

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

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3 **ORDINANCE NO. 19171**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing  
6 Improvement Project No. T-291001.00 (HTE #291110) for  
7 replacement of Distributed Control System (DCS) at the North Topeka  
8 Waste Water Treatment Plant approving cost estimates of the  
9 proposed improvements, and doing all other things necessary and  
10 incidental thereto, and authorizing the publication of the Notice of  
11 Intention of the governing body of the City of Topeka, Kansas, to issue  
12 and sell revenue bonds of said City to make such improvements  
13 which constitutes improvements to the municipally owned water, water  
14 pollution control, and stormwater utility system of the City of Topeka,  
15 Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et*  
16 *seq.*, and all amendments thereto, authorizing issuance of general  
17 obligation bonds to pay the costs of the project which further  
18 constitutes a general improvement to the City's sanitary and/or  
19 stormwater and sewage disposal system pursuant to City of Topeka  
20 Code §A12-1, and authorizing the borrowing of funds from the Kansas  
21 Department of Health and Environment State Revolving Loan Fund to  
22 pay the cost thereof.

23  
24 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*  
25 *seq.* and all amendments thereto; and

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

30 WHEREAS, it is deemed by the governing body of the City to be necessary and  
31 advisable that the City to improve its System by replacing the existing Distributed Control  
32 System (DCS) equipment at the North Topeka Waste Water Treatment Plant (WWTP) with  
33 modern cost effective Supervised Control and Data Acquisition (SCADA) equipment. This  
34 project will include, but is not limited to, replacement of the software and hardware required  
35 to automate and monitor the wastewater treatment facility, reprogramming the

36 programmable logic controllers (PLC's) and human machine interfaces (HMI's) to  
37 standardize with the Oakland plant, and replacement of the computer system and any  
38 related appurtenances needed for a complete project and doing all things necessary and  
39 incidental thereto (the "Project") and that the preliminary plans, specifications and cost  
40 estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of  
41 said City, which estimates show a total cost of the improvements to be approximately one  
42 million dollars (\$1,000,000.00), be approved; and

43 WHEREAS, it is found by the governing body that such Project will not cause a  
44 duplication of existing utility service furnished by a private utility; and

45 WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to  
46 City of Topeka Code §A12-1, to issue general obligation bonds for the purposes of paying  
47 for improvement, repair or extension to the City's waterworks system and sanitary and  
48 stormwater sewage disposal system; and

49 WHEREAS, the City desires to issue and sell revenue bonds and/or general  
50 obligation bonds of the City and/or to borrow funds from the Kansas Department of Health  
51 and Environment (KDHE) State Revolving Loan Fund to fund the cost of the improvements  
52 or any combination thereof.

53 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
54 TOPEKA, KANSAS:

55 Section 1. That the estimates of costs of the Project as contained in the project  
56 budget, in the total amount of one million dollars (\$1,000,000.00) which are set out on the  
57 project budget attached hereto and on file in the office of the City Clerk of said City, be and  
58 the same are hereby approved.

59           Section 2.     That the general nature of the Project is as follows:

60           Replacement of the existing DCS equipment at the North Topeka WWTP, located at  
61   1600 N. Button Road, with modern cost effective SCADA equipment. This project will  
62   include, but is not limited to, replacement of the software and hardware required to  
63   automate and monitor the wastewater treatment facility, reprogramming the PLC's and  
64   HMI's to standardize with the Oakland plant, and replacement of the computer system and  
65   any related appurtenances needed for a complete project

66           Section 3.     That notice be given by the governing body of the City of its intention to  
67   complete the Project in accordance with the plans, specifications and cost estimates and to  
68   sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from  
69   the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund in  
70   a total amount not exceeding one million dollars (\$1,000,000.00) to pay the cost thereof.  
71   Such notice shall be signed by the Mayor and attested by the City Clerk and shall be  
72   published in the official City newspaper. Such notice shall describe the nature of the  
73   proposed improvements and shall state the amount of revenue and/or general obligation  
74   bonds proposed to be issued and/or KDHE loan funds to be borrowed, or any combination  
75   thereof for the payment of the cost of the project and otherwise, the notice shall be in the  
76   form as provided by law.

77           Section 4.     That unless written protests against such proposed improvements  
78   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

82 KDHE loan funds or any combination thereof, payable from the rates, fees and charges of  
83 the System. The City does hereby express its official intent to reimburse any expenditures  
84 made in connection with the Project from System enterprise fund, or obligations incurred  
85 by, on or after the date which is sixty (60) days before the effective date of this Ordinance  
86 from the proceeds of its revenue bonds as aforesaid in the maximum principal amount  
87 previously described in accordance with U.S. Treasury Regulation 1.150-2. This  
88 Ordinance, as the expression of the governing body's official intent regarding the matters  
89 described herein, will be available, for public inspection in the City Clerk's office at City Hall  
90 during regular 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 City Council October 7, 2008.

95 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

100 ATTEST:

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104 \_\_\_\_\_  
105 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-291001.00  
8 (HTE #291110) which provides for the replacement of  
9 Distributed Control System (DCS) at the North Topeka Waste  
10 Water Treatment Plant and to issue and sell revenue bonds of  
11 said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and  
12 all amendments thereto, and to issue general obligation bonds  
13 pursuant to City of Topeka Code § A12-1, and to borrow funds  
14 from the Kansas Department of Health and Environment, or  
15 any combination thereof, to pay the cost of the project.  
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17 Notice is hereby given that as provided by Ordinance No. 19171 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-291001.00 (HTE #291110)  
21 which provides for the replacement of the Distributed Control System (DCS) equipment at  
22 the North Topeka Waste Water Treatment Plant with modern cost effective Supervised  
23 Control and Data Acquisition (SCADA) equipment. This project will include, but is not  
24 limited to, replacement of the software and hardware required to automate and monitor the  
25 wastewater treatment facility, reprogramming the programmable logic controllers (PLC's)  
26 and human machine interfaces (HMI's) to standardize with the Oakland plant, and  
27 replacement of the computer system and related appurtenances for a complete project (the  
28 "Project").

29 Notice is further given that as provided by Ordinance No. 19171 of the City, the  
30 Governing Body of the City intends to issue and sell one or more separate series of  
31 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 one million dollars (\$1,000,000.00) 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 Council of the City of Topeka, Shawnee County, Kansas, this 7th day of October, 2008

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk