

1 (Published in the Topeka Metro News May 9, 2011)

2
3 **ORDINANCE NO. 19556**

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-291017.00 for emergency backup power
7 for Shunga Pump Station, approving cost estimates of the proposed
8 improvements, and doing all other things necessary and incidental
9 thereto, and authorizing the use of utility operation funds, authorizing
10 the publication of the Notice of Intention of the governing body of the
11 City of Topeka, Kansas, to issue and sell revenue bonds of said City
12 to make such improvements which constitutes improvements to the
13 municipally owned water, water pollution control, and stormwater utility
14 system of the City of Topeka, Shawnee County, Kansas, pursuant to
15 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto,
16 authorizing issuance of general obligation bonds to pay the costs of
17 the project which further constitutes a general improvement to the
18 City's sanitary and/or stormwater and sewage disposal system
19 pursuant to City of Topeka Code § A12-1, and authorizing the
20 borrowing of funds from the KDHE SRF Loan to pay the cost thereof.
21

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

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

28 WHEREAS, it is deemed by the governing body of the City to be necessary and
29 advisable that the City to improve its System by installing a self-contained emergency
30 backup power system or alternate electrical feed for the Shunga Pump Station. This
31 project will include, but is not limited to, design, site modification and initial construction and
32 any related appurtenances needed for a complete project and doing all things necessary
33 and incidental thereto (the "Project") and that the preliminary plans, specifications and cost
34 estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of

said City, which estimates show a total cost of the improvements to be approximately two hundred fifty thousand dollars (\$250,000.00) be approved; 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

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 KDHE SRF Loan to fund the cost of the improvements or any combination thereof.

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 total amount of two hundred fifty thousand dollars (\$250,000.00) 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:

This project will include the design, site modifications and initial construction needed for the installation of a self-contained emergency backup power system or alternate electrical feed for the Shunga Pump Station any related appurtenances needed for a complete project and doing all things necessary and incidental thereto

57 Section 3. That notice be given by the governing body of the City of its intention to
58 complete the Project in accordance with the plans, specifications and cost estimates and
59 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of
60 the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding
61 two hundred fifty thousand dollars (\$250,000.00) to pay the cost thereof. Such notice shall
62 be signed by the Mayor and attested by the City Clerk and shall be published in the official
63 City newspaper. Such notice shall describe the nature of the proposed improvements and
64 shall state the amount of revenue and/or general obligation bonds proposed to be issued
65 and/or loan funds to be borrowed, or any combination thereof for the payment of the cost of
66 the project and otherwise, the notice shall be in the form as provided by law.

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

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

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

84 PASSED and APPROVED by the Governing Body May 3, 2011.

85 CITY OF TOPEKA, KANSAS

86
87 _____
88 William W. Bunten, Mayor

88 ATTEST:

89
90 _____
91 Brenda Younger, City Clerk

1 (Published in the Topeka Metro News May 9, 2011)

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3 **NOTICE OF INTENTION**

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5 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
6 improvements under Improvement Project No. T-291017.00
7 which provides for emergency backup power for Shunga Pump
8 Station, and to use utility operation funds, and to issue and sell
9 revenue bonds of said City pursuant to K.S.A. 10-101 and 10-
10 1201, *et seq.*, and all amendments thereto, and to issue
11 general obligation bonds pursuant to City of Topeka Code §
12 A12-1, and to borrow funds from the Kansas Department of
13 Health and Environment, or any combination thereof, to pay
14 the cost of the project.
15

16 Notice is hereby given that as provided by Ordinance No. 19556 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-291017.00 which provides
20 for emergency backup power for Shunga Pump Station. This project will include, but is not
21 limited to, , design, site modification and initial construction and related appurtenances for a
22 complete project (the "Project").

23 Notice is further given that as provided by Ordinance No. 19556 of the City, the
24 Governing Body of the City intends to issue and sell one or more separate series of
25 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
26 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to
27 borrow funds from the Kansas Department of Health and Environment State Revolving
28 Loan Fund, or any combination thereof, payable from revenues of the System, in an
29 aggregate principal amount not to exceed two hundred fifty thousand dollars (\$250,000.00)
30 and to so improve the System and make public improvements to the City by completing the
31 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 3rd day of May, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk