

1 (Published in the Topeka Metro News October 15, 2008)

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3 **ORDINANCE NO. 19170**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-281000.03 (HTE #286383) for
7 rehabilitation of the Water Treatment Plant approving cost estimates
8 of the proposed improvements, and doing all other things necessary
9 and incidental thereto, and authorizing the publication of the Notice of
10 Intention of the governing body of the City of Topeka, Kansas, to issue
11 and sell revenue bonds of said City to make such improvements
12 which constitute 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 and 10-1201, *et*
15 *seq.*, and all amendments thereto, authorizing issuance of general
16 obligation bonds to pay the costs of the project which further
17 constitutes a general improvement to the City's waterworks system
18 pursuant to City of Topeka Code §A12-1, and authorizing the
19 borrowing of funds from the State of Kansas Loan Funds to pay the
20 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 rehabilitating the Water Treatment Plant.
30 This project will include, but is not limited to, rehabilitation of the lime softening basin in the
31 North Train of the East Plant, rehabilitation of the interior valves and piping at Layne
32 Station, rehabilitation of exterior valves at Layne Station, testing and rehabilitation of
33 medium and high voltage electrical gear at the Water Treatment Plant and Booster
34 Stations, replacement/reconstruction of the dust collection system at the Water Treatment

Plant, replacement of the roof membrane on the East Filter Building 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 one million dollars (\$1,000,000.00), 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

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 State of Kansas Loan Funds 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 dollars (\$1,000,000.00) 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:

Rehabilitating the Water Treatment Plant located at 3245 Water Works Drive in Topeka, Kansas. This project will include, but is not limited to, rehabilitation of the lime

softening basin in the North Train of the East Plant, rehabilitation of the interior valves and piping at Layne Station, rehabilitation of exterior valves at Layne Station, testing and rehabilitation of medium and high voltage electrical gear at the Water Treatment Plant and Booster Stations, replacement/reconstruction of the dust collection system at the Water Treatment Plant, replacement of the roof membrane on the East Filter Building and any related appurtenances needed for a complete project and any related appurtenances needed for a complete project.

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 to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the State of Kansas Loan Funds in a total amount not exceeding one million dollars (\$1,000,000.00) 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 State of Kansas 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.

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

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

92 PASSED and APPROVED by the City Council October 7, 2008.

93 CITY OF TOPEKA, KANSAS

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99 William W. Bunten, Mayor

100 ATTEST:

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102 _____
103 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-281000.03
8 (HTE #286383) which provides for rehabilitation of the Water
9 Treatment Plant and to issue and sell revenue bonds of said
10 City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
11 amendments thereto, and to issue general obligation bonds
12 pursuant to City of Topeka Code § A12-1, and to borrow funds
13 from the State of Kansas Loan Funds, or any combination
14 thereof, to pay the cost of the project.
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16 Notice is hereby given that as provided by Ordinance No. 19170 of the City of
17 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
18 to make improvements to the City-owned water, water pollution control, and stormwater
19 utility system (the "System") under Improvement Project No. T-281000.03 (HTE #286383)
20 which provides for rehabilitating the Water Treatment Plant. This project will include, but is
21 not limited to, rehabilitation of the lime softening basin in the North Train of the East Plant,
22 rehabilitation of the interior valves and piping at Layne Station, rehabilitation of exterior
23 valves at Layne Station, testing and rehabilitation of medium and high voltage electrical
24 gear at the Water Treatment Plant and Booster Stations, replacement/reconstruction of the
25 dust collection system at the Water Treatment Plant, replacement of the roof membrane on
26 the East Filter Building and any related appurtenances needed for a complete project (the
27 "Project").

28 Notice is further given that as provided by Ordinance No. 19170 of the City, the
29 Governing Body of the City intends to issue and sell one or more separate series of
30 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
31 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to

32 borrow funds from the State of Kansas Loan Funds, or any combination thereof, payable
33 from revenues of the System, in an aggregate principal amount not to exceed one million
34 dollars (\$1,000,000.00) and to so improve the System and make public improvements to
35 the City by completing the Project.

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

42 Done by order and direction of the Council of the City of Topeka, Shawnee County,
43 Kansas, this 7th day of October, 2008

44 CITY OF TOPEKA, KANSAS

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48 _____
49 William W. Bunten, Mayor

50 ATTEST:

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55 Brenda Younger, City Clerk