AN ORDINANCE introduced by City Manager Neil Dobler authorizing Improvement Project No. 29091-5, which provides for the replacement of the aeration basins and secondary clarifiers at the Oakland Wastewater Treatment Plant (WWTP) along with other necessary improvements as more specifically described herein which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof pursuant to City of Topeka Code § A12-1 and pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto and repealing City of Topeka Ordinance No. 17984.

WHEREAS, on March 25, 2003, the City Council adopted Ordinance 17984 which authorized Improvement Project 29091-5 providing for certain general improvements to the Oakland Wastewater Treatment Plan; and

WHEREAS, Ordinance 17984 authorized a total project budget of thirty million two hundred fifty thousand dollars ($30,250,000.00) to be funded 100% by Kansas Department of Health and Environment (KDHE) State Revolving Loan Funds (Loan Funds) and any other legally available funds; and

WHEREAS, because of certain reserve requirements and the unavailability of additional KDHE Loan Funds, KDHE Loan Funds are only available to pay for twenty three million three hundred sixty eight thousand nine hundred sixty-two dollars ($23,368,962.00) of improvements included in the previously authorized thirty million two hundred fifty thousand dollars ($30,250,000.00) project budget; and

WHEREAS, it is desired to issue and sell revenue bonds of the City to fund the
remaining six million eight hundred eight one thousand thirty-eight dollars ($6,881,038.00) of improvements contained in the project budget for which KDHE Loan Funds are not available; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, (the "City") is authorized pursuant to City of Topeka Code § A12-1, for the purpose of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City is a municipality as defined by K.S.A. 10-101 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, the governing body of the City has by both its Ordinance 17984 deemed and does hereby ratify and affirm it to be necessary and advisable that the City make certain general improvements to its public facilities and to improve its System by the replacement of aeration basins due to noted structural concerns as well as sizing for new ammonia requirements. Secondary clarifiers will be replaced due to depth and process limitations. This phase will also provide increased secondary treatment capacity as well as denitrification (full nitrogen removal) to comply with the National Pollution Discharge Elimination Permit (NPDES) issued by the State of Kansas. Other specific items include: digester cleaning, pre-consolidation, Deer Creek Force Main, Oakland Well Pump Station, demonstration, Operations building, and site remediation 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 thirty million two hundred fifty thousand dollars ($30,250,000.00), be approved and ratified and affirmed as previously approved, as aforesaid; 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That a total project budget in the amount of thirty million two hundred fifty thousand dollars ($30,250,000.00) as adopted by Ordinance 17984 is hereby authorized, ratified and affirmed as previously approved.

Section 2. That the estimates of costs of the Project as contained in the project budget, which estimates 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 3. That the funding sources for the project as set forth in the project budget attached hereto and on file in the office of the City Clerk of said City in the amount of twenty three million three hundred sixty eight thousand nine hundred sixty two dollars ($23,368,962.00) of KDHE Loan Funds and six million eight hundred eighty one thousand thirty eight dollars ($6,881,038.00) in revenue bonds of the City, be and the same are hereby approved.

Section 4. That the general nature of the Project is as follows:

Aeration basins will be replaced due to noted structural concerns as well as sizing
for new ammonia requirements. Secondary clarifiers will be replaced due to depth and
process limitations. This phase will also provide increased secondary treatment capacity
as well as denitrification (full nitrogen removal) to comply with the National Pollution
Discharge Elimination Permit (NPDES) issued by the State of Kansas. Other specific items
include: digester cleaning, pre-consolidation, Deer Creek Force Main, Oakland Well Pump
Station, demonstration, Operations building, and site remediation.

Section 5. 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
to issue and sell revenue bonds of the City in a total amount not exceeding six million eight
hundred eighty-one thousand thirty-eight dollars ($6,881,038.00) to pay part of 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 general and revenue bonds
proposed to be issued for the payment of the cost of the project and otherwise, the notice
shall be in the form as provided by law.

Section 6. 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 its general obligations bonds and the proceeds of revenue
bonds 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 its general obligation bond or System enterprise fund, as applicable, 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 7. That City of Topeka Ordinance No. 17984 is hereby specifically
repealed.

Section 8. 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 City Council SEP 13 2005

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE ___/___/___ BY _________________
TO BE CODIFIED ___________________________________________
NOT TO BE CODIFIED ___________________________________________
NOTICE OF INTENTION

to make improvements under Improvement Project No. 29091-05 which provides for the replacement of the aeration basins and secondary clarifiers at the Oakland Wastewater Treatment Plant (WWTP) as more specifically described herein which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto.

Notice is hereby given that as provided by Ordinance No. 18509 of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") by the replacement of aeration basins due to noted structural concerns as well as sizing for new ammonia requirements. Secondary clarifiers will be replaced due to depth and process limitations. This phase will also provide increased secondary treatment capacity as well as denitrification (full nitrogen removal) to comply with the National Pollution Discharge Elimination Permit (NPDES) issued by the State of Kansas. Other specific items include: digester cleaning, pre-consolidation, Deer Creek Force Main, Oakland Well Pump Station, demonstration, Operations building, and site remediation and related appurtenances for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. 18509 of the City, the Governing Body of the City intends to issue and sell one or more separate series of
revenue bonds payable from revenues of the System of the City pursuant to K.S.A. 10-1201 et seq. and all amendments thereto in an aggregate principal amount not exceeding six million eight hundred eighty one thousand thirty eight dollars ($6,881,038.00) and to so improve the System and make public improvements to the City by completing the Project. The total cost of the project is thirty million two hundred fifty thousand dollars ($30,250,000.00). KDHE loans will provide twenty three million three hundred sixty eight thousand nine hundred sixty two dollars ($23,368,962.00) of the project costs and revenue bonds will provide the remaining six million eight hundred eighty one thousand thirty eight dollars ($6,881,038.00).

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 payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this 13th day of September, 2005.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE_8/18/05_ BY_ SSC_ TO BE CODIFIED_ X_ NOT TO BE CODIFIED_