

1 (Published in the Topeka Metro News May 23, 2007)

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3 **ORDINANCE NO. 18880**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the
6 project budget and authorizing as amended Improvement Project No.
7 29091-5, which provides for the replacement of the aeration basins
8 and secondary clarifiers at the Oakland Wastewater Treatment Plant
9 (WWTP) along with other necessary improvements as more
10 specifically described pursuant to City of Topeka Code § A12-1 and
11 pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments
12 thereto and repealing Sections 1, 2, 3 and 4 of City of Topeka
13 Ordinance No. 18509.
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15 WHEREAS, on September 13, 2005, the City Council adopted Ordinance No. 18509
16 which authorized Improvement Project 29091-5 providing for certain general improvements
17 to the Oakland Wastewater Treatment Plan; and

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

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

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

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

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

35 WHEREAS, it is deemed by the governing body of the City to be necessary and
36 advisable that the City make certain general improvements to its public facilities and to
37 improve its System as more fully described herein; and

38 WHEREAS, it is found by the governing body that such Project will not cause a
39 duplication of existing utility service furnished by a private utility.

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

42 Section 1. That a total amended project budget in the amount of forty million four
43 hundred ninety-three thousand two hundred forty-three dollars and eighty-eight cents
44 (40,493,243.88) is hereby authorized.

45 Section 2. That the estimates of costs of the Project as contained in the amended
46 project budget, which estimates are set out on the project budget attached hereto and on
47 file in the office of the City Clerk of said City, be and the same are hereby approved.

48 Section 3. That the funding sources for the project as set forth in the project
49 budget attached hereto and on file in the office of the City Clerk of said City in the amount
50 of twenty six million three hundred seventy-three thousand four hundred sixty four dollars
51 and ninety-three cents (26,373,464.93) of KDHE Loan Funds and six million eight hundred
52 eighty-one thousand thirty-eight dollars (\$6,881,038.00) in revenue bonds of the City and
53 seven million two hundred thirty eight thousand seven hundred forty dollars and ninety five

54 cents (\$7,238,740.95) of combined water, wastewater, and stormwater operating funds, be
55 and the same are hereby approved.

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

57 Aeration basins will be replaced due to noted structural concerns as well as sizing
58 for new ammonia requirements. Secondary clarifiers will be replaced due to depth and
59 process limitations. This phase will also provide increased secondary treatment capacity
60 as well as denitrification (full nitrogen removal) to comply with the National Pollution
61 Discharge Elimination Permit (NPDES) issued by the State of Kansas. Other specific items
62 include: primary and secondary digester replacement, pre-consolidation, Deer Creek Force
63 Main, Oakland Well Pump Station, demonstration, construction of a biosolids pad, methane
64 gas production facilities, operations building, and site remediation.

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

68 Section 6. That this Ordinance shall take effect and be in force from and after its
69 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members
70 thereof and publication in the official City newspaper.

71 PASSED and APPROVED by the City Council May 15, 2007.

72 CITY OF TOPEKA, KANSAS

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75 ATTEST:

William W. Bunten, Mayor

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79 Brenda Younger, City Clerk