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City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 26, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Buntten

Councilmembers

Lana Kennedy	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

"None scheduled at this time."

2. PRESENTATIONS:

"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Board of Mechanical Examiners

BOARD APPOINTMENT recommending the re-appointment of Robert Beaver to the Board of Mechanical Examiners for a term that would expire on August 31, 2010.

(Council District No. 8)

B. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the re-appointment of Ann Adams to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 9)*

C. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the re-appointment of Mark Burenheide to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 1)*

D. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the re-appointment of Darryl Coker to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 8)*

E. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending Stephen Tyler to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 7)*

F. Resolution - Trinity Lutheran Church - Noise Exception

A RESOLUTION introduced by Councilmember Lana Kennedy granting Trinity Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 1)*

(The Open House and Celebration will take place during the hours of 12:00 p.m. and 5:00 p.m. on September 13, 2008.)

G. MINUTES of the regular meeting of August 19, 2008

H. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Charter Ordinance - Exemption of 2008 House Bill 2217 - Board Appointments

A CHARTER ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., exempting the City of Topeka from the provisions of 2008 House Bill 2217, specifically Section 4, in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas, and providing for the method of appointment of members to statutory and non-statutory boards and amending Section 24 of Charter Ordinance No. 94, codified at Section A2-72 of the Code of the City of Topeka, and



[ATTACHMENTS](#)



[ATTACHMENTS](#)

repealing said original section. **Final Reading.**

(Currently, the City Council is required to make a finding by passage of a resolution that a person appointed by the Mayor to a board or commission is not fit or qualified to hold the office of position. Approval of the Charter Ordinance would allow the City of Topeka to be exempt from the non-uniform State requirement.)

B. Ordinance - City Manager Evaluation Process



[ATTACHMENTS](#)

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending Section 1 of Ordinance No. 18841 concerning the establishment of annual goals and objectives for the City Manager and the establishment of a procedure for the evaluation of the performance of the City Manager. **Final Reading.**

(Approval would eliminate quarterly reviews from the evaluation process of the City Manager.)

C. Project Budget and Ordinance - College Hill Public Parking Lot Improvement Project No. T-861000.00



[ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$397,057 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-861000.00 (HTE862590), which provides for an additional public parking lot benefiting the College Hill Redevelopment District, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. **Final Reading.** *(Council District No. 6)*

(Approval would provide for the construction of a public parking lot of 50 additional parking spaces to benefit the College Hill Redevelopment District at SW 16th and Lane Street.)

D. Resolution - College Hill Redevelopment Project - Contract Amendment No. 4



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the approval of Amendment No. 4 to Contract No. 36091 with Washburn-Lane Parkway Renovations regarding the College Hill Redevelopment Project. *(Deferred from the meeting of August 12, 2008.)*

(Approval would provide for: (1) a change in the Development Schedule; (2) reimbursement of \$100,000 by December 31, 2008 for City utility improvements provided the City Council approves the public improvement project for construction of a parking lot at 1325 SW 16th Street; (3) subordinates the City's secondary mortgage to an additional loan from the Developer's lender and (4) authorizes the City Manager to execute the amendment.)

E. Ordinance - Designation of Deputy City Manager Randy Speaker



[ATTACHMENTS](#)

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, designating Deputy City Manager Randy Speaker to exercise the powers and duties of the City Manager in the absence or inability of the City Manager and authorizing him to execute contracts on behalf of the City pursuant to Charter Ordinance No. 94, codified at Section A2-52 and Section A2-55 of the Code of the City of Topeka. **Final Reading.**

(Per City Charter Ordinance, the City Council shall designate a qualified employee to act during any temporary absence or disability of the City Manager.)

6. NEW BUSINESS:

A. Petition, Project Budget and Resolution - Amended Street Improvement Project No. T-601004.00



[ATTACHMENTS](#)

A PETITION, A PROJECT BUDGET in the amount of \$1,447,700 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Street Improvement Project No. T-601004.00 (HTE606410) which provides for paving streets in Lauren's Bay Estates, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 8062. *(Council District No. 7)*

(Approval would allow for the estimated probable project cost to increase by \$211,632 paid 100% by the Improvement District for the paving of SW Vorse Road, SW 47th Court, SW 48th Place, and SW 48th Lane in Lauren's Bay Estates. The increase in the project budget is due to

expected higher construction costs.)

B. Petition, Project Budget and Resolution - Sanitary Sewer Improvement Project No. T-401006.00

 [ATTACHMENTS](#)

A PETITION, A PROJECT BUDGET in the amount of \$6,603 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. T-401006.00 (HTE409620) which provides for installation of a manhole over an existing sanitary sewer line located in Hofmann Acres Subdivision as more specifically described herein. (Council District No. 2)

(The project costs are to be paid 100% by the owners of property within the Improvement District and would include one manhole, connection to system, excavation, backfill and related appurtenances needed to complete the project. Service would be provided to a lot in Hofmann Acres Subdivision located near NW 18th Street and NW Furman Road.)

C. Project Budget and Resolution - Intersection Improvement Project No. T-601007.00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$88,000 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. T-601007.00 (HTE60644) which provides for construction of a westbound right turn lane at SE 15th Street and SE Adams Street and authorizing same. (Council District No. 3)

(Approval would provide for construction of a westbound right turn lane at the intersection of SE 15th Street and SE Adams Street. The project would be paid 100% by the Developer who would be reimbursed by East Gate Tax Increment Financing (TIF) funds.)

D. Resolution - Retailer's Sales Tax - Lana Kennedy

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Lana Kennedy to submit to the qualified electors of the City of Topeka, Kansas the proposition of levying an additional three-tenths of one percent (0.3%) special purpose retailer's sales tax in the City of Topeka for the purpose of paying for certain improvements to streets in the City, pursuant to K.S.A. 12-187 et seq.

(The sales tax increase would pay for the costs of construction, maintenance, and improvement of city streets, sidewalks, curbs, gutters, stormwater improvements, alleys, street lighting, and traffic control.)

E. Resolution - Retailers' Sales Tax Ballot Question - Bill Haynes

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Bill Haynes, to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying additional special purpose retailer's sales taxes of up to one-half of one percent (0.5%) in the City of Topeka, for the purpose of paying for certain improvements and services in the City, pursuant to K.S.A. 12-187 et seq., as amended.

(The sales tax increase would expire ten (10) years from the date of imposition and be utilized for certain improvements and services within the city.)

F. Resolution - Special Sales Tax Ballot Question - Bill Bunten

 [ATTACHMENTS](#)

A RESOLUTION introduced by Mayor Bill Bunten concerning a Special Ballot Question for a retailers' sales tax in the amount of one half of one percent (0.5%) as provided by K.S.A. 12-187, as amended.

(Approval would allow for the General Purpose Sales Tax question to be placed on the November 4, 2008 general election ballot.)

G. Resolution - Three-Mile Extraterritorial Jurisdiction

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City Attorney's office to take all appropriate legal action necessary to protect the City of Topeka's ability and authority to regulate subdivision of land in its three-mile extraterritorial jurisdiction.

(Approval would direct and authorize the City's Legal Department to take all appropriate legal action to protect the City's ability and authority to regulate land use in the three-mile

extraterritorial jurisdiction.)

H. Resolution - Topeka Ice, Inc.

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to documents concerning the agreement with Topeka Ice, Inc., and authorizing a one-year extension for Topeka Ice to complete its ice skating facility.

(Approval would grant a one-year extension of the agreement beginning November 1, 2008 and ending on November 1, 2009.)

I. Ordinance - Weekly Expenditures - August 4-10, 2008

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 4, 2008, through August 10, 2008, and enumerating said expenditures therein. First and Final Reading.

J. Resolution - TPAC and Topeka Cemetery Funding

A RESOLUTION introduced by Mayor William W. Bunten, authorizing the transfer of monies within the general fund from Police Department to non-departmental Contributions to Agencies Program.

The resolution was added to the agenda at the meeting.

K. Resolution - TPAC Funding

A RESOLUTION introduced by Councilmember John Alcala relating to Topeka Performing Arts Center funding.

The resolution was added to the agenda at the meeting.

L. Ordinance - Utility Franchise Fee Refund Program - Application Deadline Extension

AN ORDINANCE introduced by Councilmember John Alcala, amending City of Topeka Code Section 146-17, as amended by Section 1 of Ordinance No. 19129 concerning the utility franchise fee refund program and specifically repealing said original section. First and Final Reading.

The emergency ordinance was added to the agenda at the meeting.

7. FIRST READINGS:

A. Ordinance - Building Codes - Amending Topeka City Code Section 26-138

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 26-138 concerning the Board of Building and Fire Appeals and specifically repealing said original section. First Reading.

(Approval of the ordinance would bring current city code into compliance with the original intent of the code section creating the Board of Building and Fire Appeals by providing for seven members.)

B. Ordinance - Building Codes - Amending Topeka City Code Sections 26-116 and 26-823

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., City Manager amending City of Topeka Code Sections 26-116 and 26-283, concerning building codes, and specifically repealing said original sections and Section 70-196. First Reading.

(Adoption would eliminate duplication of language contained within Chapter 26 Buildings and Building Regulations and Chapter 70 Fire Prevention and Protection.)

C. Ordinance - Fire Station Improvement Project No. T-131007.00

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-131007.00 (HTE 131700), which provides for upgrades to Fire Station Nos. 1, 6 and 7, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. *(Council District Nos. 2 and 6)*

(Authorizing \$318,240 for the professional design and construction services to Fire Station No. 1 located at 934 NE Quincy; Fire Station No. 6 located at 1419 NE Seward; and Fire Station No. 7 located at 1215 SW Oakley. The project would be funded through general obligation bonds.)

D. Ordinance - Street Improvement Project No. 18025



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Street Improvement Project No. 18025-00 which provides for the removal of the free flow right turn lane on 21st Street to Arrowhead as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18388. First Reading. *(Council District No. 8)*

(The project is complete and went over budget by \$5,118.56 to be funded from operating funds. The final project cost for KDOT was \$218,550.12 of STP Funding and the final project cost for the City was \$49,307.56.)

E. Ordinance - Team, LLC (V08RA/2)



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a 40-foot wide portion of a platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street, City of Topeka, Shawnee County, Kansas. First Reading. *(V08RA/2) (Council District No. 4)*

(Approval would allow direct ingress and egress to the property from SE 29th Street.)

8. MISCELLANEOUS:

-

9. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: August 26, 2008

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DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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July 28, 2008

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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Topeka, Kansas 66603

July 28, 2008

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DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 31, 2008

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DATE: August 26, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Board of Mechanical Examiners
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Robert Beaver to the Board of Mechanical Examiners for a term that would expire on August 31, 2010. *(Council District No. 8)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Robert Beaver, 2416 SW James St., for a two year term on the Board of Mechanical Examiners. Mr. Beaver was nominated by Councilman Preisner. There is no official attendance policy, however Mr. Beaver has missed one meeting.

BACKGROUND:

Ordinance 18382. The Board of Mechanical Examiners reviews applications and approves the issuance of licenses in accordance with Chapter 26 of the City Code. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers therefrom, provided they meet the intent of the adopted code.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BUDGETARY IMPACT:

N/A

Item #6

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 31, 2008

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DATE: August 26, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Downtown Business Improvement District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Ann Adams to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 9)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending Ann Adams, 709 SW Crest Dr., to a two year term on the Downtown Business Improvement District Advisory Board. There is no official attendance policy, however, Ms. Adams has missed one meeting. This is a Statutory board wherein the Mayor nominates and Council approves.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BACKGROUND:

KSA 12-1781. The Downtown Business Improvement District Advisory Board is a statutory board that monitors and oversees services provided pursuant to the Business Improvement District Act. The board shall conduct its business in accordance with the Topeka City Code, Section 42-39.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #7

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 5, 2008

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DATE: August 26, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Downtown Business Improvement District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Mark Burenheide to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 1)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending Mark Burenheide, 1101 SW Western Ave., to a two year term on the Downtown Business Improvement District Advisory Board. There is no official attendance policy, however, Mr. Burenheide has missed 6 meetings. This is a Statutory board wherein the Mayor nominates and the Council approves.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BACKGROUND:

KSA 12-1781. The Downtown Business Improvement District Advisory Board is a statutory board that monitors and oversees services provided pursuant to the Business Improvement District Act. The board shall conduct its business in accordance with the Topeka City Code, Section 42-39.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #8

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 1, 2008

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DATE: August 26, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Downtown Business Improvement District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Darryl Coker to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 8)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending Darryl Coker, 4540 SW 23rd., to a two year term on the Downtown Business Improvement District Advisory Board. There is no official attendance policy, however, Mr. Coker had three absences. This is a Statutory board wherein the Mayor nominates and Council approves.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BACKGROUND:

KSA 12-1781. The Downtown Business Improvement District Advisory Board is a statutory board that monitors and oversees services provided pursuant to the Business Improvement District Act. The board shall conduct its business in accordance with the Topeka City Code, Section 42-39.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #9

ATTACHMENTS:

No Attachments Available



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August 5, 2008

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DATE: August 26, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Downtown Business Improvement District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending Stephen Tyler to the Downtown Business Improvement District Advisory Board for a term that would expire on August 31, 2010. *(Council District No. 7)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending Stephen Tyler, 3764 SW Clarion Park Dr., to a two year term on the Downtown Business Improvement District Advisory Board. There is no official attendance policy, however, Mr. Tyler has missed 2 meetings. This is a Statutory board wherein the Mayor nominates and the Council approves.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BACKGROUND:

KSA 12-1781. The Downtown Business Improvement District Advisory Board is a statutory board that monitors and oversees services provided pursuant to the Business Improvement District Act. The board shall conduct its business in accordance with the Topeka City Code, Section 42-39.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #10

ATTACHMENTS:

No Attachments Available



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Topeka, Kansas 66603

August 11, 2008

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DATE: August 26, 2008
CONTACT PERSON: Lana Kennedy **DOCUMENT #:**
SECOND PARTY/SUBJECT: David Tannen **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy granting Trinity Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 1)*

(The Open House and Celebration will take place during the hours of 12:00 p.m. and 5:00 p.m. on September 13, 2008.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for live bands and amplified sound located at 731 SW Buchanan Street during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Flyer](#)

[Resolution](#)

Trinity Lutheran Church Open House and Celebration

731 SW Buchanan
Topeka, KS
Office: 785 233 0767

We are inviting you to a Fall Block party

Date: September 13, 2008

Time: 12:00 (noon) – 5:00 pm

Who: Everyone is welcome

Cost: **Free**

Things to do:

- Food and drinks for everyone
- Games for the kids
- Face Painter
- Free (Short) Chair Massage
- Musical Performances - Christian, New Orleans Jazz, Singer-Songwriter
- Guided Tours through Church Facilities
- Trinity Lutheran Church Quilters will have a raffle
- Handicap accessible

Trinity Lutheran Church Open House and Celebration

731 SW Buchanan
Topeka, KS
Office: 785 233 0767

We are inviting you to a Fall Block party

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- Free (Short) Chair Massage
- Musical Performances - Christian, New Orleans Jazz, Singer-Songwriter
- Guided Tours through Church Facilities
- Trinity Lutheran Church Quilters will have a raffle
- Handicap accessible

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Lana Kennedy granting Trinity Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146, and

WHEREAS, Trinity Lutheran Church has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Trinity Lutheran Church, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that the City of Topeka that Trinity Lutheran Church is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for live bands and amplified sound at the Open House and Celebration event located at

COUNRES
Trinity Lutheran-Noise Exception
08/11/08

26 731 SW Buchanan Street during the hours of 12:00 noon and 5:00 p.m. on
27 September 13, 2008.

28 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

 [Back](#)  [Print](#)

DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

+ Back Print

DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 13, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Norton N. Bonaparte, Jr. **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board Appointments **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 159 Charter
CIP PROJECT: No
ACTION OF COUNCIL: First Reading. 08/19/08 **JOURNAL #:** 08
PAGE #:

DOCUMENT DESCRIPTION:

A CHARTER ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., exempting the City of Topeka from the provisions of 2008 House Bill 2217, specifically Section 4, in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas, and providing for the method of appointment of members to statutory and non-statutory boards and amending Section 24 of Charter Ordinance No. 94, codified at Section A2-72 of the Code of the City of Topeka, and repealing said original section. Final Reading.

(Currently, the City Council is required to make a finding by passage of a resolution that a person appointed by the Mayor to a board or commission is not fit or qualified to hold the office of position. Approval of the Charter Ordinance would allow the City of Topeka to be exempt from the non-uniform State requirement.)

POLICY ISSUE:

Due to a recent change in state law, the City Council is now required by make a finding by passage of a resolution tht a person appointed by the Mayor to a board or commission is not fit to hold the office of positoin. The adoption of this Charter Ordinance would allow the City of Topeka to be exempt the requirement.

STAFF RECOMMENDATION:

Adopt the Charter Ordinance.

BACKGROUND:

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #14

(Published in the Topeka Metro News _____ and _____)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., exempting the City of Topeka from the provisions of 2008 House Bill 2217, specifically § 4, in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas, and providing for the method of appointment of members to statutory and non-statutory boards and amending § 24 of Charter Ordinance No. 94, codified at § A2-72 of the Code of the City of Topeka, and repealing said original section.

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution, hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter referred to as the "State," may by charter ordinance elect, in the manner prescribed in the Constitution, that the whole or any part of any enactment of the State legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities; other enactments applicable uniformly to all cities; and enactments prescribing limits of indebtedness, shall not apply to such city; and

WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect until sixty (60) days after its final publication; provided, however, if within sixty (60) days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, such charter ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, 2008 House Bill 2217, hereinafter referred to as the "Act," is an enactment of the State legislature which is applicable to the City of Topeka, Kansas,

hereinafter referred to as the "City," but not uniformly applicable to all cities of the same class; and

WHEREAS, the Act is not an enactment of the legislature of statewide concern applicable uniformly to all cities; to other enactments of the legislature applicable uniformly to all cities; to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge, or other exaction; or to enactments of the legislature prescribing limits of indebtedness.

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

Section 1. **Statute made inapplicable.**

The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of § 4 of 2008 House Bill 2217. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

Section 2. That § 24 of Charter Ordinance No. 94, codified at § A2-72, Boards and commissions, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Boards and commissions.

The Council may create by ordinary ordinance such operational, advisory, appellate, or rule-making boards and commissions as may be required for the proper operation of any function or agency of the city and prescribe their function, duties, powers, jurisdiction, and the number of board and commission members, their terms, compensation, and reimbursement for expenses, if any, subject to the provisions of this article. The method of appointment of membership for boards and commissions shall be

established by the City Council by ordinary ordinance unless otherwise provided by law. ~~The Mayor shall solicit nominations from the Council for filling such positions and shall notify Councilmembers of vacancies on such existing bodies prior to the expiration of the appointed terms. Members of boards and commissions shall be appointed by the Mayor from the list of nominees submitted by the Council and shall be subject to confirmation by the affirmative vote of five (5) members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least five (5) members of the Council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made.~~

Section 3. That original § 24 of Charter Ordinance No. 94, codified at § A2-72 of the Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 4. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 5. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and referendum held on this Charter Ordinance as provided in article 12, section 5, subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 6. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and certified copy shall be filed with the Secretary of State of the State of Kansas.

80 PASSED and APPROVED by the City Council_____.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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89 ATTEST:

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94 _____
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. ____ was passed on the ____ day of _____, 2008, as shown by the minutes, Book ____ Page ____, by a vote of ____ for and ____ against, being not less than 2/3 of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the ____ day of _____, 2008, and on the ____ day of _____, 2008, being once each week for two consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty days after the final publication, said charter ordinance took effect on the ____ day of _____, 2008.

Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA)
COUNTY OF SHAWNEE) ss:
STATE OF KANSAS)

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas do hereby certify that the above and foregoing, consisting of 4 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. ____ of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the ____ day of _____, 2008.

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 13, 2008

+ Back Print

DATE: August 26, 2008

CONTACT PERSON: Deputy Mayor Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: City Manager Evaluation Process **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: First Reading. 08/19/08 **JOURNAL #:** 08

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending Section 1 of Ordinance No. 18841 concerning the establishment of annual goals and objectives for the City Manger and the establishment of a procedure for the evaluation of the performance of the City Manager. Final Reading.

(Approval would eliminate quarterly reviews from the evaluation process of the City Manager.)

POLICY ISSUE:

Whether or not to eliminate quarterly reviews from the City Manager evaluation process.

STAFF RECOMMENDATION:

BACKGROUND:

Per the employment agreement the City Council shall review and evaluate the performance of the City Manager at least annually. The ordinance amendment reflects this employment agreement provision.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending Section 1 of Ordinance No. 18841 concerning the establishment of annual goals and objectives for the City Manager and the establishment of a procedure for the evaluation of the performance of the City Manager.

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

Section 1. City Manager – Goal and Objectives; Review and Evaluation

(a) The City Council shall establish annual goals and objectives for the City Manager on or before May 1 of each year. To assist the City Council with this responsibility, the City Manager shall provide the City Council with proposed goals and objectives prior to April 15 of each year.

(b) ~~In order to establish and maintain effective City Council and City Manager relations, it is essential that the Council establish an ongoing evaluation process that offers an opportunity for each party to review the performance of the City Manager. This review shall occur quarterly and shall focus on the City Manager's progress in meeting the goals and objectives established by the City Council.~~
The City Council shall provide the City Manager with a written annual evaluation prior to March 31 of each year.

Section 2. Section 1 of City of Topeka Ordinance No. 18841 is hereby repealed.

PASSED AND APPROVED by the City Council _____

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 6, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Jeff Hunt **DOCUMENT #:**
SECOND PARTY/SUBJECT: College Hill Parking Lot **PROJECT #:** T-861000-00 (HTE 862590)
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements
CIP PROJECT: Yes
ACTION OF COUNCIL: First Reading. 08/19/08 **JOURNAL #:** 08
PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$397,057 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-861000.00 (HTE862590), which provides for an additional public parking lot benefiting the College Hill Redevelopment District, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. **Final Reading.** (Council District No. 6)

(Approval would provide for the construction of a public parking lot of 50 additional parking spaces to benefit the College Hill Redevelopment District at SW 16th and Lane Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Adopt the Project Budget.
Approve the Ordinance as presented.

BACKGROUND:

This project is listed in the 2007 Capital Improvement Program. It will provide 50 additional parking spaces to serve the College Hill Redevelopment area. The project will include asphalt pavement, concrete curb and gutter, sidewalk, storm drainage facilities, engineering, and all other appurtenances needed to complete the project.

BUDGETARY IMPACT:

Project Budget: \$397,075.00

2007 CIP amount: \$291,000.00

Developer: \$106,075.00

SOURCE OF FUNDING:

General Obligation Bonds: \$291,000.00
Washburn-Lane Parkway Renovation, LLC: \$106,075.00

Item #16

Annual debt service on the bonds is estimated at \$23,848 for 20 years, totaling \$476,963.

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Vicinity Map](#)

[Ordinance](#)

PROJECT BUDGET
Project No. T 861000-00
Additional Parking Lot for the College Hill Development

LOCATION:

The parking lot will be located at the property address of 1325 SW 16th Street, generally located at SW 16th and Lane Street.

INSERT MAP

DESCRIPTION OF PROJECT:

This project will provide 50 additional parking spaces to serve the College Hill redevelopment area. The project will include asphalt pavement, concrete curb and gutter, sidewalk, storm drainage facilities, engineering, and all other appurtenances needed to complete the project.

SOURCE OF FUNDS:

This project will be paid from City of Topeka General Obligation Bonds.

The other Funding Source will be provided by the College Hill Developers as stated in the Developer agreement.

COST ESTIMATE:

	City of Topeka	Other Funding Source	Total
Construction:	\$260,400.00	\$35,000.00	\$295,400.00
Design:	\$0.00	\$14,350.00	\$14,350.00
Construction Service Fees:		\$0.00	\$0.00
<i>Construction Staking (5%)</i>	\$0.00	\$8,000.00	\$8,000.00
<i>Construction Inspection (8%)</i>	\$5,600.00	\$3,059.00	\$8,659.00
<i>City of Topeka Admin. (2%)</i>	\$0.00	\$4,800.00	\$4,800.00
<i>Capital Planning Fund Reim.</i>	\$0.00	\$0.00	\$0.00
<i>Geotechnical Report</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Property Acquisition	\$0.00	\$40,866.00	\$40,866.00
Contingency Amount:	\$5,000.00	\$0.00	\$5,000.00
Temporary Notes:	\$20,000.00	\$0.00	\$20,000.00
Total:	\$291,000.00	\$106,075.00	\$397,075.00

PUBLIC HEARING:**PROJECT AUTHORITY:**

- a. Statutes: _____
- b. Capital Budget Year.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:

Jeff Hunt

GO Bond Cost of Project

PROJECT:

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal	\$271,963
Plus Temp Note Interest	\$13,598
Plus Cost of Issuance	<u>\$5,439</u>
Total Project Budget	\$291,000

Annual Debt Service	\$23,848
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$476,963
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Difference Project Cost and Total Debt Service	\$205,000
--	-----------

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
2007 Temporary Notes that Finance Future GO Bond projects	\$9,200,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$5,574,317
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>1,713,038</u>
Total Indebtedness	<u><u>\$186,572,355</u></u>
Plus Project	\$186,863,355

PROJECT NO. T 861000-00



(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-861000.00 (862590), which provides for an additional public parking lot benefiting the College Hill Redevelopment District, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will construct a public parking lot which will provide 50 additional parking spaces to benefit the College Hill Redevelopment District. The project will include asphalt pavement, concrete curb and gutter, sidewalk, storm drainage facilities, engineering, and all other appurtenances needed to complete the project.

B. TOTAL PROJECT BUDGET COST:

\$397,075.00

C. SOURCE OF FUNDS:

City of Topeka General Obligation Bonds or any legally available funds	\$291,000.00
Washburn-Lane Parkway Renovations, LLC	<u>\$106,075.00</u>
TOTAL	\$397,075.00

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

40 PASSED and APPROVED by the City Council_____.

41 CITY OF TOPEKA, KANSAS

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46 William W. Bunten, Mayor

47 ATTEST:

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Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 5, 2008

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DATE: August 26, 2008

CONTACT PERSON: Braxton Copley **DOCUMENT #:**

SECOND PARTY/SUBJECT: Washburn-Lane Parkway **PROJECT #:**
Renovations, LLC /
College Hill
Redevelopment Project
Contract Amendment No.
4

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL: 05/20/08 deferred until **JOURNAL #:** 08
06/03/08 6/03/08 deferred
until 7/01/08 07/01/08
deferred until 08/12/08
8/12/08 deferred until
8/26/08

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the approval of Amendment No. 4 to Contract No. 36091 with Washburn-Lane Parkway Renovations regarding the College Hill Redevelopment Project. (Deferred from the meeting of August 12, 2008.)

(Approval would provide for: (1) a change in the Development Schedule; (2) reimbursement of \$100,000 by December 31, 2008 for City utility improvements provided the City Council approves the public improvement project for construction of a parking lot at 1325 SW 16th Street; (3) subordinates the City's secondary mortgage to an additional loan from the Developer's lender and (4) authorizes the City Manager to execute the amendment.)

POLICY ISSUE:

Whether to approve the amendment to the redevelopment agreement which will provide reimbursement of \$100,000 to the City provided the Council approves the public parking lot project to be financed in part by approximately \$290,000 of the City's general obligation bonds.

STAFF RECOMMENDATION:

None

BACKGROUND:

The resolution and Amendment No. 4 to the redevelopment agreement relate to the redevelopment of certain real estate located in the College Hill area through Tax Increment Financing. The developer was unable to complete all

Item #17

construction by the original completion date established in the redevelopment agreement of December 31, 2007. The resolution and amendment provides: (1) Extension of the completion date to December 31, 2008; (2) reimbursement of \$100,000 to the City's combined utility fund of \$100,000 provided the City approves the project for the construction of a public parking lot to be funded in part by \$290,000 of City general obligation bonds; and (3) subordinates the City's secondary mortgage to an additional loan of up to \$1.5 million by the Developer's primary lender.

BUDGETARY IMPACT:

\$100,000 reimbursement by Developer to City.

\$290,000 of City general obligation bonds for parking lot project.

SOURCE OF FUNDING:

\$100,000 reimbursement by Developer to City.

\$290,000 of City general obligation bonds for parking lot project.

ATTACHMENTS:

[Contract - revised](#)

[Resolution](#)

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT No. 4 to City of Topeka Contract No. 36091

THIS AMENDMENT entered into this _____ day of _____, 2008, by and between the City of Topeka, a duly organized municipal corporation hereinafter referred to as the "City" and the Washburn-Lane Parkway Renovations, LLC, a duly organized Kansas Limited Liability Company hereinafter referred to as "Developer."

WHEREAS, the City and Developer have previously entered into City of Topeka Contract No. 36091 which provides for the redevelopment of certain real estate in Topeka, Kansas, and have also entered into City of Topeka Contract Nos. 36527, 36864, and 37284 which amend City of Topeka Contract No. 36091 (collectively, the "Redevelopment Agreement"); and

WHEREAS, the parties hereto desire to further amend City of Topeka Contract No. 36091, as amended, as provided for in Section 10.04 of said Contract; and

WHEREAS, due to conditions beyond its reasonable control as contemplated in Section 3.08 of the Redevelopment Agreement, the Developer has been delayed in completing all construction activities contemplated under the Redevelopment Agreement; and

WHEREAS, the parties wish to amend the Redevelopment Agreement to allow for a change to the development schedule under Section 3.03 of the Redevelopment Agreement;

WHEREAS, the Developer desires the City to construct a public parking lot located at 1325 SW 16th Street and more specifically described as Lot 219, Oakley's

Subdivision in the City of Topeka, Kansas (Parking Lot) with the City's share of the total cost being \$291,000;

WHEREAS, the Developer desires to borrow up to an additional one million five hundred thousand dollars (\$1,500,000) from its Lender for the project, and the Lender requests that the City specifically agree to subordinate its secondary mortgage interest to such additional advancement by the Lender; and

WHEREAS, the Developer agrees to make a payment of one hundred thousand (\$100,000.00) to the City to reimburse it for the cost of improvements made to the City's combined water, wastewater, and stormwater systems which benefited the redevelopment project and for which the City has not been compensated.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. The City and Developer hereby agree that the final delivery of the project set forth in Exhibit F of the Redevelopment Agreement shall be extended to December 31, 2008. Any other or additional changes to the development schedule shall be made in accordance with Section 3.03 of the Redevelopment Agreement.

2. The Developer agrees to make a payment to the City in the amount of one hundred thousand dollars (\$100,000.00) on or before December 31, 2008, to reimburse the City's combined water, wastewater and stormwater utility for costs of unreimbursed improvements constructed as part of the redevelopment project.

3. All other terms and conditions of City of Topeka Contract No. 36091, as amended, shall remain in force and effect.

4. The City of Topeka agrees that the Developer's Lender may advance up to an additional one million five hundred thousand dollars (\$1,500,000) for the Project, which advancement shall be collateralized by an increase in the Lender's First Mortgage position, and the City's secondary mortgage shall be subordinate to said increased First Mortgage.

5. The Developer's obligation to pay the \$100,000 in Section 2 shall be contingent upon the City's adoption of an ordinance authorizing the public improvement project for the construction of Public Parking Lot described herein.

IN WITNESS WHEREOF, the parties have hereto executed this Amendment as of the day and year first above written.

CITY OF TOPEKA, KANSAS

Norton N. Bonaparte, Jr., City Manager

ATTEST:

Brenda Younger, City Clerk

WASHBURN-LANE PARKWAY RENOVATIONS

William Newsome, Manager

APPROVED AS TO FORM AND LEGALITY

DATE _____ BY _____

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the approval of Amendment No. 4 to Contract No. 36091 with Washburn-Lane Parkway Renovations regarding the College Hill Redevelopment Project.

WHEREAS, the City of Topeka and Washburn-Lane Parkway Renovations, LLC (hereinafter referred to as "Developer") have previously entered into City of Topeka Contract No. 36091 which provides for the redevelopment of certain real estate in Topeka, Kansas, and have also entered into City of Topeka Contract Nos. 36527, 36864, and 37284 which amend City of Topeka Contract No. 36091 (collectively, the "Redevelopment Agreement"); and

WHEREAS, the parties hereto desire to further amend City of Topeka Contract No. 36091, as amended, as provided for in Section 10.04 of said Contract; and

WHEREAS, due to conditions beyond its reasonable control as contemplated in Section 3.08 of the Redevelopment Agreement, the Developer has been delayed in completing all construction activities contemplated under the Redevelopment Agreement; and

WHEREAS, the parties wish to amend the Redevelopment Agreement to allow for a change to the development schedule under Section 3.03 of the Redevelopment Agreement; and

WHEREAS, Developer believes that the construction of additional public parking will assist the redevelopment project; and

WHEREAS, Developer desires the City to authorize a public improvement project to construct a public parking lot at 1325 SW 16th Street to provide public parking that will benefit the developer's project; and

WHEREAS, the Developer agrees, subject to certain conditions, to make a payment of one hundred thousand dollars (\$100,000.00) to the City to reimburse it for the cost of improvements made to the City's combined water, wastewater, and stormwater systems which benefited the redevelopment project and for which the City has not been compensated; and

WHEREAS, the Developer's obligation to reimburse the City the one hundred thousand dollars (\$100,000.00) is subject to the council authorizing the construction of the public parking lot project, financed in part by approximately two hundred ninety thousand dollars (\$290,000.00) of City's general obligation bonds; and

WHEREAS, the Developer desires to borrow up to an additional one million five hundred thousand dollars (\$1,500,000.00) from its lender for the project, and the lender requests that the City specifically agree to subordinate its secondary mortgage interest to such additional advancement by the lender.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the Council approves Amendment No. 4 to City of Topeka Contract No. 36091, as amended, which includes the following changes:

1. To provide for a change in the Development schedule; and
2. To provide reimbursement by December 31, 2008, of one hundred thousand dollars (\$100,000.00) for City utility improvements provided the City authorizes a public improvement project for the construction of a public parking lot located at 1325 SW 16th Street funded in part by approximately two hundred ninety thousand dollars (\$290,000.00) of the City's general obligation bonds; and

3. To subordinate the City's secondary mortgage interest to an additional loan of up to one million five hundred thousand dollars (\$1, 500, 000.00) by the Developer's lender; and

4. Authorizes the City Manager to execute said amendment.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 7, 2008

+ Back Print

DATE: August 26, 2008

CONTACT PERSON: Deputy Mayor Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Designation of Deputy City Manager Randy Speaker **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: First Reading. 08/19/08 **JOURNAL #:** 08

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, designating Deputy City Manager Randy Speaker to exercise the powers and duties of the City Manager in the absence or inability of the City Manager and authorizing him to execute contracts on behalf of the City pursuant to Charter Ordinance No. 94, codified at Section A2-52 and Section A2-55 of the Code of the City of Topeka. Final Reading.

(Per City Charter Ordinance, the City Council shall designate a qualified employee to act during any temporary absence or disability of the City Manager.)

POLICY ISSUE:

Whether or not the Council shall designate Deputy City Manager Randy Speaker to act as City Manager if the need arises and authorize him to execute contracts.

STAFF RECOMMENDATION:

BACKGROUND:

City Code provides for officers or employees of the City other than the City Manager to execute contracts on behalf of the City when specifically authorized by ordinance. It is in the best interest of the City to designate an Acting City Manager and authorize that individual to execute contracts before the need arises. This ordinance authorizes Deputy City Manager Randy Speaker to execute contracts when the City Manager is unable to do so.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

Item #18

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, designating the Deputy City Manager Randy Speaker to exercise the powers and duties of the City Manager in the absence or inability of the City Manager and authorizing him to execute contracts on behalf of the City pursuant to Charter Ordinance No. 94, codified at § A2-52 and § A2-55 of the Code of the City of Topeka.

WHEREAS, Charter Ordinance No. 94, § 19, codified at City of Topeka Code § A2-52, authorizes the City Council to appoint a qualified employee to act during any temporary absence or disability of the City Manager; and

WHEREAS, Charter Ordinance 94, § 22, codified at City of Topeka Code § A2-55(b), provides for officers or employees of the City other than the City Manager to execute contracts on behalf of the City when specifically authorized by ordinance; and

WHEREAS, it is in the best interest of the City to designate an Acting City Manager and authorize that individual to execute contracts before the need arises.

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

Section 1. That Deputy City Manager Randy Speaker is authorized to exercise the powers and perform the duties of City Manager during any temporary absence or disability of the City Manager pursuant to Charter Ordinance No. 94, § 19, as codified at City of Topeka Code § A2-52.

Section 2. That Deputy City Manager Randy Speaker is authorized to execute contracts when the City Manager is unable to do so pursuant to Charter Ordinance No. 94, § 22, as codified at City of Topeka Code § A2-55 and City of Topeka Code § 2-387.

29 Section 3. This ordinance shall take effect and be in force from and after its
30 passage, approval and publication in the official City newspaper.

31 PASSED AND APPROVED by the City Council _____.

32
33 CITY OF TOPEKA, KANSAS
34

35
36
37 _____
38 William W. Bunten, Mayor
39

40 ATTEST:

41
42
43
44 _____
45 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 8, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Jeff Hunt **DOCUMENT #:**
SECOND PARTY/SUBJECT: Street Improvement Project **PROJECT #:** T-601004-00 HTE 606410
CATEGORY/SUBCATEGORY 015 Petitions/001 Benefit District
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A PETITION, A PROJECT BUDGET in the amount of \$1,447,700 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Street Improvement Project No. T-601004.00 (HTE606410) which provides for paving streets in Lauren's Bay Estates, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 8062. (Council District No. 7)

(Approval would allow for the estimated probable project cost to increase by \$211,632 paid 100% by the Improvement District for the paving of SW Vorse Road, SW 47th Court, SW 48th Place, and SW 48th Lane in Lauren's Bay Estates. The increase in the project budget is due to expected higher construction costs.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Accept the Petition.
Approve the Project Budget and Resolution of Advisability and Authorization.

BACKGROUND:

This Project will allow for the paving of SW Vorse Road from the south lot line of Lot 45, Block M, Lauren's Bay Estates and north to its intersection with SW 47th Street; to pave SW 48th Lane from the cul-de-sac bulb in the vicinity of Lot 51, in said Block M and east to the cul-de-sac in the vicinity of Lot 32, Block E, in said Lauren's Bay Estates Subdivision; to pave SW 48th Place from the cul-de-sac bulb in the vicinity of Lot 66 in said Block M and east to the cul-de-sac bulb in the vicinity of Lot 17 in said Block E; to pave SW 47th Court from the cul-de-sac bulb in the vicinity of Lot 77 in said Block M and east to its intersection with SW Vorse Road. To provide streets to the above noted area with asphalt pavement, curb & gutter, storm sewer structures and piping, engineering and all other contingencies required for a complete project.

The increase in the project budget is due to expected higher construction costs.

Item #19

BUDGETARY IMPACT:

Revised Project Budget: \$1,447,700.00

Costs are to be paid 100% by the Improvement District.

SOURCE OF FUNDING:

Costs are assessed to the Improvement District on a unit basis, with units described as follows:

Lots 45 through 58, inclusive, Block M, 1 unit each

Lots 60 through 72, inclusive, Block M, 1 unit each

Lots 74 through 79, inclusive, Block M, 1 unit each

Lots 12 through 23, inclusive, Block E, 1 unit each

Lots 25 through 37, inclusive, Block E, 1 unit each

Total Number of Units equals 58

All in Lauren's Bay Estates Subdivision, City of Topeka, Shawnee County, Kansas.

All or part of the project will be financed with General Obligation Bonds.

ATTACHMENTS:

[Petition](#)

[Project Budget](#)

[Vicinity Map](#)

[Debt Service](#)

[Fact Sheet](#)

[Resolution](#)

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

LAUREN'S BAY ESTATES PROJECT NO. T-601004.00

A. GENERAL NATURE OF IMPROVEMENT:

To pave SW Vorse Road from the south lot line of Lot 45, Block M, Lauren's Bay Estates and north to its intersection with SW 47th Street; to pave SW 48th Lane from the cul-de-sac bulb in the vicinity of Lot 51, in said Block M and east to the cul-de-sac in the vicinity of Lot 32, Block E, in said Lauren's Bay Estates Subdivision; to pave SW 48th Place from the cul-de-sac bulb in the vicinity of Lot 66 in said Block M and east to the cul-de-sac bulb in the vicinity of Lot 17 in said Block E; to pave SW 47th Court from the cul-de-sac bulb in the vicinity of Lot 77 in said Block M and east to its intersection with SW Vorse Road. To provide streets to the above noted area with asphalt pavement, curb & gutter, storm sewer structures & piping, engineering and all other contingencies required for a complete project

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 45-58 Block M, Lots 60-72, Block M, Lots 74-79, Block M, Lots 12-23, Block E, Lots 25-37, Block E, Lauren's Bay Estates

C. ESTIMATED OR PROBABLE COST:

\$1,447,700.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

On a unit basis, with units described as follows:

Lots 45 through 58, inclusive, Block M, Lauren's Bay Estates – 1 Unit Each
Lots 60 through 72, inclusive, Block M, Lauren's Bay Estates – 1 Unit Each
Lots 74 through 79, inclusive, Block M, Lauren's Bay Estates – 1 Unit Each
Lots 12 through 23, inclusive, Block E, Lauren's Bay Estates – 1 Unit Each
Lots 25-37, inclusive, Block E, Lauren's Bay Estates – 1 Unit Each

Total Number of Units equals 58

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF OWNERS:

We, the undersigned owners of all property in the Improvement District, understand, agree and certify:

- (i) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described Improvement; and
- (ii) That the parcels of property contained within the Improvement District may not be modified, changed or altered by replatting or other means until assessments have been levied; and
- (iii) That we own 100% of the property contained in the Improvement District; and
- (iv) That we will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is subject to special assessments to pay for the Improvement; and
- (v) That we have been duly authorized to execute this Petition on behalf of the property owner; and
- (vi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office.
- (vii) That we have no financial interest in any property with delinquent special assessments anywhere within the City of Topeka.

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

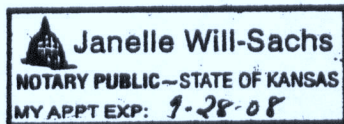
Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
C F Dultmeier Trust	<i>C F Dultmeier Trust</i>	Lots 45-58, 60-72, 74-79, Block M, Lauren's Bay Estates Subdivision; Lots 12-23, 25-37, Block E, Lauren's Bay Estates	<i>5 Aug 2008</i>
Jon and Susan Rollenhagen	<i>Jon Rollenhagen Susan Rollenhagen</i>	Lots 45-58, 60-72, 74-79, Block M, Lauren's Bay Estates Subdivision; Lots 12-23, 25-37, Block E, Lauren's Bay Estates	<i>5 Aug 2008</i>
B F and Traci Dultmeier	<i>B F Dultmeier Traci Dultmeier</i>	Lots 45-58, 60-72, 74-79, Block M, Lauren's Bay Estates Subdivision; Lots 12-23, 25-37, Block E, Lauren's Bay Estates	<i>5 Aug 2008</i>

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

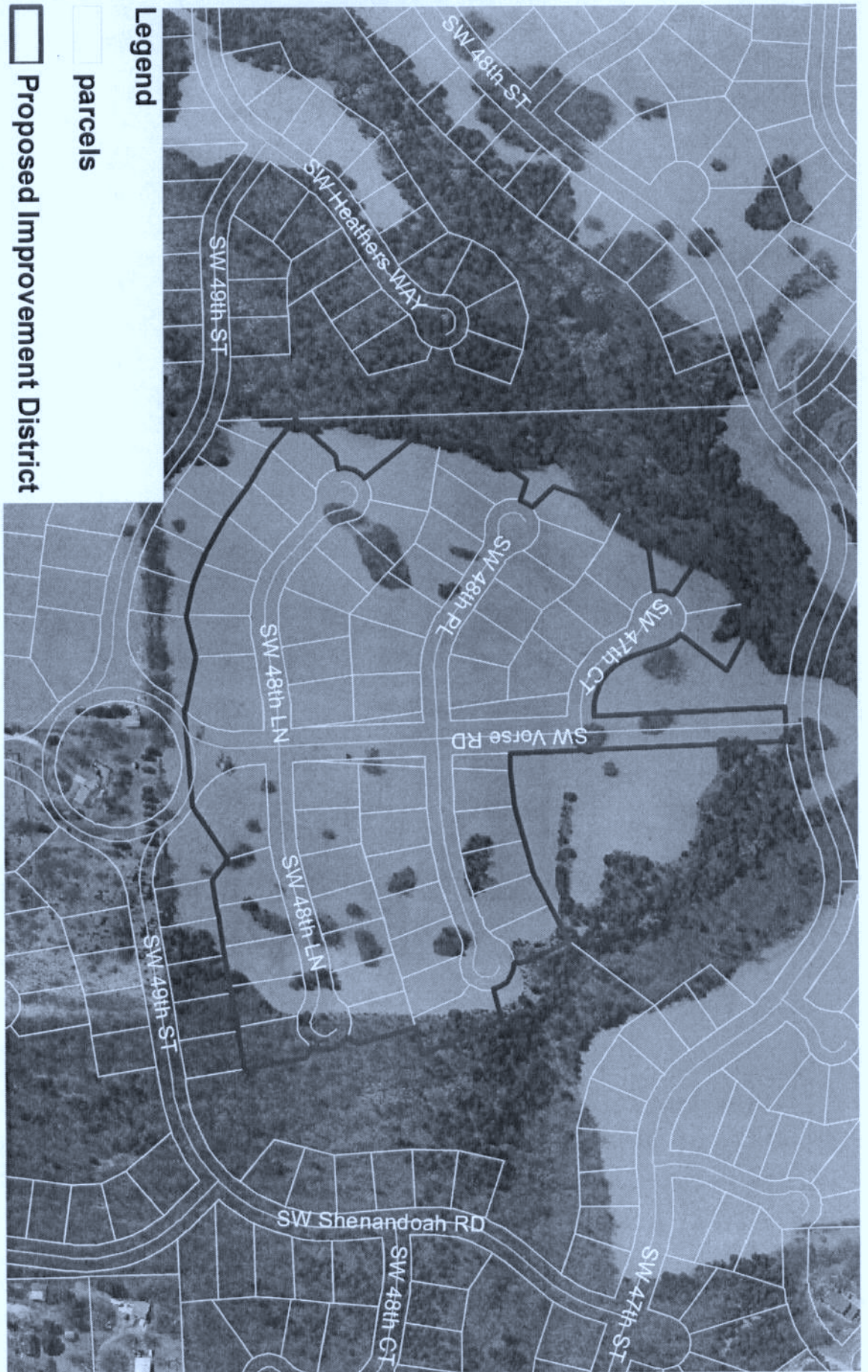
5 Aug 2008
Date

Chris Dultmeier
Signature of Person Carrying Petition



Janelle Will-Sachs *Aug 5th, 2008*

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.



Legend

 parcels

 Proposed Improvement District

CITY OF TOPEKA, KS

Data Disclaimer:
While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data or services provided. In no event, shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, Kansas, harmless in all matters and accounts arising from the use and/or accuracy of this data.

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PROJECT T-601004.00 LAUREN'S BAY ESTATES PROPOSED IMPROVEMENT DISTRICT



1 inch equals 300 feet

GO Bond Cost of Project

PROJECT: T-601004.00 (HTE 606410)

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal	\$1,353,000
Plus Temp Note Interest	\$67,650
Plus Cost of Issuance	<u>\$27,060</u>
Total Project Budget	\$1,447,710

Annual Debt Service	\$118,643
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$2,372,863
---	-------------

Difference Project Cost and Total Debt Service	\$1,019,863
--	-------------

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
2007 Temporary Notes that Finance Future GO Bond projects	\$9,200,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$5,222,840
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>3,152,752</u>
Total Indebtedness	<u><u>\$187,660,592</u></u>
Plus Project	\$189,108,302

FACT SHEET

Street Improvement Project No. T-601004-00 for Lauren's Bay Estates

General Nature of Improvements:

This project will pave the streets and install storm sewers for a portion of the Lauren's Bay Estates Subdivision.

City Project Administration: City of Topeka, Jeff Hunt, P.E. (368.3842)

Construction Inspection: City of Topeka (Inspector not yet assigned to project)

Construction Staking: Bartlett and West Engineers

Design Engineer: Bartlett and West Engineers

Cost: Project Budget - \$1,447,700.00

Financing: General Obligation Bonds and any other legally available funds

This project will be financed through the City of Topeka's Bonding capabilities with repayment of the Bonds received from the Improvement District's payment of the special assessments.

CIP Year: Not included in the CIP

Estimated Project Budget Cost: The total estimated cost for this project is \$1,447,700.00. The estimated construction cost is \$1,185,000.00 with the remaining funds for construction inspection, administration, contingencies, and temporary notes and issuance of bonds.

Council District: The project is located within Council District No 7.

Project Schedule:

Construction: Summer, 2009

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Street Improvement Project No. T-601004.00 (HTE #606410) which provides for paving streets in Lauren's Bay Estates, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 8062.

WHEREAS, the City Council adopted and approved Resolution of Advisability and Authorization No. 8062 which authorized Street Improvement Project No. T-601004.00 (HTE #606410) with an Estimated Probable Cost of one million two hundred thirty-six thousand sixty-eight dollars (\$1,236,068.00), adopted and approved May 13, 2008; and

WHEREAS, the Estimated Probable Cost of the project has increased by two hundred eleven thousand six hundred thirty-two dollars (\$211,632.00); and

WHEREAS, the City Clerk has received a revised petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of one hundred percent (100%) of the area in the improvement district hereinafter described, and which petition sets forth the increased Estimated Project Cost of one million four hundred forty-seven thousand seven hundred dollars (\$1,447,700.00); and

WHEREAS, seven (7) days have elapsed since the filing of said revised petition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, Street Improvement Project No. T-601004.00 (HTE #606410) with an amended project budget as hereinafter described:

30 A. GENERAL NATURE OF IMPROVEMENT:
31

32 To pave SW Vorse Road from the south lot line of Lot 45, Block M, Lauren's
33 Bay Estates and north to its intersection with SW 47th Street; to pave SW
34 48th Lane from the cul-de-sac bulb in the vicinity of Lot 51, in said Block M
35 and east to the cul-de-sac in the vicinity of Lot 32, Block E, in said Lauren's
36 Bay Estates Subdivision; to pave SW 48th Place from the cul-de-sac bulb in
37 the vicinity of Lot 66 in said Block M and east to the cul-de-sac bulb in the
38 vicinity of Lot 17 in said Block E; to pave SW 47th Court from the cul-de-sac
39 bulb in the vicinity of Lot 77 in said Block M and east to its intersection with
40 SW Vorse Road. To provide streets to the above noted area with asphalt
41 pavement, curb & gutter, storm sewer structures and piping, engineering and
42 all other contingencies required for a complete project.
43

44 B. PROPOSED IMPROVEMENT DISTRICT:
45

46 *Lauren's Bay Estates*

47
48 Block M, Lots 45-58

49 Block M, Lots 60-72

50 Block M, Lots 74-79

51 Block E, Lots 12-23

52 Block E, Lots 25-37
53

54 C. ESTIMATED OR PROBABLE COST:
55

56 \$1,447,700.00
57

58 D. PROPOSED METHOD OF ASSESSMENT:
59

60 On a unit basis, with units described as follows:

61
62 Lots 45 through 58, inclusive, Block M, Lauren's Bay Estates, 1 Unit Each

63 Lots 60 through 72, inclusive, Block M, Lauren's Bay Estates, 1 Unit Each

64 Lots 74 through 79, inclusive, Block M, Lauren's Bay Estates, 1 Unit Each

65 Lots 12 through 23, inclusive, Block E, Lauren's Bay Estates, 1 Unit Each

66 Lots 25 through 37, inclusive, Block E, Lauren's Bay Estates, 1 Unit Each
67

68 E. APPORTIONMENT OF COSTS:
69

70 Costs to be paid 100% by the Improvement District.

71 Upon completion of the project described herein, the City Clerk is hereby directed to
72 provide all publication and mailed notices in accordance with the provisions of K.S.A. 12-
73 6a01, *et seq.*, as amended.

74 BE IT FURTHER RESOLVED that City of Topeka Resolution No. 8062 is hereby
75 rescinded.

76 THIS RESOLUTION shall become effective upon one publication in the official city
77 newspaper.

78 ADOPTED and APPROVED by the City Council _____.

79 CITY OF TOPEKA, KANSAS

80
81 _____
82 William W. Bunten, Mayor
83

84 ATTEST:

85
86
87
88 _____
89 Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 24, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Jeff Hunt
SECOND PARTY/SUBJECT: Sanitary Sewer Improvement
CATEGORY/SUBCATEGORY: 015 Petitions/001 Benefit District
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #: T-401006-00 (HTE 409620)
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A PETITION, A PROJECT BUDGET in the amount of \$6,603 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. T-401006.00 (HTE409620) which provides for installation of a manhole over an existing sanitary sewer line located in Hofmann Acres Subdivision as more specifically described herein. (Council District No. 2)

(The project costs are to be paid 100% by the owners of property within the Improvement District and would include one manhole, connection to system, excavation, backfill and related appurtenances needed to complete the project. Service would be provided to a lot in Hofmann Acres Subdivision located near NW 18th Street and NW Furman Road.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Accept the Petition.
Approve the Project Budget and Resolution of Advisability and Authorization as presented.

BACKGROUND:

The owner is petitioning to install one sanitary sewer manhole over an existing sanitary sewer line to provide service to a lot located to the southwest of new manhole. Project to include one manhole, connection to system, excavation, backfill and related appurtenances needed for a complete project.

BUDGETARY IMPACT:

Project Budget: \$6,603.00

The Improvement District consists of Lot 3, Block "A", Hofmann Acres Subdivision.

On a unit basis for all lots or individual dwelling sites which are included in the described improvement district.

SOURCE OF FUNDING:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

ATTACHMENTS:

[Petition](#)

[Project Budget](#)

[Vicinity Map](#)

[Debt Service](#)

[Fact Sheet](#)

[Resolution](#)

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following sanitary sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

SANITARY SEWER PROJECT NO. T-401006.00 (HTE 409620)

A. GENERAL NATURE OF IMPROVEMENT: To install one sanitary sewer manhole over an existing sanitary sewer line to provide service to a lot located to the southwest of new manhole. Project to include one manhole, connection to system, excavation, backfill and related appurtenances needed for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT: Lot 3, Block A, Hofmann Acres Subdivision, Shawnee County PID: 0962301002001000

C. ESTIMATED OR PROBABLE COST: \$6,603.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the improvement district. This project consists of 1 Lot with 1 unit per lot.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF OWNERS:

We, the undersigned owners of all property in the Improvement District, understand, agree and certify:

- (i) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described Improvement; and

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

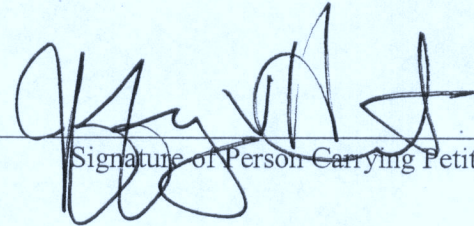
[illegible]

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and

Page 2 of 3

correct to the best of my knowledge.

7/22/08
Date


Signature of Person Carrying Petition

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

PROJECT BUDGET
Project No. T 401006-00
Sanitary Sewer Extension to serve Lot 3 Hofmann Acres

LOCATION:

The project is located north of Lower Silver Lake Road and Furman Road.

DESCRIPTION OF PROJECT:

This project will consist of a sanitary sewer extension. The project will include a standard manhole, excavation and backfill, and all other contingencies needed to complete the project.

SOURCE OF FUNDS:

100% - Improvement District as described

COST ESTIMATE:

	City of Topeka	Other Funding Source	Total
Construction:	\$0.00	\$4,500.00	\$4,500.00
Design:	\$0.00	\$405.00	\$405.00
Construction Service Fees:			
<i>Construction Staking (5%)</i>	\$0.00	\$100.00	\$100.00
<i>Construction Inspection (8%)</i>	\$0.00	\$100.00	\$100.00
<i>City of Topeka Admin. (2%)</i>		\$90.00	\$90.00
Administrative Fees			
<i>Assessment District</i>	\$0.00	\$176.00	\$176.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$0.00	\$0.00	\$0.00
Interim Interest:	\$0.00	\$632.00	\$632.00
Cost of Issuance	\$0.00	\$600.00	\$600.00
Total:	\$0.00	\$6,603.00	\$6,603.00

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Capital Budget Year.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:

Jeff Hunt



T-401006.00



1 inch equals 200 feet

GO Bond Cost of Project

PROJECT: T-401006.00 (HTE 409620)

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal	\$6,171
Plus Temp Note Interest	\$309
Plus Cost of Issuance	<u>\$123</u>
Total Project Budget	\$6,603

Annual Debt Service	\$541
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$10,822
---	----------

Difference Project Cost and Total Debt Service	\$4,651
--	---------

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
2007 Temporary Notes that Finance Future GO Bond projects	\$9,200,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$5,222,840
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>3,152,752</u>
Total Indebtedness	<u><u>\$187,660,592</u></u>
Plus Project	\$187,667,195

FACT SHEET

Sanitary Sewer Project No. T-401006-00 to Serve Lot 3 Hofmann Acres Subdivision

General Nature of Improvements:

This project will provide sanitary sewer service to Lot 3 of the Hoffman Acres Subdivision. This will be accomplished by installed a manhole over an existing interceptor line.

City Project Administration: City of Topeka, Jeff Hunt, P.E. (368-3842)

Construction Inspection: City of Topeka (Inspector not yet assigned to project)

Construction Staking: City of Topeka

Design Engineer: City of Topeka

Cost: Project Budget - \$6,603.00

Financing: General Obligation Bonds and any other legally available funds

This project will be financed through the City of Topeka's Bonding capabilities with repayment of the Bonds received from the Improvement District's payment of the special assessments.

CIP Year: Not included in the CIP

Estimated Project Budget Cost: The total estimated cost for this project is \$6,603.00. The estimated construction cost is \$4,500.00 with the remaining funds for construction inspection, administration, contingencies, and temporary notes and issuance of bonds.

Council District: The project is located within Council District No 2.

Project Schedule:

Construction: Late Summer, 2008

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. T-401006.00 (HTE #409620) which provides for installation of a manhole over an existing sanitary sewer line located in Hofmann Acres Subdivision as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of 100% of the area in the improvement district hereinafter described; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds Sanitary Sewer Improvement Project No. T-401006.00 (HTE #409620), hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To install one sanitary sewer manhole over an existing sanitary sewer line to provide service to a lot located to the southwest of new manhole. Project to include one manhole, connection to system, excavation, backfill and related appurtenances needed for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Hofmann Acres Subdivision
Lot 3, Block A

C. ESTIMATED OR PROBABLE COST:

\$6,603.00

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the described improvement district.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the improvement district.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 8, 2008

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DATE: August 26, 2008
CONTACT PERSON: Linda Voss **DOCUMENT #:**
SECOND PARTY/SUBJECT: Intersection Improvement **PROJECT #:** T-601007-00D HTE 606440
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$88,000 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. T-601007.00 (HTE60644) which provides for construction of a westbound right turn lane at SE 15th Street and SE Adams Street and authorizing same. (Council District No. 3)

(Approval would provide for construction of a westbound right turn lane at the intersection of SE 15th Street and SE Adams Street. The project would be paid 100% by the Developer who would be reimbursed by East Gate Tax Increment Financing (TIF) funds.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Project Budget and Resolution as presented.

BACKGROUND:

The scope of the project is to add a westbound right turn lane at the intersection of SE 15th Street and SE Adams Street which will improve capacity, operations, and safety.

This is a TIF (Tax Incremental Financing) project.

BUDGETARY IMPACT:

Project Budget: \$88,000.00

SOURCE OF FUNDING:

100% paid by the Developer who will be reimbursed by East Gate Tax Increment Financing (TIF) funds.

ATTACHMENTS:

Item #21

[Project Budget](#)

[Map](#)

[Resolution](#)

PROJECT BUDGET
Project No. T-601007.00
Intersection Improvements

LOCATION:

SE 15th Street and SE Adams Street

DESCRIPTION OF PROJECT:

Construct a westbound right turn lane

SOURCE OF FUNDS:

Tax Incremental Financing (TIF)

COST ESTIMATE:

	Total
Construction:	<u>\$70,000.00</u>
Design:	<u>\$7,000.00</u>
Construction Service Fees:	
<i>Construction Inspection</i>	<u>\$3,000.00</u>
<i>Construction Staking</i>	<u>\$3,000.00</u>
Administrative Fees:	
<i>Legal Dept. Admin.</i>	<u>\$1,000.00</u>
<i>Engineering Admin.</i>	<u>\$1,000.00</u>
Right-of Way Acquisition:	
Contingency Amount:	<u>\$3,000.00</u>
Temporary Notes:	
Total:	<u>\$88,000.00</u>

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

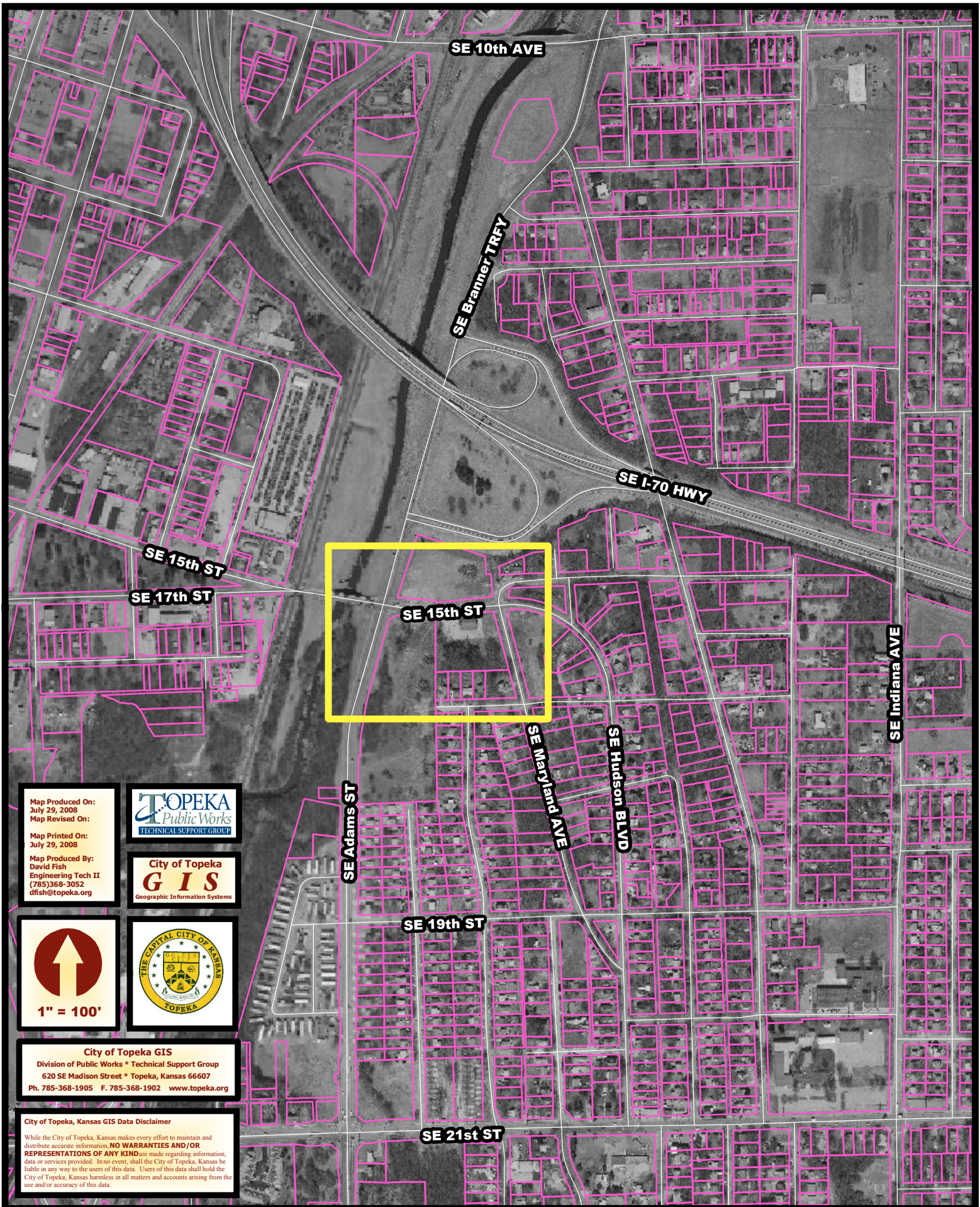
Date: _____

PROJECT ENGINEER:

Linda Voss

SE 15th ST nad SE Adams ST

Attachment number 2
Page 1 of 1



Map Produced On:
July 29, 2008
Map Revised On:

Map Printed On:
July 29, 2008

Map Produced By:
David Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org



1" = 100'



City of Topeka GIS

Division of Public Works * Technical Support Group
620 SE Madison Street * Topeka, Kansas 66607
Ph. 785-368-1905 F. 785-368-1902 www.topeka.org

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RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. T-601007.00 (HTE #606440), which provides for construction of a westbound right turn lane at SE 15th Street and SE Adams Street and authorizing same.

BE IT RESOLVED by the Council of the City of Topeka that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize Street Improvement Project No. T-601007.00 (HTE #606440) as hereinafter described:

A. GENERAL NATURE OF IMPROVEMENT:

To construct a westbound right turn lane at the intersection of SE 15th Street and SE Adams Street.

B. ESTIMATED OR PROBABLE COST:

\$88,000.00

C. SOURCE OF FUNDS:

100% paid by the Developer who will be reimbursed by East Gate Tax Increment Financing (TIF) funds.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

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DATE: August 26, 2008
CONTACT PERSON: Lana Kennedy **DOCUMENT #:**
SECOND PARTY/SUBJECT: Retailer's sales tax proposition **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 08/26/08 Deferred until **JOURNAL #:**
01/13/09
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy to submit to the qualified electors of the City of Topeka, Kansas the proposition of levying an additional three-tenths of one percent (0.3%) special purpose retailer's sales tax in the City of Topeka for the purpose of paying for certain improvements to streets in the City, pursuant to K.S.A. 12-187 et seq.

(The sales tax increase would pay for the costs of construction, maintenance, and improvement of city streets, sidewalks, curbs, gutters, stormwater improvements, alleys, street lighting, and traffic control.)

POLICY ISSUE:

Whether or not the City Council shall submit to the qualified electors of the City of Topeka, Kansas the proposition of levying an additional 0.3% special purpose retailer's sales tax in the City of Topeka for the purpose of paying for certain improvements to streets in the City.

STAFF RECOMMENDATION:

BACKGROUND:

Approval of the Resolution would allow qualified electors to vote at the November 4, 2008 general election on an additional three-tenths of one percent (0.3%) special purpose retailer's sales tax to pay for the costs of construction, maintenance, and improvement of City streets, sidewalks, curbs, gutters, stormwater improvements, alleys, street lighting and traffic control. The tax is to take effect April 1, 2009 and shall expire ten (10) years after the date the tax is first collected..

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Item #22

N/A

ATTACHMENTS:

[resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Lana Kennedy, to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying an additional three-tenths of one percent (0.3%) special purpose retailer's sales tax in the City of Topeka, for the purpose of paying for certain improvements to streets in the City, pursuant to K.S.A. 12-187 *et seq.*, as amended.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the City of Topeka to submit to the qualified electors of the City, the question of levying a special purpose retailer's sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

WHEREAS, the governing body of the City of Topeka has determined that additional revenue is needed for the special purpose of constructing, maintaining and repairing City streets within the City.

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

Section 1. A special question election shall be held in the manner prescribed by law on the 4th day of November, 2008, for the purpose of submitting to the qualified electors of the City of Topeka, Kansas, the question of levying an additional special purpose retailers' sales tax in the City of Topeka, Kansas, for the purpose of paying the costs of constructing, maintaining and repairing streets within the City. The amount of the additional special purpose retailers' sales tax shall be three-tenths of one percent (0.3%), such tax to take effect on the 1st day of April, 2009, and shall expire ten (10) years after the date the tax is first collected, if approved by a majority of the electors voting thereon.

Section 2. The proposition to be voted on shall appear on the Ballot as follows:

"Shall the City of Topeka levy an additional three-tenths of one percent (0.3%)

special purpose retailer's sales tax for the following special purposes, to take effect on the 1st day of April, 2009, and to expire ten (10) years after the date the tax is first collected:

Construction, maintenance and improvement of City streets, sidewalks, curbs, gutters, stormwater improvements, alleys, street lighting, and traffic control?"

All pursuant to K.S.A. 12-187, *et seq.*, as amended.

Section 3. If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 4. The City Clerk is authorized and directed to deliver this Resolution to the Election Commissioner of Shawnee County, Kansas, who is authorized to and shall give notice of the election, as provided by law, by newspaper of general circulation in the City, as provided by K.S.A. 10-120, with the first publication to be not less than twenty-one days prior to the date of the election. The vote at the election shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

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DATE: August 26, 2008
CONTACT PERSON: Bill Haynes **DOCUMENT #:**
SECOND PARTY/SUBJECT: retailer's sales tax ballot **PROJECT #:**
question
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Bill Haynes, to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying additional special purpose retailer's sales taxes of up to one-half of one percent (0.5%) in the City of Topeka, for the purpose of paying for certain improvements and services in the City, pursuant to K.S.A. 12-187 et seq., as amended.

(The sales tax increase would expire ten (10) years from the date of imposition and be utilized for certain improvements and services within the city.)

POLICY ISSUE:

Whether or not to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying additional special purpose sales taxes up to one-half of one percent (0.5%) special purpose retailers' sales tax in the City of Topeka for the purpose of paying for certain improvements and services in the City.

STAFF RECOMMENDATION:

BACKGROUND:

Approval of the Resolution would submit to the qualified electors of the City of Topeka at the November 2008 general election proposed additional retailers' sales taxes in the amount of up to one-half of one percent (0.5%), which would be levied by the City of Topeka, Kansas and set aside proceeds in special designated funds proceeds to pay the costs related to the improvements and services at the rates as set out in the Resolution. The increased retailers' sales taxes would expire ten (10) years from the date of imposition.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #23

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Bill Haynes, to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying additional special purpose retailer's sales taxes of up to one-half of one percent (0.5%) in the City of Topeka, for the purpose of paying for certain improvements and services in the City, pursuant to K.S.A. 12-187 *et seq.*, as amended.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the City of Topeka to submit to the qualified electors of the City, the question of levying a special purpose retailer's sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

WHEREAS, the governing body of the City of Topeka has determined that additional revenue is needed for the special purpose of certain improvements and services within the City.

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

Section 1. A special question election shall be held in the manner prescribed by law on the 4th day of November, 2008, for the purpose of submitting to the qualified electors of the City of Topeka, Kansas, the question of levying additional special purpose retailers' sales taxes in the City of Topeka, Kansas, for the purpose of paying the costs of certain improvements and services within the City. The amount of the additional special purpose retailers' sales taxes shall be up to one-half of one percent (0.5%), such taxes shall take effect on the 1st day of April, 2009, and shall expire ten (10) years after the date the taxes are first collected, if approved by a majority of the electors voting thereon.

Section 2. The propositions to be voted on shall appear on the Ballot as follows:

a. "Shall the City of Topeka levy an additional retailers' sales tax in the amount of two-tenths of one percent (0.2%) to be used exclusively for costs of maintenance and improvements of City streets, gutters, curbs, sidewalks, alleys and street lighting, provided such tax shall take effect April 1, 2009, and expire ten (10) years from the date of imposition?"

Yes _____

No _____

b. "Shall the City of Topeka levy an additional retailers' sales tax in the amount of one-tenth of one percent (0.1%) to be used exclusively for costs of preventing and reducing crime, cleaning up neighborhoods, and removing abandoned and unsafe structures, provided such tax shall take effect April 1, 2009, and expire ten (10) years from the date of imposition?"

Yes _____

No _____

c. "Shall the City of Topeka levy an additional retailers' sales tax in the amount of one-tenth of one percent (0.1%) to be used exclusively for costs of river and creek flood control and improvement of north and south downtown, provided such tax shall take effect April 1, 2009, and expire ten (10) years from the date of imposition?"

Yes _____

No _____

d. "Shall the City of Topeka levy an additional retailers' sales tax in the amount of one-tenth of one percent (0.1%) to be used exclusively for costs to develop a comprehensive master plan for public facilities for recreation, arts, culture and entertainment and to construct any recommended public facilities including the

infrastructure therefore, provided such tax shall take effect April 1, 2009, and expire
ten (10) years from the date of imposition?"

Yes _____
No _____

All pursuant to K.S.A. 12-187, *et seq.*, as amended.

Section 3. If approved by a majority of the electors voting thereon, such taxes
shall be subject to all applicable state laws and administrative rules and regulations of the
Kansas Department of Revenue. The services of the Kansas Department of Revenue
shall be utilized to administer, enforce and collect such tax.

Section 4. The City Clerk is authorized and directed to deliver this Resolution to
the Election Commissioner of Shawnee County, Kansas, who is authorized to and shall
give notice of the election, as provided by law, by newspaper of general circulation in the
City, as provided by K.S.A. 10-120, with the first publication to be not less than twenty-one
days prior to the date of the election. The vote at the election shall be by ballot, and the
proposition stated above shall be printed on the ballot, together with voting instructions as
provided by law.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Chambers
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Topeka, Kansas 66603

August 27, 2008

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DATE: August 26, 2008
CONTACT PERSON: Mayor Bunten **DOCUMENT #:**
SECOND PARTY/SUBJECT: Special Ballot Question - **PROJECT #:**
Sales Tax Increase
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Mayor Bill Bunten concerning a Special Ballot Question for a retailers' sales tax in the amount of one half of one percent (0.5%) as provided by K.S.A. 12-187, as amended.

(Approval would allow for the General Purpose Sales Tax question to be placed on the November 4, 2008 general election ballot.)

POLICY ISSUE:

K.S.A. 12-187 provides that cities and counties of the state of Kansas shall have the power and authority to impose taxes through retailers having a place of business located within such taxing jurisdictions. The governing body of the city proposing to levy any retailers' sales tax must specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

STAFF RECOMMENDATION:

The Mayor is recommending that Council adopt the resolution to put a special question on the ballot for the general election to be held on the November 4, 2008 election.

BACKGROUND:

The resolution, if approved by the Council, would allow the item to be put on the ballot for the general election to be held on November 4, 2008.

BUDGETARY IMPACT:

To be determined.

SOURCE OF FUNDING:

No funds are needed to put the resolution before the Council.

ATTACHMENTS:

Item #24

RESOLUTION NO. _____

A RESOLUTION introduced by the Mayor William W. Bunten, to submit to the qualified electors of the City of Topeka, Kansas, the proposition of levying an additional one-half of one percent (0.5%) general retailer's sales tax in the City of Topeka, for the general purpose of providing certain improvements and services in the City, pursuant to K.S.A. 12-187 *et seq.*, as amended.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the City of Topeka to submit to the qualified electors of the City, the question of levying a general retailer's sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

WHEREAS, the governing body of the City of Topeka has determined that additional revenue is needed for general purposes including, but not limited to, public improvements and services within the City.

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

Section 1. A special question election shall be held in the manner prescribed by law on the 4th day of November, 2008, for the purpose of submitting to the qualified electors of the City of Topeka, Kansas, the question of levying an additional general retailers' sales tax in the City of Topeka, Kansas, for the purpose of providing certain public improvements and services within the City. The amount of the additional general retailers' sales tax shall be one-half of one percent (0.5%), such tax to take effect on the 1st day of April, 2009, if approved by a majority of the electors voting thereon.

Section 2. The proposition to be voted on shall appear on the Ballot as follows:

"Shall an additional retailers' sales tax in the amount of one-half of one percent (.50%) be levied in the City of Topeka, Kansas, and set aside in a special

designated fund for costs related and necessary to the following projects to take effect on the 1st day of April, 2009:

- a) Maintenance and construction of public streets, curbs, gutters, stormwater improvements, trails, sidewalks and alleys; and
- b) Crime prevention and reduction, cleaning up neighborhoods and removing abandoned and unsafe structures and improving north and south downtown infrastructure?"

All pursuant to K.S.A. 12-187, *et seq.*, as amended.

Section 3. If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 4. The City Clerk is authorized and directed to deliver this Resolution to the Election Commissioner of Shawnee County, Kansas, who is authorized to and shall give notice of the election, as provided by law, by newspaper of general circulation in the City, as provided by K.S.A. 10-120, with the first publication to be not less than twenty-one days prior to the date of the election. The vote at the election shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

48 ADOPTED and APPROVED by the City Council _____.

49 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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56 ATTEST:

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Brenda Younger, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 1, 2008

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DATE: August 26, 2008
CONTACT PERSON: Braxton B. Copley, Acting City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: Three Mile Extraterritorial Jurisdiction **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City Attorney's office to take all appropriate legal action necessary to protect the City of Topeka's ability and authority to regulate subdivision of land in its three-mile extraterritorial jurisdiction.

(Approval would direct and authorize the City's Legal Department to take all appropriate legal action to protect the City's ability and authority to regulate land use in the three-mile extraterritorial jurisdiction.)

POLICY ISSUE:

Whether to challenge the action of the Shawnee County Board of Commissioners wherein it attempted through amendment to its zoning regulations to exempt certain land from the City's subdivision regulation.

STAFF RECOMMENDATION:

Adopt the resolution.

BACKGROUND:

In October 2006, the Board of Commissioners of Shawnee County amended its zoning regulations to exempt certain Planned Unit Development (PUD) to be exempt from the platting requirement which had the effect of exempting from the City's subdivision authority certain lands in the unincorporated portions of Shawnee County which lie in the City's three mile extraterritorial jurisdiction pursuant to K.S.A. 12-750 and 752.

Subsequent to the change in the zoning regulations, the Board of County Commissioners approved a PUD for Greenridge Estates located at the SW corner of SW 29th Street and SW Auburn Rd. The change in zoning increased the total number of lots in the plat from 98 to 163. Thus, the zoning action had the effect of excluding the City from consideration of the replat of this tract of land.

BUDGETARY IMPACT:

City will incur the costs and attorneys' fees estimated to be \$20,000.

Item #25

SOURCE OF FUNDING:

Legal department's budget.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City Attorney's office to take all appropriate legal action necessary to protect the City of Topeka's ability and authority to regulate subdivision of land in its three mile extraterritorial jurisdiction.

WHEREAS, the City of Topeka has pursuant to K.S.A. 12-750 adopted subdivision regulations in the three mile extraterritorial jurisdiction (ETJ) as codified in Topeka City Code § 134-2; and

WHEREAS, the Board of Commissioners of Shawnee County, Kansas has adopted Home Rule Resolution No. 2007-6, which amends its zoning regulations to exclude certain cases from the requirement to submit a plat of subdivision which if left unchallenged, would have the effect of exempting the portion of unincorporated Shawnee County, Kansas which lies within the City's ETJ from the City's subdivision regulation; and

WHEREAS, the Charter Resolution No. 2007-6 attempts to eliminate the City's ability to regulate the subdivision of land in the City's three mile ETJ or to participate jointly in the creation of subdivision regulations in the three mile ETJ under the provisions contained in K.S.A. 12-750; and

WHEREAS, Shawnee County's Charter Resolution No. 2007-6 attempts to impair the City of Topeka's ability to regulate the subdivision of land pursuant to K.S.A. 12-750 and K.S.A. 12-752 as well as to determine its local affairs in contravention of K.S.A. 19-101(a)(5).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the City Attorney's office is hereby directed and authorized to take all appropriate legal action, including filing suit, seeking injunctive or declaratory relief, seeking judgment, and appeal therefrom necessary to protect the City of Topeka's ability and authority to regulate land use in its three mile ETJ.

29 PASSED and APPROVED by City Council _____.

30 CITY OF TOPEKA, KANSAS

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36 William W. Buntten, Mayor

37 ATTEST:

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Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 8, 2008

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DATE: August 26, 2008
CONTACT PERSON: Braxton B. Copley, Acting City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Ice **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to documents concerning the agreement with Topeka Ice, Inc., and authorizing a one-year extension for Topeka Ice to complete its ice skating facility.

(Approval would grant a one-year extension of the agreement beginning November 1, 2008 and ending on November 1, 2009.)

POLICY ISSUE:

Whether or not to grant the one year extension and authorize the City Manager to execute deeds and mortgage releases.

STAFF RECOMMENDATION:

Adopt and approve resolution.

BACKGROUND:

Topeka Ice, Inc. has requested additional time to complete construction of its ice skating facility.

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

[Resolution](#)

[Quit Claim Deed](#)

Item #26

[Release of Mortgage](#)

[Quit Claim Deed -To City](#)

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to
4 documents concerning the agreement with Topeka Ice, Inc. and
5 authorizing a one year extension for Topeka Ice to complete its ice
6 skating facility.
7

8 WHEREAS, Topeka Ice, Inc. has requested additional time to complete construction
9 of its ice skating facility which is governed by contracts, deeds and mortgage instruments;
10 and

11 WHEREAS, the City Council is agreeable to extending the deadline for completion
12 of the construction of the ice skating facility until November 1, 2009, provided new deeds
13 are executed and the prior mortgage is released

14 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
15 TOPEKA, KANSAS, that Topeka Ice, Inc. shall be granted a one year extension from
16 November 1, 2008, until November 1, 2009, to complete the construction of the ice skating
17 facility that is the subject of a contract and mortgage between Topeka Ice, Inc. and the City
18 of Topeka.

19 BE IT FURTHER RESOLVED, that the City Manager is directed to sign all such
20 deeds and mortgage releases to insure that if the ice skating facility is completed by
21 November 1, 2009, that it will be transferred to Topeka Ice, Inc. only restricted to being
22 used as an ice skating facility or public recreational facility for ten years thereafter, at no
23 cost to Topeka Ice, Inc.
24

25 ADOPTED and APPROVED by the City Council _____.

26 CITY OF TOPEKA, KANSAS

27

28

29

30

31

William W. Bunten, Mayor

32

33 ATTEST:

34

35

36

37

38 _____
Brenda Younger, City Clerk

Property Address: 400 SE 8th Avenue, Topeka, Kansas 66603

CORPORATION QUIT CLAIM DEED

THE GRANTOR, The City Of Topeka, Kansas

a municipal corporation duly incorporated and existing under the laws of the State of Kansas, and having its principal place of business in the State of Kansas,

Hereby conveys and quitclaims to Topeka Ice, Inc.
all the following REAL ESTATE in the County of SHAWNEE and the State of KANSAS, to-wit:

Lots 226, 228, 230, 232, 234, 236, 238 and 240 on Madison Street; Lots 227, 229, 231, 233, 235, 237 and 239 on Jefferson Street; and Lots 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190 and 192 on Eighth Avenue East, all in Holliday's Addition to the City of Topeka, Shawnee County, Kansas, commonly known as and described as 400 SE 8th Avenue, Topeka, Kansas.

For the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged. This conveyance is made subject to easements, restrictions, reservations and covenants, if any, now of record and the following, which will run with the land:

If construction of an indoor ice rink/ice skating facility is not complete by November 1, 2009, the property shall revert to the Grantor herein in fee;

If the property is not utilized exclusively as an indoor ice rink/ice skating facility or for public recreation purposes for the ten (10) years following the completion of the construction of the ice rink/ice skating facility, the property shall revert to the Grantor herein in fee.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this _____ day of _____, 2008.

Topeka, Kansas

By: _____
Norton N. Bonaparte, Jr. City Manager and
CEO

=====

STATE OF KANSAS, SHAWNEE COUNTY, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Norton N. Bonaparte, Jr., City Manager of the City of Topeka, a Kansas municipal corporation, on behalf of the city.

Notary Public

My Appointment Expires: _____

RELEASE OF MORTGAGE

IN CONSIDERATION of the receipt of one dollar and other good and valuable consideration, the City of Topeka , a municipal corporation, does hereby release all encumbrance(s) or lien(s) made by Topeka Ice, Inc., in favor of the City of Topeka, a Municipal Corporation dated October 30, 2006 and recorded in Book 4422 at Page 24 of the records of Shawnee County, Kansas, covering the following described real estate:

Lots 226, 228, 230, 232, 234, 236, 238 and 240 on Madison Street; Lots 227, 229, 231, 233, 235, 237 and 239 on Jefferson Street; and Lots 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190 and 192 on Eighth Avenue East, all in Holliday's Addition to the City of Topeka, Shawnee County, Kansas, commonly known as and described as 400 SE 8th Avenue, Topeka, Kansas.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument this ____ day of _____, 2008.

The City of Topeka, a Municipal Corporation

By: _____
Norton N. Bonaparte, Jr., City Manager and CEO

STATE OF KANSAS)
) SS
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Norton N. Bonaparte, Jr., who is personally known to me to be the same person who executed the foregoing agreement, and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Notary Public

My appointment expires: _____

Property Address: 400 SE 8th Avenue, Topeka, Kansas 66603

CORPORATION QUIT CLAIM DEED

THE GRANTOR, Topeka Ice, Inc.

a corporation duly incorporated and existing under the laws of the State of Kansas, and having its principal place of business in the State of Kansas,

Attachment number 4
Page 1 of 1

Hereby conveys and quitclaims to **The City of Topeka, a Municipal Corporation,**

all the following REAL ESTATE in the County of SHAWNEE and the State of KANSAS, to-wit:

Lots 226, 228, 230, 232, 234, 236, 238 and 240 on Madison Street; Lots 227, 229, 231, 233, 235, 237 and 239 on Jefferson Street; and Lots 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190 and 192 on Eighth Avenue East, all in Holliday’s Addition to the City of Topeka, Shawnee County, Kansas, commonly known as and described as 400 SE 8th Avenue, Topeka, Kansas.

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this _____ day of _____, 2008.

Topeka Ice, Inc.

By: _____
Michael G. Eichten, President

=====

STATE OF KANSAS, SHAWNEE COUNTY, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by _____, _____ President of _____, a Kansas corporation, on behalf of the corporation.

Notary Public

My Appointment Expires: _____



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 12, 2008

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DATE: August 26, 2008
CONTACT PERSON: JIM LANGFORD/KEJ **DOCUMENT #:**
SECOND PARTY/SUBJECT: WEEKLY EXPENDITURES **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 4, 2008, through August 10, 2008, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period August 4, 2008, through August 10, 2008, in the amount of \$2,005,330.03.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 4, 2008, through August 10, 2008, and enumerating said expenditures herein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 105 vendor checks written in this period	\$1,722,025.61
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	283,304.42
	Total net payroll to employees this period	000.00
	Total payroll related electronic transfers this period	<u>000.00</u>
	Total for expenditures in this period	<u>\$2,005,330.03</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

[Back](#) [Print](#)

DATE: August 26, 2008

CONTACT PERSON: Mayor William W. Bunten **DOCUMENT #:**

SECOND PARTY/SUBJECT: TPAC and Topeka Cemetery Funding **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: 08/26/08 Approved Resolution **JOURNAL #:** 08

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Mayor William W. Bunten, authorizing the transfer of monies within the general fund from Police Department to non-departmental Contributions to Agencies Program.

The resolution was added to the agenda at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

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DATE:	August 26, 2008		
CONTACT PERSON:	John Alcala	DOCUMENT #:	
SECOND PARTY/SUBJECT:	TPAC Fund	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous		
CIP PROJECT:	No		
ACTION OF COUNCIL:	08/26/08 Withdrawn from the agenda.	JOURNAL #:	08
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Alcala relating to Topeka Performing Arts Center funding.
The resolution was added to the agenda at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

[Back](#) [Print](#)

DATE: August 26, 2008

CONTACT PERSON: John Alcala **DOCUMENT #:**

SECOND PARTY/SUBJECT: Utility Franchise Fee Refund Program 2008 **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: 08/26/08 First and Final Reading. **JOURNAL #:** 08

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember John Alcala, amending City of Topeka Code Section 146-17, as amended by Section 1 of Ordinance No. 19129 concerning the utility franchise fee refund program and specifically repealing said original section. First and Final Reading.

The emergency ordinance was added to the agenda at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 18, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Miriam Berke **DOCUMENT #:**
SECOND PARTY/SUBJECT: Building Code/ Board of Building and Fire Appeals **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 026 Buildings and Building Regulations
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 26-138 concerning the Board of Building and Fire Appeals and specifically repealing said original section. First Reading.

(Approval of the ordinance would bring current city code into compliance with the original intent of the code section creating the Board of Building and Fire Appeals by providing for seven members.)

POLICY ISSUE:

This ordinance will bring current city code into conformance with the original intent of the code section creating the Board of Building and Fire Appeals by providing for seven members.

STAFF RECOMMENDATION:

Adopt the ordinance.

BACKGROUND:

No city employee may serve as a voting member on the Board of Building and Fire Appeals (BBFA) as a result of the adoption of the charter ordinance changing the form of government. The BBFA previously had a city council member which served on the board. Current code specifies the board shall consist of seven members. With the elimination of the city council position it is restricted to six, because it specifies the number of professionals per discipline. This will provide for appointment of the full membership.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

Item #31

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 26-138 concerning the board of building and fire appeals and specifically repealing said original section.

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

Section 1. That section 26-138, Board of building and fire appeals, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Board of building and fire appeals.

(1) There is hereby created a board of building and fire appeals consisting of seven members appointed by the mayor and confirmed by the council. The members of the board shall ~~include two engineers, two architects licensed by the state board of technical professions, a general contractor and a person regularly employed in the building trades~~ be currently licensed or engaged in or have substantial past experience in the following fields or professions: licensed professional engineer, licensed architect, licensed commercial contractor, or other experienced professional working in a field related to building construction. The board shall always consist of at least two (2) engineers, two (2) architects, and one (1) contractor. Members shall serve a two-year term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The city attorney, fire marshal and development services director or their designees shall serve as nonvoting ex officio members of the board. The development services director or his or her designee shall serve also as secretary of the board. Copies of current adopted codes will be made available to board members.

29 (2) The board of building and fire appeals shall adopt reasonable rules and
30 regulations for conducting its investigations and shall render all decisions and findings in
31 writing to the development services director and the fire chief with a duplicate copy to
32 the appellant.

33 (3) The board of building and fire appeals shall determine the suitability of
34 alternate materials, methods and type of construction and provide for reasonable
35 interpretations of the provisions of the Commercial and Residential Building Codes,
36 Building Conservation Code, the Fire Code and Life Safety Code, as adopted by the
37 council. The board shall be empowered to hear and determine interpretations of the
38 codes and to permit variances from the code provisions in certain cases or situations in
39 accordance with the purposes and intents of the code. A variance shall not be granted
40 except in those situations, as determined by the board, that will not endanger life or
41 limb, health, property or public welfare. Where a variance is sought with respect to a
42 structure registered, or eligible for registration, with either the National Register of
43 Historic Places or the Register of Historic Kansas Places, or listed with the Kansas
44 State Inventory of Historical Sites, the board shall specifically consider the structure's
45 historic significance in reaching its decision, exerting an affirmative effort to preserve the
46 structure's quality in effecting any necessary changes. Pursuant to this goal, the board
47 shall request the opinion of the Director of the Historic Preservation Department of the
48 State Historical Society.

49 (4) An exception or variance relating to the commercial and residential
50 building codes and building conservation code, may be vetoed by the development
51 services director. An exception or variance relating to the Fire Code and Life Safety

Code may be vetoed by the fire chief. Requests for exceptions or variances which have been denied and matters vetoed may be appealed to the council by filing within ten days of the effective date of the denial or veto, in writing, with the city clerk, a request for a hearing before the council. Within five days of the receipt of this request for a hearing, the council shall give notice of a public hearing to be held in not less than five days nor more than ten days after service of the notice on the person requesting the hearing.

(5) The board of building and fire appeals may request other boards and commissions of the city, including the electrical, mechanical or plumbing boards to provide technical assistance and recommendations. In addition, the board of building and fire appeals shall require substantiating data or tests to determine the suitability and feasibility of allowing the variance requested by the applicant.

(6) The person requesting the variance relating to the Commercial or Residential Building Codes or the Building Conservation Code adopted by the council shall at such person's expense conduct tests and have these tests verified showing that the variance requested will not endanger life or limb, health, property or public welfare. Such tests shall have been conducted before the hearing unless the board asks for additional testing pertaining to relevant circumstances that may affect the decision made by the board.

(7) A filing fee of \$100.00 shall be paid in advance by any party appealing to the board.

Section 2. That original section 26-138 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 18, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Miriam Berke
SECOND PARTY/SUBJECT: Building Code
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 026 Buildings and Building Regulations
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., City Manager amending City of Topeka Code Sections 26-116 and 26-283, concerning building codes, and specifically repealing said original sections and Section 70-196. First Reading.

(Adoption would eliminate duplication of language contained within Chapter 26 Buildings and Building Regulations and Chapter 70 Fire Prevention and Protection.)

POLICY ISSUE:

Adoption would eliminate duplication of language contained within Chapter 26 Buildings and Building Regulations and Chapter 70 Fire Prevention and Protection.

STAFF RECOMMENDATION:

Adopt the ordinance.

BACKGROUND:

Chapter 26 §26-116 currently references all building, trade, and fire codes which are adopted separately in other sections of Chapter 26 Buildings and Building Regulations and Chapter 70 Fire Prevention and Protection. This ordinance eliminates duplication and the need to modify this code section each time a new building, trade, or fire code is adopted. The ordinance also strikes language referencing Large facilities since those regulations are contained within the 2006 International Building Code and International Fire Code.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

Item #32

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., City Manager amending City of Topeka Code § 26-116 and § 26-283, concerning building codes, and specifically repealing said original sections and § 70-196.

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

WHEREAS, the City of Topeka recently adopted the International Building Code and references to the Uniform Building Code in various sections of the City of Topeka Code Book need to be updated.

Section 1. That § 26-116, Adoption of Building Codes, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adoption of Building Codes.

That the City of Topeka adopts the following building codes: International Building Code, 2006, first printing January 2006, as amended; ~~International Residential Code for one and two family dwellings, 2003 Edition as adopted in part and as amended;~~ Uniform Code for Building Conservation, 1997 edition, as amended; ~~National Electrical Code, 2005 edition; Uniform Plumbing Code, 2000 edition, as amended; Uniform Mechanical Code, 1997 edition, as amended; Uniform Fire code, 1997 edition, as amended, and Life Safety Code, 1991 edition, as amended.~~

Section 2. That § 26-283, Adoption of rules and regulations, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adoption of rules and regulations.

The director of public works or his or her designee shall have the authority to promulgate such rules and regulations as are necessary to carry out the purposes of the

IRC. Reference may be made to the currently adopted ~~Uniform~~ Building Code for guidance and clarification.

Section 3. That § 70-196, Large facilities, of the Code of the City of Topeka, Kansas, is hereby repealed:

~~Large facilities.~~

~~(a) This section applies to residential board and care occupancies providing sleeping accommodations for 16 or more residents. Large facilities shall meet the requirements of the currently adopted Uniform Building Code. For prompt and moderate evacuation capability, R-1 standards shall apply. For slow and impractical evacuation capability, I-1 standards shall apply.~~

~~(b) The requirements of this section are applicable to new construction or existing buildings.~~

~~(c) Emergency lighting for large facilities shall be required in accordance with NFPA standards 70.~~

~~(d) Smoke alarm systems as per NFPA standards (72A) shall be required in large facilities.~~

~~(e) The address of large facilities shall be visible from the street on a contrasting background with numbers at least six inches in height.~~

Section 4. That original City of Topeka Code § 26-116 and § 26-283 are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 24, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Mark Schreiner
SECOND PARTY/SUBJECT: Improvement of Fire Stations Nos. 1, 6 and 7
CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 004 Public Improvements
CIP PROJECT: Yes
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #: T-131007.00 (HTE 131700)
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-131007.00 (HTE 131700), which provides for upgrades to Fire Station Nos. 1, 6 and 7, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District Nos. 2 and 6)

(Authorizing \$318,240 for the professional design and construction services to Fire Station No. 1 located at 934 NE Quincy; Fire Station No. 6 located at 1419 NE Seward; and Fire Station No. 7 located at 1215 SW Oakley. The project would be funded through general obligation bonds.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Project Budget and Ordinance as presented.

BACKGROUND:

Fire Stations #1, #6, and #7 were all built in 1935 and are in major need of kitchen and restroom upgrades to comply with the current ADA standards and building codes. This project consists of providing professional design and construction services for complete upgrades to the existing kitchens and restrooms at each Fire Station. The upgrades will include high efficient plumbing and electrical fixtures, cabinetry, and general carpentry work to complete this project and comply with current ADA standards.

BUDGETARY IMPACT:

Project Budget = \$318,240.00 from General Obligation bonds.

This project was adopted in 2008 of the Capital Improvement Budget. The project cost is the same as the \$318,240.00 in the adopted budget. The total debt service cost for the project, principle and interest, spread over 20 years will be \$521,610.00 for the \$318,240.00 in General Obligation bonds.

SOURCE OF FUNDING:

Funding for this project will be provided by General Obligation Bonds or any other lawfully available funds.

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Vicinity Map](#)

[Fact Sheet](#)

[Ordinance](#)

PROJECT BUDGET
Project No. T-131007.00
HTE #131700

LOCATION:

Fire Station #1
934 N.E. Quincy

Fire Station #6
1419 N.E. Seward

Fire Station #7
1215 S.W. Oakley

Contact Person: Buck Breckenridge-Kathy Petty

DESCRIPTION OF PROJECT:

This project consists of providing professional design and construction services for complete upgrades to the existing kitchens and restrooms at Fire Stations #1, #6, and #7. The upgrades will include high efficient plumbing and electrical fixtures, cabinetry, and general carpentry work to complete this project and comply with current ADA standards.

SOURCE OF FUNDS:

GOB

	City of Topeka GOB	Funding Source 2	Total
<u>COST ESTIMATE:</u>			
Construction:	\$221,131		\$221,131
Design:	\$27,641		\$27,641
Construction Services Fees:	\$22,113		\$22,113
Administrative Fees:	\$4,423		\$4,423
Right-of Way Acquisition:	\$0		\$0
Contingency Amount:	\$22,113		\$22,113
Interim Interest Plus Bond Issuance	\$20,819		\$20,819
Total:	\$318,240		\$318,240

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER: Mark Schreiner, P.E.

PROJECT: Fire Stations #1, #6, and #7 Restrooms and Kitchen
Upgrades. Project No. T-131007.00, HTE # 131700

Interest rate 5.25%
Number of Years 20

Cost of Issuance 2.00%
Temp Note interest 5.000%

Principal	\$297,421
Plus Temp Note Interest	\$14,871
Plus Cost of Issuance	\$5,948
Total Project Budget	\$318,240

Annual Debt Service **\$26,081**
Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$521,610
Difference Project Cost and Total Debt Service \$224,189

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
Bond projects	\$9,200,000
Temporary Notes--City Projects	\$7,042,840
Temporary Notes--Special Assessment Projects	<u>3,152,752</u>

Total Indebtedness \$189,480,592

Plus Project \$189,798,832

Fire Station No. 1, No. 6 and No. 7 Kitchen and Barth Upgrades Project T-131007.0



City of Topeka
GIS
Geographic Information Systems

TOPEKA
Public Works
TECHNICAL SUPPORT GROUP

Map Produced On:
July 22, 2008
Map Revised On:
Map Printed On:
July 22, 2008
By: David E. Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org



City of Topeka, Kansas GIS Data Disclaimer
While the City of Topeka, Kansas makes every effort to maintain accurate data, it is not a warranty. The City of Topeka, Kansas is not responsible for any errors or omissions in the data. The City of Topeka, Kansas is not responsible for any errors or omissions in the data. The City of Topeka, Kansas is not responsible for any errors or omissions in the data.

FACT SHEET

Fire Department Improvement Project No. T-131007.00 (HTE # 131700)
Fire Stations #1, #6, and #7 Kitchen and Restroom Upgrades

General Nature of Improvements:

This project consists of providing professional design and construction services for complete upgrades to the existing kitchens and restrooms at Fire Stations #1 (934 N.E. Quincy), #6 (1419 N.E. Seward), and #7 (1215 S.W. Oakley). The upgrades will include high efficient plumbing and electrical fixtures, cabinetry, and general carpentry work to complete this project and comply with current ADA standards.

Project Engineer: Mark B. Schreiner, P.E.

Fire Department Project Manager: Buck Breckenridge and Kathy Petty

Construction Inspection:

This will be by the project engineer and project manager. All discipline inspections will be by the appropriate City of Topeka Inspection department personnel. (Not yet assigned)

Fire Department Main Contact Person: Buck Breckenridge and Kathy Petty

Construction Staking: Not required on this project.

Design Architect/Engineer: TBD - This project will be a design-bid-build project.

Cost: Project Budget = \$318,240 from General Obligation bonds. This project was adopted in 2008 of the Capital Improvement Budget. The project cost is the same as the \$318,240 in the adopted budget. The total debt service cost for the project, principle and interest, spread over 20 years will be \$521,610 for the \$318,240 in General Obligation bonds.

Financing: General Obligation Bonds

Project Schedule: Design Services are targeted for fall/winter of 2008 and construction in early 2009 pending the approval of the budget. The dates are not specific at this time.

Remarks: Fire Stations #1, #6, and #7 were all built in 1935 and are in major need of kitchen and restroom upgrades to comply with the current ADA standards and building codes. The upgrades will include high efficient plumbing and electrical fixtures.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-131007.00 (HTE #131700), which provides for upgrades to Fire Stations #1, #6 and #7, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of providing professional design and construction services for complete upgrades to the existing kitchens and restrooms at Fire Station #1, located at 934 NE Quincy; Fire Station #6, located at 1419 NE Seward; and Fire Station #7, located at 1215 SW Oakley. The upgrades will include high efficiency plumbing and electrical fixtures, cabinetry, and general carpentry work to complete this project and comply with the current Americans with Disabilities Act standards.

B. TOTAL PROJECT BUDGET COST:

\$318,240.00

C. SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds.

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

36 PASSED and APPROVED by the City Council _____.

37 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

42 ATTEST:

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47 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 5, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: Linda Voss
SECOND PARTY/SUBJECT: Highway Project
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #: 18025-00
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Street Improvement Project No. 18025-00 which provides for the removal of the free flow right turn lane on 21st Street to Arrowhead as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18388. First Reading. (Council District No. 8)

(The project is complete and went over budget by \$5,118.56 to be funded from operating funds. The final project cost for KDOT was \$218,550.12 of STP Funding and the final project cost for the City was \$49,307.56.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Revised Project Budget and Adopt the Ordinance as presented.

BACKGROUND:

The location of the highway project is SW 21st Street from I-470 to Arrowhead. The radius for the northbound to eastbound I-470 off-ramp was decreased and the free flow right turn lane was removed. The median was extended past Arrowhead. Arrowhead became a right/in right/out only intersection.

BUDGETARY IMPACT:

Total Project Budget: \$267,857.68
Increase the Project Budget: \$72,303.68
Increase City's Share of Costs= \$ 5,118.56
Original City's Share = \$44,189.00
New City's Share = \$49,307.56

SOURCE OF FUNDING:

STP Safety Project Funding: \$218,550.12

Item #34

General Obligation Bonds or	
any other lawfully available funds:	\$ 49,307.56
TOTAL:	\$267,857.68

This project is complete, we are \$5,118.56 over budget. This additional amount will be funded from operating funds. Final project cost for KDOT was \$218,550.12 of STP Funding and the final project cost for the City was \$49,307.56.

ATTACHMENTS:

[Revised Project Budget](#)

[Ordinance](#)

REVISED --- PROJECT BUDGET

Project No. 18025-00
21st Street from I-470 to Arrowhead

LOCATION:

21st Street from I-470 to Arrowhead.

DESCRIPTION OF PROJECT:

The radius for the northbound to eastbound I-470 off-ramp was decreased and the free flow right turn lane was removed. The median was extended past Arrowhead. Arrowhead became a right in/right out only.

SOURCE OF FUNDS:

In the original ordinance there was a discrepancy between the estimated cost (\$195,554) and the apportionment of costs (\$192,554) of \$3,000. While this project is complete - the City's portion went over budget by \$5,118.56. The extra funds will be transferred from Street's operating budget.

\$218,550.12 --- STP Safety Funds (thru KDOT)

\$49,307.56 --- GO bonds and other legally available funds

<u>COST ESTIMATE:</u>	City - Original	City - Revised	Other - Original	Other - Revised	Total - Original	Total - Revised
Construction:	\$15,000.00	\$20,647.68	\$135,000.00	\$183,819.11	\$150,000.00	\$204,466.79
Design:	\$25,000.00	\$25,130.75	\$0.00		\$25,000.00	\$25,130.75
Construction Service Fees:						
<i>Construction Inspection</i>	\$750.00	\$3,529.13	\$6,750.00	\$31,762.20	\$7,500.00	\$35,291.33
<i>Construction Staking</i>	\$510.00		\$4,590.00		\$5,100.00	
Administrative Fees:						
<i>Legal Dept. Admin.</i>	\$0.00		\$0.00		\$0.00	
<i>Engineering Admin.</i>	\$0.00		\$0.00		\$0.00	
Right-of Way Acquisition:	\$0.00		\$0.00		\$0.00	
Contingency Amount:	\$225.00		\$2,025.00	\$2,968.81	\$2,250.00	\$2,968.81
Temporary Notes:	\$2,704.00		\$0.00		\$2,704.00	
Total:	\$44,189.00	\$49,307.56	\$148,365.00	\$218,550.12	\$192,554.00	\$267,857.68

PUBLIC HEARING:**PROJECT AUTHORITY:**

- a. Statutes: _____
b. Ord./Res. No.: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: _____

Date: _____

PROJECT ENGINEER: Linda Voss

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 18025-00 which provides for the removal of the free flow right turn lane on 21st Street to Arrowhead as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18388.

WHEREAS, the Council of the City of Topeka adopted Ordinance No. 18388, passed and approved on February 8, 2005, which authorized Improvement Project No. 18025-00 for improvements to the right turn lane located at 21st Street and Arrowhead. This improvement project had a project budget of one hundred ninety-five thousand five hundred fifty-four dollars (\$195,554.00) to be paid for by STP Safety Project Funding and General Obligation Bonds; and

WHEREAS, the project is complete and went over budget by seventy-two thousand three hundred three dollars and sixty-eight cents (\$72,303.68); and

WHEREAS, it is necessary to amend the project budget and source of funds to include five thousand one hundred eighteen dollars and fifty-six cents (\$5118.56) to be funded by a Special Street Repair Fund and a total of two hundred eighteen thousand five hundred fifty dollars and twelve cents (\$218,550.12) to be funded by the STP Safety Project Funding.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

The radius for the northbound to eastbound I-470 off-ramp will be decreased and the free flow right turn lane will be removed. The median will be extended past Arrowhead. Arrowhead will become a right in/right out only.

B. TOTAL PROJECT BUDGET COST:

\$267,857.68

C. SOURCE OF FUNDS:

STP Safety Project Funding: \$218,550.12

General Obligation Bonds \$44,189.00

Special Street Repair Fund \$5,118.56

TOTAL: \$267,857.68

Section 2. Ordinance No. 18388 is hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 30, 2008

+ Back Print

DATE: August 26, 2008
CONTACT PERSON: David Thurbon/Bill Fiander
DOCUMENT #: V08RA/2
SECOND PARTY/SUBJECT: Team, LLC
PROJECT #:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 006 Vacations
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a 40-foot wide portion of a platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street, City of Topeka, Shawnee County, Kansas. First Reading.
(V08RA/2) (Council District No. 4)

(Approval would allow direct ingress and egress to the property from SE 29th Street.)

POLICY ISSUE:

The function of an arterial, such as SE 29th Street, is to move traffic by maintaining adequate speeds and minimizing points of conflict. Maintaining driveway spacing standards along arterials achieves fewer vehicle conflicts, fewer car crashes, and more orderly merging of traffic. This results in arterials moving traffic more efficiently and safely.

STAFF RECOMMENDATION:

The City's traffic engineer, City Planning Department, and the County Engineer recommend **disapproval** due to the reasons set forth in the attached memorandums from the City and County Engineering Departments.

If the City Council wishes to **approve** the vacation, the attached ordinance contains the following conditions: (1) Improvements must be made to SE 29th as determined and agreed to by the City and County Public Works Departments, (2) the recorded PUD and plat must be amended administratively to reflect the vacation, and (3) Shawnee County must issue a driveway permit.

The **City Planning Commission** has recommended **approval** of the vacation.

BACKGROUND:

- The property owner wishes to vacate a 40-foot wide portion of platted access control easement #85 to allow for ingress and egress from SE 29th Street in order to accommodate a retail store wanting direct access to 29th

Street.

- The PUD allowed commercial development far from the intersection of two arterials and therefore was only approved conditional to limiting access to one point (SE Beach) from SE 29th and because a new parallel road (SE 28th Terrace) would give access to all the properties of the PUD. Extension of SE 28th Terrace was also envisioned to potentially connect back to SE 29th Street thereby providing two points of access for the entire PUD from SE 29th Street. Granting a vacation would allow in essence a third point of access not planned for thereby causing more conflicts and congestion on SE 29th Street.
- This property is part of a PUD and subdivision plat, both containing the access restriction. Therefore, if the access vacation ordinance is approved by the City Council, the PUD and subdivision plat will both have to be amended. These actions can be accomplished administratively.
- This portion of SE 29th Street is outside the City limits and maintained by Shawnee County. The ultimate authority for approving access onto SE 29th Street lies with Shawnee County by virtue of issuing a driveway permit. Therefore, approval of the vacation will not have its intended effect unless Shawnee County also approves a driveway permit for SE 29th.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Aerial](#)

[Site Map and Plat](#)

[Staff Comments](#)

[Application 3 pages](#)

[Ordinance](#)

[Legal Ad](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 40' wide portion of a platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street, City of Topeka, Shawnee County, Kansas. **(V08RA/2) (Council District No. 4)**

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Team LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street within the City of Topeka, Shawnee County, Kansas:

Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas: The eastern 20' of restricted access on Lot 2 and the western 20' of restricted access on Lot 3, Block "C", Aquarian Center Subdivision along the south line of said Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and the petition is ready for determination by the Council of the City of Topeka, Kansas.

Section 3. That the Council of the City of Topeka, after being duly informed and hearing the evidence presented finds that:

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.
- c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Council of the City of Topeka does hereby find that justice requires the petition of vacation be granted and does hereby order the vacation of the below described platted access control easement located within the City of Topeka, Kansas, conditioned upon meeting the requirements of Section 7 of this ordinance:

Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas: The eastern 20' of restricted access on Lot 2 and the western 20' of restricted access on Lot 3, Block "C", Aquarian Center Subdivision along the south line of said Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street.

Section 5. That the Council of the City of Topeka finds that improvements are needed to the portion of SE 29th Street lying adjacent to this property in order to accommodate the proposed driveway approach which requires the vacation of the access control easement; the improvements may include, but are not limited to, extension of a left turn lane, widening of the roadway, lane marking and signage and modification or relocation of the stormwater drainage system, as determined by the City of Topeka and Shawnee County engineers.

Section 6. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

Section 7. This ordinance shall take effect and be in force from and after the following conditions have been met:

- a) approval by the City of Topeka and Shawnee County engineers of needed improvements set forth in Section 5., above;
- b) amendment of the Master Planned Unit Development and approval of a replat for Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas;
- c) issuance by Shawnee County of a permit to allow construction of a driveway approach

in the location within the vacated area; and

d) passage, approval and publication of this ordinance in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka _____, 2008.

William W. Bunten, Mayor

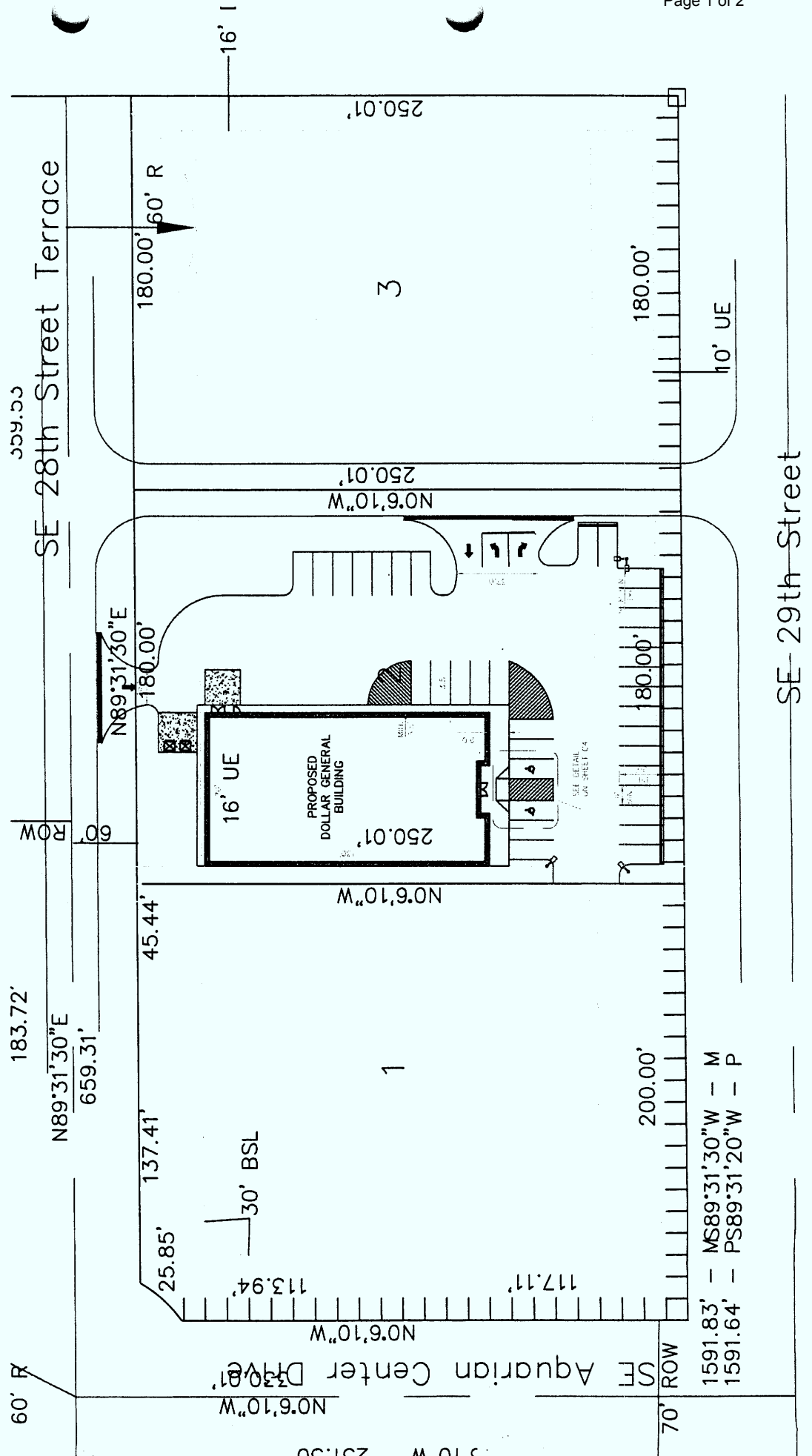
ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified __X__



V08RA/2 by Eric Dinkel, Team, LLC



City of Topeka Engineering Division

RECEIVED
APR 08 2008
TOPEKA PLANNING
DEPARTMENT

REPORT TO METROPOLITAN PLANNING STAFF

To: Dean Diediker, Planner II
From: Linda Voss, City Traffic Engineer
Date: April 8, 2008
Re: Vacation of Restricted Access Easement (V08RA/2)

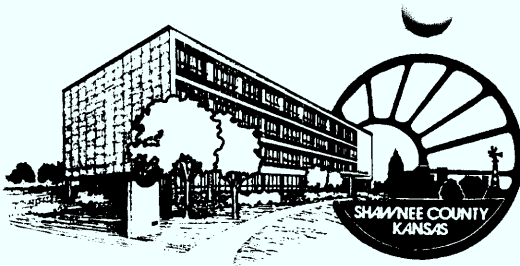
Recommendation and Comments:

1. I have reviewed the request to vacate the access control between lots 2 and 3, block C of Aquarian Center Subdivision. I recommend that this vacation not be approved.
2. As noted in the past, we should protect our streets – especially our major arterials. Each time an entrance is added to the system there are additional conflict points and the potential for safety and operational concerns. One entrance may not make a difference; however, should we not apply consistent standards our capacity and safety will continue to decrease. Breaking access control should not be taken lightly.
3. Our current spacing requirement for a major arterial is 500 feet. Should this access point be permitted it will be located approximately 380 feet from Beach Street and 200 feet from the next existing entrance to the east.
4. Beach street and this subdivision are well designed. Currently there are left turn lanes on 29th Street. Drivers using this area would take 29th to Beach to 28th Street Terrace.
5. One concern, I have been told, is truck traffic. Perhaps they could design the parking lots and the driveway between lots 2 and 3 to accommodate trucks similar to they have shown without access to 29th, or install a temporary cul-de-sac on 28th Terrace, or arrange for smaller delivery type trucks.
6. It is impossible to know the future; however, one could assume that the two residential properties to the east will ultimately go commercial. At that point, it is likely that we would need an access onto 29th, perhaps even the existing 28th Terrace would tie into 29th Street. There is approximately 1000 feet from Beach to Sonic.

7. The PUD requires that the TIA for this property be updated prior to the construction of the third building. A month or two ago I was contacted by Bartlett and West. I was asked if I would be willing to waive this requirement. I said yes. This was based on the amount of traffic currently using the development, there are two banks and a investment firm which does not generate a high volume of traffic. They are proposing pizza and barbeque which will have peak times different from the peak time on 29th Street. However, at that time I was not told of the intention to break access control; therefore, should the access control be broken that TIA should be redone at this time.
8. Thank you for the opportunity to comments, should you need more, please let me know.

cc: Braxton Copley, Eric Smith, Bill Fiander, Shawn Bruns

RECEIVED
APR 08 2008
TOPEKA PLANNING
DEPARTMENT



Shawnee County Department of Public Works

1515 N.W. SALINE STREET • SUITE 200 • TOPEKA, KANSAS 66618-2867
785-233-7702 FAX 785-291-4920

THOMAS C. VLACH, P.E.
DIRECTOR OF PUBLIC WORKS
COUNTY ENGINEER

MEMORANDUM

DATE: April 11, 2008

TO: Dean W. Diediker, Planner II, City of Topeka Planning Department

FROM: Michael M. Welch, P.E., Civil Engineer II *MMW*

RE: V08/02 Vacation of Access Control, Aquarian Center Subdivision

RECEIVED
APR 11 2008
TOPEKA PLANNING
DEPARTMENT

The Public Works Department has the following comments regarding the proposed vacation:

1. SE 29th Street is classified as a Principal Arterial. Shawnee County's design criteria require a minimum spacing of 825' between all intersections, public or private, on a principle arterial. Recent traffic counts show a volume between 9400 and 9660 vpd.

The proposed access is located 380' Easterly of SE Beach Drive, and about 665' Westerly of the access to Croco Plaza Subdivision. Four residential entrances (3440 and 3450 SE 29th Street) are located between the proposed entrance and the access to Croco Plaza. These residential entrances will be removed if and when redevelopment occurs on the two un-platted tracts.

Lots 2 and 3, Block C of Aquarian Center Subdivision currently have access onto SE 28th St Terrace; and to SE 29th Street via SE Beach Drive. A left turn lane has been constructed at the intersection of SE Beach Drive on SE 29th Street. This intersection is capable of handling the additional turning traffic with full development of Aquarian Center Subdivision.

Based on current traffic volumes, SE 29th Street is at the threshold for re-construction to a 5-lane urban standard. The proposed entrance will adversely affect the flow of traffic on SE 29th Street, which is currently constructed as a two lane rural standard. Therefore, the request to vacate restricted access is denied.

TOPEKA PLANNING DEPARTMENT	
620 SE Madison Street-3 rd Floor Topeka, Kansas 66607	Office: (785) 368-3728 Fax: (785) 368-2535

PLANNING OFFICE USE ONLY	
Date Submitted <u>3/27/08</u>	Date Advertised _____
Application No. <u>VO8RA/2</u>	Date of Public Hearing _____
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>250⁰⁰</u>	Receipt No. <u>39430</u>

APPLICATION

City Vacation of Streets, Alleys and Easements

1. Applicant(s): Eric Dinkel, Team, LLC
2. Applicant's Mailing Address: 413 SW RiverHill Dr.

City Topeka
State: Kansas
Zip: 66615
3. Telephone: Area Code: 785 No.: 969.4489

4. Legal description of property requested to be vacated as prepared by the City of Topeka
 Department of Public Works:

The eastern 20' of restricted access on Lot 2 and the western 20' of restricted access on Lot 3, Block C
Aquarian Center Subdivision, City of Topeka, Shawnee County Kansas

5. Check type of vacation: Street ☐ Alley ☐ Easement ☐ Other ☒
6. Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:
 Lots 2 and 3 Block No. C
 In Aquarian Center Subdivision _____

Metes and Bounds Description, if unplatted:

RECEIVED
 CITY CLERK
 2008 MAR 26 A 8:37
 TOPEKA, KANSAS

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate? Yes ☐ No ☒

If yes, please list said owner's name(s) and mailing address.

8. Briefly, describe the proposed development of the subject property and your reasons for vacating the property:

We are requesting that the City vacate a portion of the restricted access to allow a driveway onto SE 29th
Street to serve two lots.

9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties?

By allowing the driveway, it will improve the access to the adjacent property's. It would also allow
improved access by delivery trucks.

10. Do you concur with the retention of the subject area as an easement should the reviewing utility or public agency request such to cover existing or proposed utility lines?

N/A

11. Will any permanent structures be constructed within the area proposed for vacation?

N/A

12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions?

No, it will provide for increased access for the adjacent lots. It will be a shared driveway to serve both lots.
It would improve traffic at the intersection of SE 29th and SE Beach.

13. How are adjoining properties used?

The two lots are vacant commercial property. Future development opportunities are contingent upon obtaining the vacation request.

14. In your opinion, would the proposed vacation injure or endanger any private rights?

No

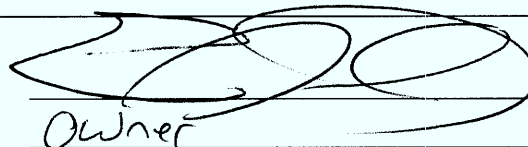
15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved?

No, it would actually increase convenience to the development with marginal safety decrease.

16. In the event this proposed vacation is to vacate street or alley right-of-way, are you aware of the applicability of the district zoning on the subject property? Please briefly explain:

N/A

Signature of Applicant(s)


Owner

(Please Attach Any Additional Information)

If the owner(s) of record is to be represented by legal counsel or an authorized agent, please complete the following so that communications pertaining to this application may be forwarded to the appropriate individual.

Name of Representative Eric J. Dinkel

Street Address _____

City _____ State _____ Zip Code _____

Telephone No. (_____) _____ Fax No. (_____) _____

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on August 8, 2008 and again on August 15, 2008.

IN THE MATTER OF THE PROPOSED VACATION OF:

A 40' wide portion of a platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29th Street, City of Topeka, Shawnee County, Kansas. **(V08RA/2) (Council District No. 4)**

NOTICE OF PUBLIC HEARING
(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Team, LLC, owners of the concerned property, praying that a 40' wide portion of the above stated platted access control easement located on said property be vacated.

The petition will be presented to the Council of the City of Topeka for hearing on September 9, 2008 at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

**BY THE GOVERNING BODY,
CITY OF TOPEKA, KANSAS**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

 [Back](#)  [Print](#)

DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

+ Back Print

DATE: August 26, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
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CONTACT PERSON:

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JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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DATE: August 26, 2008

CONTACT PERSON:

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ACTION OF COUNCIL:

JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available