

1 (Published in the Topeka Metro News May 20, 2009)

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3 **ORDINANCE NO. 19256**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-291003.00 (HTE #29105-00) for the
7 rehabilitation of the South Kansas River Pump Station and the Potwin
8 Pump Station approving cost estimates of the proposed improvements
9 and doing all other things necessary and incidental thereto, and
10 authorizing the publication of the Notice of Intention of the governing
11 body of the City of Topeka, Kansas, to issue and sell revenue bonds
12 of said City to make such the improvements which constitutes
13 improvements to the municipally owned water, water pollution control,
14 and stormwater utility system of the City of Topeka, Shawnee County,
15 Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
16 amendments thereto, authorizing issuance of general obligation bonds
17 to pay the costs of the project which further constitutes a general
18 improvement to the City's sanitary and/or stormwater and sewage
19 disposal system pursuant to City of Topeka Code §A12-1, and
20 authorizing the borrowing of funds from the Kansas Department of
21 Health and Environment State Revolving Loan Funds to pay the cost
22 thereof.

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

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

30 WHEREAS, the South Kansas River Pump Station and the Potwin Pump Station are
31 located in Council District No. 1, approximately one-half mile from each other along the
32 north side of Interstate 70; and

33 WHEREAS, it is deemed by the governing body of the City to be necessary and
34 advisable that the City improve its System by the rehabilitation of the South Kansas River
35 Pump Station and the Potwin Pump Station. This project will include, but is not limited to,

36 regulatory compliance upgrades, modification of the wetwell, barscreen and electrical
37 systems, as well as investigation of cost effective "green" alternatives. The project will also
38 include the addition of flow monitoring of incoming interceptors, demolition of the Potwin
39 Pump Station, installation of a new interceptor to divert flow from the Quinton Interceptor to
40 the South Kansas River Pump Station, installation of improved odor control and related
41 appurtenances and doing all things necessary and incidental thereto for a complete project
42 (the "Project") and that the cost estimates for the Project heretofore duly prepared and filed
43 in the office of the City Clerk of said City, which estimates show a total cost of the
44 improvements to be approximately nine million six hundred thirty five thousand fifty-four
45 dollars (\$9,635,054.00), be approved; and

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

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

52 WHEREAS, the City desires to issue and sell revenue bonds and/or general
53 obligation bonds of the City and/or to borrow funds from the Kansas Department of Health
54 and Environment State Revolving Loan Funds to fund the cost of the improvements or any
55 combination thereof.

56 NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
57 CITY OF TOPEKA, KANSAS:

58 Section 1. That the estimates of costs of the Project as contained in the project
59 budget in the total amount of approximately nine million six hundred thirty five thousand

fifty-four dollars (\$9,635,054.00), which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

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

The rehabilitation of the South Kansas River Pump Station located at I-70 and SW MacVicar Avenue. This project will include, but is not limited to, design and construction of regulatory compliance upgrades, modification of the wetwell, barscreen and electrical systems, as well as investigation of cost effective “green” alternatives. The project will also include the addition of flow monitoring of incoming interceptors, demolition of the Potwin Pump Station, installation of a new interceptor to divert flow from the Quinton Interceptor to the South Kansas River Pump Station, and the installation of improved odor control and related appurtenances and doing all things necessary and incidental thereto for a complete project (the “Project”).

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Funds in a total amount not to exceed nine million six hundred thirty five thousand fifty-four dollars (\$9,635,054.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or KDHE loan funds to be borrowed, or any combination thereof for the payment of the cost of the Project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements

signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or KDHE loan funds or any combination thereof, payable from the rates, fees and charges of the System. The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described in accordance with U.S. Treasury Regulation 1.150-2. This 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 Governing Body 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 May 12, 2009.

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-291003.00
8 (HTE #29105-00) which provides for the rehabilitation of South
9 Kansas River Pump Station and to issue and sell revenue
10 bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et*
11 *seq.*, and all amendments thereto, and to issue general
12 obligation bonds pursuant to City of Topeka Code § A12-1, and
13 to borrow funds from the Kansas Department of Health and
14 Environment, or any combination thereof, to pay the cost of the
15 project.
16

17 Notice is hereby given that as provided by Ordinance No. 19256 of the City of
18 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
19 to make improvements to the City-owned water, water pollution control, and stormwater
20 utility system (the "System") under Improvement Project No. T-291003.00 (HTE #29105-00)
21 which provides for the rehabilitation of the South Kansas River Pump Station. This project
22 will include, but is not limited to, design and construction of regulatory compliance
23 upgrades, modification of the wetwell, barscreen and electrical systems, as well as
24 investigation of cost effective "green" alternatives. The project will also include the addition
25 of flow monitoring of incoming interceptors, demolition of the Potwin Pump Station,
26 installation of a new interceptor to divert flow from the Quinton Interceptor to the South
27 Kansas River Pump Station, installation of improved odor control and related
28 appurtenances and doing all things necessary and incidental thereto for a complete project
29 (the "Project").

30 Notice is further given that as provided by Ordinance No. 19256 of the City, the
31 Governing Body of the City intends to issue and sell one or more separate series of

revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Funds, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed nine million six hundred thirty five thousand fifty-four dollars (\$9,635,054.00) and to so improve the System and make public improvements to the City by completing the Project.

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

Done by order and direction of the Governing Body of the City of Topeka, Shawnee County, Kansas, this 12th day of May 12, 2009

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk