

1 (Published in the Topeka Metro News October 15, 2008)

2
3 **ORDINANCE NO. 19172**

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-291002.00 (HTE #291120) for
7 replacement of Northland I Pump Station approving cost estimates of
8 the proposed improvements, and doing all other things necessary and
9 incidental thereto, and authorizing the publication of the Notice of
10 Intention of the governing body of the City of Topeka, Kansas, to issue
11 and sell revenue bonds of said City to make such improvements
12 which constitutes improvements to the municipally owned water, water
13 pollution control, and stormwater utility system of the City of Topeka,
14 Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et*
15 *seq.*, and all amendments thereto, authorizing issuance of general
16 obligation bonds to pay the costs of the project which further
17 constitutes a general improvement to the City's sanitary and/or
18 stormwater and sewage disposal system pursuant to City of Topeka
19 Code §A12-1, and authorizing the borrowing of funds from the Kansas
20 Department of Health and Environment State Revolving Loan Fund to
21 pay the cost thereof.
22

23 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
24 *seq.* and all amendments thereto; and

25 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
26 sell revenue bonds of the City for the improvement of its water, water pollution control, and
27 stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all
28 amendments thereto; and

29 WHEREAS, it is deemed by the governing body of the City to be necessary and
30 advisable that the City to improve its System by replacement of Northland I Pump Station.
31 This project will include, but is not limited to, the planning, design and construction required
32 to replace the wetwell, pumps, controls and electrical service for the Northland I pump
33 Station and related appurtenances for a complete project and doing all things necessary
34 and incidental thereto (the "Project") and that the preliminary plans, specifications and cost
35 estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of

36 said City, which estimates show a total cost of the improvements to be approximately seven
37 hundred fifty thousand dollars (\$750,000.00), be approved; and

38 WHEREAS, it is found by the governing body that such Project will not cause a
39 duplication of existing utility service furnished by a private utility; and

40 WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to
41 City of Topeka Code §A12-1, to issue general obligation bonds for the purposes of paying
42 for improvement, repair or extension to the City's waterworks system and sanitary and
43 stormwater sewage disposal system; and

44 WHEREAS, the City desires to issue and sell revenue bonds and/or general
45 obligation bonds of the City and/or to borrow funds from the Kansas Department of Health
46 and Environment (KDHE) State Revolving Loan Fund to fund the cost of the improvements
47 or any combination thereof.

48 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
49 TOPEKA, KANSAS:

50 Section 1. That the estimates of costs of the Project as contained in the project
51 budget in the amount of seven hundred fifty thousand dollars (\$750,000.00) which are set
52 out in the project budget attached hereto and on file in the office of the City Clerk of said
53 City, be and the same are hereby approved.

54 Section 2. That the general nature of the Project is as follows:

55 Replacement of the Northland I Pump Station located at 329 NE Pine Lane. This
56 project will include, but is not limited to, the planning, design and construction required to
57 replace the wetwell, pumps, controls and electrical service for the Northland I pump Station
58 and related appurtenances for a complete project.

60 Section 3. That notice be given by the governing body of the City of its intention to
61 complete the Project in accordance with the plans, specifications and cost estimates and to
62 sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from
63 the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund in
64 a total amount not exceeding seven hundred fifty thousand dollars (\$750,000.00) to pay the
65 cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and
66 shall be published in the official City newspaper. Such notice shall describe the nature of
67 the proposed improvements and shall state the amount of revenue and/or general
68 obligation bonds proposed to be issued and/or KDHE loan funds to be borrowed, or any
69 combination thereof for the payment of the cost of the project and otherwise, the notice
70 shall be in the form as provided by law.

71 Section 4. That unless written protests against such proposed improvements
72 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
73 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
74 the City both reasonably expects and intends to finance the costs as hereinbefore
75 described from the proceeds of revenue bonds and/or general obligation bonds and/or
76 KDHE loan funds or any combination thereof, payable from the rates, fees and charges of
77 the System. The City does hereby express its official intent to reimburse any expenditures
78 made in connection with the Project from System enterprise fund, or obligations incurred
79 by, on or after the date which is sixty (60) days before the effective date of this Ordinance
80 from the proceeds of its revenue bonds as aforesaid in the maximum principal amount
81 previously described in accordance with U.S. Treasury Regulation 1.150-2. This
82 Ordinance, as the expression of the governing body's official intent regarding the matters

described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council October 7, 2008.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

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4 NOTICE OF INTENTION
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6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-291002.00
8 (HTE #291120) which provides for the replacement of
9 Northland I Pump Station and to issue and sell revenue bonds
10 of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*,
11 and all amendments thereto, and to issue general obligation
12 bonds pursuant to City of Topeka Code § A12-1, and to borrow
13 funds from the Kansas Department of Health and Environment,
14 or any combination thereof, to pay the cost of the project.
15

16 Notice is hereby given that as provided by Ordinance No. 19172 of the City of
17 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
18 to make improvements to the City-owned water, water pollution control, and stormwater
19 utility system (the "System") under Improvement Project No. T-291002.00 (HTE #291120)
20 which provides for the replacement of Northland I Pump Station. This project will include,
21 but is not limited to, the planning, design and construction required to replace the wetwell,
22 pumps, controls and electrical service for the station and related appurtenances for a
23 complete project (the "Project").

24 Notice is further given that as provided by Ordinance No. 19172 of the City, the
25 Governing Body of the City intends to issue and sell one or more separate series of
26 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
27 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to
28 borrow funds from the Kansas Department of Health and Environment State Revolving
29 Loan Fund, or any combination thereof, payable from revenues of the System, in an
30 aggregate principal amount not to exceed seven hundred fifty thousand dollars
31 (\$750,000.00) and to so improve the System and make public improvements to the City by

32 completing the Project.

33 Unless written protests against the proposed Project signed by not less than twenty
34 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen
35 (15) days after the publication of this Notice, the Governing Body will proceed in
36 accordance with the intention as set forth above to complete the Project and issue and sell
37 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas
38 Department of Health and Environment, payable from revenues of the System as above
39 stated.

40 Done by order and direction of the Council of the City of Topeka, Shawnee County,
41 Kansas, this 7th day of October, 2008

42 CITY OF TOPEKA, KANSAS

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46 _____
47 William W. Bunten, Mayor

48 ATTEST:

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50
51
52 _____
53 Brenda Younger, City Clerk