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ORDINANCE NO. 19886

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281076.00 for 2014 Water Main Replacement Program approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 et seq. and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City’s waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code § A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by replacing water mains throughout the City’s water service area. This project will include, but is not limited to, design and construction and any related 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 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
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 Governing Body 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 February 11, 2014.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk
NOTICE OF INTENTION

NOTICE OF INTENTION of the Governing Body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-281076.00 which provides for 2014 Water Main Replacement Program and to use utility operation funds, and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the Kansas Department of Health and Environment, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. 19886 of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") under Improvement Project No. T-281076.00 which provides for water main replacement at various locations throughout the City’s water service area. This project will include, but is not limited to, design and construction and related appurtenances for a complete project (the “Project”).

Notice is further given that as provided by Ordinance No. 19886 of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 et seq. and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Fund, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed two million dollars ($2,000,000.00) 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 11th day of February, 2014.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk