note Resolution provide for the payment of additional interest or penalty on the Securities or the mandatory redemption thereof if the interest thereon becomes includable in gross income for federal income tax purposes. Likewise, neither the Bond Ordinance nor the Note Resolution provide for the payment of any additional interest or penalty on the Securities if the interest thereon becomes subject to income taxation by the State.

### **Suitability of Investment**

An investment in the Securities involves a certain degree of risk. Furthermore, the tax exempt feature of the Securities is more valuable to high tax bracket investors than to investors who are in low tax brackets, and so the value of the interest compensation to any particular investor will vary with individual tax rates. Each prospective investor should carefully examine this Preliminary Official Statement, including the Appendices hereto, and its own financial condition to make a judgment as to its ability to bear the economic risk of such an investment, and whether or not the Securities are an appropriate investment.

### **Potential Impact of Epidemics or Pandemics**

The Issuer's finances may be materially adversely affected by unforeseen impacts of future epidemics and pandemics, such as the Coronavirus (COVID-19) pandemic. The Issuer cannot predict future impacts of epidemics or pandemics, any similar outbreaks, or their impact on travel, on assemblies or gatherings, on the local, State, national or global economy, or on securities markets, or whether any such disruptions may have a material adverse impact on the financial condition or operations of the Issuer, including but not limited to the payment of debt service on any of its outstanding debt obligations.

The Issuer, like the rest of the country, has recently experienced significant increases in costs of gas, energy, and food, in addition to associated wage and salary pressures. Some cost increases were being driven by COVID-19- related supply chain disruptions, whereas others appear unrelated to the pandemic. Due to the varying contributors to the current inflationary environment, it is not possible to state with certainty the time period over which the recent price increases will continue. The Issuer cannot predict the extent of inflationary pressures on its wages and salaries or other operating costs.

Recent events with the COVID-19 pandemic have shown that an outbreak of infectious disease can trigger governmentally imposed restrictions and changes in consumer behavior which could negatively impact local economic conditions. Such changes can cause unemployment rates to rise, taxable sales to decrease, delinquencies in tax payments, and other negative pressures on economic activity which could result in decreased or delayed tax collections for the Issuer.

With respect to the COVID-19 pandemic, economic conditions have stabilized in the State. While conditions have significantly improved, new, more harmful variants of the virus or significant spreading of existing variants of the virus could cause reduced health care availability and reduced economic activity. Such reduced economic activity could in turn negatively impact sales taxes, property values, or the delays in the collections of such taxes, and the operations and finances of the Issuer could be negatively impacted.

## **RATING**

S&P Global Ratings, a division of the S&P Global, Inc. has assigned an independent rating of "AA-" to the Bonds. S&P Global Ratings, a division of the S&P Global, Inc. has assigned an independent rating of "SP-1+" to the Notes. Such ratings reflect only the view of such rating agency, and an explanation of the significance of such ratings may be obtained therefrom. No such rating constitutes a recommendation to buy, sell, or hold any bonds, including the Bonds or Notes, or as to the market price or suitability thereof for a particular investor. The Issuer furnished such rating agency with certain information and materials relating to the Bonds and Notes that have not been included in this Official Statement. Generally, rating agencies base their ratings on the information and materials so furnished and on investigations, studies and assumptions by the rating agencies. There is no assurance that a particular rating will remain in effect for any given period of time or that it will not be revised, either downward or upward, or withdrawn entirely, if in the judgment of the agency originally establishing such rating, circumstances so warrant. Any downward revision or withdrawal of any rating may have an adverse effect on the market price of the Bonds or Notes.

## **ABSENCE OF LITIGATION**

The Issuer, in the ordinary course of business, is a party to various legal proceedings. These proceedings currently include claims of an alleged impropriety regarding a police chase by the Issuer's Police Department. In the opinion of management of the Issuer, the Issuer maintains adequate insurance to address such claims and any judgment rendered against the Issuer in such proceedings would not materially adversely affect the financial position of the Issuer.

The Issuer certifies that there is no controversy, suit or other proceeding of any kind pending or threatened wherein or whereby any question is raised or may be raised, questioning, disputing or affecting in any way the legal organization of the Issuer or its boundaries, or the right or title of any of its officers to their respective offices, or the legality of any official act or the constitutionality or validity of the indebtedness represented by the Securities or the validity of said Securities, or any of the proceedings had in relation to the authorization, issuance or sale thereof, or the levy and collection of a tax to pay the principal and interest thereof.

## **LEGAL MATTERS**

### **Approval of Securities**

All matters incident to the authorization and issuance of the Securities are subject to the approval of Spencer Fane LLP, Wichita, Kansas, ("Bond Counsel"), bond counsel to the Issuer. The factual and financial information appearing herein has been supplied or reviewed by certain officials of the Issuer and its certified public accountants, as referred to herein. Bond Counsel has not participated in the preparation of the Official Statement and therefore expresses no opinion as to the accuracy or sufficiency thereof, except for the matters appearing in the sections of this Official Statement captioned "THE BONDS," "THE NOTES," and "TAX MATTERS-Opinion of Bond Counsel."

## **TAX MATTERS**

The following is a summary of the material federal and State of Kansas income tax consequences of holding and disposing of the Securities. This summary is based upon laws, regulations, rulings and judicial decisions now in effect, all of which are subject to change (possibly on a retroactive basis). This summary does not discuss all aspects of federal income taxation that may be relevant to investors in light of their personal investment circumstances or describe the tax consequences to certain types of holders subject to special treatment under the federal income tax laws (for example, dealers in Securities or other persons who do not hold the Securities as a capital asset, tax-exempt organizations, individual retirement accounts and other tax deferred accounts, and foreign taxpayers), and, except for the income tax laws of the State of Kansas, does not discuss the consequences to an owner under state, local or foreign tax laws. The summary does not deal with the tax treatment of persons who purchase the Securities in the secondary market. Prospective investors are advised to consult their own tax advisors regarding federal, state, local and other tax considerations of holding and disposing of the Securities.

## Opinion of Bond Counsel

In the opinion of Bond Counsel, under the law existing as of the issue date of the Securities:

**Federal Tax Exemption.** The interest on the Securities [(including any original issue discount properly allocable to an owner thereof)] is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax. The opinions set forth in this paragraph are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the “Code”) that must be satisfied subsequent to the issuance of the Securities in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The City has covenanted to comply with all such requirements. Failure to comply with certain of such requirements may cause the inclusion of interest on the Securities in gross income for federal tax purposes retroactive to the date of issuance of the Securities.

The Securities have **not** been designated by the City as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

**Kansas Tax Exemption.** The interest on the Securities is exempt from income taxation by the State of Kansas.

**No Other Opinions.** Bond Counsel expresses no opinion regarding other federal, state or local tax consequences arising with respect to the Securities.

### Other Tax Consequences

[ **Original Issue Discount.** For federal income tax purposes, original issue discount is the excess of the stated redemption price at maturity of a Security over its issue price. The issue price of a Security is generally the first price at which a substantial amount of the Securities of that maturity have been sold to the public. Under Code § 1288, original issue discount on tax-exempt obligations accrues on a compound basis. The amount of original issue discount that accrues to an owner of a Security during any accrual period generally equals (1) the issue price of that Security, plus the amount of original issue discount accrued in all prior accrual periods, multiplied by (2) the yield to maturity on that Security (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period), minus (3) any interest payable on that Security during that accrual period. The amount of original issue discount accrued in a particular accrual period will be considered to be received ratably on each day of the accrual period, will be excludable from gross income for federal income tax purposes, and will increase the owner’s tax basis in that Security. Prospective investors should consult their own tax advisors concerning the calculation and accrual of original issue discount.]

[ **Original Issue Premium.** For federal income tax purposes, premium is the excess of the issue price of a Security over its stated redemption price at maturity. The issue price of a Security is generally the first price at which a substantial amount of the Securities of that maturity have been sold to the public. Under Code § 171, premium on tax-exempt obligations amortizes over the term of the Security using constant yield principles, based on the purchaser’s yield to maturity. As premium is amortized, the owner’s basis in the Security and the amount of tax-exempt interest received will be reduced by the amount of amortizable premium properly allocable to the owner, which will result in an increase in the gain (or decrease in the loss) to be recognized for federal income tax purposes on sale or disposition of the Security prior to its maturity. Even though the owner’s basis is reduced, no federal income tax deduction is allowed. Prospective investors should consult their own tax advisors concerning the calculation and accrual of premium.]

**Sale, Exchange or Retirement of Securities.** Upon the sale, exchange or retirement (including redemption) of a Security, an owner of the Security generally will recognize gain or loss in an amount equal to the difference between the amount of cash and the fair market value of any property received on the sale, exchange or retirement of the Security (other than in respect of accrued and unpaid interest) and such owner’s adjusted tax basis in the Security. To the extent the Securities are held as a capital asset, such gain or loss will be capital gain or loss and will be long-term capital gain or loss if the Security has been held for more than 12 months at the time of sale, exchange or retirement.

**Reporting Requirements.** In general, information reporting requirements will apply to certain payments of principal, interest and premium paid on Securities, and to the proceeds paid on the sale of Securities, other than certain exempt recipients (such as corporations and foreign entities). A backup withholding tax will apply to such payments if the owner fails to provide a taxpayer identification number or certification of foreign or other exempt status or fails to report in full dividend and interest income. The amount of any backup withholding from a payment to an owner will be allowed as a credit against the owner’s federal income tax liability.

**Collateral Federal Income Tax Consequences.** Prospective purchasers of the Securities should be aware that ownership of the Securities may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, individual recipients of Social Security or Railroad



Retirement benefits, certain S corporations with “excess net passive income,” foreign corporations subject to the branch profits tax, life insurance companies, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry or have paid or incurred certain expenses allocable to the Securities. Bond Counsel expresses no opinion regarding these tax consequences. Purchasers of Securities should consult their tax advisors as to the applicability of these tax consequences and other federal income tax consequences of the purchase, ownership and disposition of the Securities, including the possible application of state, local, foreign and other tax laws.

## **FINANCIAL ADVISOR**

Piper Sandler & Co., Leawood, Kansas has acted as a Financial Advisor to the Issuer in connection with the sale of the Securities. The Financial Advisor has assisted the Issuer in the preparation of this Official Statement and in other matters relating to the issuance of the Securities. The fees of the Financial Advisor are contingent upon the issuance of the Securities. The Financial Advisor will not submit a bid for the sale of the Securities pursuant to Municipal Securities Rulemaking Board Rule G-23.

## **UNDERWRITING**

The Bonds have been sold at public sale by the Issuer to [\_\_\_\_], [\_\_\_\_] (the “Bond Underwriter”) on the basis of lowest true interest cost. [ ] bids were received by the Issuer. The Bond Underwriter has agreed, subject to certain conditions, to purchase the Bonds at a price equal to the principal amount of the Bonds, plus accrued interest from the Dated Date to the Issue Date[, plus a premium of \$\_\_\_\_][, less an underwriting discount of \$\_\_\_\_]. The Bond Underwriter has agreed, subject to certain conditions, to purchase the Bonds.

The Notes have been sold at public sale by the Issuer to [\_\_\_\_], [\_\_\_\_] (the “Note Underwriter”) on the basis of lowest true interest cost. [ ] bids were received by the Issuer. The Note Underwriter has agreed, subject to certain conditions, to purchase the Bonds at a price equal to the principal amount of the Bonds, plus accrued interest from the Dated Date to the Issue Date[, plus a premium of \$\_\_\_\_][, less an underwriting discount of \$\_\_\_\_]. The Note Underwriter has agreed, subject to certain conditions, to purchase the Bonds.

The Securities will be offered to the public initially at the prices determined to produce the yields set forth on the inside cover page of this Official Statement. The Bond Underwriter and Note Underwriter (collectively, the “Underwriters”) may offer and sell the Securities to certain dealers (including dealers depositing the Securities into investment trusts) at prices other than the price stated on the inside cover page hereof and may change the initial offering price from time to time subsequent to the date hereof. In connection with the offering, the Underwriters may over allot or effect transactions which stabilize or maintain the market price of the Securities at a level above that which might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

## **AUTHORIZATION OF OFFICIAL STATEMENT**

The preparation of this Official Statement and its distribution has been authorized by the governing body of the Issuer as of the date on the cover page hereof. This Official Statement is submitted in connection with the issuance of the Securities and may not be reproduced or used as a whole or in part for any other purpose. This Official Statement does not constitute a contract between the Issuer or the Underwriter and any one or more of the purchasers, Owners or Beneficial Owners of the Securities.

## **CITY OF ANDOVER, KANSAS**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Clerk

## ***APPENDIX A***

### **FINANCIAL OVERVIEW AND GENERAL INFORMATION REGARDING THE CITY**

#### Size and Location

The City is located in Butler County, Kansas on U.S. Highway 54/400 and borders the City of Wichita, Kansas and Sedgwick County on the west. The following table shows the approximate population of the City and Butler County in the years indicated, as well as that of adjacent Sedgwick County:

<u>Year</u>	<u>City of Andover Population</u>	<u>Butler County Population</u>	<u>Sedgwick County Population</u>
1960	186	38,395	343,231
1970	1,880	36,658	350,694
1980	2,801	44,782	367,088
1990	4,047	50,580	403,662
2000	6,698	59,484	452,869
2010	11,791	64,073	494,241
2020	14,892	67,380	523,824
2023	15,814	68,632	528,469

Source: U.S. Census Bureau; Kansas Statistical Abstract

#### Government and Organization

The City is a city of the second class under the laws of the State of Kansas and has a Mayor-Council form of government. The Mayor and six Council Members are elected at large to staggered four (4) year terms.

#### Municipal Services and Utilities

The City provides a full range of services, which include police and fire protection, construction and maintenance of infrastructure, community development and planning and cultural activities. The City operates the wastewater utility system. All revenues to enable the City to provide sewer service are generated by user fees. The City owns all of the water lines within the community, however water service and maintenance is provided by the City of Wichita. Private companies or other governmental entities provide all other public services in the City, including trash collection, gas, electricity, cable, telephone, and internet.

#### Transportation

The City is served by U. S. Highway 54/400 and Kansas Highway 96. In addition, an interchange to Interstate Highway 35 and the Kansas Turnpike is located at the City. The City is also served by a system of county highways maintained by Sedgwick and Butler Counties.

Commercial air transportation is provided at Wichita's Dwight D. Eisenhower National Airport. General aviation services are provided by the Col. James Jabara Airport located approximately 5 miles to the west and by the Augusta Airport located approximately 3 miles to the east of the City.

### Education

The Unified School District No. 385, Butler County, Kansas (Andover) (the “District”) serves the City with six elementary, two middle schools, two high schools and eAcademy. Enrollment for the year 2024-2025 was 9,586 FTE. The District serves, in addition to the City, parts of east Wichita, eastern Sedgwick County, and parts of western Butler County.

Butler Community College provides satellite locations for Butler Community College in the City. In addition, the main campuses of Wichita State University, Friends University and Newman University are all located in the City of Wichita, Kansas, just minutes away.

### Health and Medical Services

The Kansas Medical Center (the “Hospital”) is located at 1124 West 21<sup>st</sup> in the City. The Hospital has 58 beds and 269 employees, including 15 doctors serving the hospital. The Hospital is physician owned and performs general medicine and surgery. The Hospital has over 2,700 admissions yearly and a Trauma Center which has 6,000 patients annually. Its physicians perform over 1,000 in patient surgeries and over 1,800 outpatient surgeries. The Hospital was built in 2006 and an addition was constructed in 2014.

Residents of the City also have access to hospitals and medical clinics located in the City of Wichita, Kansas.

### Financial Institutions

Seven financial institutions have locations in the City including the Andover State Bank, Equity Bank, Intrust Bank, Capitol Federal Savings, Bank of America, Emprise Bank, and Meritrust Credit Union. The financial institutions located in the Cities of Augusta, El Dorado, and Wichita also serve the needs of the community and surrounding area.

There are currently 12 banks located in Butler County. For the years listed, bank deposits of the County's banks are as follows:

<u>Year</u>	<u>Total Bank Deposits</u>
2020	\$1,421,981,000
2021	1,607,612,000
2022	1,647,074,000
2023	1,739,535,000
2024	1,722,206,000

Source: FDIC

### Industrial Development

The City assisted in the development of an Industrial Park where three major industries, International Cold Storage (DBA Everidge), Vornado Air, LLC, and Sherwin Williams as well as other small companies are located. In July of 2012, upon the recommendation of the Andover Envisioning Group, the City Council renamed the Industrial Park as the Andover Business Park. In 2020, Vornado Air, LLC built a \$2 million addition to their fan manufacturing facility. In 2023, Everidge built a \$1.8 million expansion to their location allowing them to double their workforce in Andover over the next decade.

### Commercial Development

In recent years, the development of the City's commercial base has generally continued to grow. In 2019 The Andover Redevelopment District was created. This is known as the Heritage Development, with projects financed through tax increment financing (TIF). This is 100+/- acres of real property with proposed mixed-use projects including: (i) an approximately 168-unit multifamily residential project; (ii) an approximately 100 room hotel; (iii) approximately 50,000 square feet of commercial uses; (iv) parking facilities; (v) an approximately 100 unit independent/senior living facility; and (vi) associated site work and infrastructure. The YMCA that was completed in 2009 was destroyed by the tornado that hit the area on April 29, 2022. They have completed rebuilding at the same location with a reopening date in fall 2024; the waterpark reopened May 27, 2023.

### Economic Development

The Andover Chamber of Commerce represents several businesses in Andover by promoting business and services in Andover. Additionally, the City utilizes the Butler County Economic Development for economic development activities. The City is also a member of the Regional Area Economic Partnership, an organization comprised of cities and counties in the south-central Kansas area.

## **ECONOMIC INFORMATION**

The City is located in one of the richest agricultural and petroleum producing areas in the nation. The City's economy is diversified among agricultural production, oil production and industrial development of the greater Wichita Metropolitan Area. Residents of the City have employment opportunities in the City as well as throughout Butler County and Sedgwick County.

### Major Employers

Listed below are the major employers located in the City and the number employed by each:

<b><u>Employer</u></b>	<b><u>Type</u></b>	<b><u>Number of Employees</u></b>
Unified School District No. 385	Education	644
Kansas Medical Center	Health-Hospital	270
Vornado	Manufacturing	158
Butler County Community College	Education -2 Year	141
Sherwin-Williams Co.	Manufacturing-Paint	129
City of Andover	Government	107
Life Care Center Andover	Health-Nursing Home	73
Dillons Real Estate Co. Inc.	Retail-Grocery	69
International Cold Storage/Everidge	Refrigeration Systems	64
Victoria Falls	Health-Nursing Home	50

Source: City CFO

The City is located at the northeast corner of the Wichita Metropolitan Area, approximately 20 miles from downtown Wichita, Kansas, and as such residents of the City also have employment opportunities throughout the City of Wichita, Kansas and Sedgwick County, Kansas.

City residents have employment opportunities nearby in the City of Wichita. Listed below are the largest employers within the Wichita Metro Area and the number employed by each:

### Major Employers – Wichita Metro Area

<b><u>Major Employers</u></b>	<b><u>Product/Service</u></b>	<b><u>Number of Full-time Employees</u></b>
Spirit AeroSystems Inc.	Aircraft	13,000
Textron Aviation	Aircraft	9,350
McConnell Air Force Base	Government	5,679
U.S.D. 259	Education	5,614
Ascension Via Christi Health	Healthcare	4,413
Koch Industries Inc.	Refining & Chemicals	3,100
City of Wichita	Government	2,886
U.S. Government	Government	2,830
Sedgwick County	Government	2,521
State of Kansas	Higher Education and Government	2,157

*Source:* “Major Employers”, Wichita.gov, 2025

### Labor Force

The following tables set forth the labor force and employment figures for Butler County, Kansas and the State of Kansas:

#### Butler County, Kansas

<b><u>Year</u></b>	<b><u>Total Labor Force</u></b>	<b><u>Employed</u></b>	<b><u>Unemployed</u></b>	<b><u>Unemployed Rate</u></b>
2020	32,533	30,403	2,130	6.5%
2021	32,456	31,315	1,141	3.5%
2022	32,766	31,856	910	2.8%
2023	34,159	33,185	974	2.9%
2024	34,730	33,462	1,268	3.7%

#### State of Kansas

<b><u>Year</u></b>	<b><u>Total Labor Force</u></b>	<b><u>Employed</u></b>	<b><u>Unemployed</u></b>	<b><u>Unemployed Rate</u></b>
2020	1,497,003	1,408,995	88,008	5.9%
2021	1,495,665	1,447,323	48,342	3.2%
2022	1,504,932	1,464,834	40,098	2.7%
2023	1,524,404	1,480,579	43,825	2.9%
2024	1,545,790	1,490,553	55,237	3.6%

Source: Kansas Department of Labor

### Personal Income

The Butler County personal and per capita personal income and State of Kansas per capita personal income are listed for the years indicated in the following table:

<u>Year</u>	<u>Butler County Total Personal Income</u>	<u>Butler County Per Capita Personal Income</u>	<u>State of Kansas Per Capita Personal Income</u>
2019	\$3,226,195,000	\$48,216	\$53,426
2020	3,402,425,000	50,789	56,099
2021	3,505,999,000	51,643	58,924
2022	3,659,856,000	53,632	60,424
2023	3,963,352,000	57,748	66,115

Source: Bureau of Economic Analysis

### Retail Sales Tax Collections

The following table lists the sales tax collections for the State of Kansas portion of the total sales tax for the years indicated for sales occurring in Butler County, Kansas:

<u>Year</u>	<u>Sales Tax Collections</u>	<u>Per Capita Sales Tax</u>
2020	\$58,892,474	\$861.99
2021	66,363,084	928.18
2022	74,850,689	1,033.90
2023	75,398,813	1,093.61
2024	77,405,081	1,100.87

Source: Kansas Statistical Abstract

### Oil Production

The oil production (in number of barrels) for Butler County for the years listed is indicated in the following table:

<u>Year</u>	<u>Oil Production</u>
2020	684,681
2021	689,731
2022	699,285
2023	704,109
2024	740,046

Source: Kansas Geological Survey

## FINANCIAL INFORMATION REGARDING THE CITY

### Financial Overview

The following table summarizes key statistics with regard to the City's general obligation debt as of the dated date:

Estimated Appraised Valuation	\$2,105,485,597
Assessed Valuation (including Motor Vehicle valuation)	\$295,330,952
Population	15,814
Outstanding General Obligation Notes and Bonds	\$128,180,000
General Obligation Debt Per Capita	\$8,105.48
Ratio of General Obligation Debt to Assessed Valuation	43.40%
Ratio of General Obligation Debt to Appraised Valuation	6.09%
Direct and Net Overlapping Debt	\$196,749,920
Direct and Net Overlapping Debt Per Capita	\$12,441.50
Ratio of Direct and Net Overlapping Debt to Assessed Valuation	66.62%
Ratio of Direct and Net Overlapping Debt to Appraised Valuation	9.34%

### Authority to Incur Debt

Pursuant to Kansas law, the City is authorized to incur applicable bonded debt of 30% of the current years' Assessed Tangible Valuation, including the City's valuation of motor vehicles. The City's current applicable bonded debt is 18.92% of its Assessed Tangible Valuation for computation of bond debt limitation.

Assessed Tangible Valuation	\$270,631,332
Motor Vehicle Valuation (2024)	<u>24,699,620</u>
Total Valuation for Computation of Bonded Indebtedness Limitations	<u>\$295,330,952</u>
Legal Limitation of Bonded Debt (30%)	\$88,599,286
Applicable General Obligation Debt to Debt Limit	<u>55,880,763</u>
Additional Debt Capacity	<u>\$32,718,523</u>

### History of Equalized Assessed Valuation of Taxable Tangible Property

The Equalized Assessed Valuation of Taxable Tangible Property in the City for the last ten years is as follows:

<u>Year</u>	<u>Estimated Appraised Valuation</u>	<u>Assessed Valuation of Tangible Taxable Property</u>	<u>Assessed Valuation of Motor Vehicles</u>	<u>Total Assessed Valuation</u>
2016	\$1,159,168,531	\$136,636,680	\$17,788,441	\$154,425,121
2017	1,228,018,375	145,808,167	18,140,727	163,948,894
2018	1,134,138,740	153,116,608	18,718,266	171,834,874
2019	1,188,012,970	161,316,473	19,472,188	180,788,661
2020	1,287,695,284	172,877,615	20,370,113	193,247,728
2021	1,328,946,016	177,713,554	21,901,890	199,615,444
2022	1,534,795,235	201,178,171	21,665,475	222,843,646
2023	1,808,292,187	232,101,160	23,203,696	255,304,856
2024	1,972,471,964	252,330,588	24,699,620	277,030,208
2025*	2,105,485,597	270,631,332	24,699,620	295,330,952

*\* Preliminary 2025 assessed valuation figures used for budgeting purposes. 2025 motor vehicle valuation not yet available; 2024 MV data used for estimation purposes only.*

Source: County Clerk

### Major Taxpayers

The following table sets forth the largest taxpayers in the City for taxes levied in 2024:

<u>Taxpayer</u>	<u>Assessed Value</u>	<u>Taxes Due</u>
FOUNDERS REAL ESTATE LLC	\$3,548,790	\$545,917.46
EVERGY KANSAS SOUTH, INC	2,510,619	389,179.00
ANDOVER APARTMENTS LLC	2,330,773	358,374.98
VORNADO AIR LLC	2,232,460	359,339.86
FLINT HILLS NAT'L GOLF CLUB	1,931,688	297,155.44
PAUL PROPERTIES ANDOVER LLC	1,807,021	270,737.54
HSMU LLC	1,799,047	276,578.50
KANSAS GAS SERVICE	1,687,725	259,626.12
DILLONS COMPANIES INC	1,627,500	250,361.58
HERITAGE SQUARE ANDOVER LLC	1,284,794	197,297.46

Source: County Treasurer



## Local Option Sales Tax

Sales tax collections are the responsibility of the Kansas Department of Revenue. The Department of Revenue distributes the local option countywide and citywide sales taxes on a monthly basis. Countywide sales taxes are distributed between the levying county and the cities within the county based on population and relative tax levies. Citywide local option sales taxes are distributed solely to the levying city.

The current total sales tax rate for goods and services in the City is 8.50%, which consists of 6.50% imposed by the State of Kansas, 0.00% imposed by Butler County and a 2.00% city-wide local option sales tax.

The following table provides the amount of local sales tax collected and received by the City during the years indicated:

<u>Year</u>	<u>Sales Tax Rates</u>	<u>Collections</u>
2015 <sup>(1)</sup>	1.00% / 1.75%	\$2,273,324
2016	1.75%	3,931,686
2017	1.75%	4,048,287
2018 <sup>(1)</sup>	1.75% / 1.00%	4,044,396
2019	1.00%	2,323,328
2020	1.00%	2,523,697
2021	1.00%	2,865,818
2022 <sup>(2)</sup>	1.00% / 2.00%	5,197,485
2023	2.00%	7,012,923
2024	2.00%	7,056,028

(1) The sales tax rate increased from 1.00% to 1.75% on October 1, 2015, and was reduced back to 1.00% on October 1, 2018.

(2) The sales tax rate increased from 1.00% to 2.00% on April 1, 2022.

Source: City Clerk

## Current Indebtedness of the City

The following tables show the City's outstanding debt as of the dated date:

### **General Obligation Bonds**

<u>Issue</u>	<u>Final Maturity</u>	<u>Original Principal</u>	<u>Principal Outstanding</u>	<u>Portion Paid from General Taxes</u>	<u>Portion Paid from Sales Taxes</u>	<u>Portion Paid from Special Assessments</u>	<u>Amount Applicable to Debt Limit</u>
Series A, 2015	10/1/2035	\$6,540,000	\$2,275,000	\$163,800	\$0	\$2,111,200	\$1,022,332
Series B, 2015	10/1/2030	3,780,000	1,425,000	1,425,000	0	0	1,425,000
Series A, 2016	10/1/2031	9,640,000	2,415,000	357,420	0	2,057,580	1,133,338
Series A, 2017	10/1/2038	3,575,000	2,655,000	0	0	2,655,000	588,826
Series A, 2019	10/1/2039	7,525,000	5,555,000	3,744,070	0	1,810,930	3,419,146
Series A, 2020	10/1/2040	3,695,000	2,930,000	0	0	2,930,000	1,307,099
Series B, 2020	10/1/2033	4,320,000	1,130,000	0	0	1,130,000	260,517
Series C, 2020	10/1/2041	3,745,000	2,815,000	0	0	2,815,000	1,423,237
Series A, 2022	10/1/2042	4,160,000	3,855,000	0	0	3,855,000	1,711,166
Series A, 2023	10/1/2043	3,220,000	3,025,000	0	0	3,025,000	698,524
Series A, 2024	10/1/2044	25,155,000	22,590,000	0	11,740,000	10,850,000	16,669,550
Series A, 2025	10/1/2046	12,850,000	<u>12,850,000</u>	<u>6,465,000</u>	<u>0</u>	<u>6,385,000</u>	<u>6,656,957</u>
Total=			<u>\$63,520,000</u>	<u>\$12,155,290</u>	<u>\$11,740,000</u>	<u>\$39,624,710</u>	<u>\$36,315,692</u>

The following tables show the City's outstanding tax increment debt as of the dated date:

#### Tax Increment Bonds

<u>Issue</u>	<u>Final Maturity</u>	<u>Original Principal</u>	<u>Principal Outstanding</u>
Series B, 2019	10/1/2039	\$3,655,000	\$2,980,000
Series A, 2021	10/1/2039	9,605,000	9,255,000
Series B, 2021	10/1/2040	16,890,000	<u>16,190,000</u>
Total=			\$28,425,000
3% of assessed valuation of the City <sup>(1)</sup>			<u>(8,859,929)</u>
Amount of tax increment bonds applicable to the debt limit			\$19,565,071

<sup>(1)</sup> Any aggregate amount of tax increment bonds of the City in excess of 3% of the assessed valuation of the City is applicable to the City's debt limit.

#### Temporary Notes

<u>Issue</u>	<u>Final Maturity</u>	<u>Amount Outstanding</u>	<u>Amount Applicable to Debt Limit</u>
Series A, 2025	10/01/2028	<u>\$36,235,000</u>	<u>\$0</u>
Total=		<u>\$36,235,000</u>	<u>\$0</u>

#### Public Building Commission Revenue Bonds

The Bonds issued by the Andover Public Building Commission are payable solely from the revenues received by the Commission from lease agreements with the City. The following table sets forth the outstanding bonds of the Andover Public Building Commission as of the dated date:

<u>Issue</u>	<u>Final Maturity</u>	<u>Original Principal</u>	<u>Principal Outstanding</u>
Series A, 2017	11/1/2032	\$1,150,000	<u>\$775,000</u>
Total=			<u>\$775,000</u>

## Overlapping Indebtedness

The following table sets forth the overlapping general obligation indebtedness as of the dated date (excluding public building commission and other revenue obligations of Butler County), and the percent attributable (on the basis of assessed valuation) to the City:

<b><u>Taxing Jurisdiction</u></b>	<b><u>Current Assessed Valuation</u></b>	<b><u>Outstanding General Obligation Indebtedness</u></b>	<b><u>Percent Applicable to Issuer</u></b>	<b><u>Gross Amount Applicable to Issuer</u></b>	<b><u>Net Amount Applicable to Issuer</u></b>
Butler County	\$1,097,000,657	\$-0-	24.67%	\$-0-	\$-0-
Unified School Dist. 385 <sup>(1)</sup>	536,408,906	135,900,000	50.46%	68,569,920	68,569,920
Butler Co. Comm. College	1,097,000,657	-0-	24.67%	-0-	-0-
			Total =	<u>\$68,569,920</u>	<u>\$68,569,920</u>

<sup>(1)</sup> For bonds approved by voters prior to July 1, 2015, the State of Kansas will pay 50% of debt service for USD 385 bonds; for bonds approved by voters after July 1, 2015, the State of Kansas will pay 0% of debt service for the USD 385 bonds.

### Debt Management and Fiscal Policy

The City has adopted a resolution adopting a debt management and fiscal policy. Included in the resolution is a measure of debt affordability, which provides that the amount of new general obligation debt, including temporary notes, issued in any one fiscal year shall not exceed sixty (60%) percent of the amount of new growth in the prior year of the assessed valuation of the City. In addition, any unused new growth amount in the prior year can be applied to future years as well. The policy provides for exemptions to the debt limit on a case-by-case basis.

In addition, the City of Andover, Kansas has adopted a resolution establishing a development policy for the financing of public improvements and the levying of special assessments within the City. A part of this resolution requires a financial guarantee equal to 50% of the estimated principal cost of the project(s), which guarantee the payment of the special assessments levied. This financial guarantee is released based upon the following schedule:

Upon expiration of one-half (1/2) of the original length of maturity of bonds issued for improvements, or upon issuance of certificates of occupancy for a principal building on at least one-half (1/2) of the properties within the development that received the improvements, whichever occurs first, an amount equal to 40% of the original amount of the financial guarantee shall be released, less any amounts which have been previously applied towards bond principal and interest;

Upon expiration of three-fourths (3/4) of the original length of maturity on the bonds issued for improvements, or upon issuance of certificates of occupancy of a principal building on at least three-fourths (3/4) of the properties within the development that received the improvements, whichever occurs first, an amount equal to 80% of the original amount of the financial guarantee shall be released, less any amounts which have been previously applied towards bond principal and interest; and

Upon the maturity date of the bonds issued for the improvements, or upon the issuance of certificates of occupancy for a special building on at least 90% of the properties within the development that received the improvements, whichever occurs first, the remaining portion of the financial guarantee shall be released, less any amounts which have been previously applied towards bonds principal and interest.

### Future Debt

Residential and commercial growth that the City has experienced is expected to continue. As a result, the City anticipates financing the public infrastructure needs of the community with ongoing temporary note financing and eventually bonded indebtedness. The City may issue additional debt in the next 12 months for developments occurring in the City.

### Retirement and Pension Plans

All full-time employees, except police and fire employees, participate in the City's Simplified Employee Pension Plan ("Plan"), a single-employer, defined contribution retirement plan. All full-time employees are eligible to participate in the Plan after six months of continuous employment. Benefits are fully vested upon eligibility to participate in the Plan. The City's contribution, as required by the Plan document, for 2023 was based upon 7% of the gross compensation and was \$289,276. Employees are not required to make contributions to the Plan, but if they do, the City matches the employee's elective contributions up to 3%. In 2023, the total employee elective contributions were \$142,801. The City retains no ownership rights to the accounts and, accordingly, the account balances are not included in the financial statements of the City.

Certain of the City's police and fire employees participate in the Public Employees Retirement System – Local Group and the Police and Firemen's Retirement System ("KP&F") operated through the Kansas Public Employees Retirement System ("KPERS"), a cost-sharing, multiple-employer, defined benefit plan which is funded through contributions by employers and the individual employees. KP&F provides retirement benefits, life insurance, disability income benefits and death benefits. KP&F issues a publicly available financial report which is available by contacting KPERS at 611 S. Kansas Ave, Suite 100, Topeka, Kansas 66603.

Kansas law places a cap on employer contributions to the KPERS plans, which has resulted in a statutory contribution rate for employees that has been below the actuarial required contribution rate for many years, in an effort to address the unfunded actuarial liability of the KPERS plans, the Kansas Legislature approved legislation in 2012 that will increase employer contributions at a rate greater than the historical 0.6% of covered compensation rate of increase in recent years. The City began participating in the KP&F portion of KPERS in 2007. The 2023 contribution rate for the City and City employees is 22.86% and 7.15%, respectively. The City's contribution to the Plan for the years ended December 31, 2023, 2022, and 2021, was approximately \$701,937, \$648,251, and \$635,429, respectively, and was equal to their required contribution.

The Governmental Accounting and Standards Board recently released GASB Statement 68 changing the way governmental employers account for pension programs such as KPERS under Generally Accepted Accounting Principles ("GAAP"). Beginning with fiscal year 2015, public entities reporting financial information in conformance with GAAP were required to report in their financial statements their share of the costs and obligations of KPERS. According to KPERS' Valuation Reports, KPERS had an aggregate UAAL of approximately \$8.290 billion in calendar year 2023, of which approximately \$2.089 billion was attributable to the Local Group and approximately \$1.381 billion was attributable to KP&F.

## Insurance

The City has the following insurance coverage through USI: general liability (\$1,000,000 per occurrence/\$2,000,000 aggregate), business auto (\$1,000,000 liability/\$1,000,000 uninsured motorist), over \$2.2 million Inland Marine, law enforcement liability (\$1,000,000 per occurrence/\$1,000,000 aggregate), linebacker (\$1 million per occurrence/\$2,000,000 aggregate), and over \$55 million blanket property coverage for buildings and personal property. Proceeds of insurance are not pledged to the Bonds.

## **General Tax Levies and Collections**

### **Accounting, Budgeting and Auditing Procedures**

The City follows a modified accrual basis of accounting for funds of the City, including the general fund, special revenue funds, capital project fund and debt service fund. Enterprise funds are reported on the accrual basis of accounting. The City has received a GAAP waiver from the State of Kansas.

An annual budget of estimated receipts and disbursements for the coming calendar year is required by statute to be prepared for all funds (unless specifically exempted). The budget is prepared utilizing the modified accrual basis which is further modified by the encumbrance method of accounting. For example, commitments such as purchase orders and contracts, in addition to disbursements and accounts payable, are recorded as expenditures. The budget lists estimated receipts by funds and sources and estimated disbursements by funds and purposes. The proposed budget is presented to the governing body of the City prior to August 1, with a public hearing required to be held prior to August 15, with the final budget to be adopted by a majority vote of the governing body of the City prior to August 25 of each year (or October 1 if the City must conduct a public hearing to levy taxes in excess of its revenue neutral rate described below). Budgets may be amended upon action of the governing body after notice and public hearing, provided that no additional tax revenues may be raised after the original budget is adopted.

The City may levy taxes in accordance with the requirements of its adopted budget. Property tax levies are based on the adopted budget of the City and the assessed valuations provided by the County appraiser. In 2021, the Kansas Legislature passed legislation (the "Revenue Neutral Tax Act") that repeals the "tax lid" (formerly K.S.A. 79-2925c) and provides that, beginning January 1, 2021, a taxing subdivision (which includes any political subdivision of the State that levies an ad valorem property tax, including the City) is not authorized to levy a property tax rate in excess of its revenue neutral rate without first providing notice, holding a public hearing, and authorizing such property tax rate by majority vote of its governing body. The revenue neutral rate means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation.

The Revenue Neutral Tax Act provides that by June 15 of every year, each county clerk shall calculate the revenue neutral rate for each taxing subdivision in their respective county. If a taxing subdivision desires to levy a tax rate in excess of its revenue neutral rate, it must first publish notice of a public hearing and notify, by July 20, the county clerk of the taxing subdivision's intent to exceed the revenue neutral rate. The county clerk is required to provide notice of the public hearing to each taxpayer with property in the taxing subdivision, along with the following information concerning the taxing subdivision: (1) the revenue neutral rate, (2) the proposed property tax revenue needed to fund the proposed budget, (3) the proposed tax rate based on the proposed budget, (4) the tax rate and property tax of each taxing subdivision on the taxpayer's property from the previous year's tax statement, (5) the appraised value and assessed value of the taxpayer's property, (6) estimates of the tax for the current tax year on the taxpayer's property based on the revenue neutral rate of each taxing subdivision and any proposed tax rates that exceed the revenue neutral rates, (7) the difference between the estimates of tax based on the proposed tax rate and the revenue neutral rate. The public hearing regarding exceeding the revenue neutral rate is to

he held between August 20 and September 20, and can be held in conjunction with the taxing subdivision's budget hearing. If multiple taxing subdivisions within the county are required to hold a public hearing, the notices to the taxpayer can be combined into a single notice. At the public hearing, the taxing subdivision can approve exceeding the revenue neutral rate by a majority vote of its governing body, and the amount of tax to be levied must be certified to the county clerk by October 1. The taxing subdivision's adopted budget shall not result in a tax rate in excess of its proposed rate stated in the notice provided to the taxpayers. If a taxing subdivision fails to comply with the requirements of the Revenue Neutral Tax Act, it shall refund to the taxpayers any property taxes over collected based on the amount of the levy that was in excess of the revenue neutral rate.

Kansas law prohibits governmental units from creating indebtedness unless there are funds on hand in the proper accounts and unencumbered by previous action with which to pay such indebtedness. An exception to this cash-basis operation is made where provision has been made for payment of obligations by bonds or other specific debt obligations authorized by law.

The financial records of the City are audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards. In recent years, the annual audit has been performed by BT & Co., P.A., Topeka, Kansas. Copies of the audit reports for the past five (5) years are on file in the Clerk's office and are available for review. The audit for the Fiscal Year ended December 31, 2023, is included in the City's Annual Comprehensive Financial Statements and Report attached hereto as APPENDIX B.

The financial information contained in the Appendices to this Official Statement are an integral part of this document and are intended to be read in conjunction herewith.

### **City Mill Levy History**

The aggregate tax levies (per \$1,000 assessed valuation) of the City and overlapping jurisdictions for the years indicated are included in the following table:

<u>Year</u>	<u>City</u>	<u>USD 385</u>	<u>Butler County</u>	<u>Butler Community College</u>	<u>State</u>	<u>Total</u>
2015	38.525	65.289	35.012	18.063	1.500	158.389
2016	40.973	65.341	34.747	20.074	1.500	162.635
2017	40.511	67.592	34.749	20.075	1.500	164.427
2018	41.013	67.612	34.274	20.068	1.500	164.467
2019	42.311	67.736	34.280	20.068	1.500	165.895
2020	42.273	67.859	34.013	18.007	1.500	163.652
2021	43.831	67.417	32.766	15.262	1.500	160.776
2022	43.727	67.337	32.093	13.855	1.500	158.512
2023	42.981	66.055	30.088	12.269	1.500	152.893
2024	43.805	65.408	29.880	13.239	1.500	153.832

Source: County Clerk

## Property Tax Collections

Tax statements are mailed November 1 each year and may be paid in full or one-half on or before December 20 with the remaining one-half due on or before May 10 of the following year. Taxes that are unpaid on the due dates are penalized at a statutorily prescribed rate until paid or until the property is sold for taxes. Real estate bearing unpaid taxes is advertised for sale in July of each year and is sold by the County for taxes and all legal charges on the first Tuesday in September. Properties that are sold and not redeemed within two years after the tax sale are subject to foreclosure sale, except homestead properties which are subject to foreclosure sale after three years.

Personal property taxes are due and may be paid in the same manner as real estate taxes, with the same interest applying to delinquencies. If personal taxes are not paid when due, warrants are issued and placed in the hands of the Sheriff for collection. If not paid on or before October 1, legal judgment is entered and the delinquent tax becomes a lien on the property. Unless renewed, a non-enforced lien expires five years after it is entered.

Motor vehicle taxes are collected periodically throughout the year concurrently with the renewal of motor vehicle tags based upon the value of such vehicles. Such tax receipts are distributed to all taxing subdivisions, including the State of Kansas, in proportion to the number of mills levied within each taxpayers' tax levy unit.

### **Tax Collection Record**

The following table sets forth tax collection information for the City for the years indicated:

<b>Collections within the Fiscal Year of the Levy</b>				<b>Total Collections to Date</b>		
<b>Fiscal Year</b>	<b>Taxes Levied</b>	<b>Amount</b>	<b>Percentage of Levy</b>	<b>Collections in Subsequent Years*</b>	<b>Amount</b>	<b>Percentage of Levy</b>
2014	\$4,648,568	\$4,318,371	92.90%	\$293,963	\$4,612,334	99.22%
2015	4,802,749	4,585,186	95.47%	145,952	4,731,138	98.51%
2016	4,960,163	4,701,925	94.79%	---	4,701,925	94.79%
2017	5,590,046	5,502,196	98.42%	---	5,502,196	98.42%
2018	6,031,787	5,865,123	97.23%		5,865,123	97.23%
2019	6,514,778	6,408,056	98.36%		6,408,056	98.36%
2020	7,048,492	6,696,286	95.00%		6,804,860	96.54%
2021	7,479,735	7,158,708	95.71%		7,334,606	98.06%
2022	8,810,265	8,662,322	98.32%	60,827	8,723,149	99.01%
2023	9,962,992	9,881,862	99.19%		9,881,862	99.19%

*\*County Treasurer's records do not provide a determination of which year the collection in subsequent years is applied to. For this schedule all collections of delinquent taxes are applied to the preceding year.*

Source: County Treasurer

### Special Assessments and Collections

In the past the City has pursued a policy of utilizing special benefit districts to assign the cost of certain internal improvement projects to the property which was directly benefited from the construction thereof. Kansas statutes allow for the creation of special benefit districts to pay for the cost of a variety of improvements including street construction, storm water drains, sanitary sewer system improvements, street lighting, water system improvements, recreational facilities, flood control projects, bridges and parking facilities. The City has typically utilized special benefit districts to pay for the costs associated with constructing streets, sidewalks, water lines, sewers, curbs, gutters and lighting in new residential developments within the City.

The creation of special benefit districts, the determination of property benefited and the method of allocating the cost of the improvements is at the discretion of the City. Property owners have the ability to suggest improvement to be made through a petition process and to comment on the final amount of their assessment. The City may or may not be included as part of the special benefit district. All property owners have the option to pay their portion of the improvement cost with a one-time payment during an assessment prepayment period or pay in annual installments with interest over a certain number of years.

Upon completion of the special benefit district improvement projects and a prepayment period, the City issues general obligation bonds to provide for permanent project financing. The payment of the principal of and interest on such bonds is paid from the special assessments levied annually on the benefited property owners. Special assessments are paid at the same time and in the same manner as ad valorem property taxes. If at any time the special assessments received from the property owners are insufficient to provide for the payment of the principal of and interest on the bonds, the City is obligated to provide for the balance of such payments through its ability to levy unlimited ad valorem property taxes.

Special assessments are spread on benefited real estate with general property tax levy in November of each year. The following table sets forth the special assessments levied and collected in recent years:

<u>Levy Year</u>	<u>Budget Year</u>	<u>Special Assessment Levy</u>	<u>Special Assessments Collected</u>	<u>Delinquency Percentage</u>
2014	2015	\$4,221,162	\$4,119,766	2.40%
2015	2016	3,876,949	3,831,312	1.12%
2016	2017	3,851,719	3,800,375	1.33%
2017	2018	3,583,109	3,436,763	4.10%
2018	2019	3,548,461	3,502,331	1.30%
2019	2020	3,571,445	3,551,419	0.77%
2020	2021	3,544,398	3,461,551	2.34%
2021	2022	3,662,993	3,695,172	0.00%
2022	2023	3,383,734	3,412,745	0.00%
2023	2024	3,033,932	3,025,527	0.02%

Source: CFO

### Appraisal and Assessment Procedures

The determination of appraised and assessed valuation and the collection of property taxes for all political subdivisions in the State of Kansas is the responsibility of the various counties. The County Appraiser annually determines the appraised valuation of property located in the County. The Appraiser's determination is based on a number of criteria established by Kansas statute. All property, with the exception of agricultural land, is appraised based on estimated fair market value. Agricultural property is appraised based on productivity value. Kansas statutes require that each parcel of real property be reviewed



and inspected by the county appraiser once every four years for taxation purposes. Once appraised valuations have been determined, they are multiplied by the applicable statutory assessment rates to arrive at the assessed valuations. The total assessed valuation is then used to establish property tax rates.

### Property Assessment Rates

In order to determine the assessed valuation of a parcel of property for taxation purposes, the county appraiser multiplies the appraised value of the parcel by the applicable assessment rate. Current property assessment rates were established in 1986, effective in 1989, and slightly modified in 1992. The most significant 1992 modifications involved lowering the assessment rate on commercial and industrial real property from 30% to 25% and on residential property from 12% to 11.5%. The following table shows the current assessment rates for the different classes of taxable tangible property within the State of Kansas.

#### Real Property:

Residential	11.5%
Commercial and Industrial-Real Property	25.0%
Agricultural Land (1)	30.0%
Agricultural Improvements	25.0%
Vacant Lots	12.0%
Not-for-Profit (2)	12.0%
All Other	30.0%

#### Personal Property (3):

Mobile Homes	11.5%
Mineral Leaseholds (large)	30.0%
Mineral Leaseholds (small)	25.0%
Commercial & Industrial Machinery & Equipment	25.0%
All Other	30.0%

#### Utilities:

Railroads	federally mandated rate
All Other Public Utilities	33.0%

#### Motor Vehicles:

22.0%

#### Property Exempt:

Property used for the following purposes, or portions thereof, are exempt from taxation provided certain statutory requirements are met: religious, educational, literary, scientific, benevolent, alumni associations, veterans' organizations, or charitable purposes, including parsonages and community service organizations providing humanitarian services.

(1) *Agricultural land is valued based on the productivity value of the property and not estimated market valuation.*

(2) *A bill passed by the Kansas Legislature in 1994 clarified this class of property to include all property owned and operated by not-for-profit organizations not subject to federal income taxation pursuant to paragraphs (2), (3), (4), (7), (8), or (10) of Subsection C of Section 501 of the federal internal revenue code. This bill specifically established that private, not-for-profit country clubs would be assessed at 12% for all land which does not accommodate buildings or improvements.*

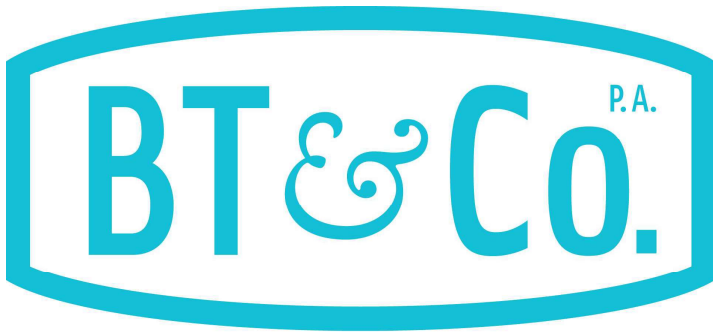
(3) *The 2006 Kansas Legislature exempted from all property or ad valorem property taxes levied under the laws of the State, all commercial, industrial, telecommunications, and railroad machinery and equipment acquired by qualified purchase or lease after June 30, 2006 or transported into the State after June 30, 2006 for the purpose of expanding an existing business or creation of a new business.*

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***APPENDIX B***

**COMPREHENSIVE ANNUAL FINANCIAL STATEMENTS AND REPORT  
YEAR ENDED DECEMBER 31, 2023**



*Certified Public Accountants*

# CITY OF ANDOVER, KANSAS

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FINANCIAL STATEMENT  
YEAR ENDED DECEMBER 31, 2023

CITY OF ANDOVER, KANSAS  
FINANCIAL STATEMENT  
REGULATORY BASIS  
Year Ended December 31, 2023

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CITY OF ANDOVER, KANSAS  
FINANCIAL STATEMENT  
REGULATORY BASIS  
Year Ended December 31, 2023

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## **INDEPENDENT AUDITORS' REPORT**

Mayor and City Council  
City of Andover, Kansas

### **Report on the Audit of the Financial Statement**

#### ***Adverse and Unmodified Opinions***

We have audited the accompanying fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances of the City of Andover, Kansas (the City) as of and for the year ended December 31, 2023 and the related notes to the financial statement.

#### ***Adverse Opinion on U.S. Generally Accepted Accounting Principles***

In our opinion, because of the significance of the matter discussed in the Basis for Adverse and Unmodified Opinions section of our report, the accompanying financial statement referred to above does not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the City as of December 31, 2023, or changes in financial position and cash flows thereof for the year then ended.

#### ***Unmodified Opinion on Regulatory Basis of Accounting***

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the aggregate cash and unencumbered cash balance of the City as of December 31, 2023, and the aggregate receipts and expenditures for the year then ended in accordance with the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide* described in Note 2.

#### ***Basis for Adverse and Unmodified Opinions***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS), the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*), and the *Kansas Municipal Audit and Accounting Guide*. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statement section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our adverse and unmodified audit opinions.

#### ***Matter Giving Rise to Adverse Opinion on U.S. Generally Accepted Accounting Principles***

As discussed in Note 2 of the financial statement, the financial statement is prepared by the City on the basis of the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide*, which is a basis of accounting other than accounting principles generally accepted in the United States of America. The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 2 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.



### ***Responsibilities of Management for the Financial Statement***

Management is responsible for the preparation and fair presentation of this financial statement in accordance with the *Kansas Municipal Audit and Accounting Guide* as described in Note 2; this includes determining that the regulatory basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances. Management is also responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

In preparing the financial statement, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern within one year after the date that the financial statement is issued or available to be issued.

### ***Auditors' Responsibilities for the Audit of the Financial Statement***

Our objectives are to obtain reasonable assurance about whether the financial statement as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statement.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the financial statement, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statement.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statement.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Supplementary Information***

Our audit was conducted for the purpose of forming an opinion on the fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances (the basic financial statement) as a whole. The schedules

listed under supplementary information in the accompanying table of contents, including the schedule of expenditures of federal awards as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, are presented for purposes of additional analysis and are not a required part of the basic financial statement. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statement. The information has been subjected to the auditing procedures applied in the audit of the basic financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statement or to the basic financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the accompanying supplementary information is fairly stated in all material respects, in relation to the basic financial statement as a whole, on the basis of accounting described in Note 2.

#### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated August 19, 2024 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

BT&Co, P.A.

August 19, 2024  
Topeka, Kansas

CITY OF ANDOVER, KANSAS  
SUMMARY STATEMENT OF RECEIPTS, EXPENDITURES, AND UNENCUMBERED CASH  
REGULATORY BASIS  
Year Ended December 31, 2023

Funds	Beginning Unencumbered Cash Balance	Prior Year Canceled Encumbrances	Receipts	Expenditures	Ending Unencumbered Cash Balance	Add Outstanding Encumbrances and Accounts Payable	Ending Cash Balance
Primary government:							
General fund	\$ 2,239,128	\$ 10,267	\$ 13,099,592	\$ 11,568,367	\$ 3,780,620	\$ 390,197	\$ 4,170,817
Special purpose funds:							
Street improvement fund	1,154,037	37,100	9,148,230	6,276,069	4,063,298	1,676,118	5,739,416
Employee benefits fund	836,439	-	2,996,239	2,796,114	1,036,564	-	1,036,564
Special highway fund	860,824	-	532,168	454,215	938,777	15,549	954,326
Library fund	38,909	-	670,089	644,850	64,148	-	64,148
Hotel and tourism fund	204,205	-	178,374	96,951	285,628	-	285,628
Park improvement fund	368,782	-	389,454	123,166	635,070	13,235	648,305
Emergency 911 fund	179,046	-	107,060	50,753	235,353	-	235,353
Special building fund	26,996	-	412,954	401,346	38,604	-	38,604
Golf course fund	23,900	-	186,998	198,103	12,795	100,990	113,785
Festivals fund	202	-	285,448	105,042	180,608	825	181,433
ARPA fund	1,033,792	-	-	800,000	233,792	-	233,792
Andover Public Building Commission fund	-	-	401,346	401,346	-	-	-
Debt service fund	1,423,372	-	4,279,156	4,402,983	1,299,545	-	1,299,545
Capital project funds:							
Sewer expansion/equipment reserve fund	12,193,218	-	2,444,143	9,750,624	4,886,737	687,138	5,573,875
Street equipment reserve fund	94,714	-	209,994	-	304,708	-	304,708
City project funds	(2,817,585)	-	3,719,115	18,161,809	(17,260,279)	4,636,113	(12,624,166)
Capital equipment reserve fund	1,802,821	55,878	459,600	321,272	1,997,027	-	1,997,027
Sales tax funded projects fund	(17,985,693)	-	13,876,392	2,273,078	(6,382,379)	8,463,857	2,081,478
Business funds:							
Water utility fund	564,227	-	167,474	46,677	685,024	-	685,024
Sewer utility fund	1,145,476	-	3,112,564	2,489,593	1,768,447	46,803	1,815,250
Recycling/trash utility fund	100,289	-	1,064,742	1,036,056	128,975	4,536	133,511
Storm water utility fund	129,469	-	210,522	204,897	135,094	4,625	139,719
Vehicle lease management fund	341,306	-	292,280	288,809	344,777	-	344,777
Total primary government	3,957,874	103,245	58,243,934	62,892,120	(587,067)	16,039,986	15,452,919
Related municipal entity:							
Andover Public Library	760,417	-	821,781	693,505	888,693	24	888,717
Total reporting entity (excluding agency funds)	\$ 4,718,291	\$ 103,245	\$ 59,065,715	\$ 63,585,625	\$ 301,626	\$ 16,040,010	\$ 16,341,636
Composition of cash:							
Equity Bank:							
Checking							\$
Bond account							15,345,125
Library checking							20,120
Library capital improvement							6,275
Emprise Bank:							16,563
Library checking							
Andover State Bank:							241,738
Library certificate of deposit							250,000
Capitol Federal Bank:							
Library certificate of deposit							117,950
INTRUST Bank:							
Library certificate of deposit							256,191
Kansas Municipal Investment Pool							82,876
Capitalized health account							39,769
Total cash							16,376,607
Agency funds per Schedule 4							(34,971)
Total reporting entity (excluding agency funds)							\$ 16,341,636

See accompanying notes to financial statement.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
December 31, 2023

1 - Municipal Financial Reporting Entity

The City of Andover, Kansas (the City) was incorporated in 1957 as a municipal corporation governed under a Mayor-Council form of government consisting of an elected mayor and six council members. The City provides a full range of municipal services to its citizens in the areas of highways and streets, wastewater treatment, public improvement, public safety, planning and zoning, recreation, and general administrative services. This financial statement presents the City and the following related municipal entities:

The Andover Public Library (the Library) is legally separate from the City; however, the governing body of the Library is appointed by the City Council. The Library may not purchase or lease a site or erect a building for use of the Library without the approval of the City Council. The Library taxes are levied under the taxing authority of the City and are included as part of the City's total tax levy. These taxes are accounted for in the Library special purpose fund of the City. The Library also receives funding through state assistance programs, charges for services, and donations from the public.

The Andover Public Building Commission (the Commission) is governed by a seven-member board that is the same as the Governing Body of the City. Although it is legally separate from the City, the Commission is reported as if it is part of the primary government because its sole purpose is to finance and construct the City's public buildings.

The financial statement excludes the financial information for the following related municipal entity:

Fire District #1 (the District) is a legally separate entity established by Butler County (the County) to provide fire services to the citizens of Butler County. The County establishes a budget for the District and levies taxes accordingly. The funds of the District are maintained by the City. Since the District is included in the financial statement of the County, it is not included in this financial statement. The financial statements of Butler County can be obtained by writing to the Butler County Clerk at 205 W. Central Ave. El Dorado, Kansas 67042.

2 - Summary of Significant Accounting Policies

(a) Regulatory Basis of Accounting and Departure from Accounting Principles Generally Accepted in the United States of America

The *Kansas Municipal Audit and Accounting Guide* (KMAAG) regulatory basis of accounting involves the recognition of cash, cash equivalents, marketable investments, and certain accounts payable and encumbrance obligations to arrive at a net unencumbered cash and investments balance on a regulatory basis for each fund, and the reporting of changes in unencumbered cash and investments of a fund resulting from the difference in regulatory basis revenues and regulatory basis expenditures for the fiscal year. All recognized assets and liabilities are measured and reported at cost, unless they have been permanently impaired and have no future cash value or represent no future obligation against cash. The KMAAG regulatory basis does not recognize capital assets, long-term debt, accrued receivables and payables, or any other assets, liabilities, or deferred inflows or outflows, other than those mentioned above.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

The City has approved a resolution that is in compliance with K.S.A. 75-1120a(c), waiving the requirement for application of generally accepted accounting principles and allowing the City to use the regulatory basis of accounting.

(b) Regulatory Basis Fund Types

A fund is defined as an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

The following regulatory basis fund types comprise the financial activities of the City for the year ended December 31, 2023:

General Fund is used to account for the general operations of the City and is used to account for all unrestricted resources except those required to be accounted for in other funds.

Special Purpose Funds are used to account for the proceeds of specific tax levies and other specific revenue sources (other than major capital projects and tax levies for long-term debt) that are intended for specified purposes.

Debt Service Fund is used to account for the accumulation of resources, including tax levies, transfers from other funds, and payment of general long-term debt.

Capital Project Funds are used to account for the debt proceeds and other financial resources to be used for acquisition or construction of major capital facilities or equipment.

Business Funds are financed in whole or in part by fees charged to users of the goods or services.

Agency Funds are used to report assets held by the City in a purely custodial capacity.

(c) Budgetary Information

Kansas statutes require that an annual operating budget be legally adopted for the general fund, special purpose funds (unless specifically exempted by statute), the debt service fund, and business funds. Although directory rather than mandatory, the statutes provide for the following sequence and timetable in the adoption of the legal annual operating budget:

1. Preparation of the budget for the succeeding calendar year on or before August 1<sup>st</sup>.
2. Publication in local newspaper on or before August 5<sup>th</sup> of the proposed budget and notice of public hearing on the budget.
3. Public hearing on or before August 15<sup>th</sup>, but at least ten days after publication of notice of hearing.
4. Adoption of the final budget on or before August 25<sup>th</sup>.

If the City is holding a revenue neutral rate hearing, the budget timeline for adoption of the final budget is adjusted to on or before September 20<sup>th</sup>. The City did hold a revenue neutral rate hearing for this budget year.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

The statutes allow for the governing body to increase the originally adopted budget for previously unbudgeted increases in revenue other than ad valorem property taxes. To do this, a notice of public hearing to amend the budget must be published in the local newspaper. At least ten days after publication, the hearing may be held, and the governing body may amend the budget at that time. The budget was amended for the following funds: general, street improvement, employee benefits, hotel and tourism, park improvement, ARPA, sewer expansion/equipment reserve, water utility, recycling/trash utility, and vehicle lease management.

The statutes permit transferring budgeted amounts between line items within an individual fund. However, such statutes prohibit expenditures in excess of the total amount of the adopted budget of expenditures of individual funds. Budget comparison statements are presented for each budgeted fund showing actual receipts and expenditures compared to legally budgeted receipts and expenditures.

All legal annual operating budgets are prepared using the regulatory basis of accounting, in which revenues are recognized when cash is received and expenditures include disbursements, accounts payable, and encumbrances. Encumbrances are commitments by the municipality for future payments and are supported by a document evidencing the commitment, such as a purchase order or contract. Any unused budgeted expenditure authority lapses at year end.

A legal operating budget is not required for capital project funds, agency funds, the Andover Public Library or the following special purpose fund: Andover Public Building Commission.

Spending in funds which are not subject to the legal annual operating budget requirements is controlled by Federal regulations, other statutes, or by the use of internal spending limits established by the governing body.

(d) Annual Personal and Sick Leave Benefits

The City's policy regarding vacation pay permits all regular employees with one year of service to earn 86 hours vacation pay, two to five years of service to earn 118 hours vacation pay, six to ten years of service to earn 142 hours vacation pay, eleven to fifteen years of service to earn 166 hours vacation pay, sixteen to twenty years of service to earn 190 hours vacation pay, and twenty-one or more years of service to earn 214 hours vacation pay. Employees may accumulate a maximum of 86 to 321 hours of vacation pay depending on the employee's years of service with the City. Vacation will not accrue more than one hundred fifty percent of what they accrue annually. An employee must work one full year before being eligible for any vacation pay upon resignation. Upon resignation, employees who have vacation hours in excess of the maximum vacation balance, per their years of service, will receive their current rate of pay for hours up to the maximum vacation balance level.

The City's policy regarding sick leave permits all regular full-time and probationary employees to earn 8 hours of sick leave for every month of service. Sick leave is allowed to accumulate up to a maximum of 480 hours for non-firefighters and 720 for firefighters. After the maximum hours are reached, employees, based on their monthly or hourly salary, will be paid 5/12 of the unused hours over the maximum as of December 31st. Policies require the cancellation of accumulated sick leave upon termination.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

(e) Retirement plans

Substantially all full-time City employees, other than police and fire employees, are members of a single employer defined contribution pension plan administered by AXA Financial, Inc. The City's policy is to fund all pension costs accrued. The police and fire employees of the City are members of the State of Kansas Police and Firemen's Retirement System, which is a cost-sharing multi-employer statewide pension plan. The City's policy is to fund all pension costs accrued; such costs to be funded are determined annually by the System's actuary.

(f) Inventories and Prepaid Expenses

Inventories and prepaid expenses which benefit future periods are recorded as an expenditure during the year of purchase.

(g) Use of Estimates

The preparation of the financial statement in compliance with the regulatory basis requires management to make estimates and assumptions that affect the reported amounts of encumbrances at the date of the financial statement and the reported amounts of expenditures during the reporting period. Actual results could differ from those estimates.

3 - Deposits and Investments

*Deposits.* K.S.A. 9-1401 establishes the depositories which may be used by the City. The statute requires banks eligible to hold the City's funds have a main or branch bank in the county in which the City is located, or in an adjoining county if such institution has been designated as an official depository, and the banks provide an acceptable rate of return on funds. In addition, K.S.A. 9-1402 requires the banks to pledge securities for deposits in excess of FDIC coverage. The City has no other policies that would further limit interest rate risk.

*Investments.* K.S.A. 12-1675 limits the City's investment of idle funds to time deposits, open accounts, and certificates of deposit with allowable financial institutions; U.S. government securities; temporary notes; no-fund warrants; repurchase agreements; and the Kansas Municipal Investment Pool (KMIP). The City has no investment policy that would further limit its investment choices.

As of December 31, 2023, the City had the following investments and maturities:

Investment Type	Fair Value	Investment Maturities (in Years)	Rating
Kansas Municipal Investment Pool	\$ 82,876	Less than a year	N/A

*Concentration of credit risk.* State statutes place no limit on the amount the City may invest in any one issuer as long as the investments are adequately secured under K.S.A. 9-1402 and 9-1405. The City's allocation of investments as of December 31, 2023, is as follows:

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

<u>Investment Type</u>	<u>Percentage of Investments</u>
Kansas Municipal Investment Pool	100.00%

*Custodial credit risk - deposits.* Custodial credit risk is the risk that in the event of a bank failure, the City's deposits may not be returned to it. Kansas statutes require the City's deposits in financial institutions to be entirely covered by federal depository insurance or by collateral held under a joint custody receipt issued by a bank within the State of Kansas, the Federal Reserve Bank of Kansas City, or the Federal Home Loan Bank of Topeka.

At December 31, 2023, the City's carrying amount of deposits was \$ 15,487,890 and the bank balance was \$ 18,308,702. Of the bank balance, \$ 250,000 was covered by federal depository insurance, and the remaining bank balance of \$ 18,058,702 was collateralized with securities held by the pledging financial institutions' agent in the City's name.

At December 31, 2023, the Library's carrying amount of deposits was \$ 888,717 and the bank balance was \$ 912,560. Of the bank balance, \$ 890,788 was covered by federal depository insurance, and the remaining balance of \$ 21,772 was unsecured.

*Custodial credit risk – investments.* For an investment, this is the risk that, in the event of the failure of the issuer or counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. State statutes require investments to be adequately secured.

At December 31, 2023, the City had invested \$ 82,876 in the State's municipal investment pool. The KMIP is under the oversight of the Pooled Money Investment Board (the Board). The Board is comprised of the State Treasurer and four additional members appointed by the State Governor. The Board reports annually to the Kansas legislature. State pooled monies may be invested in direct obligations of, or obligations that are insured as to principal and interest by the U.S. government or any agency thereof, with maturities up to four years. No more than ten percent of those funds may be invested in mortgage-backed securities. In addition, the State pool may invest in repurchase agreements with Kansas banks or with primary government securities dealers.

4 - Defined Benefit Pension Plan

Simplified Employee Pension Plan

All full-time employees, except for police and fire employees, participate in the City's Simplified Employee Pension Plan (the Plan), a single-employer defined contribution retirement plan. The payroll for employees covered by the Plan was \$ 2,920,227 and the City's total payroll was \$ 6,443,778 for the year ended December 31, 2023. All full-time employees are eligible to participate in the Plan after six months of continuous employment. Benefits are fully vested upon eligibility to participate in the Plan. The employer's contribution as required by the Plan document, for 2023 was based upon 7% of gross compensation and was \$ 204,416. Employees are not required to make contributions to the Plan but are allowed to make elective contributions; however, the tax deferral of such contributions is dependent upon each individual's situation. The City matches the employee's elective contributions up to a maximum of 3%. During 2023,



CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

the employees elective contributions made through payroll deductions were \$ 154,661. All contributions are paid directly to the Plan Administrator, AXA Financial, Inc., in the name of the individual employees and the accounts are 100% vested at the time of contribution. The City retains no ownership rights to the accounts and, accordingly, the account balances are not included within the financial statement of the City. The City holds no investments of the Plan or any of its related parties. The City Council may amend or discontinue the Plan at any time. Plan provisions were updated in 2023 to increase the employer's contribution from 6% to 7%.

Kansas Police and Firemen's Retirement System Pension Plan

General Information about the Plan

*Plan Description.* The City participates in the Kansas Police and Firemen's Retirement System (KP&F), a cost-sharing multiple-employer defined benefit pension plan administered by the Kansas Public Employees Retirement System (KPERS), as provided by K.S.A. 74-4901, et seq. Kansas law establishes and amends benefit provisions. KPERS issues a publicly available financial report that includes financial statements and required supplementary information. KPERS' financial statements are included in its Annual Comprehensive Financial Report which can be found on the KPERS website [www.kpers.org](http://www.kpers.org) or by writing to KPERS (611 South Kansas Avenue, Suite 100, Topeka, Kansas 66603) or by calling 1-888-275-5737.

*Contributions.* K.S.A. 74-4975 establishes KP&F member-employee contribution rate at 7.15% of covered salary. Member contributions are withheld by their employer and paid to KPERS according to the provisions of Section 414(h) of the Internal Revenue Code.

State law provides that the employer contribution rates for KP&F be determined based on the results of each annual actuarial valuation. Kansas law sets a limitation on annual increases in the employer contribution rates. The actuarially determined employer contribution rate and the statutory contribution rate was 22.86% for the fiscal year ended December 31, 2023. Contributions to the pension plan from the City were \$ 639,591 for the year ended December 31, 2023.

Net Pension Liability

At December 31, 2023, the City's proportionate share of the collective net pension liability reported by KPERS was \$ 7,281,425. The net pension liability was measured as of June 30, 2023, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2022, which was rolled forward to June 30, 2023. The City's proportion of the net pension liability was based on the ratio of the City's contributions to KPERS, relative to the total employer and non-employer contributions of the Kansas Police and Firemen subgroup within KPERS. Since the KMAAG regulatory basis of accounting does not recognize long-term debt, this liability is not reported in this financial statement.

The complete actuarial valuation report including all actuarial assumptions and methods, and the report on the allocation of the KPERS collective net pension liability to all participating employers are publicly available on the website at [www.kpers.org](http://www.kpers.org) or can be obtained as described above.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan is available to all employees who qualify under the plan terms and permits employees to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

5 - Long-Term Debt

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds have been issued for general government activities. The Andover Public Building Commission issues revenue bonds, which are to be paid with future property tax revenues to be levied in the special building fund and other resources available to the City. Additionally, the City has entered into lease agreements as lessee for financing the acquisition of equipment.

**CITY OF ANDOVER, KANSAS**  
**NOTES TO FINANCIAL STATEMENT**  
**(Continued)**

Changes in long-term liabilities for the City for the year ended December 31, 2023, were as follows:

Issue	Interest Rates	Date of Issue	Date of Final Maturity	Original Amount Issued	Balance Beginning of Year	Additions	Reductions/ Payments	Balance End of Year	Interest Paid
General obligation bonds:									
Series 2015-A	2.00% - 3.00%	11/12/2015	10/1/2036	\$ 6,540,000	\$ 3,880,000	\$ -	\$ 525,000	\$ 3,355,000	\$ 106,250
Series 2015-B	0.65% - 3.90%	12/1/2015	10/1/2030	3,780,000	2,180,000	-	245,000	1,935,000	74,123
Series 2016-A	2.00% - 2.50%	3/1/2016	10/1/2031	9,640,000	4,690,000	-	1,025,000	3,665,000	99,494
Series 2017-A	2.00% - 3.25%	12/14/2017	10/1/2038	3,575,000	3,125,000	-	150,000	2,975,000	92,050
Series 2019-A	2.00% - 4.00%	11/14/2019	10/1/2039	7,525,000	6,690,000	-	365,000	6,325,000	178,573
Series 2019-B	2.00% - 3.00%	12/17/2019	10/1/2039	3,655,000	3,495,000	-	165,000	3,330,000	81,668
Series 2020-A	1.00% - 3.00%	7/30/2020	10/1/2040	3,695,000	3,410,000	-	155,000	3,255,000	69,475
Series 2020-B	1.10% - 2.00%	11/12/2020	10/1/2033	4,320,000	2,310,000	-	745,000	1,565,000	41,830
Series 2020-C	1.00% - 3.00%	12/22/2020	10/1/2041	3,745,000	3,485,000	-	215,000	3,270,000	69,520
Series 2021-A	1.00% - 2.00%	9/1/2021	10/1/2039	9,605,000	9,605,000	-	-	9,605,000	159,475
Series 2021-B	1.60% - 2.55%	12/30/2021	10/1/2040	16,890,000	16,890,000	-	-	16,890,000	352,253
Series 2022-A	3.00% - 5.00%	9/27/2022	10/1/2042	4,160,000	4,160,000	-	-	4,160,000	165,943
Series 2023-A	4.00% - 5.00%	8/1/2023	10/1/2043	3,220,000	-	3,220,000	-	3,220,000	-
Total general obligation bonds					63,920,000	3,220,000	3,590,000	63,550,000	1,490,654
Andover Public Building Commission revenue bonds:									
Public Safety Facility Revenue Bonds, Series C 2004	4.32%	9/1/2004	9/1/2024	2,500,000	565,000	-	270,000	295,000	24,408
Andover Public Building Commission Revenue Bonds, Series A 2017 (Amphitheater)	3.00% - 4.00%	8/15/2017	11/1/2032	1,150,000	930,000	-	75,000	855,000	31,938
Total Andover Public Building Commission revenue bonds					1,495,000	-	345,000	1,150,000	56,346
Finance leases:									
2022 Ford Police Interceptor Utility	0%	2/21/2023	2/21/2028	37,484	-	37,484	6,872	30,612	-
2022 Ford Police Interceptor Utility	0%	2/21/2023	2/21/2028	37,369	-	37,369	6,851	30,518	-
2023 Ford Expedition	0%	3/27/2023	2/21/2028	70,961	-	70,961	11,827	59,134	-
2023 Ford F150	0%	12/1/2023	2/21/2028	59,732	-	59,732	996	58,736	-
2023 Ford Expedition Max	0%	8/31/2023	2/21/2028	65,287	-	65,287	5,441	59,846	-
2023 Chevy Silverado 3500HD Chassis	0%	2/17/2023	2/21/2028	70,510	-	70,510	12,927	57,583	-
2023 Ford F150	0%	11/21/2023	2/21/2028	60,216	-	60,216	2,007	58,209	-
2023 Ford F150	0%	12/11/2023	2/21/2028	59,738	-	59,738	996	58,742	-
2023 Ford F150	0%	12/1/2023	2/21/2028	59,732	-	59,732	996	58,736	-
2023 Ford F150	0%	12/11/2023	2/21/2028	59,738	-	59,738	996	58,742	-
2021 Dodge Durango	0%	10/12/2022	10/12/2026	47,120	44,175	-	11,780	32,395	-
2022 Chevy Silverado 1500	0%	11/25/2022	10/12/2026	48,519	46,497	-	12,130	34,367	-
2022 Chevy Silverado 1500	0%	9/15/2022	10/12/2026	44,348	40,652	-	11,087	29,565	-
2022 Chevy Silverado 1500	0%	9/15/2022	10/12/2026	47,795	43,812	-	11,949	31,863	-
2022 Chevy Silverado 1500	0%	9/15/2022	10/12/2026	44,348	40,652	-	11,087	29,565	-
2022 Chevy Silverado 1500	0%	9/15/2022	10/12/2026	47,919	43,926	-	11,980	31,946	-
2022 Chevy Silverado 1500	0%	10/7/2022	10/7/2024	22,394	19,594	-	11,197	8,397	-
2022 Chevy Silverado 1500	0%	10/7/2022	10/7/2024	23,071	20,188	-	11,536	8,652	-
2022 Chevy Silverado 1500	0%	10/7/2022	10/7/2026	47,106	44,162	-	11,776	32,386	-
2022 Chevy Silverado 2500 HD	0%	6/15/2022	6/15/2024	15,926	11,945	-	7,963	3,982	-
2022 Chevy Silverado 1500	0%	10/7/2022	10/7/2026	50,672	47,505	-	12,668	34,837	-
Postage Meter Rental	0%	7/26/2022	7/26/2027	8,248	7,561	-	1,650	5,911	-
Postage Meter Rental	0%	5/23/2023	5/23/2026	1,359	-	1,359	264	1,095	-
Total finance leases					410,669	582,126	176,976	815,819	-
Total contractual indebtedness					<u>\$ 65,825,669</u>	<u>\$ 3,802,126</u>	<u>\$ 4,111,976</u>	<u>\$ 65,515,819</u>	<u>\$ 1,547,000</u>

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

Current maturities of long-term debt and interest for the next five years and in five-year increments through maturity are as follows:

	2024	2025	2026	2027	2028	2029-2033	2034-2038	2039-2043	Total
General obligation bonds:									
Principal:									
Series 2015-A	\$ 535,000	\$ 545,000	\$ 240,000	\$ 235,000	\$ 240,000	\$ 1,060,000	\$ 500,000	\$ -	\$ 3,355,000
Series 2015-B	250,000	260,000	265,000	275,000	285,000	600,000	-	-	1,935,000
Series 2016-A	615,000	635,000	565,000	350,000	360,000	1,140,000	-	-	3,665,000
Series 2017-A	155,000	165,000	165,000	170,000	175,000	980,000	1,165,000	-	2,975,000
Series 2019-A	380,000	390,000	410,000	425,000	440,000	2,290,000	1,675,000	315,000	6,325,000
Series 2019-B	170,000	180,000	180,000	185,000	190,000	1,020,000	1,155,000	250,000	3,330,000
Series 2020-A	160,000	165,000	170,000	175,000	180,000	945,000	1,025,000	435,000	3,255,000
Series 2020-B	305,000	130,000	130,000	135,000	140,000	725,000	-	-	1,565,000
Series 2020-C	225,000	230,000	145,000	155,000	155,000	840,000	920,000	600,000	3,270,000
Series 2021-A	-	350,000	600,000	610,000	625,000	3,240,000	3,455,000	725,000	9,605,000
Series 2021-B	-	700,000	940,000	960,000	980,000	5,165,000	5,685,000	2,460,000	16,890,000
Series 2022-A	150,000	155,000	155,000	160,000	185,000	1,020,000	1,215,000	1,120,000	4,160,000
Series 2023-A	85,000	110,000	110,000	120,000	125,000	715,000	880,000	1,075,000	3,220,000
Total principal	3,030,000	4,015,000	4,075,000	3,955,000	4,080,000	19,740,000	17,675,000	6,980,000	63,550,000
Interest:									
Series 2015-A	90,500	79,800	67,538	61,538	55,075	171,125	34,175	-	559,751
Series 2015-B	67,140	59,640	51,450	42,705	33,218	34,853	-	-	289,006
Series 2016-A	78,994	66,694	53,994	42,694	35,694	57,294	-	-	335,364
Series 2017-A	88,975	84,713	80,175	75,638	70,963	273,583	114,689	-	788,736
Series 2019-A	163,973	148,773	133,173	116,773	99,773	364,032	142,677	7,403	1,176,577
Series 2019-B	76,718	71,618	66,218	60,818	55,268	217,440	106,855	5,750	660,685
Series 2020-A	64,825	60,025	55,075	49,975	44,725	189,875	105,513	13,100	583,113
Series 2020-B	32,930	20,830	18,230	15,630	12,930	29,400	-	-	129,950
Series 2020-C	63,073	56,323	49,423	45,073	40,423	145,215	88,976	19,966	508,472
Series 2021-A	159,475	159,475	152,475	140,475	128,275	508,315	269,975	14,500	1,532,965
Series 2021-B	352,253	352,253	338,253	319,453	300,253	1,232,025	706,104	93,263	3,693,857
Series 2022-A	164,119	156,619	148,869	141,119	133,119	533,495	351,514	113,738	1,742,592
Series 2023-A	156,450	130,700	126,300	121,900	117,100	488,050	322,800	132,600	1,595,900
Total interest	\$ 1,559,425	\$ 1,447,463	\$ 1,341,173	\$ 1,233,791	\$ 1,126,816	\$ 4,244,702	\$ 2,243,278	\$ 400,320	\$ 13,596,968

**CITY OF ANDOVER, KANSAS**  
**NOTES TO FINANCIAL STATEMENT**  
**(Continued)**

	2024	2025	2026	2027	2028	2029-2033	2034-2038	2039-2043	Total
Andover Public Building Commission revenue bonds:									
Principal:									
Public Safety Facility Revenue Bonds, Series C 2004	\$ 295,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 295,000
Andover Public Building Commission Revenue Bonds, Series A 2017 (Amphitheater)	80,000	85,000	85,000	90,000	95,000	420,000	-	-	855,000
Total principal	375,000	85,000	85,000	90,000	95,000	420,000	-	-	1,150,000
Interest:									
Public Safety Facility Revenue Bonds, Series C 2004	12,744	-	-	-	-	-	-	-	12,744
Andover Public Building Commission Revenue Bonds, Series A 2017 (Amphitheater)	29,688	27,288	24,738	22,188	19,263	42,375	-	-	165,540
Total interest	42,432	27,288	24,738	22,188	19,263	42,375	-	-	178,284
Finance leases:									
Principal:									
2022 Ford Police Interceptor Utility	7,497	7,497	7,497	7,497	624	-	-	-	30,612
2022 Ford Police Interceptor Utility	7,474	7,474	7,474	7,474	622	-	-	-	30,518
2023 Ford Expedition	14,192	14,192	14,192	14,192	2,366	-	-	-	59,134
2023 Ford F150	11,946	11,946	11,946	11,946	10,952	-	-	-	58,736
2023 Ford Expedition Max	13,057	13,057	13,057	13,057	7,618	-	-	-	59,846
2023 Chevy Silverado 3500HD Chassis	14,102	14,102	14,102	14,102	1,175	-	-	-	57,583
2023 Ford F150	12,043	12,043	12,043	12,043	10,037	-	-	-	58,209
2023 Ford F150	11,948	11,948	11,948	11,948	10,950	-	-	-	58,742
2023 Ford F150	11,946	11,946	11,946	11,946	10,952	-	-	-	58,736
2023 Ford F150	11,948	11,948	11,948	11,948	10,950	-	-	-	58,742
2021 Dodge Durango	11,780	11,780	8,835	-	-	-	-	-	32,395
2022 Chevy Silverado 1500	12,130	12,130	10,107	-	-	-	-	-	34,367
2022 Chevy Silverado 1500	11,087	11,087	7,391	-	-	-	-	-	29,565
2022 Chevy Silverado 1500	11,949	11,949	7,965	-	-	-	-	-	31,863
2022 Chevy Silverado 1500	11,087	11,087	7,391	-	-	-	-	-	29,565
2022 Chevy Silverado 1500	11,980	11,980	7,986	-	-	-	-	-	31,946
2022 Chevy Silverado 1500	8,397	-	-	-	-	-	-	-	8,397
2022 Chevy Silverado 1500	8,652	-	-	-	-	-	-	-	8,652
2022 Chevy Silverado 1500	11,776	11,776	8,834	-	-	-	-	-	32,386
2022 Chevy Silverado 2500 HD	3,982	-	-	-	-	-	-	-	3,982
2022 Chevy Silverado 1500	12,668	12,668	9,501	-	-	-	-	-	34,837
Postage Meter Rental	1,650	1,650	1,650	961	-	-	-	-	5,911
Postage Meter Rental	453	453	189	-	-	-	-	-	1,095
Total principal	233,744	212,713	186,002	117,114	66,246	-	-	-	815,819
Total contractual indebtedness	<u>\$ 5,240,601</u>	<u>\$ 5,787,464</u>	<u>\$ 5,711,913</u>	<u>\$ 5,418,093</u>	<u>\$ 5,387,325</u>	<u>\$ 24,447,077</u>	<u>\$ 19,918,278</u>	<u>\$ 7,380,320</u>	<u>\$ 79,291,071</u>

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

Conduit Debt

The City has issued limited obligation bonds for the purpose of financing capital activities of unrelated third parties. Although conduit debt obligations bear the name of the City, they are payable solely from resources provided by leases with third parties on whose behalf they were issued. As of December 31, 2023, there were nine series of industrial revenue bonds outstanding with a principal amount payable of approximately \$ 26,606,132. The bonds do not constitute an indebtedness or pledge of the faith or credit of the City of Andover, and accordingly, are not reported in the accompanying financial statement.

Tax Increment Financing District

In December 2019, the City established a tax increment financing district to support economic development activities and issued General Obligation Tax Increment Bonds, Series 2019-B, in the amount of \$ 3,655,000. Additional tax increment financing district bonds totaling \$ 26,495,000 were issued in 2021.

Projects financed through tax increment financing involve the creation of an "increment" in real estate property taxes. The increment is the amount of property taxes paid on the increase in assessed valuation of property in the redevelopment district over the property taxes paid in the redevelopment district before redevelopment occurs. When the aggregate tax rates of all tax jurisdictions are applied to the increased property valuation in the redevelopment district, tax increment is generated and paid to the City to fund and pay over time certain costs of the development project. The property taxes attributable to the assessed value of the district before redevelopment (the "base valuation"), are distributed to all taxing jurisdictions just before development of the redevelopment district.

The redevelopment project consists of the necessary infrastructure and site improvements to permit a full scale residential and mixed-use development anticipated to include 190 single family residences and over 340,000 square feet of retail/commercial space with large and small scale retail, restaurants, and complimentary uses. The project includes street, drainage, sewer, water, and park improvements to be developed in three phases.

Kansas statutes governing tax increment financing allow such financing to be used for property acquisition, site preparation, utilities, drainage, street improvements, landscape amenities, public outdoor spaces, streetscape amenities, and parking facilities in a redevelopment district. The tax increment financing will be used to pay a portion of these costs related to the proposed project and 100% of the tax increment attributable to the redevelopment was pledged to finance such costs for a period not exceeding 20 years as provided by law.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

6 - Interfund Transfers

Operating transfers for the year ended December 31, 2023 were as follows:

From	To	Regulatory Authority	Amount
General	Vehicle Lease Management	K.S.A. 12-1,118	\$ 175,000
General	Capital Equipment Reserve	K.S.A. 12-1,117	35,000
General	Golf Course	Ordinance	185,000
General	Sales Tax Funded Projects	K.S.A. 12-1,118	3,506,461
Sewer Utility	Vehicle Lease Management	K.S.A. 12-1,118	35,000
Sewer Utility	Sewer Expansion/Equipment Reserve	K.S.A. 12-1,117	850,000
Sewer Utility	General	K.S.A. 12-825d	300,000
Sewer Utility	Street Equipment Reserve	K.S.A. 12-1,117	100,000
ARPA	Sales Tax Funded Projects	K.S.A. 12-1,118	800,000
Special Highway	Sewer Expansion/Equipment Reserve	K.S.A. 12-1,117	100,000
City Projects	General	K.S.A. 12-1,117	171,652
City Projects	Debt Service	K.S.A. 12-1,117	22,012
Street Improvement	Debt Service	Ordinance	432,115
Sewer Expansion/Equipment Reserve	Debt Service	Ordinance	60,638
Sewer Expansion/Equipment Reserve	Sales Tax Funded Projects	Ordinance	9,398,261
Park Improvement	Special Building	Ordinance	106,938
Hotel and Tourism	Festivals	Ordinance	75,000

7 - Other Post-Employment Benefits

As provided by K.S.A. 12-5040, the City allows retirees to participate in the group health insurance plan. While each retiree pays the full amount of the applicable premium, conceptually, the City is subsidizing the retirees because each participant is charged a level premium regardless of age. However, the cost of this subsidy has not been quantified in this financial statement.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), the City makes health care benefits available to eligible former employees and eligible dependents. Certain requirements are outlined by the federal government for this coverage. The premium is paid in full by the insured.

CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

8 - Capital Projects

Capital project authorizations with approved change orders compared with expenditures from inception are as follows:

Project Name	Project Estimate	Expenditures to Date
Fire Station 2 Build	\$ 6,514,985	\$ 5,968,220
Fire Station 1 Remodel	1,719,381	722,674
13th Street Improvements	13,424,454	6,506,731
Cottages at Cornerstone - Engineering	438,859	199,482
Cottages at Cornerstone - Contractor	1,622,222	424,730
Lakeview Heights	1,542,309	839,121
Heritage TIF Project Phase 2 - Engineering	1,434,600	1,346,048
Heritage TIF Project Phase 2 - Paving	2,680,040	2,350,847
Heritage TIF Project Phase 2 - Contractor	6,250,583	5,581,190
Heritage TIF Parking Garage	15,503,062	14,230,197
Heritage 3rd Addition	590,975	493,778

9 - Commitments And Contingencies

*Federal assistance.* The City receives significant financial assistance from numerous federal and state governmental agencies in the form of grants and state pass-through aid. The disbursements of funds received under these programs generally require compliance with terms and conditions specified in the grant agreements and are subject to audit. Any disallowed claims resulting from such audits could become a liability of the City. However, in the opinion of management, any such disallowed claims will not have a material effect on the basic financial statement as of December 31, 2023.

*Sewage treatment reserves.* The City Council has, by ordinance, established a sewer connection surcharge at a fixed amount (currently \$ 1,500 for inside City residents). The funds collected from this surcharge are restricted for either: (a) the future expansion of the sewage treatment plant or (b) at the discretion of the governing body may be used to reduce the general tax levy in the debt service fund which is levied to fund past sewer expansion costs.

*Litigation.* The City is a party to various claims, none of which is expected to have a material impact on the financial statement.

*Self-Insurance.* The City is responsible for a potential liability up to \$ 50,000 per individual per year for health care claims. This plan had fixed costs of \$ 494,242. Management believes claims incurred, but not reported, are insignificant at December 31, 2023.



CITY OF ANDOVER, KANSAS  
NOTES TO FINANCIAL STATEMENT  
(Continued)

10 - Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters for which it carries commercial insurance. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. There have not been significant reductions in coverage from prior years.

11 - Statutory Compliance

The city project funds had a deficit cash balance of \$ 12,624,166 and a deficit unencumbered cash balance of \$ 17,260,279, and the sales tax funded projects fund had a deficit unencumbered cash balance of \$ 6,382,379 at December 31, 2023, which is a violation of K.S.A. 10-1113. However, per K.S.A. 10-1116, limits of indebtedness may be exceeded when this is due to capital project expenditures incurred prior to the issuance of bonds.

12 - Subsequent Events

Subsequent events have been evaluated for the City through the date of the independent auditors' report, which is the date the financial statement was available to be issued.

The City issued General Obligation Bond Series 2024-A in May 2024. The total amount of the issue was \$ 25,155,000 with an interest rate of 4.00% - 5.00%. Payments will begin in October 2025 through the maturity date of October 1, 2044.

In May 2024, the City approved a subscription contract for software to be used by the Andover Police Department. The total contract cost is approximately \$ 1.3 million over a ten year term.

## SUPPLEMENTARY INFORMATION

CITY OF ANDOVER, KANSAS  
SUMMARY OF EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
Year Ended December 31, 2023

Fund	Certified Budget	Adjustments for Qualifying Budget Credits	Total Budget for Comparison	Expenditures Chargeable to Current Year	Variance Over (Under)
General fund	\$ 12,715,605	\$ -	\$ 12,715,605	\$ 11,568,367	\$ (1,147,238)
Special purpose funds:					
Street improvement fund	7,895,492	-	7,895,492	6,276,069	(1,619,423)
Employee benefits fund	3,497,771	-	3,497,771	2,796,114	(701,657)
Special highway fund	595,750	-	595,750	454,215	(141,535)
Library fund	661,600	-	661,600	644,850	(16,750)
Hotel and tourism fund	101,375	-	101,375	96,951	(4,424)
Park improvement fund	211,938	-	211,938	123,166	(88,772)
Emergency 911 fund	56,800	-	56,800	50,753	(6,047)
Special building fund	401,346	-	401,346	401,346	-
Golf course fund	223,000	-	223,000	198,103	(24,897)
Festivals fund	528,243	-	528,243	105,042	(423,201)
ARPA fund	800,000	-	800,000	800,000	-
Debt service fund	5,003,983	-	5,003,983	4,402,983	(601,000)
Capital project fund:					
Sewer expansion/equipment reserve fund	492,638	-	492,638	352,363	(140,275)
Business funds:					
Water utility fund	150,000	-	150,000	46,677	(103,323)
Sewer utility fund	3,031,490	-	3,031,490	2,489,593	(541,897)
Recycling/trash utility fund	1,044,453	-	1,044,453	1,036,056	(8,397)
Storm water utility fund	206,093	-	206,093	204,897	(1,196)
Vehicle lease management fund	310,000	-	310,000	288,809	(21,191)
Totals	\$ 37,927,577	\$ -	\$ 37,927,577	\$ 32,336,354	

CITY OF ANDOVER, KANSAS  
GENERAL FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts and transfers:				
Taxes	\$ 6,989,657	\$ 10,870,312	\$ 11,001,208	\$ 130,896
Fines and fees	270,000	270,000	474,620	204,620
Licenses and permits	300,000	300,000	651,689	351,689
Rentals and recreational fees	104,675	104,675	102,733	(1,942)
Charges for services	400	400	364	(36)
Miscellaneous	-	-	74,321	74,321
Interest income	9,000	30,000	323,005	293,005
Transfers in	300,000	300,000	471,652	171,652
Total receipts and transfers	<u>\$ 7,973,732</u>	<u>\$ 11,875,387</u>	<u>13,099,592</u>	<u>\$ 1,224,205</u>
Expenditures, encumbrances, and transfers:				
Administration:				
Personal services	\$ 738,807	\$ 738,807	659,236	\$ (79,571)
Contractual services	406,800	406,800	440,885	34,085
Commodities	25,750	25,750	86,677	60,927
Capital outlay	10,000	10,000	-	(10,000)
Total administration	<u>1,181,357</u>	<u>1,181,357</u>	<u>1,186,798</u>	<u>5,441</u>
Police:				
Personal services	2,100,229	2,100,229	1,767,938	(332,291)
Contractual services	389,641	389,641	253,604	(136,037)
Commodities	191,114	191,114	157,608	(33,506)
Capital outlay	14,000	14,000	-	(14,000)
Total police	<u>2,694,984</u>	<u>2,694,984</u>	<u>2,179,150</u>	<u>(515,834)</u>
Fire:				
Personal services	1,473,989	1,473,989	1,319,183	(154,806)
Contractual services	133,367	133,367	101,026	(32,341)
Commodities	141,214	141,214	138,265	(2,949)
Capital outlay	29,855	29,855	34,382	4,527
Total fire	<u>\$ 1,778,425</u>	<u>\$ 1,778,425</u>	<u>\$ 1,592,856</u>	<u>\$ (185,569)</u>

(Continued)

CITY OF ANDOVER, KANSAS  
GENERAL FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Municipal Court:				
Personal services	\$ 73,914	\$ 73,914	\$ 72,068	\$ (1,846)
Contractual services	70,575	70,575	63,469	(7,106)
Commodities	500	500	749	249
Capital outlay	14,165	14,165	-	(14,165)
Total Municipal Court	159,154	159,154	136,286	(22,868)
Street:				
Personal services	423,934	423,934	353,635	(70,299)
Contractual services	199,000	199,000	190,979	(8,021)
Commodities	16,850	16,850	2,237	(14,613)
Capital outlay	-	-	10	10
Total street	639,784	639,784	546,861	(92,923)
Parks:				
Personal services	675,493	675,493	582,647	(92,846)
Contractual services	181,230	181,230	157,273	(23,957)
Commodities	241,250	241,250	281,491	40,241
Capital outlay	35,000	35,000	31,961	(3,039)
Total parks	1,132,973	1,132,973	1,053,372	(79,601)
Recreation programs:				
Contractual services	42,350	42,350	3,765	(38,585)
Commodities	52,325	52,325	2,247	(50,078)
Total recreation programs	94,675	94,675	6,012	(88,663)
Information technology:				
Personal services	116,907	116,907	90,463	(26,444)
Contractual services	325,353	325,353	272,563	(52,790)
Commodities	58,200	58,200	115,488	57,288
Capital outlay	12,000	12,000	29,764	17,764
Total information technology	\$ 512,460	\$ 512,460	\$ 508,278	\$ (4,182)

(Continued)

CITY OF ANDOVER, KANSAS  
GENERAL FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Code enforcement:				
Personal services	\$ 418,693	\$ 418,693	\$ 365,916	\$ (52,777)
Contractual services	89,100	89,100	81,437	(7,663)
Commodities	10,500	10,500	9,940	(560)
Capital outlay	7,500	7,500	-	(7,500)
Total code enforcement	525,793	525,793	457,293	(68,500)
Transfers out	246,000	3,996,000	3,901,461	(94,539)
Total expenditures, encumbrances, and transfers	<u>\$ 8,965,605</u>	<u>\$ 12,715,605</u>	11,568,367	<u>\$ (1,147,238)</u>
Receipts and transfers over expenditures, encumbrances, and transfers			1,531,225	
Unencumbered cash, beginning			2,239,128	
Prior year canceled encumbrances			<u>10,267</u>	
Unencumbered cash, ending			<u>\$ 3,780,620</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
STREET IMPROVEMENT FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Taxes	\$ 2,700,000	\$ 3,294,198	\$ 3,506,461	\$ 212,263
Intergovernmental	-	4,250,000	4,250,000	-
Licenses and permits	144,455	175,000	221,055	46,055
Reimbursements	-	-	847,172	847,172
Interest income	-	100,000	323,542	223,542
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total receipts	<u>\$ 2,844,455</u>	<u>\$ 7,819,198</u>	<u>9,148,230</u>	<u>\$ 1,329,032</u>
Expenditures, encumbrances, and transfers:				
Contractual services	\$ 21,377	\$ 30,000	2,784,983	\$ 2,754,983
Capital outlay	4,692,000	7,433,377	3,058,971	(4,374,406)
Transfers out	432,115	432,115	432,115	-
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total expenditures, encumbrances, and transfers	<u>\$ 5,145,492</u>	<u>\$ 7,895,492</u>	<u>6,276,069</u>	<u>\$ (1,619,423)</u>
Receipts over expenditures, encumbrances, and transfers			2,872,161	
Unencumbered cash, beginning			1,154,037	
Prior year canceled encumbrances			<u>37,100</u>	
Unencumbered cash, ending			<u>\$ 4,063,298</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
EMPLOYEE BENEFITS FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS

(Continued)

Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Taxes	\$ 2,575,802	\$ 2,637,269	\$ 2,716,567	\$ 79,298
Payroll contributions	-	200,000	201,018	1,018
Interest income	-	54,000	78,556	24,556
Miscellaneous	-	-	98	98
	<u>-</u>	<u>-</u>	<u>98</u>	<u>98</u>
Total receipts	<u>\$ 2,575,802</u>	<u>\$ 2,891,269</u>	2,996,239	<u>\$ 104,970</u>
Expenditures:				
Personal services	<u>\$ 2,997,771</u>	<u>\$ 3,497,771</u>	<u>2,796,114</u>	<u>\$ (701,657)</u>
Receipts over expenditures			200,125	
Unencumbered cash, beginning			<u>836,439</u>	
Unencumbered cash, ending			<u>\$ 1,036,564</u>	

(Continued)



CITY OF ANDOVER, KANSAS  
SPECIAL HIGHWAY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts:			
Taxes	\$ 431,285	\$ 477,685	\$ 46,400
Interest income	<u>2,500</u>	<u>54,483</u>	<u>51,983</u>
Total receipts	<u><u>\$ 433,785</u></u>	<u><u>532,168</u></u>	<u><u>\$ 98,383</u></u>
Expenditures, encumbrances, and transfers:			
Personal services	\$ 55,600	55,000	\$ (600)
Contractual services	90,050	68,265	(21,785)
Commodities	300,100	186,695	(113,405)
Capital outlay	50,000	44,255	(5,745)
Transfers out	<u>100,000</u>	<u>100,000</u>	<u>-</u>
Total expenditures, encumbrances, and transfers	<u><u>\$ 595,750</u></u>	<u><u>454,215</u></u>	<u><u>\$ (141,535)</u></u>
Receipts over expenditures, encumbrances, and transfers		77,953	
Unencumbered cash, beginning		<u>860,824</u>	
Unencumbered cash, ending		<u><u>\$ 938,777</u></u>	

(Continued)

CITY OF ANDOVER, KANSAS  
LIBRARY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts:			
Taxes	\$ 627,669	\$ 662,456	\$ 34,787
Interest income	<u>-</u>	<u>7,633</u>	<u>7,633</u>
Total receipts	<u><u>\$ 627,669</u></u>	670,089	<u><u>\$ 42,420</u></u>
Expenditures:			
Appropriations to Library Board	<u><u>\$ 661,600</u></u>	<u>644,850</u>	<u><u>\$ (16,750)</u></u>
Receipts over expenditures		25,239	
Unencumbered cash, beginning		<u>38,909</u>	
Unencumbered cash, ending		<u><u>\$ 64,148</u></u>	

(Continued)

CITY OF ANDOVER, KANSAS  
HOTEL AND TOURISM FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Taxes	\$ 75,000	\$ 75,000	\$ 162,247	\$ 87,247
Interest income	-	-	16,127	16,127
	<u>75,000</u>	<u>75,000</u>	<u>178,374</u>	<u>103,374</u>
Total receipts	<u>\$ 75,000</u>	<u>\$ 75,000</u>	<u>178,374</u>	<u>\$ 103,374</u>
Expenditures and transfers:				
Contractual services	\$ 15,875	\$ 25,875	21,951	\$ (3,924)
Commodities	500	500	-	(500)
Transfer out	75,000	75,000	75,000	-
	<u>91,375</u>	<u>101,375</u>	<u>96,951</u>	<u>(4,424)</u>
Total expenditures and transfers	<u>\$ 91,375</u>	<u>\$ 101,375</u>	<u>96,951</u>	<u>\$ (4,424)</u>
Receipts over expenditures and transfers			81,423	
Unencumbered cash, beginning			<u>204,205</u>	
Unencumbered cash, ending			<u>\$ 285,628</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
PARK IMPROVEMENT FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Taxes	\$ 70,000	\$ 70,000	\$ 87,282	\$ 17,282
Licenses and permits	141,525	149,025	176,025	27,000
Rentals	65,000	65,000	83,518	18,518
Contributions	-	10,000	10,000	-
Interest income	-	20,000	32,629	12,629
	<u>276,525</u>	<u>314,025</u>	<u>389,454</u>	<u>75,429</u>
Total receipts	<u>\$ 276,525</u>	<u>\$ 314,025</u>	<u>389,454</u>	<u>\$ 75,429</u>
Expenditures, encumbrances and transfers:				
Capital outlay	\$ 75,000	\$ 105,000	16,228	\$ (88,772)
Transfers out	106,938	106,938	106,938	-
	<u>181,938</u>	<u>211,938</u>	<u>123,166</u>	<u>(88,772)</u>
Total expenditures, encumbrances and transfers	<u>\$ 181,938</u>	<u>\$ 211,938</u>	<u>123,166</u>	<u>\$ (88,772)</u>
Receipts over expenditures, encumbrances and transfers			266,288	
Unencumbered cash, beginning			<u>368,782</u>	
Unencumbered cash, ending			<u>\$ 635,070</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
EMERGENCY 911 FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts:			
Taxes	\$ 59,500	\$ 96,557	\$ 37,057
Interest income	<u>250</u>	<u>10,503</u>	<u>10,253</u>
Total receipts	<u><u>\$ 59,750</u></u>	107,060	<u><u>\$ 47,310</u></u>
Expenditures:			
Contractual services	<u><u>\$ 56,800</u></u>	<u>50,753</u>	<u><u>\$ (6,047)</u></u>
Receipts over expenditures		56,307	
Unencumbered cash, beginning		<u>179,046</u>	
Unencumbered cash, ending		<u><u>\$ 235,353</u></u>	

(Continued)

CITY OF ANDOVER, KANSAS  
SPECIAL BUILDING FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts and transfers:			
Taxes	\$ 278,697	\$ 294,946	\$ 16,249
Interest income	100	11,070	10,970
Transfers in	<u>106,938</u>	<u>106,938</u>	<u>-</u>
Total receipts and transfers	<u><u>\$ 385,735</u></u>	412,954	<u><u>\$ 27,219</u></u>
Expenditures:			
Appropriations to Andover Public Building Commission	<u><u>\$ 401,346</u></u>	<u><u>401,346</u></u>	<u><u>\$ -</u></u>
Receipts and transfers over expenditures		11,608	
Unencumbered cash, beginning		<u>26,996</u>	
Unencumbered cash, ending		<u><u>\$ 38,604</u></u>	

(Continued)

CITY OF ANDOVER, KANSAS  
GOLF COURSE FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts:			
Charges for services	\$ 2,000	\$ 2,470	\$ 470
Interest income	-	(472)	(472)
Transfers in	<u>221,000</u>	<u>185,000</u>	<u>(36,000)</u>
Total receipts and transfers	<u>\$ 223,000</u>	<u>186,998</u>	<u>\$ (36,002)</u>
Expenditures and encumbrances:			
Contractual services	\$ 118,000	148,404	\$ 30,404
Commodities	17,000	453	(16,547)
Capital outlay	<u>88,000</u>	<u>49,246</u>	<u>(38,754)</u>
Total expenditures and encumbrances	<u>\$ 223,000</u>	<u>198,103</u>	<u>\$ (24,897)</u>
Receipts and transfers under expenditures and encumbrances		(11,105)	
Unencumbered cash, beginning		<u>23,900</u>	
Unencumbered cash, ending		<u>\$ 12,795</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
FESTIVALS FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original and Final Budget	Actual	Variance Over (Under)
Receipts and transfers:			
Intergovernmental	\$ -	\$ 75,000	\$ 75,000
Rentals	45,000	56,673	11,673
Charges for services	237,223	19,953	(217,270)
Contributions	136,400	56,783	(79,617)
Interest income	-	2,039	2,039
Transfers in	75,000	75,000	-
	<u>493,623</u>	<u>285,448</u>	<u>(208,175)</u>
Total receipts and transfers	<u>\$ 493,623</u>	<u>285,448</u>	<u>\$ (208,175)</u>
Expenditures and encumbrances:			
Contractual services	\$ 493,468	92,854	\$ (400,614)
Commodities	34,775	12,188	(22,587)
	<u>528,243</u>	<u>105,042</u>	<u>\$ (423,201)</u>
Total expenditures and encumbrances	<u>\$ 528,243</u>	<u>105,042</u>	<u>\$ (423,201)</u>
Receipts and transfers over expenditures and encumbrances		180,406	
Unencumbered cash, beginning		<u>202</u>	
Unencumbered cash, ending		<u>\$ 180,608</u>	

(Continued)



CITY OF ANDOVER, KANSAS  
ARPA FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Transfers:				
Transfers out	<u>\$ -</u>	<u>\$ 800,000</u>	\$ 800,000	<u>\$ -</u>
Unencumbered cash, beginning			<u>1,033,792</u>	
Unencumbered cash, ending			<u>\$ 233,792</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
DEBT SERVICE FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original and Final Budget	Actual	Variance Over (Under)
Receipts and transfers:			
Taxes	\$ 40,220	\$ 317,298	\$ 277,078
Special assessments	3,410,587	3,296,620	(113,967)
Interest income	-	139,610	139,610
Miscellaneous	10,863	10,863	-
Transfers in	492,753	514,765	22,012
	<u>\$ 3,954,423</u>	<u>4,279,156</u>	<u>\$ 324,733</u>
Total receipts and transfers			
Expenditures:			
Principal	\$ 3,590,000	3,590,000	\$ -
Interest	812,983	812,983	-
Commission and postage	1,000	-	(1,000)
Cash basis reserve	600,000	-	(600,000)
	<u>\$ 5,003,983</u>	<u>4,402,983</u>	<u>\$ (601,000)</u>
Total expenditures			
Receipts and transfers under expenditures		(123,827)	
Unencumbered cash, beginning		<u>1,423,372</u>	
Unencumbered cash, ending		<u>\$ 1,299,545</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
SEWER EXPANSION/EQUIPMENT RESERVE FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS

(Continued)

Year Ended December 31, 2023

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance Over (Under)</u>
Receipts and transfers:				
Licenses and permits	\$ 125,000	\$ 125,000	\$ 977,988	\$ 852,988
Interest income	-	-	506,130	506,130
Miscellaneous	-	-	10,025	10,025
Transfers in	<u>850,000</u>	<u>850,000</u>	<u>950,000</u>	<u>100,000</u>
Total receipts and transfers	<u>\$ 975,000</u>	<u>\$ 975,000</u>	<u>2,444,143</u>	<u>\$ 1,469,143</u>
Expenditures, encumbrances, and transfers subject to budget:				
Contractual services	\$ -	\$ 10,000	9,000	\$ (1,000)
Capital outlay	422,000	422,000	282,725	(139,275)
Transfers out	<u>60,638</u>	<u>60,638</u>	<u>60,638</u>	<u>-</u>
Total expenditures, encumbrances, and transfers subject to budget	<u>\$ 482,638</u>	<u>\$ 492,638</u>	<u>352,363</u>	<u>\$ (140,275)</u>
Transfers not subject to budget:				
Transfers out			<u>9,398,261</u>	
Total expenditures, encumbrances, and transfers			<u>9,750,624</u>	
Receipts and transfers under expenditures, encumbrances, and transfers			(7,306,481)	
Unencumbered cash, beginning			<u>12,193,218</u>	
Unencumbered cash, ending			<u>\$ 4,886,737</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
WATER UTILITY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Charges for services	\$ 130,000	\$ 130,000	\$ 133,650	\$ 3,650
Interest income	-	-	33,824	33,824
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total receipts	<u>\$ 130,000</u>	<u>\$ 130,000</u>	167,474	<u>\$ 37,474</u>
Expenditures:				
Personal services	\$ -	\$ -	2	\$ 2
Capital outlay	124,250	150,000	46,675	(103,325)
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total expenditures	<u>\$ 124,250</u>	<u>\$ 150,000</u>	46,677	<u>\$ (103,323)</u>
Receipts over expenditures			120,797	
Unencumbered cash, beginning			<u>564,227</u>	
Unencumbered cash, ending			<u>\$ 685,024</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
SEWER UTILITY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original and Final Budget	Actual	Variance Over (Under)
Receipts:			
Licenses and permits	\$ 20,000	\$ 64,537	\$ 44,537
Charges for services	2,815,000	2,925,978	110,978
Interest income	5,000	116,534	111,534
Miscellaneous	-	5,515	5,515
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total receipts	<u>\$ 2,840,000</u>	<u>3,112,564</u>	<u>\$ 272,564</u>
Expenditures, encumbrances, and transfers:			
Personal services	\$ 779,700	684,192	\$ (95,508)
Capital outlay	512,500	41,005	(471,495)
Contractual services	348,290	341,753	(6,537)
Commodities	141,000	137,643	(3,357)
Transfers out	1,250,000	1,285,000	35,000
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total expenditures, encumbrances, and transfers	<u>\$ 3,031,490</u>	<u>2,489,593</u>	<u>\$ (541,897)</u>
Receipts over expenditures, encumbrances, and transfers		622,971	
Unencumbered cash, beginning		<u>1,145,476</u>	
Unencumbered cash, ending		<u>\$ 1,768,447</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
RECYCLING/TRASH UTILITY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts:				
Charges for services	\$ 847,000	\$ 1,065,000	\$ 1,056,564	\$ (8,436)
Interest income	100	-	8,178	8,178
Total receipts	<u>\$ 847,100</u>	<u>\$ 1,065,000</u>	<u>1,064,742</u>	<u>\$ (258)</u>
Expenditures and encumbrances:				
Personal services	\$ 44,653	\$ 44,653	47,731	\$ 3,078
Commodities	2,500	2,500	1,409	(1,091)
Contractual services	779,300	997,300	986,916	(10,384)
Total expenditures and encumbrances	<u>\$ 826,453</u>	<u>\$ 1,044,453</u>	<u>1,036,056</u>	<u>\$ (8,397)</u>
Receipts over expenditures and encumbrances			28,686	
Unencumbered cash, beginning			<u>100,289</u>	
Unencumbered cash, ending			<u>\$ 128,975</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
STORM WATER UTILITY FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

	Original and Final Budget	Actual	Variance Over (Under)
Receipts:			
Charges for services	\$ 200,000	\$ 205,168	\$ 5,168
Interest income	150	5,354	5,204
Total receipts	<u>\$ 200,150</u>	<u>210,522</u>	<u>\$ 10,372</u>
Expenditures, encumbrances, and transfers:			
Personal services	\$ 138,243	125,708	\$ (12,535)
Contractual services	32,150	65,472	33,322
Commodities	20,700	13,717	(6,983)
Transfers out	15,000	-	(15,000)
Total expenditures, encumbrances, and transfers	<u>\$ 206,093</u>	<u>204,897</u>	<u>\$ (1,196)</u>
Receipts over expenditures, encumbrances, and transfers		5,625	
Unencumbered cash, beginning		<u>129,469</u>	
Unencumbered cash, ending		<u>\$ 135,094</u>	

(Continued)

CITY OF ANDOVER, KANSAS  
VEHICLE LEASE MANAGEMENT FUND  
SCHEDULE OF RECEIPTS AND EXPENDITURES - BUDGET AND ACTUAL  
REGULATORY BASIS

(Continued)

Year Ended December 31, 2023

	Original Budget	Final Budget	Actual	Variance Over (Under)
Receipts and transfers:				
Interest income	\$ -	\$ 8,000	\$ 12,276	\$ 4,276
Miscellaneous	100,000	100,000	70,004	(29,996)
Transfers in	-	-	210,000	210,000
	<u>-</u>	<u>-</u>	<u>210,000</u>	<u>210,000</u>
Total receipts and transfers	<u>\$ 100,000</u>	<u>\$ 108,000</u>	292,280	<u>\$ 184,280</u>
Expenditures:				
Contractual services	<u>\$ 275,000</u>	<u>\$ 310,000</u>	<u>288,809</u>	<u>\$ (21,191)</u>
Receipts and transfers over expenditures			3,471	
Unencumbered cash, beginning			<u>341,306</u>	
Unencumbered cash, ending			<u>\$ 344,777</u>	



CITY OF ANDOVER, KANSAS  
STREET EQUIPMENT RESERVE FUND\*  
SCHEDULE OF RECEIPTS AND EXPENDITURES  
REGULATORY BASIS  
Year Ended December 31, 2023

Receipts and transfers:	
Interest income	\$ 9,194
Miscellaneous	100,800
Transfers in	<u>100,000</u>
Total receipts and transfers	209,994
Unencumbered cash, beginning	<u>94,714</u>
Unencumbered cash, ending	<u><u>\$ 304,708</u></u>

\* This fund is not required to be budgeted.

(Continued)

CITY OF ANDOVER, KANSAS  
CITY PROJECT FUNDS\*  
SCHEDULE OF RECEIPTS AND EXPENDITURES  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

Receipts:	
Reimbursements	\$ 544,300
Interest income	(175,181)
Debt issuance proceeds	3,220,000
Proceeds of bond premiums	<u>129,996</u>
Total receipts	<u>3,719,115</u>
Expenditures, encumbrances, and transfers:	
Contractual services	17,290,474
Interest	677,671
Transfers out	<u>193,664</u>
Total expenditures, encumbrances, and transfers	<u>18,161,809</u>
Receipts under expenditures, encumbrances, and transfers	(14,442,694)
Unencumbered cash, beginning	<u>(2,817,585)</u>
Unencumbered cash, ending	<u><u>\$ (17,260,279)</u></u>

\* This fund is not required to be budgeted.

(Continued)

CITY OF ANDOVER, KANSAS  
CAPITAL EQUIPMENT RESERVE FUND\*  
SCHEDULE OF RECEIPTS AND EXPENDITURES  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

Receipts and transfers:	
Fines and fees	\$ 38,161
Contributions	1,000
Interest	122,553
Miscellaneous	262,886
Transfers in	35,000
	<hr/>
Total receipts and transfers	459,600
	<hr/>
Expenditures:	
Contractual services	269,414
Commodities	51,858
	<hr/>
Total expenditures	321,272
	<hr/>
Receipts and transfers over expenditures	138,328
Unencumbered cash, beginning	1,802,821
Prior year canceled encumbrances	55,878
	<hr/>
Unencumbered cash, ending	\$ 1,997,027
	<hr/>

\* This fund is not required to be budgeted.

(Continued)

CITY OF ANDOVER, KANSAS  
SALES TAX FUNDED PROJECTS FUND\*  
SCHEDULE OF RECEIPTS AND EXPENDITURES  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

Receipts and transfers:	
Interest income	\$ 171,670
Transfers in	<u>13,704,722</u>
Total receipts and transfers	13,876,392
Expenditures and encumbrances:	
Contractual services	<u>2,273,078</u>
Receipts and transfers over expenditures and encumbrances	11,603,314
Unencumbered cash, beginning	<u>(17,985,693)</u>
Unencumbered cash, ending	<u><u>\$ (6,382,379)</u></u>

\* This fund is not required to be budgeted.

(Continued)

CITY OF ANDOVER, KANSAS  
ANDOVER PUBLIC BUILDING COMMISSION FUND\*  
SCHEDULE OF RECEIPTS AND EXPENDITURES  
REGULATORY BASIS  
(Continued)  
Year Ended December 31, 2023

Receipts:	
Intergovernmental	<u>\$ 401,346</u>
Expenditures:	
Principal	345,000
Interest	<u>56,346</u>
Total expenditures	<u>401,346</u>
Receipts over expenditures	-
Unencumbered cash, beginning	<u>-</u>
Unencumbered cash, ending	<u><u>\$ -</u></u>

\* This fund is not required to be budgeted.

CITY OF ANDOVER, KANSAS  
 AGENCY FUNDS  
 SUMMARY OF RECEIPTS AND DISBURSEMENTS  
 REGULATORY BASIS  
 Year Ended December 31, 2023

Fund	Beginning Cash Balance	Receipts	Disbursements	Ending Cash Balance
Payroll clearing	\$ 877	\$ 88,588	\$ 74,614	\$ 14,851
Municipal court bond fund	15,870	24,007	19,757	20,120
	<u>\$ 16,747</u>	<u>\$ 112,595</u>	<u>\$ 94,371</u>	<u>\$ 34,971</u>

CITY OF ANDOVER, KANSAS  
 ANDOVER PUBLIC LIBRARY - RELATED MUNICIPAL ENTITY  
 SCHEDULE OF RECEIPTS AND EXPENDITURES  
 REGULATORY BASIS  
 Year Ended December 31, 2023

Receipts:	
Taxes	\$ 644,850
Intergovernmental	95,425
Fines and fees	52,658
Interest income	15,580
Miscellaneous	13,268
	<hr/>
Total receipts	821,781
	<hr/>
Expenditures and encumbrances:	
Salaries, wages, and payroll taxes	418,469
Advertising and promotion	2,459
Contract services	40,153
Capital equipment outlays	50,754
Postage	11,963
Special programs	9,491
Purchase books, periodicals, and other media	73,089
Repairs and maintenance	40,017
Workshops and trainings	3,799
Utilities	37,554
Other	5,757
	<hr/>
Total expenditures and encumbrances	693,505
	<hr/>
Receipts over expenditures and encumbrances	128,276
Unencumbered cash, beginning	760,417
	<hr/>
Unencumbered cash, ending	\$ 888,693
	<hr/> <hr/>

CITY OF ANDOVER, KANSAS  
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
Year Ended December 31, 2023

Federal Grantor/Pass-Through Grantor/Program Title	Grant Number	Assistance Listing Number	Expenditures
U.S. Department of the Treasury:			
Passed through the State of Kansas:			
COVID-19 Coronavirus Local Fiscal Recovery Funds (ARPA)	n/a	21.027	\$ 800,000
Passed through the Kansas Department of Commerce:			
COVID-19 Coronavirus Local Fiscal Recovery Funds	FY23-BASE-AN1	21.027	4,000,000
COVID-19 Coronavirus Local Fiscal Recovery Funds	FY23-BASE-AN2	21.027	<u>524,924</u>
Total U.S. Department of the Treasury			<u>5,324,924</u>
Total federal expenditures			<u><u>\$ 5,324,924</u></u>

See accompanying notes to schedule of expenditures  
of federal awards



CITY OF ANDOVER, KANSAS  
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
December 31, 2023

1 - Basis of Presentation

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of the City of Andover, Kansas under programs of the federal government for the year ended December 31, 2023. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Therefore, some amounts presented in this Schedule may differ from amounts presented in, or used in the preparation of, the financial statement. Because the Schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in financial position, or cash flows of the City.

2 - Summary of Significant Accounting Policies

Expenditures reported on the Schedule are reported on the regulatory basis of accounting, as described in Note 2 to the City's financial statement. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

The City has not elected to use the 10% de minimis indirect cost rate as allowed under the Uniform Guidance.

CITY OF ANDOVER, KANSAS  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
December 31, 2023

**Section I – Summary of Auditors’ Results**

**Financial Statement**

Type of report issued on whether the financial statement audited was prepared in accordance with GAAP:	Adverse
Type of auditors’ report issued on the basis of accounting used by the City:	Unmodified – Regulatory Basis
Internal control over financial reporting:	
Material weaknesses identified:	None
Significant deficiencies identified that are not considered to be material weaknesses:	None noted
Noncompliance material to the financial statement:	None

**Federal Awards**

Type of auditors’ report issued on compliance for major programs	Unmodified
Internal control over major programs:	
Material weaknesses identified:	None
Significant deficiencies identified that are not considered to be material weaknesses:	Finding 2023-001
Audit findings disclosed that are required to be reported in accordance with Section 2 CFR 200 516(a):	Finding 2023-001
Identification of major programs:	

<u>Assistance Listing Number</u>	<u>Name of Federal Program or Cluster</u>
21.027	COVID-19 Coronavirus Local Fiscal Recovery Funds
Dollar threshold used to distinguish between type A and type B programs:	\$ 750,000
Auditee qualified as a low-risk auditee:	No

(Continued)

CITY OF ANDOVER, KANSAS  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
(Continued)

**Section II – Financial Statement Findings**

None.

**Section III – Federal Award Findings and Questioned Costs**

**Finding 2023-001 – Significant Deficiency in Internal Control Over Compliance, Other Matters**

*Federal Agency* – U.S. Department of the Treasury

*Assistance Listing Number/Federal Program* – 21.027 COVID-19 Coronavirus Local Fiscal Recovery Funds

*Compliance Requirement* – Suspension and Debarment

*Criteria* – 2 CFR 200.303 requires that non-Federal entities receiving Federal awards establish and maintain internal control designed to reasonably ensure compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

2 CFR 180.300 prohibits entities from contracting with or making subawards under “covered transactions” to parties that are suspended or debarred from doing business with the federal government. A contract for goods or services is a covered transaction if awarded as a grant or payment for specified used and if the amount of the contract is expected to equal or exceed \$25,000. In order to comply with federal suspension and debarment requirements, the City can perform a search in the federal System of Award Management (SAM) website, which tracks the entities that the federal government has determined are ineligible to receive federal funding; collect a certification from the entity; or add a clause or condition to the contract.

*Condition and Context* – During our testing of one covered transaction, we noted that management was not able to provide supporting documentation that suspension and debarment procedures were performed before the start of the procurement contract.

*Questioned Costs* – None

*Repeat Finding* – No

*Cause* – Lack of sufficient tracking and monitoring procedures related to tracking of suspension and debarment for vendors.

*Effect* – Failure to obtain the required certifications or perform verification procedures with the SAM website before the procurement of good or services could result in the payment of federal funds to vendors that are suspended or debarred from participation in federal assistance programs, which could lead to questioned costs.

*Recommendation* – We recommend the agency either obtain certifications from vendors stating their organization is not suspended, debarred, or otherwise excluded from participation in federal assistance programs or document the procedures performed to verify the vendor is not identified as suspended or debarred on the SAM website. We recommend that the agency have proper procedures in place to ensure that all contractual documentation is maintained and able to be located.

(Continued)

CITY OF ANDOVER, KANSAS  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
(Continued)

*Management's Response (Unaudited)* – Unfortunately, we are not able to provide documentation of this requirement at the time the contract was executed. We believe that the verification was performed, as vendor in question is not suspended or disbarred, but understand that documentation is needed.

*Corrective Action Plan (Unaudited)* – In the future, we plan to include a requirement to respond to our RFP/RFQ that the vendor must not be suspended or disbarred. If Federal funds are allocated to the project after the RFP/RFQ process, we will verify before accepting funds or signing the contract that the vendor is not suspended or disbarred by checking the sam.gov website.

*Contact Person* – Matt Koehn, Director of Finance

*Anticipated Completion Date* – August 12, 2024



**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN  
AUDIT OF A FINANCIAL STATEMENT PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

Mayor and City Council  
City of Andover, Kansas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*), the summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances of the City of Andover, Kansas (the City) as of and for the year ended December 31, 2023, and the related notes to the financial statement, which collectively comprise the City's basic financial statement, and have issued our report thereon dated August 19, 2024. Our report contained an adverse opinion because the financial statement was presented using accounting practices prescribed or permitted by the State of Kansas.

**Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statement, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

## **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the City's financial statement is free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statement. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in blue ink that reads "B.T. & Co., P.A.".

August 19, 2024  
Topeka, Kansas



**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR THE MAJOR FEDERAL  
PROGRAM AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE  
REQUIRED BY THE UNIFORM GUIDANCE**

Mayor and City Council  
City of Andover, Kansas

**Report on Compliance for the Major Federal Program**

***Opinion on the Major Federal Program***

We have audited the City of Andover, Kansas, and the related municipal entity of the Andover Public Library's (collectively, the City) compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on the City's major federal program for the year ended December 31, 2023. The City's major federal program is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended December 31, 2023.

***Basis for Opinion on the Major Federal Program***

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditors' Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for the major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

***Responsibilities of Management for Compliance***

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the City's federal programs.

### ***Auditors' Responsibilities for the Audit of Compliance***

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

### **Other Matters**

The results of our auditing procedures disclosed an instance of noncompliance which is required to be reported in accordance with the Uniform Guidance and which is described in the accompanying schedule of findings and questioned costs as item 2023-001. Our opinion on the major federal program is not modified with respect to this matter.

*Government Auditing Standards* requires the auditor to perform limited procedures on the City's response to the noncompliance finding identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

### **Report on Internal Control Over Compliance**

Our consideration of internal control over compliance was for the limited purpose described in the Auditors' Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we considered to be material



weaknesses. However, as discussed below, we did identify a certain deficiency in internal control over compliance that we consider to be a significant deficiency.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as Finding 2023-001 to be a significant deficiency.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

*Government Auditing Standards* requires the auditor to perform limited procedures on the City's response to the internal control over compliance finding identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

A handwritten signature in blue ink that reads "B.T. & Co., P.A.".

August 19, 2024  
Topeka, Kansas



***APPENDIX C***

**ORDINANCE ESTABLISHING A MASTER UNDERTAKING  
TO PROVIDE ONGOING DISCLOSURE**

(Published at [www.andoverks.com](http://www.andoverks.com) on January 20, 2024)

ORDINANCE NO. 1891

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 1691 OF  
THE CITY OF ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City") has heretofore by Ordinance No. 1076 adopted on June 15, 2000 and published in the City's official newspaper as required by law on June 22, 2000, as amended and restated by (i) Ordinance No. 1442 adopted September 29, 2009 and published in the City's official newspaper as required by law on October 2, 2009, and (ii) Ordinance No. 1480 adopted November 30, 2010 and published in the City's official newspaper as required by law on December 3, 2010, and (iii) Ordinance No. 1691 adopted November 27, 2018 and published in the City's official newspaper as required by law on December 1, 2018, established a written undertaking to function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation bonds and temporary notes issued by the City of Andover, purchased for public distribution by one or more underwriters, on or after July 3, 1995, as required to establish legal preconditions for sale of the Bonds and Notes through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended; and

WHEREAS, the governing body of the City finds and determines it advisable to amend and restate Ordinance No. 1691 of the City.

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

**Section 1.** Amendment and Restatement of Ordinance No. 1691. The entirety of Ordinance No. 1691 is hereby amended and restated by replacing it with the following:

SECTION 1. This Ordinance establishes and constitutes a written undertaking which shall function as a master undertaking for the benefit of the holders as well as the beneficial owners of all general obligation bonds (the "Bonds") and temporary notes (the "Notes") issued by the City of Andover, (the "City" or the "Issuer"), purchased for public distribution by one or more underwriters, on or after August 18, 2003, as required to establish legal preconditions for sale of the Bonds and Notes through an underwriter or underwriters, under Section (b)(5)(i) of Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended. Capitalized terms used in this Ordinance, and not otherwise defined herein, shall have the meanings assigned to such terms in Section 4 hereof.

SECTION 2. The City, as issuer of the Bonds and Notes, undertakes to provide the following information, at the times and to the recipients as provided in Section 3 of this Ordinance:

- (i) Annual Financial Information
- (ii) Audited Financial Statements
- (iii) Reporting Event Notices

SECTION 3. So long as the Rule continues to require an undertaking to make ongoing disclosure as established herein, or performance of prior such undertakings, then, with respect to all of the Bonds and Notes issued subject to such requirements which remain Outstanding:

(A) The Issuer shall provide the Annual Financial Information on or before December 31 of each year (the "Report Date"), beginning in December, 2009, to the Municipal Securities Rulemaking Board ("MSRB"). The Issuer may adjust the Report Date if the Issuer changes its fiscal year by providing written notice of the change of fiscal year and the new Report Date to the MSRB; provided that the new Report Date shall be not more than 365 days after then end of the new fiscal year and provided further that the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration. It shall be sufficient if the Issuer provides to the MSRB the Annual Financial Information by specific reference to documents previously provided to the MSRB or filed with the Securities and Exchange Commission and, if such a document is a final official statement within the meaning of the Rule, available from the MSRB.

(B) The Issuer shall provide the Audited Financial Statements as part of the Annual Financial Information described in the preceding paragraph of this Section, when and if available.

(C) If a Reporting Event occurs, the Issuer shall provide a Reporting Event Notice to the MSRB in a timely manner not in excess of ten (10) business days after the occurrence of a Reporting Event. Each "Reporting Event Notice" shall be so captioned, and shall prominently state the date, title and CUSIP numbers of the Bonds or Notes to which the Reporting Event(s) covered by the Reporting Event Notice pertain(s).

(D) The Issuer shall provide timely notice of any failure by the Issuer to provide Annual Financial Information as required hereunder to the MSRB.

SECTION 4. The following are definitions of the capitalized terms used in this Ordinance and not otherwise defined elsewhere in this Ordinance:

"Adverse Tax Opinion" means adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.

“Annual Financial Information” means the Issuer’s Audited Financial Statements and Operating Data.

“Audited Financial Statements” means the City’s annual financial statements, prepared using accounting practices prescribed by the State according to the Kansas Municipal Accounting and Audit Guide to demonstrate compliance with the “Cash Basis” and budget laws of the State and audited as required or permitted by the laws of the State according to auditing standards generally accepted in the United States, and the standards applicable to financial audits in *Government Auditing Standards*, issued by the Comptroller General of the United States.

“Bankruptcy Event” means bankruptcy, insolvency, receivership or similar event of the Issuer. For the purposes of this definition, the Bankruptcy Event is considered to have occurred when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer.

“Beneficial Owner” means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds or Notes (including persons holding Bonds or Notes through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds or Notes for federal income tax purposes.

“Financial Obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with or pledged as security or a source of payment for an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term Financial Obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Rulemaking Board consistent with the SEC Rule.

“Merger Event” means the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms.

“MSRB” means that Municipal Securities Rulemaking Board, including specifically its Electronic Municipal Market Access (“EMMA”) system and any successors or assigns at <http://www.emma.msrb.org>.

“Obligated Person” means an obligated person as defined in the SEC Rule.

“Operating Data” means the operating data specifically included and set forth within the Issuer’s Comprehensive Annual Financial Report, prepared in accordance with the standards established by the Governmental Accounting Standards Board, which shall contain at a minimum the data included in the Comprehensive Annual Financial Report attached to the applicable final official statement for such Bonds or Notes.

“Outstanding” when used with reference to any of the Bonds or Notes shall mean, as of a particular date, all Bonds or Notes theretofore authenticated and delivered under one or more Ordinances of the City, except: (i) Bonds or Notes theretofore canceled by the Fiscal Agent (as defined in the Ordinance(s) authorizing the issuance of such Bonds or Notes) or delivered to such Fiscal Agent for cancellation; (ii) Bonds or Notes for which payment or redemption moneys or Government Securities (as defined in the Ordinance(s) authorizing the issuance of such Bonds or Notes) or both, in the necessary amounts have been deposited with the Fiscal Agent or other such depository as provided in the Ordinance(s) authorizing the issuance of such Bonds or Notes, in trust for the Owners thereof (whether upon or prior to maturity or the Redemption Date(s) of such Bonds or Notes); or (iii) Bonds or Notes in exchange for or in lieu of which refunding Bonds or Notes have been authenticated and delivered pursuant to the terms of (and within the meaning of) the appropriate Ordinance(s).

“Owner(s)” shall mean, when used with respect to any Bond or Note, the person in whose name the Bond or Note is registered, as shown upon the registration books maintained by the Fiscal Agent(s) designated in the Ordinance(s) authorizing the issuance of such Bonds or Notes and shall include any Beneficial Owners.

“Participating Underwriter” shall mean any of the original underwriters of the Bonds or Notes required to comply with the Rule in connection with the offering of the Bonds or Notes.

“Redemption Date(s)” shall mean, when used with respect to any Bond or Note(s), the date(s) established as such in the Ordinance(s) authorizing the issuance of such Bonds or Notes.

“Reporting Event” means any of the following events with respect to any of the Outstanding Bonds or Notes: (i) principal and interest payment delinquencies; (ii) non-payment related defaults, if material; (iii) unscheduled draws on debt service reserves reflecting financial difficulties; (iv) unscheduled draws on credit enhancements reflecting financial difficulties; (v) substitution of credit or liquidity providers, or their failure to perform; (vi) Adverse Tax Opinions; (vii) modifications to rights of security holders, if material; (viii) note or bond calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing

repayment of the securities, if material; (xi) rating changes; (xii) Bankruptcy Events; (xiii) Merger Events, if material; (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) Incurrence of a Financial Obligation of an Obligated Person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of an Obligated Person, any of which affect security holders, if material; and (xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of an Obligated Person, any of which reflect financial difficulties.

“Reporting Event Notice” means written or electronic notice of a Material Event.

“SEC Rule” means the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 CFR §240. 15c2-12).

SECTION 5. Unless otherwise required by law, the City shall transmit all information required hereunder, including notices and filings, in such electronic format and accompanied by such identifying information at <http://www.emma.msrb.org> or such other internet site, all as required by the MSRB.

SECTION 6. This Ordinance, or any provision hereof, shall be subject to nullification and repeal in the event that the Issuer first delivers to the MSRB an opinion of nationally recognized bond counsel to the effect that those portions of the Rule that require this Undertaking as a condition for particular underwriter conduct, or any such provision, are invalid, have been repealed retroactively or otherwise do not apply to the Bonds or Notes. This Ordinance may be amended without the Consent of the Owner(s) of any Bonds or Notes, following the delivery by the Issuer to the MSRB of the proposed amendment and the opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will be in compliance with the Rule, as amended and officially interpreted.

SECTION 7. Any failure by the Issuer to perform its obligations under this Ordinance shall not constitute an “Event of Default” or “Default” within the meaning of any Ordinance(s) authorizing the issuance of any Bonds or Notes, and the rights and remedies provided to Owners of the Bonds or Notes under such Ordinance(s) upon the Occurrence of such a “Default” Or such an “Event of Default” shall not apply to any such failure. The sole remedy under this Ordinance in the event of any failure of the Issuer to comply with this Ordinance shall be an action to compel performance.

SECTION 8. If any of the foregoing provisions or terms of this Ordinance, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Ordinance which reasonably can be given effect without the invalid provision or term or the application thereof, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 9. None of the provisions of this Ordinance are in any way intended to impose upon, or result in an assumption by, the Issuer or any of its officers, agents or



employees, of any special duty or any civil law duty of care as to which any breach or alleged breach thereof could give rise to any claim for damages in tort, and the Issuer expressly disclaims any such duty or responsibility for damages, including (but not limited to) any direct, indirect, special or consequential damages. The provisions of this Ordinance shall not, in any way, create liability or a basis for liability on the part of the Issuer or any officer, agent or employee thereof for any damages that result from failure of the Issuer to timely perform any portion, provision, term or condition of the written undertaking on its part established herein, or for any damages that result from reliance upon any provision of this Ordinance, or any administrative decision lawfully made thereunder. However, nothing in this subsection shall operate or be construed to limit the rights of any Owner of any Bond or Note to seek enforcement of the undertakings herein expressed through proceedings for a decree of specific performance in equity.

SECTION 10. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Ordinance and may discharge any such Agent, with or without appointing a Successor Dissemination Agent.

SECTION 11. This Ordinance shall inure solely to the benefit of the Issuer, the Participating Underwriters and the Owners from time to time of the Bonds and Notes and shall create no rights in any other person or entity.

**Section 2.**     Amending Ordinance. Except to the extent specifically amended hereby, Ordinance No. 1691 shall remain in full force and effect.


**Section 3.**     Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of City of Andover, Kansas and its publication in the official newspaper of the City.

*[Remainder of Page Intentionally Left Blank]*


PASSED, APPROVED AND ADOPTED by the governing body of the City of Andover, Kansas this 9th day of January, 2024.



CITY OF ANDOVER, KANSAS

By   
Ronnie Price, Mayor

ATTEST:

By   
Dana Engstrom, City Clerk