

1 (Published in the Topeka Metro News February 17, 2014)

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3 **ORDINANCE NO. 19886**

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5 AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement  
6 Project No. T-281076.00 for 2014 Water Main Replacement Program  
7 approving cost estimates of the proposed improvements, and doing all  
8 other things necessary and incidental thereto, and authorizing the use  
9 of utility operation funds, authorizing the publication of the Notice of  
10 Intention of the Governing Body of the City of Topeka, Kansas, to  
11 issue and sell revenue bonds of said City to make such improvements  
12 which constitutes improvements to the municipally owned water, water  
13 pollution control, and stormwater utility system of the City of Topeka,  
14 Shawnee County, Kansas, pursuant to K.S.A. 10-101 *et seq.* and 10-  
15 1201, *et seq.*, and all amendments thereto, authorizing issuance of  
16 general obligation bonds to pay the costs of the project which further  
17 constitutes a general improvement to the City's waterworks, sanitary  
18 and/or stormwater sewage disposal system pursuant to City of  
19 Topeka Code § A12-1, and authorizing the borrowing of funds from  
20 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 replacing water mains throughout the City's  
30 water service area. This project will include, but is not limited to, design and construction  
31 and any related appurtenances needed for a complete project and doing all things  
32 necessary and incidental thereto (the "Project") and that the preliminary plans,  
33 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 two million dollars (\$2,000,000.00) 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 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 two million dollars (\$2,000,000.00) 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 program will focus on replacing water mains, with high break histories and deteriorating infrastructure in an effort to reduce the need for costly repairs to damaged streets, sidewalks, and failing water mains. Program efforts will also focus on needed replacements associated with half-cent sales tax and other priority street improvement projects to be implemented by the City Engineering Division. The continuation of this

comprehensive replacement program will allow for necessary improvements to be made to the City's substructure, and also decrease neighborhood, and commercial and business development disruptions caused by water main breaks in the targeted areas. Individual water main projects will be financed through available operating funds but may be supplemented by revenue bonds as necessary for the success of this program.

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 two million dollars (\$2,000,000.00) 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

80 after the date which is sixty (60) days before the effective date of this Ordinance from the  
81 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously  
82 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the  
83 expression of the governing body's official intent regarding the matters described herein,  
84 will be available, for public inspection in the City Clerk's office at City Hall during regular  
85 business hours of the City.

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

89 PASSED and APPROVED by the Governing Body February 11, 2014.

90 CITY OF TOPEKA, KANSAS

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95 Larry E. Wolgast, Mayor

96 ATTEST:

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99 \_\_\_\_\_  
100 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-281076.00  
8 which provides for 2014 Water Main Replacement Program  
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, and  
13 to borrow funds from the Kansas Department of Health and  
14 Environment, or any combination thereof, to pay the cost of the  
15 project.  
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17 Notice is hereby given that as provided by Ordinance No. 19886 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-281076.00 which provides  
21 for water main replacement at various locations throughout the City's water service area.  
22 This project will include, but is not limited to, design and construction and related  
23 appurtenances for a complete project (the "Project").

24 Notice is further given that as provided by Ordinance No. 19886 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 two million dollars (\$2,000,000.00) and to so  
31 improve the System and make public improvements to the City by completing the Project.

32 Unless written protests against the proposed Project signed by not less than twenty  
33 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen  
34 (15) days after the publication of this Notice, the Governing Body will proceed in  
35 accordance with the intention as set forth above to complete the Project and issue and sell  
36 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas  
37 Department of Health and Environment, payable from revenues of the System as above  
38 stated.

39 Done by order and direction of the Governing Body of the City of Topeka, Shawnee  
40 County, Kansas, this 11th day of February, 2014.

41 CITY OF TOPEKA, KANSAS

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44 \_\_\_\_\_  
45 Larry E. Wolgast, Mayor

46 ATTEST:

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48 \_\_\_\_\_  
49 Brenda Younger, City Clerk