ORDINANCE NO. 18880

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended 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 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 Sections 1, 2, 3 and 4 of City of Topeka Ordinance No. 18509.

WHEREAS, on September 13, 2005, the City Council adopted Ordinance No. 18509 which authorized Improvement Project 29091-5 providing for certain general improvements to the Oakland Wastewater Treatment Plan; and

WHEREAS, Ordinance No. 18509 authorized a total project budget of thirty million two hundred fifty thousand dollars ($30,250,000.00); and

WHEREAS, project cost estimates have increased by ten million two hundred forty three thousand two hundred forty three dollars ($10,243,243.00) due to the amount of unbudgeted interest expense incurred on the project since 2003, the need for rehabilitation of primary and secondary digesters, additional work on the methane gas production facilities and construction of a biosolids pad; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, (the “City”) is authorized pursuant to City of Topeka Code § A12-1 to issue and sell general obligation bonds 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, it is deemed by the governing body of the City to be necessary and advisable that the City make certain general improvements to its public facilities and to improve its System as more fully described herein; 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 amended project budget in the amount of forty million four hundred ninety-three thousand two hundred forty-three dollars and eighty-eight cents (40,493,243.88) is hereby authorized.

Section 2. That the estimates of costs of the Project as contained in the amended 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 six million three hundred seventy-three thousand four hundred sixty four dollars and ninety-three cents (26,373,464.93) 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 and seven million two hundred thirty eight thousand seven hundred forty dollars and ninety five
cents ($7,238,740.95) of combined water, wastewater, and stormwater operating funds, 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: primary and secondary digester replacement, pre-consolidation, Deer Creek Force
Main, Oakland Well Pump Station, demonstration, construction of a biosolids pad, methane
gas production facilities, operations building, and site remediation.

Section 5. That Sections 1, 2, 3, and 4 of City of Topeka Ordinance No. 18509
are hereby specifically repealed and all remaining sections of Ordinance No. 18509 are
hereby ratified and affirmed.

Section 6. 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 May 15, 2007.

ATTEST:

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William W. Bunten, Mayor

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Brenda Younger, City Clerk