

1 (Published in the Topeka Metro News February 18, 2013)

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3 **ORDINANCE NO. 19793**

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5 AN ORDINANCE introduced by Jim Colson, City Manager, authorizing Improvement  
6 Project No. T-291023.00 for secondary digester lid replacements at  
7 the Oakland Wastewater Treatment Plant, approving cost estimates of  
8 the 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 all three secondary floating  
31 digester lids at the Oakland Wastewater Treatment Plant and any related appurtenances  
32 needed for a complete project and doing all things necessary and incidental thereto (the  
33 "Project") and that the preliminary plans, specifications and cost estimates for the Project  
34 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 five million nine hundred seventy-six thousand three hundred ninety-two dollars (\$5,976,392.00) 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 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 five million nine hundred seventy-six thousand three hundred ninety-two dollars (\$5,976,392.00) 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 is for the design and replacement of all three secondary floating digester lids at the Oakland Wastewater Treatment Plant including all electrical, instrumentation and control equipment, procurement of long lead items, and review and investigation of gas production capacity.

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 five million nine hundred seventy-six thousand three hundred ninety-two dollars  
63 (\$5,976,392.00) to pay the cost thereof. Such notice shall be signed by the Mayor and  
64 attested by the City Clerk and shall be published in the official City newspaper. Such notice  
65 shall describe the nature of the proposed improvements and shall state the amount of  
66 revenue and/or general obligation bonds proposed to be issued and/or loan funds to be  
67 borrowed, or any combination thereof for the payment of the cost of the project and  
68 otherwise, the notice shall be in the form as provided 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 Governing Body 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 February 12, 2013.

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-291023.00  
8 which provides for secondary digester lids replacements at the  
9 Oakland Wastewater Treatment Plant and to use utility  
10 operation funds, and to issue and sell revenue bonds of said  
11 City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all  
12 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.  
16

17 Notice is hereby given that as provided by Ordinance No. 19793 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-291023.00 which provides  
21 for the design and replacement of three secondary digester lids. This project will include,  
22 but is not limited to, design and replacement of the lids including all electrical,  
23 instrumentation and control equipment, procurement of long lead items and review and  
24 investigation of gas production capacity and related appurtenances for a complete project  
25 (the "Project").

26 Notice is further given that as provided by Ordinance No. 19793 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

aggregate principal amount not to exceed five million nine hundred seventy-six thousand three hundred ninety-two dollars (\$5,976,392.00) 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 12th day of February, 2013.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk