



A Capital City Government Working For You...

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City Council Agenda

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

September 9, 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:**
"Suicide Prevention Week"
2. **PRESENTATIONS:**
"Police Department Quarterly Update"
3. **ROLL CALL:**
4. **CONSENT AGENDA:**

A. Resolution - USS Topeka Bell - Transfer of Ownership



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High, Unified School District 501.

(Approval would transfer ownership of the bell to USD No. 501 with the intent the bell be displayed in the Topeka High School Constitution Plaza on the east side of the school.)

B. Resolution - Santeda Redmond - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Santeda Redmond an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 3)*

(A birthday celebration will take place during the hours of 5:30 p.m. and 10:30 p.m. on September 14, 2008.)

C. Board Appointment - Board of Mechanical Examiners

BOARD APPOINTMENT recommending the re-appointment of Basil Krug to the Board of Mechanical Examiners for a term that would end September 30, 2010. *(Council District No. 2)*

D. Workers Compensation Settlement - David Hertlein

APPROVAL OF CLAIM authorizing the Workers' Compensation Settlement for David Hertlein in the amount of \$50,000.

E. MINUTES of the regular meeting of August 19, 2008 and August 26, 2008

F. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - Team, LLC (V08RA/2)



[ATTACHMENTS](#)

A PUBLIC HEARING in conjunction with vacation request V08RA/2 by Team, L.L.C., requesting 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.

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. Final Reading. *(V08RA/2) (Council District No. 4)*

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

6. UNFINISHED BUSINESS:

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



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

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

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

[ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$318,240 and **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. Final Reading. *(Council District Nos. 2 and 6)*

(Approval would provide 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. Revised Project Budget and Ordinance - Street Improvement Project No. 18025

[ATTACHMENTS](#)

A REVISED PROJECT BUDGET in the amount of \$267,857.68 and **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. Final Reading. *(Council District No. 8)*

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

E. Ordinance - Sanitary Sewer Improvement Project No. 29093-02 - Condemnation Proceedings

[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property interests by eminent domain for Improvement Project No. 29093-02, which provides for the installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant. Final Reading. *(Council District No. 2) (Deferred from the meeting of August 12, 2008.)*

(Approval would initiate condemnation proceedings to acquire property interests for the improvement project. If negotiations are successful condemnation proceedings will be terminated.)

F. Board Appointment - Topeka Planning Commission

[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Carol Torrence to the Topeka Planning Commission for a term that would end August 31, 2011. *(3-mile ETJ)(Deferred from the meeting of August 12, 2008.)*

G. Board Appointment - Topeka Planning Commission

[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of John Federico to the Topeka Planning Commission for a term that would end on August 31, 2011. *(3-mile ETJ)*

7. NEW BUSINESS:

A. Ordinance - Weekly Expenditures - August 11-17, 2008

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 11, 2008, through August 17, 2008, and enumerating said expenditures therein. First and Final Reading.

B. Ordinance - Weekly Expenditures - August 18-24, 2008

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 18, 2008, through August 24, 2008, and enumerating said expenditures therein. First and Final Reading.

C. Board Appointment - Topeka Planning Commission

 [ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Richard Beardmore to the Topeka Planning Commission for a term that would end September 30, 2011. (Council District No. 7)

8. FIRST READINGS:

A. Ordinance - Establishment of Sustainability Advisory Board

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Deborah Swank, creating Chapter 66, Article 2, in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section. First Reading.

(Approval would establish a Sustainability Advisory Board which would advise the City Council on sustainability programs.)

B. Ordinance - Kansas Public Water Supply Loan Fund Agreement Amendment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement amendment between the City of Topeka, Kansas, and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2419; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement. First Reading.

(The Utilities are transferring their borrowing authority from SRF Loan 2417 to Loan 2419. This action will not change the total SRF borrowing authority by the Utilities.)

C. Ordinance - Lateral Sanitary Sewer Improvement Project No. 40933-01 - Special Assessment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the original ordinance apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of the area near Highway 24 and Furman Road with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40933-01, as defined and described in Resolution No. 7662, adopted and approved July 12, 2005, and specifically repealing City of Topeka Ordinance No. 19104. First Reading. (Council District No. 2)

(Approval would correct an error in a parcel identification number and apportion and levy special assessments on properties located along the south side of the south frontage road of U.S. Highway 24 from the Furman Road Interceptor Sewer to approximately 1/2 mile east of NW Furman Road. 100% of the project costs will be paid by the Improvement District.)

D. Ordinance - Sacred Heart-St. Joseph Parish Autumnfest 2008

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the sale, consumption, and possession of alcoholic liquor as part of the Sacred Heart-St. Joseph

Parish Autumnfest 2008 at specified locations and times. First Reading. *(Council District No. 1)*

(Approval would allow state-licensed vendors to sell alcoholic beverages at specified locations on a portion of the 200 block of SW Van Buren Street, for possession and consumption at these locations.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: September 9, 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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JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Suicide Prevention Week"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Police Department Quarterly Update"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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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 26, 2008

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DATE: September 9, 2008
CONTACT PERSON: Norton N. Bonaparte, Jr. **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka High School **PROJECT #:**
Historical Society
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: Adopt Resolution **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High, Unified School District 501.

(Approval would transfer ownership of the bell to USD No. 501 with the intent the bell be displayed in the Topeka High School Constitution Plaza on the east side of the school.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Allow the Topeka High School Historical Society to move the bell from its present location to the Topeka High School Constitution Plaza on the east side of Topeka High School. Staff does require that USD 501 obtain an excavation permit to move the bell and cement platform. The area will be restored by USD 501's contractor.

BACKGROUND:

Topeka High School Historical Society requested to move the bell and the Topeka High School MCJROTC will maintain the bell and use it for ceremonial purposes. The USS Topeka Committee gave the bell to the City and it has been located on the easement between City Hall and the Shawnee County Courthouse for several years. The USS Topeka Committee does not have an objection to the City giving the bell to the Topeka High School Historical Society.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Resolution](#)

Item #6

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High to Unified School District 501.

WHEREAS, the City of Topeka owns and has displayed adjacent to City Hall a ship's bell from the U.S.S. Topeka; and

WHEREAS, Unified School District 501 (the "District") has requested the City of Topeka to donate the U.S.S. Topeka's Bell to the District so that it may be displayed in the Topeka High School Constitution Plaza along with the recently installed U.S.S. Constitution "Old Ironsides" spar which serves as the flagpole in the plaza.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the City hereby donates the ship's bell from the U.S.S. Topeka to U.S.D. 501 so that the bell may be displayed in the Topeka High School Constitution Plaza alongside the spar of the U.S.S. Constitution "Old Ironsides" which serves as the flag pole in the plaza.

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 25, 2008

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DATE: September 9, 2008
CONTACT PERSON: Sylvia Ortiz **DOCUMENT #:**
SECOND PARTY/SUBJECT: Santeda Redmond **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Santeda Redmond an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 3)*

(A birthday celebration will take place during the hours of 5:30 p.m. and 10:30 p.m. on September 14, 2008.)

POLICY ISSUE:

Whether or not to grant a noise exception.

STAFF RECOMMENDATION:

BACKGROUND:

A noise exception is requested for amplified music at 2301 SE Lakewood from 5:30 p.m. to 10:30 p.m. on September 14, 2008.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Santeda Redmond 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, Santeda Redmond has requested that she be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purpose, date and time described herein, and

WHEREAS, upon review of the application of Santeda Redmond, 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 Santeda Redmond is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified music provided

25 during a birthday celebration at 2301 SE Lakewood on September 14, 2008 from
26 5:30 p.m. to 10:30 p.m.

27 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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35 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2008

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DATE: September 9, 2008
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board of Mechanical **PROJECT #:**
Examiners
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Basil Krug to the Board of Mechanical Examiners for a term that would end September 30, 2010. *(Council District No. 2)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Basil Krug, 2025 NW Logan St., for a two year term on the Board of Mechanical Examiners. Mr. Krug was nominated by Councilman Alcala. There is no official attendance policy, however, Mr. Krug has attended all the meetings.

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

SOURCE OF FUNDING:

N/A

Item #8

ATTACHMENTS:

No Attachments Available



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July 28, 2008

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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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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

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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 27, 2008

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DATE:	September 9, 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:	0826/08 First Reading.	JOURNAL #:	08
		PAGE #:	

DOCUMENT DESCRIPTION:

A PUBLIC HEARING in conjunction with vacation request V08RA/2 by Team, L.L.C., requesting 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.

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. Final 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.

Item #12

BACKGROUND:

- The property owner wishes to vacate a 40-foot wide portion of platted access control easement 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](#)

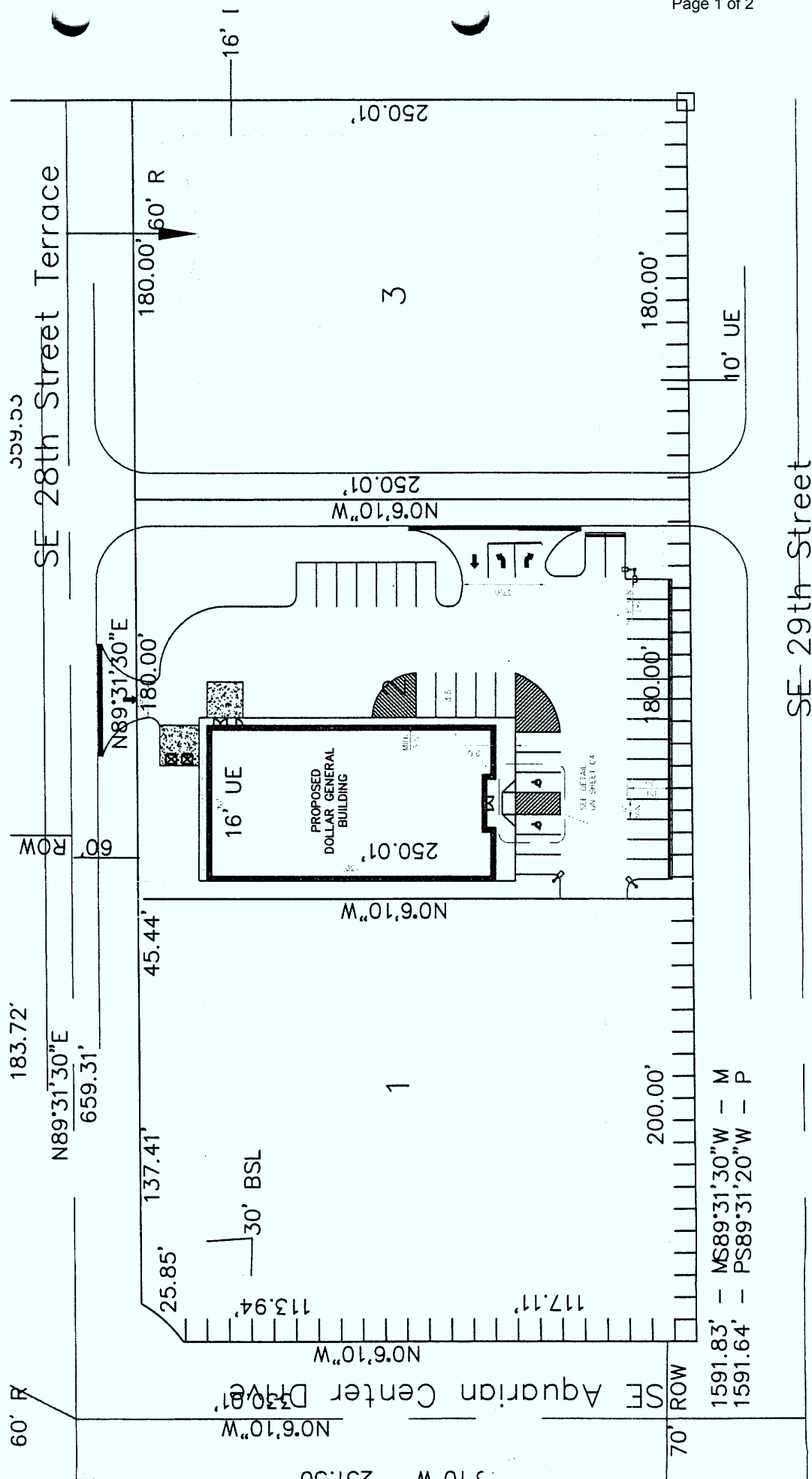
[Application 3 pages](#)

[Ordinance](#)

[Legal Ad](#)



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)

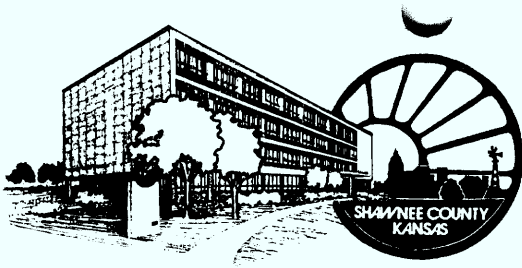
Recommendation and Comments:

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

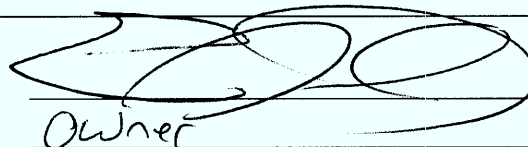
15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved?

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. (____) _____

(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__

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

August 27, 2008

+ Back Print

DATE: September 9, 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: 08/26/08 First Reading. **JOURNAL #:** 08

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. Final 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 #13

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

August 27, 2008

+ Back Print

DATE:	September 9, 2008		
CONTACT PERSON:	Miriam Berke	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Building Code	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 026 Buildings and Building Regulations		
CIP PROJECT:	No		
ACTION OF COUNCIL:	08/26/08 First Reading	JOURNAL #:	08
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 26-116 and 26-283, concerning building codes, and specifically repealing said original sections and Section 70-196. Final 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 #14

(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

August 27, 2008

+ Back Print

DATE: September 9, 2008

CONTACT PERSON: Mark Schreiner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Improvement of Fire Stations Nos. 1, 6 and 7 **PROJECT #:** T-131007.00 (HTE 131700)

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements

CIP PROJECT: Yes

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

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$318,240 and **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. Final Reading. (Council District Nos. 2 and 6)

(Approval would provide 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 and update its GIS data, it does not warrant the accuracy or completeness of 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 damages or losses resulting from the use of the data. The City of Topeka, Kansas is not responsible for any third-party claims or actions against the City of Topeka, Kansas.

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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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: September 9, 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: 08/26/08 First Reading.
DOCUMENT #:
PROJECT #: 18025-00
JOURNAL #: 08
PAGE #:

DOCUMENT DESCRIPTION:

A REVISED PROJECT BUDGET in the amount of \$267,857.68 and 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. Final Reading. (Council District No. 8)

(The project is complete and exceeded the budget by \$5,118.56 which is to be funded through City operating funds. The final project cost for KDOT is \$218,550.12 of STP Funding, and the final project cost for the City is \$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 #16

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

August 27, 2008

+ Back Print

DATE: September 9, 2008
CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**
SECOND PARTY/SUBJECT: Sanitary Sewer Improvement **PROJECT #:** 29093-02
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: 07/29/08 First Reading **JOURNAL #:** 08
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property interests by eminent domain for Improvement Project No. 29093-02, which provides for the installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant. Final Reading. (Council District No. 2) (Deferred from the meeting of August 12, 2008.)

(Approval would initiate condemnation proceedings to acquire property interests for the improvement project. If negotiations are successful condemnation proceedings will be terminated.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Ordinance.

BACKGROUND:

KSA 26-201 states that the governing body shall by ordinance authorize and provide for the acquisition of the interests to be condemned and for what purpose the same is to be used. The ordinance sets out the individual parcels and specific interests to be acquired. Negotiations are in progress to acquire the property interests for the construction of the project. If negotiations are successful, the condemnation proceedings will be terminated.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

100% of the costs to be paid by Kansas Department of Health and Environment (KDHE) State Revolving Loan Funds.

ATTACHMENTS:

[Vicinity Map](#)

[Ordinance](#)

Phillip Billard Airport - SE Strait AVE Sewer Improvement



Legend

- Purchased RW
- Perm Easement
- Temp Easement
- Parcels

1" = 200'



City of Topeka
G I S
Geographic Information Systems



Map Produced On:
July 1, 2008
Map Revised on:
July 1, 2008
Map Produced By:
David E. Fish
Engineering Tech II
785-368-3052
dfish@topeka.org

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(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property interests by eminent domain for Improvement Project No. 29093-02, which provides for the installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant.

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain lands within the City of Topeka for Improvement Project No. 29093-02, which provides for the installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant and for other public purposes including acquisition of permanent public improvement and temporary construction easements, said lands being described as follows:

Parcel No. 1

Owner of Record: Metropolitan Topeka Airport Authority
Forbes Air Base, Building 620
Topeka, KS 66619

And

Metropolitan Topeka Airport Authority
c/o Steve A. Schwarm, Esq.,
Polsinelli, Shalton, Flanigan, Suelthaus PC,
555 Kansas Avenue, Suite 301
Topeka, KS 66603-3443

Contract Purchaser: NONE

Lienholder of Record: NONE

- Party in Possession:
1. Meier Farms
c/o Robert Meier
901 NW Vail
Topeka, KS 66608
 2. Southwestern Bell Telephone Company
n/k/a AT&T
220 SE 6th
Topeka, KS 66603
- And
- Southwestern Bell Telephone Company
n/k/a AT&T
7159 San Pedro, Room 202
San Antonio, TX 78216
3. Gas Service Company n/k/a Oneok, Inc.
Legal Department
501 SW Gage Boulevard
Topeka, KS 66606

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in Lot 1, Block A in Billard Airport Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of the Northwest Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M.; thence on a plat bearing of North 0°11'21" East on the West line of said Northwest Quarter, 35.90 feet; thence North 88°15'00" East on the South line of the property of the State of Kansas, Kansas Highway Patrol, and a westerly extension of said South line, 105.06 feet to the point of beginning; thence South 0°11'21" West, 39.41 feet; thence South 0°08'42" West, 1085.24 feet; thence South 89°51'18" East, 25.00 feet; thence North 0°08'42" East, 1085.23 feet; thence North 0°11'21" East, 40.25 feet; thence South 88°15'00" West on the South line of the property of the State of Kansas, Kansas Highway Patrol, 25.01 feet to the point of beginning.

The above-described property to be acquired contains 0.646 acres, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Sanitary Sewer Easement:

A tract in Lot 1, Block A in Billard Airport Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of the Northwest Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M.; thence on a plat bearing of North 0°11'21" East on the West line of said Northwest Quarter, 35.90 feet; thence North 88°15'00" East on the South line of the property of the State of Kansas, Kansas Highway Patrol, and a westerly extension of said South line, 80.05 feet to a point on the East line of a platted 50 feet wide sanitary sewer easement, being the point of beginning; thence South 0°11'21" West on the East line of said platted sanitary sewer easement, 38.58 feet; thence South 0°08'42" West on the East line of said platted sanitary sewer easement, 1140.25 feet to the Northeast corner of a platted Storm Drainage and Sanitary Sewer Easement; thence South 31°15'26" East on the East line of said Storm Drainage and Sanitary Sewer Easement, 95.96 feet; thence North 0°08'42" East, 136.91 feet; thence North 89°51'18" West, 25.00 feet; thence North 0°08'42" East, 1085.24 feet; thence North 0°11'21" East, 39.41 feet; thence South 88°15'00" West on the South line of the property of the State of Kansas, Highway Patrol, 25.01 feet to the point of beginning.

The above-described property to be acquired contains 0.755 acres, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

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

115 PASSED and APPROVED by the City Council_____.

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William W. Bunten, Mayor

121 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 27, 2008

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DATE: September 9, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Topeka Planning Commission
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Carol Torrence to the Topeka Planning Commission for a term that would end August 31, 2011. (3-mile ETJ)(Deferred from the meeting of August 12, 2008.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Carol Torrence, 6221 SW 53rd St., to a three year term on the Topeka Planning Commission. Ms. Torrence resides in the 3 mile extraterritorial area and was nominated by Councilman Alcala.

According to the City Attorney, the only requirement for a nominee at this time is that they reside in the 3 mile extraterritorial area. All private sector requirements have been met by the current board members.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and amendments thereto. Persons appointed to the Topeka Planning Commission may be re-appointed for one additional three year term. No person shall be permitted to serve more than two full consecutive terms.

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.

Item #18

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Torrence Bio - Planning](#)

From: Carol Torrence
To: Bill Bunten
Sent: Wednesday, July 16, 2008 12:34 AM
Subject: Topeka Planning Commission nomination

Attachment number 1
Page 1 of 1

Dear Mayor Bunten,

I would very much like to serve on the Topeka City Planning Commission in the position that represents the 3 mile area surrounding the city. I have recently been involved in the process of rezoning an area near my home. I feel that my recent study of the 2025 Plan, the zoning classifications, and having a positive relationship with Planning Staff, makes me a nominee with a good basis to become a well informed, contributing member of this commission.

I grew up outside of Winfield, Kansas and have spent my adult life enjoying living in the Topeka community. My husband Chuck, and I, make our home at 6221 SW 53rd St. We have lived at this location for 15 years and we were city residents for the 14 years prior. Since coming to Topeka, I have worked in the medical community in laboratory medicine and became a registered Histotechnician HT(ASCP) in 1981. My professional experience has given me technical and management experience working within federal and state guidelines. Pursuing interests outside the laboratory such as teaching and volunteering for charitable organizations has given me opportunities to lead and work with groups.

I would be honored if I were considered, by you and the members of the City Council, for this position. I understand that this is an important assignment and one that helps to shape the quality of our community. Please review the attached overview of my work experience and education background.

Feel free to contact me for further questions. My daytime phone is 224-6205 and my home phone is 862-4654. I will be away from my desk all day on Wednesday but I may be reached at 224-6205 before 10 a.m. I will be available again beginning Thursday.

You have my permission to share this communication and its attachment as needed for this process.

Sincerely,
Carol Torrence

7/16/2008



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2008

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DATE:	September 9, 2008	
CONTACT PERSON:	Celeste Benton	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Planning Commission	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of John Federico to the Topeka Planning Commission for a term that would end on August 31, 2011. (3-mile ETJ)(Deferred from the meeting of August 12, 2008.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of John Federico, 4301 SW Aylesbury Rd., to a three year term on the Topeka Planning Commission. Mr. Federico resides in the 3 mile extraterritorial area and was nominated by Councilman Preisner.

According to the City Attorney, the only requirement for a nominee at this time is that they reside in the 3 mile extraterritorial area. All private sector requirements have been met by the current board members.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and amendments thereto.

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 #19

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Federico Bio - Planning](#)

John J. Federico, J.D.
4301 SW Aylesbury Rd
Topeka, KS 66610
478-3232
johnfed@cox.net

Professional

Owner:

Federico Consulting Inc: A Public Affairs Group

President:

Kansas Cable Telecommunications Association

Executive Director:

Leadership Kansas

Real Estate-Related Interests

Current Co-Owner:

Topeka Investment Properties, Inc.

Former Co-Owner:

Redwood Real Estate Group I

Redwood Real Estate Group II

Pertinent Boards/Committees

Community National Bank - Advisory Committee

Kansas Humanities Council

Education

B.A.: Political Science; *University of Rhode Island*

J.D.: *Washburn School of Law*

Personal

Married: Joelle; 20 years

Children: Nicole (14), Bennett (13), Hayden (9)



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 19, 2008

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DATE: September 9, 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 11, 2008, through August 17, 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 11, 2008, through August 17, 2008, in the amount of \$5,366,559.62.

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 11, 2008, through August 17, 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 424 vendor checks written in this period	\$2,522,036.41
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	142,884.38
	Total net payroll to employees this period	1,679,702.80
	Total payroll related electronic transfers this period	<u>1,021,936.03</u>
	Total for expenditures in this period	<u>\$5,366,559.62</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 26, 2008

+ Back Print

DATE: September 9, 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 18, 2008, through August 24, 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 17, 2008, through August 24, 2008, in the amount of \$444,116.98.

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 18, 2008, through August 24, 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 181 vendor checks written in this period	\$124,299.85
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	319,817.13
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	<u>000,000.00</u>
	Total for expenditures in this period	<u>\$444,116.98</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 6, 2008

+ Back Print

DATE: September 9, 2008
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Topeka Planning Commission
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Richard Beardmore to the Topeka Planning Commission for a term that would end September 30, 2011. (Council District No. 7)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Richard Beardmore, 5816 SW Clarion Ln., to a three year term on the Topeka Planning Commission. Mr. Beardmore was nominated by Councilman Preisner. The only requirement for this position is that they reside in the city limits; all private sector requirements have been met by the current board members.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and amendments thereto.

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 of the position.

BUDGETARY IMPACT:

N/A

Item #22

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Beardmore Bio - Planning](#)



Richard R. Beardmore, P.E.

523 S.W. Whitehall Lane

Topeka, Ks 66606

President and Chairman of the Board

Latimer, Sommers & Associates, P.A., Engineers

3639 SW Summerfield Drive, Suite A

Topeka, Kansas 66614-3974

785.233.3232 – Voice

785.233.0647 – FAX

rbeardmore@lsapa.com

Education:

Bachelor of Science in Architectural Engineering

Kansas State University - 1983

Mechanical and Electrical Systems

Fire Protection Engineering Graduate Coursework

Worcester Polytechnical Institute, Worcester, MA

Years of Professional Experience: 25

Active Registration:

Kansas (1987) Professional Engineer No. 10776

Licensed in 20 other states

Accreditations

LEED Accredited Professional

Professional Organizations

U.S. Green Building Council

National Fire Protection Association

American Society of Heating, Refrigeration, and Air-Conditioning Engineers

Past President, Local Chapter

Illumination Engineering Society

American Council of Engineering Companies – Partnering Committee, PAC Committee

Additional Organizations

Topeka Board of Mechanical Examiners - Chairman

Topeka Active 20-30 Club – Past President

Topeka Country Club – Past President

Topeka Ice – Board Member

Clarion Woods Property Owner's Association – Past Board Member

Clear Skies Development, L.L.C. – Chairman of the Board

Energy Management and Control Corporation – Treasurer of the Board





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2008

+ Back Print

DATE: September 9, 2008
CONTACT PERSON: Deborah Swank **DOCUMENT #:**
SECOND PARTY/SUBJECT: Sustainability Advisory Board **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 066 Environment
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Deborah Swank, creating Chapter 66, Article 2, in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section. First Reading.

(Approval would establish a Sustainability Advisory Board which would advise the City Council on sustainability programs.)

POLICY ISSUE:

Whether or not to establish a Sustainability Advisory Board.

STAFF RECOMMENDATION:

BACKGROUND:

The Ordinance establishes a nine (9) voting member Board which shall serve as an advisory board to the Council. The Board's mission is to promote environmental awareness and advocate for policies which support sustainability specifically including but not limited to environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka and to enhance the quality of life by improving the City's efforts in these areas.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

None.

ATTACHMENTS:

Item #23

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Deborah Swank. creating Chapter 66, Article II in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section.

WHEREAS, the City of Topeka desires to promote of natural resource conservation and recycling to ensure economic and environmental quality in Topeka; and

WHEREAS, the City of Topeka hereby creates an advisory board to support, strengthen and expand recycling and resource conservation activities and programs.

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

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-25, which said section reads as follows:

Sustainability Advisory Board.

There is hereby established the Sustainability Advisory Board, hereinafter referred to as the "Board." The Board shall serve as an advisory board to the Council, and shall involve volunteers and community members. The Board shall prepare and approve minutes of its meetings, and forward the same to the City Council. The Board shall adopt by-laws as deemed appropriate, provided such by-laws are not inconsistent with this article.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-26, which said section reads as follows:

Composition; appointments; terms.

31 a. Membership generally. The Sustainability Advisory Board shall consist of
32 nine (9) members.

33 b. Terms. Of the members of the Board first appointed, four (4) members
34 shall serve one (1) year terms, five (5) members shall serve two (2) year terms. The
35 mayor with the consent of the city council shall determine the terms of each appointed
36 member. Persons appointed to the Board may be reappointed for one (1) additional two
37 (2) year term. No person shall be permitted to serve more than two (2) full consecutive
38 terms as a board member. A period of at least two (2) years shall lapse prior to a
39 former member being eligible for reappointment. After the initial appointment of the
40 Board, all members shall serve two (2) year terms unless appointed to fill out an
41 unexpired term.

42 c. Qualifications of members. At least five (5) of the nine (9) board members
43 shall be currently licensed, have a degree in, be engaged in, or have substantial past
44 experience in the fields of environmental awareness, waste reduction, recycling, energy
45 conservation and/or natural resource conservation or a similar field relating to the
46 environment or conservation.

47 d. Compensation, removal. Members appointed to the Board shall serve
48 without compensation. Members may be removed without cause by a vote of two-thirds
49 (2/3) majority of the council. Members may be removed for cause by a majority vote of
50 the council. Removal for cause shall include but not be limited to the following reasons:
51 failure to attend four (4) Board meetings in one (1) calendar year or failure to attend
52 three (3) consecutive Board meetings in one (1) calendar year. In the case of death,
53 incapacity, resignation or disqualification of any member of the Board, the mayor, with
54 consent of the city council, shall appoint another person to serve for the unexpired term

of the deceased, incapacitated, resigned or disqualified member in accordance with City of Topeka Code § 2-181.

e. Ex officio nonvoting members. In addition to the nine (9) voting board members, there shall be two ex officio nonvoting members which shall be the City Attorney and the Public Works Director or their designees.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-27, which said section reads as follows:

Purpose of the Sustainability Advisory Board.

The mission of the Board is to promote environmental awareness and advocate for policies which support sustainability specifically including but not limited to environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka and to enhance the quality of life by improving the City's efforts in these areas.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-28, which said section reads as follows:

Duties of the Sustainability Advisory Board.

The Board shall advise the City staff and elected officials in the following ways:

a. Monitor and review present environmental awareness, waste reduction, recycling, energy conservation, and natural resource conservation efforts of the City.

b. Assist the City staff and elected officials to develop and establish goals and priorities for future environmental awareness, waste reduction, recycling, energy conservation, and natural resource conservation efforts.

c. Advise the City staff and elected officials on practical methods and

79 programs to reach their goals for future environmental awareness, waste
80 reduction, recycling, energy conservation, and natural resource
81 conservation efforts.

82 d. Serve as an information resource for the City staff and elected officials.
83 Receive reports on environmental awareness, waste reduction, recycling,
84 energy conservation, and natural resource conservation from staff of all
85 affected City departments.

86 e. Maintain regular communication with the City staff and elected officials
87 regarding Board activities and recommendations.

88 Section 5. That Section 1 of City of Topeka Ordinance No. 19095, is hereby
89 amended to read as follows:

90 **Establishment.**

91 The following nonstatutory boards, commissions and other plural authorities are
92 hereby established and made a part of the administrative code of the city, as authorized
93 by Charter Ordinance No. 94, § 24 [App. A, § A2-72]: Cereal Malt Beverage License
94 Review Board (TCC 10-91); Human Relations Commission (TCC 86-27); Mobile Home
95 Craftsmen Board of Examiners (TCC 98-211); Board of Electrical Appeals (TCC 26-236
96 et seq.); Board of Plumbing Examiners (TCC 26-236 et seq.); Board of Mechanical
97 Examiners (TCC 26-236 et seq.); Board of Building and Fire Appeals (TCC 26-138);
98 Board of Zoning Appeals (TCC 48-34.00 et seq.); Golf Course Advisory Board (TCC
99 102-196 et seq.); Parks and Recreation Advisory Board (TCC 102-51 et seq.);
100 Redistricting Commission (TCC 2-198); Citizen Advisory Council (TCC 42-4); Civil
101 Service Commission (TCC 106-41); Topeka Planning Commission (TCC 110-27);
102 Boards of Trustees of Fire and Police Pension Funds (TCC 106-204); Administrative

Review Board for Tax Exemptions (TCC 138-79); City of Topeka Americans with Disabilities Act Advisory Council (TCC 86-200); Sustainability Advisory Board (TCC 66-25). The council is hereby authorized to promulgate appropriate rules and regulations for such boards, commissions and authorities dealing with their organization and operation. No city employee shall be appointed to any board, commission, or plural authority unless the appointment is specifically authorized by ordinance. Unless otherwise provided, all members appointed to any board, commission, or plural authority shall be residents of the city. The mayor shall notify council members 30 days in advance of vacancies occurring on such bodies, shall solicit nominations from the council for filling such positions, and shall appoint members to such bodies from those nominated by the council. In the event no nominations are forthcoming, the mayor shall make such appointments as is in the best interest of or will best serve the mission of the board, commission, or authority. All appointments must be confirmed by the council. Unless otherwise provided for in this code, members will be appointed for a term of two years and 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.

Section 6. 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

ATTEST:

William W. Buntten, 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: September 9, 2008
CONTACT PERSON: Scott Alisoglu **DOCUMENT #:**
SECOND PARTY/SUBJECT: State of Kansas / **PROJECT #:** 28579
KPWSLF Loan Agreement
Amendment
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 146 Utilities
CIP PROJECT: Yes
ACTION OF COUNCIL: Approve and Adopt **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement amendment between the City of Topeka, Kansas, and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2419; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement. **First Reading.**

(The Utilities are transferring their borrowing authority from SRF Loan 2417 to Loan 2419. This action will not change the total SRF borrowing authority by the Utilities.)

POLICY ISSUE:

K.S.A. 65-163d established the Kansas Public Water Supply Loan Fund to achieve or maintain compliance with the Safe Drinking Water Act.

STAFF RECOMMENDATION:

Approve and Adopt

BACKGROUND:

The Safe Drinking Water Act Amendments of 1996 (PL 104-182) to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states and to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund.

BUDGETARY IMPACT:

Increase to Loan Agreement:
\$1,872,647.48

Item #24

Current Loan Agreement Amount:
\$1,746,362.00
Proposed Loan Agreement Amount:
\$3,619,009.48

However KPWLSF Proj. No. 2417, for COT Proj. No. 28566 was originally budgeted at \$5,000,000 but the final costs were only \$3,127,352.52 for a decrease of \$1,872,647.48.

SOURCE OF FUNDING:

Drinking Water Loan Fund.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News_____)

ORDINANCE NO._____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the execution of a loan agreement amendment between the City of Topeka, Kansas, and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2419; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to municipalities within the State for the payment of Projects Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Topeka, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a water system (the "System"); and

WHEREAS, the System is a public water supply system, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

Installation of approximately 7,200 feet of 18-inch PVC pipe along Indian Hills Road to resolve pressure and capacity problems; and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 to 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE and the Municipality previously entered into a loan agreement for

project No. 2419 in the amount of one million seven hundred forty-six thousand three hundred sixty-two dollars (\$1,746,362.00); and

WHEREAS, KDHE has informed the Municipality that it has approved the amendment of the prior loan agreement, approving the municipality for a loan in the amount of not to exceed three million six hundred nineteen thousand nine dollars and forty-eight cents (\$3,619,009.48) (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the First Amendment to the Loan and to enter into the First Amendment to the Loan Agreement and certain other documents relating thereto, and to take certain actions required in order to implement the First Amendment to the Loan Agreement.

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

Section 1. AUTHORIZATION OF THE FIRST AMENDMENT TO THE LOAN AGREEMENT. The Municipality is hereby authorized to accept the First Amendment to the Loan and to enter into a certain First Amendment to the Loan Agreement, with an effective date of April 17, 2008, for Kansas Public Water Supply Loan Fund Project No. 2419, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "First Amendment to the Loan Agreement") to finance the Project Costs (as defined in the First Amendment to the Loan Agreement). The city manager, and clerk are hereby authorized to execute the First Amendment to the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the city manager and the city attorney, the city manager's execution of the First Amendment to the Loan Agreement being conclusive

evidence of such approval.

Section 2. ESTABLISHMENT OF DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF LOAN. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the amended Loan. The Municipality shall collect such rates, fees, and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality, as will provide revenues sufficient to (i) pay the costs of operation and maintenance of the System, (ii) pay the principal of and the interest on the amended Loan and such additional amount as may validly become due, and (iii) pay all other amounts due at any time under the First Amendment to the Loan Agreement; provided, however, the lien of KDHE on the System revenues of the Municipality's System shall be superior to the lien on such System revenues to the Municipality's outstanding System Revenue Bonds. The obligation of the Municipality to make Loan Repayments shall be secured by a Financial Guaranty Insurance Policy issued in favor of KDHE but obtained by and at the cost of the Municipality. The Municipality has obtained a commitment from MBIA Insurance Corporation to provide the Policy herein referenced.

In accordance with the Loan Act, the obligations under the amended Loan and the First Amendment to the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. FURTHER AUTHORITY. The city manager, clerk and other city officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the ordinance, and to make alterations, changes or additions in

the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. GOVERNING LAW. The ordinance and the First Amendment to the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage and approval by the governing body of the City 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

August 7, 2008

+ Back Print

DATE: September 9, 2008
CONTACT PERSON: Robert M. Coffman **DOCUMENT #:**
SECOND PARTY/SUBJECT: Lateral Sanitary Sewer Improvement **PROJECT #:** 40933-01
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the original ordinance apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of the area near Highway 24 and Furman Road with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40933-01, as defined and described in Resolution No. 7662, adopted and approved July 12, 2005, and specifically repealing City of Topeka Ordinance No. 19104. First Reading. *(Council District No. 2)*

(Approval would correct an error in a parcel identification number and apportion and levy special assessments on properties located along the south side of the south frontage road of U.S. Highway 24 from the Furman Road Interceptor Sewer to approximately 1/2 mile east of NW Furman Road. 100% of the project costs will be paid by the Improvement District.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance for Special Assessments as presented.

BACKGROUND:

This project provides sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies needed for a complete project: part of Kaw Half Breed Reserve No. 2; Lot 1, Block A, Highway Center Subdivision; Lots 1 through 3, Block A, Mulligan Subdivision No. 3; ;Lot 1, Block A, Mosher Subdivision; and Lot 1, Block A, Heritage Tractor Subdivision.

On June 17, 2008, Council passed Ordinance No. 19104 that apportioned and levied a special assessment on lots within the Improvement District. A clerical error was made in the parcel identification number and description of one lot and needs to be corrected.

Item #25

BUDGETARY IMPACT:

FINAL PROJECT COST: \$147,106.54

Improvement District will pay 100% of the costs.

Assessments are on a square foot of area basis for all lots or individual dwelling sites which are included in the improvement district.

Total Square Feet: 1,675,426

Cost Per Square Foot: \$0.0878025

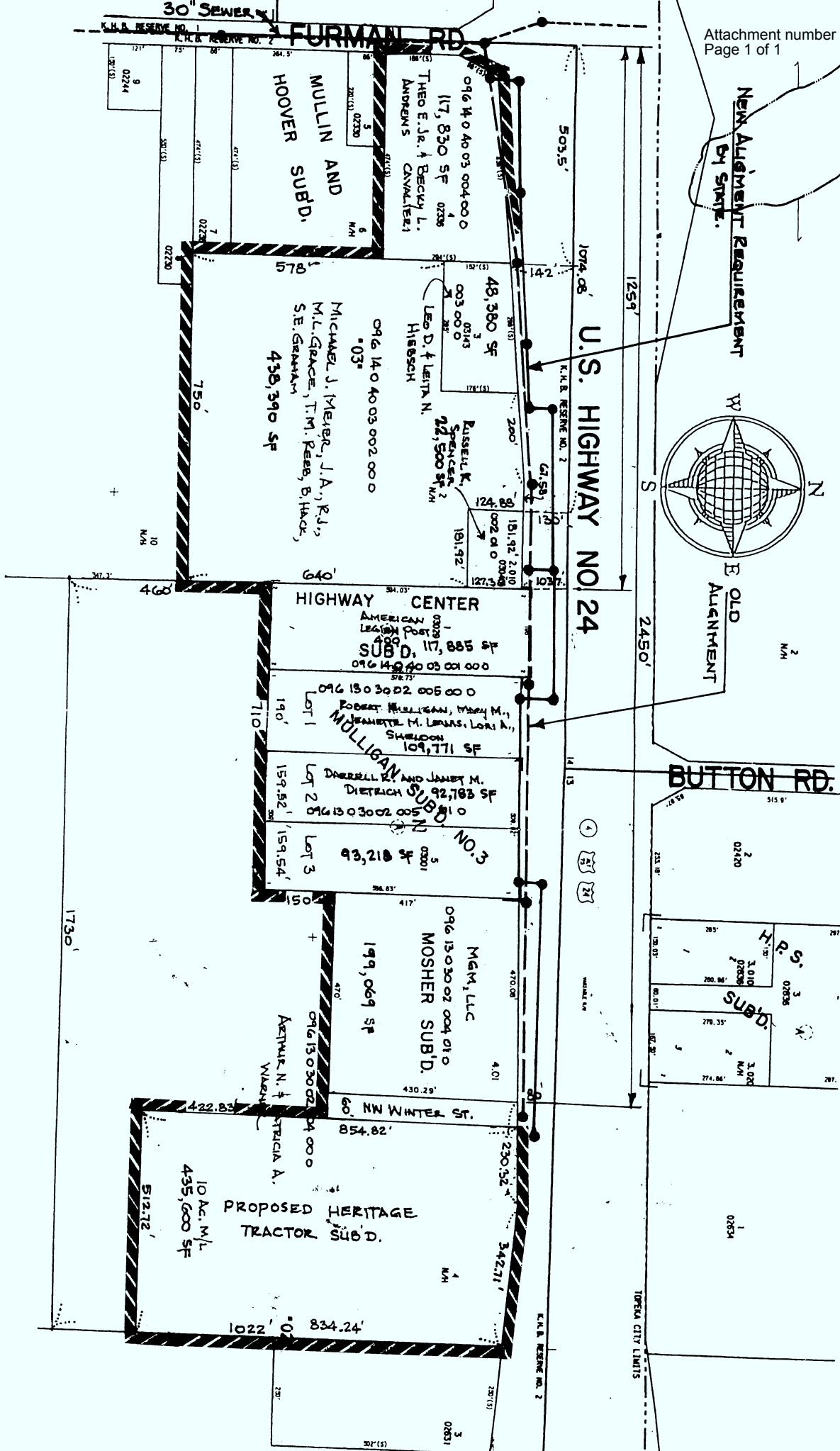
SOURCE OF FUNDING:

Improvement District will pay 100% of the costs either through direct payment or by assessments to cover debt service on general obligation bond.

ATTACHMENTS:

[Vicinity Map](#)

[Ordinance](#)



(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the original ordinance apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of the area near Highway 24 and Furman Road with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40933-01, as defined and described in Resolution No. 7662, adopted and approved July 12, 2005, and specifically repealing City of Topeka Ordinance No. 19104.

WHEREAS, on June 17, 2008, the City Council passed Ordinance No. 19104 that apportioned and levied a special assessment on certain lots and pieces of ground in the City; and

WHEREAS, due to clerical error a parcel of land not located in the special assessment district was assessed by Ordinance No. 19104; and

WHEREAS, pursuant to K.S.A. 12-6a12 the parcel identification number and description need to be corrected for a Heritage Tractor Subdivision, Block A, Lot 1.

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

Section 1. For the purpose of paying the cost of piping, manholes, engineering and all other contingencies needed to complete the project, the same being Lateral Sanitary Sewer Improvement Project No. 40933-01, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies needed for a complete project.

B. IMPROVEMENT DISTRICT:

Begin at a point on the south line of U.S. Highway No. 24 and 2,450 feet east of the west line of Kaw Half Breed Indian Reserve No. 2, said point also being the northeast corner of Mosher Subdivision; thence continuing easterly on said south right of way of Highway No. 24 for a distance of 230.32 feet; thence easterly 342.71 feet to the northeast corner of the proposed Heritage Tractor Subdivision; thence southerly on the east line of the proposed subdivision for a distance of 834.24 feet to the southeast corner of said subdivision; thence westerly 512.72 feet to the southwest corner of proposed subdivision; thence northerly 422.83 feet to a point 60 feet east of the southeast corner of Lot 1, Block "A", Mosher Subdivision; thence westerly 60 feet to southeast corner of Mosher Subdivision; thence continuing westerly on south line of said subdivision for a distance of 470 feet to the southwest corner of said subdivision, also being the east line of Lot 3 in Block "A" of Mulligan Subdivision No. 3; thence southerly to the southeast corner of said Lot 3; thence westerly along the south line of Mulligan Subdivision No. 3 and the south line of Highway Center Subdivision to the southwest corner of Lot 1, Block "A", Highway Center Subdivision; thence southerly on an extension of the west line of Highway Center Subdivision to a point 767.36 feet south of the south right of way line of U.S. Highway No. 24; thence westerly 750 feet to a point 730.00 feet southerly of the south right of way line of U.S. Highway No. 24; thence northerly 578.00 to the northeast corner of Mullin and Hoover Subdivision; thence westerly on the north line of said subdivision and it's extension westerly to the east right of way line of Furman Road; thence northerly on said right of way line to the south right of way line of U.S. Highway No. 24; thence easterly on the south right of way line of U.S. Highway No. 24 to the west line of Highway Center Subdivision; thence north 20 feet; thence easterly 198 feet to a point 20 feet north of the northwest corner of Mulligan Subdivision No. 3; thence southerly to the northwest corner of Mulligan Subdivision No. 3 and the south right of way line of U.S. Highway No. 24; thence easterly on said right of way line to the northeast corner of Mosher Subdivision and the point of beginning.

C. METHOD OF ASSESSMENT:

On a square foot of area for all lots or individual dwelling sites which are included in the improvement district.

D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$147,106.54

Improvement district will pay 100% of the costs

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

LATERAL SANITARY SEWER PROJECT NO. 40933-01

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
<i>KAW HALF BREED RESERVE NO. 2</i>		
0961404003004000	Part of Kaw Reserve No. 2; Begin 503.5' East and 142' South of Northwest Corner of said Reserve; thence South 294' (scaled); thence West 253.4'; thence South 86'; thence West 220' (scaled); thence North 252' (scaled); thence Northeasterly 98' (scaled); thence Easterly 436' (scaled) to the Point of Beginning.	\$10,345.77
0961404003002000	Beginning 1074.08' East and 130' (scaled) South of Northwest Corner of Kaw Half Breed Reserve No. 2; thence South 124.88'; East 181.92'; South 640' (scaled); thence West 750' (scaled); thence North 578' (scaled); thence East 295'; thence North 176' (scaled); thence Easterly 200' (scaled); thence East 67.58' to Point of Beginning.	\$38,491.74
0961404003003000	Part of Kaw Reserve No. 2; Point of Beginning 503.25' East and 142' South of Northwest Corner of Kaw Reserve No. 2; thence Easterly 296' (scaled); thence South 176' (scaled); thence West 295'; thence North 152' (scaled) to Point of Beginning.	\$4,247.88
0961404003002010	Beginning 1259' East and 103.70' South of Northwest Corner of Kaw Half Breed Reserve No. 2; thence South 127.36'; thence West 181.92'; thence North 124.88'; thence East 181.92' to Point of Beginning.	\$1,975.56

94 *HIGHWAY CENTER SUBDIVISION*
95 BLOCK A

96 0961404003001000 Lot 1 \$10,350.60

97 *MULLIGAN SUBDIVISION NO. 3*
98 BLOCK A

99 0961303002005000 Lot 1 \$9,638.17

100 0961303002005010 Lot 2 \$8,146.58

101 0961303002005020 Lot 3 \$8,184.77

102 *MOSHER SUBDIVISION*
103 BLOCK A

104 0961303002004010 Lot 1 \$17,478.76

105 *HERITAGE TRACTOR SUBDIVISION*
106 BLOCK A
107

0961303002004020 Lot 1 \$38,246.77

108 Section 3. Such assessments with accrued interest are hereby levied concurrent
109 with general property taxes and shall be payable in twenty (20) equal annual installments;
110 the first installment to be payable at the time of the first payment of the general property
111 taxes, following the publication of this ordinance.

112 Section 4. All assessments shall bear interest in an amount not to exceed the
113 legal rate established by law.

114 Section 5. The owner of any property so assessed may at any time prior to 30
115 days from the date of publication of this ordinance, pay the whole of the assessment
116 against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

117 Section 6. Assessments not paid prior to the date provided in Section 5 hereof,
118 shall be certified, together with interest accrued, or to accrue, by the City Clerk to the
119 County Clerk, and collected in the same manner as other taxes.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 15, 2008

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DATE: September 9, 2008
CONTACT PERSON: Lana Kennedy **DOCUMENT #:**
SECOND PARTY/SUBJECT: Sacred Heart-St. Joseph **PROJECT #:**
Parrish Aumnfest 2008
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the sale, consumption, and possession of alcoholic liquor as part of the Sacred Heart-St. Joseph Parish Autumnfest 2008 at specified locations and times. **First Reading.** *(Council District No. 1)*

(Approval would allow state-licensed vendors to sell alcoholic beverages at specified locations on a portion of the 200 block of SW Van Buren Street, for possession and consumption at these locations.)

POLICY ISSUE:

Whether or not to authorize the removal of portions of the 200 block of SW Van Buren Street adjacent to the parking lot at the northeast corner of SW 3rd and Van Buren Streets from City right-of-way to the sale, consumption and possession of alcoholic liquor.

STAFF RECOMMENDATION:

BACKGROUND:

This ordinance would remove portions of the 200 block of SW Van Buren Street right-of-way adjacent to the parking lot at the northeast corner of SW 3rd and Van Buren Streets for the sale, possession, and consumption of alcoholic liquor on the barricaded portions of these streets from 12 p.m. to 5 p.m. on September 21, 2008. The sale of alcoholic liquor at this event is regulated by the State of Kansas.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Lana Kennedy, granting Sacred Heart-St. Joseph Parish 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, Sacred Heart-St. Joseph Parish 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 Sacred Heart-St. Joseph Parish, 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 Sacred Heart-St. Joseph Parish is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified music and

26 sound during the Autumnfest celebration located at 227 SE Van Buren Street
27 during the hours of 12:00 noon and 5:00 p.m. on September 21, 2008.

28 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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35

Brenda Younger, City Clerk

36



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: September 9, 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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No Attachments Available



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ATTACHMENTS:

No Attachments Available