

1 (Published in the Topeka Metro News February 18, 2013)

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3 **ORDINANCE NO. 19794**

4
5 AN ORDINANCE introduced by Jim Colson, City Manager, authorizing Improvement
6 Project No. T-281039.01 for the rehabilitation of flood protection relief
7 wells approving cost estimates of the proposed improvements, and
8 doing all other things necessary and incidental thereto, and
9 authorizing the use of utility operation funds, authorizing the
10 publication of the Notice of Intention of the governing body of the City
11 of Topeka, Kansas, to issue and sell revenue bonds of said City to
12 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.
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21 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
22 *seq.* and all amendments thereto; and

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

27 WHEREAS, it is deemed by the Governing Body of the City to be necessary and
28 advisable that the City to improve its System by rehabilitation of flood protection relief wells.

29 This project will include, but is not limited to, rehabilitation or replacement of eleven (11)
30 existing flood protection relief wells with new pumping units, new pump motor starters,
31 installation of new or replacement piezometers, new water level sensors and any related
32 appurtenances needed for a complete project and doing all things necessary and incidental
33 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 of said City, which estimates show a total cost of the improvements to be approximately one million two hundred thirty-nine thousand three hundred seven dollars (\$1,239,307.00) 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 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 one million two hundred thirty-nine thousand three hundred seven dollars (\$1,239,307.00) 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 project consists of rehabilitation of eleven (11) existing Flood Protection Relief Wells, to protect the critical plant piping and in-ground structures in the event of a major flood on the Kansas River located immediately adjacent to the water plant complex. A

contractor was selected to evaluate, develop concepts/methods for and implement the following flood relief well rehabilitation strategies in accordance with US-ACE directives and requirements:

- Rehabilitation of eleven (11) existing flood protection relief wells or replacement by constructing new wells;
- Size, furnish and install complete new pumping units in each well;
- Size, furnish and install complete new pump motor starters in 4-X stainless steel panels;
- Motor starters shall have additional contactors for SCADA System integration, alarms and water level sensors for individual pump operational control;
- Install new or replacement piezometers in close proximity to relief wells and as required;
- Water level sensors will be mutually selected with Owner approval;
- Reconnect all hydraulic and electrical connections in each well;
- Test operation of each installed unit to validate performance.
- All other items necessary with making the Flood Protection Relief Wells fully operational.

The project will include an assessment of each relief well biological condition and develop up to three strategies for rehabilitation of each well; sizing for replacement pumping equipment; procurement and installation of pumps and new piezometers and level sensing/ SCADA controls; and final performance testing for each well, requiring about one year, including US-ACE approvals required on overall and respective project elements.

80 Section 3. That notice be given by the governing body of the City of its intention to
81 complete the Project in accordance with the plans, specifications and cost estimates and
82 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of
83 the City in a total amount not exceeding one million two hundred thirty-nine thousand three
84 hundred seven dollars (\$1,239,307.00) to pay the cost thereof. Such notice shall be signed
85 by the Mayor and attested by the City Clerk and shall be published in the official City
86 newspaper. Such notice shall describe the nature of the proposed improvements and shall
87 state the amount of revenue and/or general obligation bonds proposed to be issued or any
88 combination thereof for the payment of the cost of the project and otherwise, the notice
89 shall be in the form as provided by law.

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

102 for public inspection in the City Clerk's office at City Hall during regular business hours of
103 the City.

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

107 PASSED and APPROVED by the Governing Body February 12, 2013.

108 CITY OF TOPEKA, KANSAS

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112 _____
113 William W. Bunten, Mayor

114 ATTEST:

115
116
117 _____
118 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-281039.01
8 which provides for rehabilitation of flood protection relief wells
9 and to use utility operation funds, 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, or
13 any combination thereof, to pay the cost of the project.
14

15 Notice is hereby given that as provided by Ordinance No. 19794 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-281039.01 which provides
19 for improvements to its System by the rehabilitation of flood protection relief wells and
20 related appurtenances for a complete project (the "Project").

21 Notice is further given that as provided by Ordinance No. 19794 of the City, the
22 Governing Body of the City intends to issue and sell one or more separate series of
23 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
24 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, or any
25 combination thereof, payable from revenues of the System, in an aggregate principal
26 amount not to exceed one million two hundred thirty-nine thousand three hundred seven
27 dollars (\$1,239,307.00) and to so improve the System and make public improvements to
28 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 12th day of February, 2013.

38 CITY OF TOPEKA, KANSAS

39 _____
40 William W. Bunten, Mayor
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42 ATTEST:

43 _____
44 Brenda Younger, City Clerk
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