

Proposed change to ordinance is shown in ~~double strikethrough~~ and double underline.

(Published in the Topeka Metro News March 21, 2011)

ORDINANCE NO. 19528

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. T-291002.00 (HTE #291120) for replacement of Northland I Pump Station approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code §A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof and specifically repealing those sections of City of Topeka Ordinance No. 19172 in conflict with this Ordinance.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by replacement of Northland I Pump Station; and

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

Proposed change to ordinance is shown in ~~double strikethrough~~ and double underline.

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

WHEREAS, the City desires to issue and 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 Fund to fund the cost of the improvements or any combination thereof, and

WHEREAS, Ordinance No. 19172, passed and approved on October 7, 2008, estimated total cost of the improvements to be approximately seven hundred fifty thousand dollars (\$750,000.00); however, the original estimate was based on a replacement that was determined not to be feasible and, thus, the project budget needs to be revised and amended.

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

Section 1. That the estimates of costs of the Project as contained in the project budget in the amount of ~~one million four hundred forty seven thousand one hundred thirty one~~ one million six hundred twenty thousand seven hundred eighty-six dollars (~~\$1,447,130.00~~ \$1,620,786.00) which are set out in 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 new pump station will be construction approximately 1000 feet to the north and east of the existing location. This location will also allow for future expansion needs

Proposed change to ordinance is shown in ~~double strikethrough~~ and double underline.

59 associated with the recent increased development in the area. The design includes a new
60 1270 feet of 8" force main that will convey the waste up and over the Soldier Creek Levees
61 as required by the current Army Corps of Engineers design guidelines. The alternate
62 crossing would allow for the abandonment of the over fifty year old 6" existing force main
63 having an alignment through the Soldier Creek Levees.

64 Section 3. That notice be given by the governing body of the City of its intention to
65 complete the Project in accordance with the plans, specifications and cost estimates and to
66 sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from
67 the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund in
68 a total amount not exceeding ~~one million four hundred forty seven thousand one hundred~~
69 ~~thirty~~ one million six hundred twenty thousand seven hundred eighty-six dollars
70 ~~(\$1,447,130.00)~~ (\$1,620,786.00) to pay the cost thereof. Such notice shall be signed by the
71 Mayor and attested by the City Clerk and shall be published in the official City newspaper.
72 Such notice shall describe the nature of the proposed improvements and shall state the
73 amount of revenue and/or general obligation bonds proposed to be issued and/or KDHE
74 loan funds to be borrowed, or any combination thereof for the payment of the cost of the
75 project and otherwise, the notice shall be in the form as provided by law.

76 Section 4. That unless written protests against such proposed improvements
77 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
78 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
79 the City both reasonably expects and intends to finance the costs as hereinbefore
80 described from the proceeds of revenue bonds and/or general obligation bonds and/or
81 KDHE loan funds or any combination thereof, payable from the rates, fees and charges of

Proposed change to ordinance is shown in ~~double strikethrough~~ and double underline.

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 the sections of City of Topeka Ordinance No. 19172 which are in conflict with this Ordinance are hereby specifically repealed.

Section 6. 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 Governing Body March 15, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

1 (Published in the Topeka Metro News March 21, 2011)

2
3 NOTICE OF INTENTION

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

15 Notice is hereby given that as provided by Ordinance No. 19528 of the City of
16 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
17 to make improvements to the City-owned water, water pollution control, and stormwater
18 utility system (the "System") under Improvement Project No. T-291002.00 (HTE #291120)
19 which provides for the replacement of Northland I Pump Station.

20 Notice is further given that as provided by Ordinance No. 19528 of the City, the
21 Governing Body of the City intends to issue and sell one or more separate series of
22 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
23 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to
24 borrow funds from the Kansas Department of Health and Environment State Revolving
25 Loan Fund, or any combination thereof, payable from revenues of the System, in an
26 aggregate principal amount not to exceed one million six hundred twenty thousand seven
27 hundred eighty-six dollars (\$1,620,786.00) and to so improve the System and make public
28 improvements to the City by completing the Project.

29 Unless written protests against the proposed Project signed by not less than twenty
30 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen

31 (15) days after the publication of this Notice, the Governing Body will proceed in
32 accordance with the intention as set forth above to complete the Project and issue and sell
33 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas
34 Department of Health and Environment, payable from revenues of the System as above
35 stated.

36 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
37 County, Kansas, this 15th day of March, 2011.

38 CITY OF TOPEKA, KANSAS

39
40
41
42
43 _____
44 William W. Bunten, Mayor

45 ATTEST:

46
47
48
49 _____
50 Brenda Younger, City Clerk