

(Published in the Topeka Metro News February 17, 2014)

**ORDINANCE NO. 19881**

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291018.01 for Phase I of Oakland Waste Water Treatment Plant Solids Handling/Bio-Gas evaluation, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 *et seq.* and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code § A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof.

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

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

WHEREAS, it is deemed by the Governing Body of the City to be necessary and advisable that the City to improve its System through the Phase I of Oakland Waste Water Treatment Plant Solids Handling/Bio-Gas evaluation (the "Project"); and

WHEREAS, 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 five hundred thousand dollars (\$500,000.00) 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 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 hundred thousand dollars (\$500,000.00) 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. This project will evaluate new operational processes for the waste activated sludge and dewatering of the secondary digestive sludge. A structural assessment may be required to identify any necessary structural repairs/upgrades needed to accommodate the new equipment including an environmental evaluation for the possible beneficiary reuse of these materials.

56           Section 3.     That notice be given by the Governing Body of the City of its intention  
57 to complete the Project in accordance with the plans, specifications and cost estimates and  
58 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of  
59 the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding  
60 five hundred thousand dollars (\$500,000.00) to pay the cost thereof. Such notice shall be  
61 signed by the Mayor and attested by the City Clerk and shall be published in the official City  
62 newspaper. Such notice shall describe the nature of the proposed improvements and shall  
63 state the amount of revenue and/or general obligation bonds proposed to be issued and/or  
64 loan funds to be borrowed, or any combination thereof for the payment of the cost of the  
65 project and otherwise, the notice shall be in the form as provided by law.

66           Section 4.     That unless written protests against such proposed improvements  
67 signed by not less than twenty percent (20%) of the qualified electors of the City are filed  
68 with the City Clerk within fifteen (15) days after publication of the notice herein authorized  
69 the City both reasonably expects and intends to finance the costs as hereinbefore  
70 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan  
71 funds or any combination thereof, payable from the rates, fees and charges of the System.  
72     The City does hereby express its official intent to reimburse any expenditures made in  
73 connection with the Project from System enterprise fund, or obligations incurred by, on or  
74 after the date which is sixty (60) days before the effective date of this Ordinance from the  
75 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously  
76 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the  
77 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 11, 2014.

CITY OF TOPEKA, KANSAS

---

Larry E. Wolgast, Mayor

ATTEST:

---

Brenda Younger, City Clerk

1 (Published in the Topeka Metro News February 17, 2014)  
2  
3

4 NOTICE OF INTENTION  
5

6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make  
7 improvements under Improvement Project No. T-291018.01  
8 which provides for Phase I of Oakland Waste Water Treatment  
9 Plant Solids Handling/Bio-Gas evaluation 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. 19881 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-291018.01 which provides  
21 for Phase I of Oakland Waste Water Treatment Plant Solids Handling/Bio-Gas evaluation  
22 (the "Project").

23 Notice is further given that as provided by Ordinance No. 19881 of the City, the  
24 Governing Body of the City intends to issue and sell one or more separate series of  
25 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,  
26 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to  
27 borrow funds from the Kansas Department of Health and Environment State Revolving  
28 Loan Fund, or any combination thereof, payable from revenues of the System, in an  
29 aggregate principal amount not to exceed five hundred thousand dollars (\$500,000.00) and  
30 to so improve the System and make public improvements to the City by completing the  
31 Project.

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

39 Done by order and direction of the Governing Body of the City of Topeka, Shawnee  
40 County, Kansas, this 11th day of February, 2014.

41 CITY OF TOPEKA, KANSAS

42  
43  
44 \_\_\_\_\_  
45 Larry E. Wolgast, Mayor

46 ATTEST:

47  
48  
49 \_\_\_\_\_  
50 Brenda Younger, City Clerk