

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

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3 **ORDINANCE NO. 19744**

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5 AN ORDINANCE introduced by Pamela S. Simecka, Interim City Manager, authorizing  
6 Improvement Project No. T-281049.00 for improvements to the South  
7 Topeka water system, 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.  
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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 the installation of three transmission mains  
30 and five water booster pumping stations in South Topeka and any related appurtenances  
31 needed for a complete project and doing all things necessary and incidental thereto (the  
32 "Project") and that the preliminary plans, specifications and cost estimates for the Project  
33 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 three million three hundred thirty seven thousand three hundred dollars (\$3,337,300.00) 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 COUNCIL 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 three million three hundred thirty seven thousand three hundred dollars (\$3,337,300.00) 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 includes a group of projects to address immediate and long-term needs within the transmission and distribution system, and includes the following:

(a) Installation of 4000 feet of 18" main and 2500 feet of 16" main on 57th Street starting at Topeka Boulevard then west to Wenger and north on Wenger to close a Loop;

(b) Installation of 5350 feet of 18" main and 850 feet of 24" main on Topeka Blvd from 57th Street south to University, then west to 65th and Westview;

(c) Installation of 1400 feet of 12" main on about 59th Street east from Topeka Boulevard to Forbes Field;

(d) Upgrades to the Central (a.k.a. Western) booster pumping station;

(e) Upgrades to the Kirklawn booster pumping station to provide greater capacity for the South and East Pressure Zones;

(f) Upgrades to the Norwood booster pumping station to accommodate better capacity to serve the East Pressure Zone; and

(g) Upgrades to the Montara pump station to increase capacity.

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 three million three hundred thirty seven thousand three hundred dollars (\$3,337,300.00) 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

79 with the City Clerk within fifteen (15) days after publication of the notice herein authorized  
80 the City both reasonably expects and intends to finance the costs as hereinbefore  
81 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan  
82 funds or any combination thereof, payable from the rates, fees and charges of the System.

83 The City does hereby express its official intent to reimburse any expenditures made in  
84 connection with the Project from System enterprise fund, or obligations incurred by, on or  
85 after the date which is sixty (60) days before the effective date of this Ordinance from the  
86 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously  
87 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the  
88 expression of the governing body's official intent regarding the matters described herein,  
89 will be available, for public inspection in the City Clerk's office at City Hall during regular  
90 business hours of the City.

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

94 PASSED and APPROVED by the Governing Body June 26, 2012.

95 CITY OF TOPEKA, KANSAS

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97 \_\_\_\_\_  
William W. Bunten, Mayor

98 ATTEST:

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100 \_\_\_\_\_  
101 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-281049.00  
8 which provides for improvements to the South Topeka water  
9 system 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. 19744 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-281049.00 which provides  
21 for improvements to its System by the installation of three transmission mains and five  
22 water booster pumping stations in South Topeka and related appurtenances for a complete  
23 project (the "Project").

24 Notice is further given that as provided by Ordinance No. 19744 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 three million three hundred thirty seven thousand  
31 three hundred dollars (\$3,337,300.00) 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

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk