

1 (Published in the Topeka Metro News May 23, 2011)

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3 **ORDINANCE NO. 19560**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 Improvement Project No. T-281037.00 for disinfection modifications at
7 the Water Treatment Plant approving cost estimates of the proposed
8 improvements, and doing all other things necessary and incidental
9 thereto, and authorizing the use of utility operation funds, authorizing
10 the publication of the Notice of Intention of the governing body of the
11 City of Topeka, Kansas, to issue and sell revenue bonds of said City
12 to make such improvements which constitutes improvements to the
13 municipally owned water, water pollution control, and stormwater utility
14 system of the City of Topeka, Shawnee County, Kansas, pursuant to
15 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto,
16 authorizing issuance of general obligation bonds to pay the costs of
17 the project which further constitutes a general improvement to the
18 City's water and/or stormwater and/or sewage disposal system
19 pursuant to City of Topeka Code § A12-1, and authorizing the
20 borrowing of funds from the KDHE SRF Loan to pay the cost thereof.
21

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 disinfection modifications at the Water
30 Treatment Plant. This project will include, but is not limited to, studying, planning, design
31 and construction of facilities at the Water Treatment Plant to reduce the level of HaloAcetic
32 Acids (HAA) in the drinking water in order to meet new regulations promulgated by the
33 Environmental Protection Agency (EPA) by May 2012 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 three million six hundred sixty thousand dollars (\$3,660,000.00) 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 three million six hundred sixty thousand dollars (\$3,660,000.00) 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 will include but is not limited to, studying, planning, design and construction of facilities at the Water Treatment Plant to reduce the level of HaloAcetic Acids (HAA) in the drinking water to meet new regulations promulgated by the

Environmental Protection Agency (EPA) by May 2012 and any related appurtenances needed for a complete project and doing all things necessary and incidental thereto

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 three million six hundred sixty thousand dollars (\$3,660,000.00) 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 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 17, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

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-281037.00
8 which provides for disinfection modifications at the Water
9 Treatment Plant and to use utility operation funds, and to issue
10 and sell revenue bonds of said City pursuant to K.S.A. 10-101
11 and 10-1201, *et seq.*, and all amendments thereto, and to
12 issue general obligation bonds pursuant to City of Topeka
13 Code § A12-1, and to borrow funds from the Kansas
14 Department of Health and Environment, or any combination
15 thereof, to pay the cost of the project.
16

17 Notice is hereby given that as provided by Ordinance No. 19560 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-281037.00 which provides
21 for disinfection modifications at the Water Treatment Plant. This project will include, but is
22 not limited to, studying, planning, design and construction of facilities at the Water
23 Treatment Plant to reduce the level of HaloAcetic Acids (HAA) in the drinking water in order
24 to meet new regulations promulgated by the Environmental Protection Agency (EPA) by
25 May 2012 and related appurtenances for a complete project (the "Project").

26 Notice is further given that as provided by Ordinance No. 19560 of the City, the
27 Governing Body of the City intends to issue and sell one or more separate series of
28 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
29 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to
30 borrow funds from the Kansas Department of Health and Environment State Revolving
31 Loan Fund, or any combination thereof, payable from revenues of the System, in an

32 aggregate principal amount not to exceed three million six hundred sixty thousand dollars
33 (\$3,660,000.00) and to so improve the System and make public improvements to the City
34 by completing the Project.

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

42 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
43 County, Kansas, this 17th day of May, 2011.

44 CITY OF TOPEKA, KANSAS

45 _____
46 William W. Bunten, Mayor
47

48 ATTEST:

49 _____
50 Brenda Younger, City Clerk
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