

1 (Published in the Topeka Metro News May 9, 2011)

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3 **ORDINANCE NO. 19555**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-291015.00 for the Oakland Wastewater
7 Treatment Plant biofilter replacement approving cost estimates of the
8 proposed improvements, and doing all other things necessary and
9 incidental thereto, and authorizing the use of utility operation funds,
10 authorizing the publication of the Notice of Intention of the governing
11 body of the City of Topeka, Kansas, to issue and sell revenue bonds
12 of said City to make such improvements which constitutes
13 improvements to the municipally owned water, water pollution control,
14 and stormwater utility system of the City of Topeka, Shawnee County,
15 Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
16 amendments thereto, authorizing issuance of general obligation bonds
17 to pay the costs of the project which further constitutes a general
18 improvement to the City's sanitary and/or stormwater and sewage
19 disposal system pursuant to City of Topeka Code § A12-1, and
20 authorizing the borrowing of funds from the KDHE SRF Loan to pay
21 the cost thereof.
22

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

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

29 WHEREAS, it is deemed by the governing body of the City to be necessary and
30 advisable that the City to improve its System by replacing the biofilter at the Oakland
31 Wastewater Treatment Plant. This project will include, but is not limited to, replacement of
32 approximately 4,800 cubic yards of existing wood media chips that are an integral part of
33 the Odor Control system with an alternative biofilter media and any related appurtenances
34 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 one hundred thousand dollars (\$1,100,000.00) 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 GOVERNING BODY 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 one hundred thousand dollars (\$1,100,000.00) 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 project includes the replacement of approximately 4,800 cubic yards of existing wood media chips that are an integral part of the odor control system at the Oakland Wastewater Treatment Plant with an alternative biofilter media.

58 Section 3. That notice be given by the governing body of the City of its intention to
59 complete the Project in accordance with the plans, specifications and cost estimates and
60 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of
61 the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding
62 one million one hundred thousand dollars (\$1,100,000.00) to pay the cost thereof. Such
63 notice shall be signed by the Mayor and attested by the City Clerk and shall be published in
64 the official City newspaper. Such notice shall describe the nature of the proposed
65 improvements and shall state the amount of revenue and/or general obligation bonds
66 proposed to be issued and/or loan funds to be borrowed, or any combination thereof for the
67 payment of the cost of the project and otherwise, the notice shall be in the form as provided
68 by law.

69 Section 4. That unless written protests against such proposed improvements
70 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
71 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
72 the City both reasonably expects and intends to finance the costs as hereinbefore
73 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan
74 funds or any combination thereof, payable from the rates, fees and charges of the System.
75 The City does hereby express its official intent to reimburse any expenditures made in
76 connection with the Project from System enterprise fund, or obligations incurred by, on or
77 after the date which is sixty (60) days before the effective date of this Ordinance from the
78 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously
79 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the
80 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.

PASSED and APPROVED by the Governing Body May 3, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

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3 **NOTICE OF INTENTION**

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5 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
6 improvements under Improvement Project No. T-291015.00
7 which provides for the Oakland Wastewater Treatment Plant
8 biofilter replacement and to use utility operation funds, and to
9 issue and sell revenue bonds of said City pursuant to K.S.A.
10 10-101 and 10-1201, *et seq.*, and all amendments thereto, and
11 to issue general obligation bonds pursuant to City of Topeka
12 Code § A12-1, and to borrow funds from the Kansas
13 Department of Health and Environment, or any combination
14 thereof, to pay the cost of the project.
15

16 Notice is hereby given that as provided by Ordinance No. 19555 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-291015.00 which provides
20 for the Oakland Wastewater Treatment Plant biofilter replacement. This project will include,
21 but is not limited to, replacement of approximately 4,800 cubic yards of existing wood
22 media chips with an alternative biofilter media and related appurtenances for a complete
23 project (the "Project").

24 Notice is further given that as provided by Ordinance No. 19555 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 one million one hundred thousand dollars
31 (\$1,100,000.00) 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 3rd day of May, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk