

1 (Published in the Topeka Metro News July 2, 2012)

2
3 **ORDINANCE NO. 19743**

4
5 AN ORDINANCE introduced by Pamela S. Simecka, Interim City Manager, authorizing
6 Improvement Project No. T-291017.01 for emergency backup power
7 for Shunga Pump Station-Phase 2, approving cost estimates of the
8 proposed improvements, and doing all other things necessary and
9 incidental thereto, and authorizing the use of utility operation funds,
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 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 KDHE SRF Loan to pay
21 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 installing a self-contained emergency
31 backup power system or alternate electrical feed for the Shunga Pump Station. This is
32 Phase 2 of the project which will include, but is not limited to, procurement of equipment,
33 final construction, and construction oversight and administration, and any related
34 appurtenances needed for a complete project and doing all things necessary and incidental

thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk, which estimates show a total cost of the improvements to be approximately one million three hundred sixty one thousand seven hundred nine dollars (\$1,361,709.00) 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 one million three hundred sixty one thousand seven hundred nine dollars (\$1,361,709.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk, be and the same are hereby approved.

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

This is the second of a two phase project to construct emergency backup power for PS07 Shunga Pump station. This phase of the project will include the procurement of equipment, final construction and construction oversight and administration needed for the

installation of a self-contained emergency backup power system or alternate electrical feed for the Shunga Pump Station and any related appurtenances needed for a complete project and doing all things necessary and incidental thereto

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 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding one million three hundred sixty one thousand seven hundred nine dollars (\$1,361,709.00) 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 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 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 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 June 26, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

1 (Published in the Topeka Metro News July 2, 2012)

2
3
4 NOTICE OF INTENTION

5
6 NOTICE OF INTENTION of the Governing Body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-291017.01
8 which provides for improvements to the Shunga Pump Station-
9 Phase 2 and to use utility operation funds, and to issue and sell
10 revenue bonds of said City pursuant to K.S.A. 10-101 and 10-
11 1201, *et seq.*, and all amendments thereto, and to issue
12 general obligation bonds pursuant to City of Topeka Code §
13 A12-1, and to borrow funds from the Kansas Department of
14 Health and Environment, or any combination thereof, to pay
15 the cost of the project.
16

17 Notice is hereby given that as provided by Ordinance No. 19743 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-297017.01 which provides
21 for improvements to its System by the construction and installation of emergency backup
22 power for Shunga Pump Station-Phase 2 and related appurtenances for a complete project
23 (the "Project").

24 Notice is further given that as provided by Ordinance No. 19743 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 one million three hundred sixty one thousand
31 seven hundred nine dollars (\$1,361,709.00) 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 26th day of June, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk