

1 (Published in the Topeka Metro News June 21, 2010)

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3 **ORDINANCE NO. 19429**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the  
6 scope of this project as approved by Ordinance No. 19170 and  
7 repealing said Ordinance and authorizing as amended Improvement  
8 Project No. T-281000.03 (HTE #286383) for rehabilitation of the Water  
9 Treatment Plant approving cost estimates of the proposed  
10 improvements, and doing all other things necessary and incidental  
11 thereto, and authorizing the publication of the Notice of Intention of the  
12 governing body of the City of Topeka, Kansas, to issue and sell  
13 revenue bonds of said City to make such improvements which  
14 constitute improvements to the municipally owned water, water  
15 pollution control, and stormwater utility system of the City of Topeka,  
16 Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et*  
17 *seq.*, and all amendments thereto, authorizing issuance of general  
18 obligation bonds to pay the costs of the project which further  
19 constitutes a general improvement to the City's waterworks system  
20 pursuant to City of Topeka Code §A12-1, and authorizing the  
21 borrowing of funds from the State of Kansas Loan Funds to pay the  
22 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 rehabilitating the Water Treatment Plant.  
32 This project will include, but is not limited to, rehabilitation of the lime softening basin in the  
33 North Train of the East Plant, rehabilitation of the interior valves and piping and exterior  
34 valves at Layne Station High Service Pump Station, testing and rehabilitation of medium  
35 and high voltage electrical gear at the Water Treatment Plant and Booster Stations,

conversion of the dry alum chemical feed system to a liquid alum chemical feed system, rehabilitation of traveling water screen at Low Service Pump Station, replacement of the roof 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; and

WHEREAS, this project was authorized by Ordinance No. 19170, however a revision in the scope of the project will eliminate the need for a dust collector system, therefore, it is necessary to amend the project and repeal said ordinance.

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.

60           Section 2.     That the general nature of the Project will include, but is not limited to,  
61   rehabilitation of the lime softening basin in the North Train of the East Plant, rehabilitation of  
62   the interior valves and piping and exterior valves at Layne Station High Service Pump  
63   Station, testing and rehabilitation of medium and high voltage electrical gear at the Water  
64   Treatment Plant and Booster Stations, conversion of the dry alum chemical feed system to  
65   a liquid alum chemical feed system, rehabilitation of traveling water screen at Low Service  
66   Pump Station, replacement of the roof on the East Filter Building and any related  
67   appurtenances needed for a complete project.

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

78           Section 4.     That unless written protests against such proposed improvements  
79   signed by not less than twenty percent (20%) of the qualified electors of the City are filed  
80   with the City Clerk within fifteen (15) days after publication of the notice herein authorized  
81   the City both reasonably expects and intends to finance the costs as hereinbefore  
82   described from the proceeds of revenue bonds and/or general obligation bonds and/or loan  
83   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 Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

Section 6. That City of Topeka Ordinance No. 19170 is hereby repealed.

PASSED and APPROVED by the City Council June 15, 2010.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk