



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 30, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Buntten

Councilmembers

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

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

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

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

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

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

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

"None scheduled at this time."

2. PRESENTATIONS:

"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of September 23, 2008

B. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Ordinance - Topeka Planning Commission

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code Section 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section. Final Reading.

(Approval would change the number of Topeka Planning Commission members required to constitute a quorum to five (5) members instead of the seven (7) members currently required by City Code.)



[ATTACHMENTS](#)

6. NEW BUSINESS:

A. Revised Project Budget and Resolution - Zoo Improvement Project No. 30273

A REVISED PROJECT BUDGET in the amount of \$317,406 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 30273-00 which provides for the design and construction of a new zoo exhibit as more specifically described herein and rescinding City of Topeka Resolution No. 7924. *(Council District No. 9)*

(Authorizing a total revised project budget of \$317,406 to provide for the construction of the Mountain Lion and River Otter Exhibits at the Zoo. The Friends of the Zoo (FOTZ) will provide full financing of the project.)



[ATTACHMENTS](#)

B. Real Estate Report - Sumner School

A REAL ESTATE REPORT requesting approval of a real estate disposal method of the Sumner School that has been declared surplus real property by all City departments.

(The parcel is located at 330 SW Western and will be disposed of by public auction.)



[ATTACHMENTS](#)

C. Real Estate Purchase Agreement - Luz M. Salas and Esteban Acosta

APPROVAL OF REAL ESTATE PURCHASE AGREEMENT between the City of Topeka and Luz M. Salas and Esteban Acosta for the sale of surplus property located at 607 SW 2nd Street in the amount of \$700.

(Approval would authorize the adjoining property owners to purchase the parcel.)



[ATTACHMENTS](#)

D. Ordinance - Weekly Expenditures - September 8-14, 2008

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 8, 2008, through September 14, 2008, and enumerating said expenditures therein. First and Final Reading.



[ATTACHMENTS](#)

7. FIRST READINGS:

A. Ordinance - Credit Union One (V08A/2)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to a portion of a public alley located east of 610 SW Polk Street in the Original Town of the City of Topeka, Shawnee County, Kansas. First reading. (V08A/2)(Council District No. 1)

(Approval would enable the existing bank to reconfigure their drive-thru teller lanes and parking area to allow for better access.)

B. Ordinance - General Obligation Bonds, Series 2008-A

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$25,075,000 aggregate principal amount of General Obligation Improvement and Refunding Bonds, Series 2008-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the city, all as amended. First Reading.

(Approval would authorize the issuance of general obligation bonds. The proceeds would pay for a number of public infrastructure improvements that have already been approved by the Council that are completed or under construction and refund existing debt.)

C. Ordinance - North Topeka Distributed Control System (DCS) Improvement Project No. T-291001

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291001.00 (HTE 291110) for replacement of Distributed Control System (DCS) at the North Topeka Waste Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. First Reading.

(Authorizing \$1,000,000 for the replacement of the Distributed Control System (DSC) at the North Topeka Waste Water Treatment Plant.)

D. Ordinance - Northland 1 Pump Station Improvement Project T-291002

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291002.00 (HTE 291120) for replacement of Northland I Pump Station approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. First Reading.

(Authorizing \$750,000 for the replacement of the Northland 1 Pump Station located 329 NE Pine Lane. Improvements include the planning, design and construction required to replace the wetwell, pumps, controls and electrical service.)

E. Ordinance - Water Treatment Plant Improvement Project No. T-281000.03

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-281000.03 (HTE 286383) for rehabilitation of the Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. First Reading.

(Approval would authorize \$1,000,000 to provide for the rehabilitation of major components of the water treatment plant facility which are critical to the water treatment process.)

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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

DATE: September 30, 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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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

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DOCUMENT DESCRIPTION:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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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 #:

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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

September 24, 2008

+ Back Print

DATE: September 30, 2008

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

SECOND PARTY/SUBJECT: Topeka Planning Commission Quorum **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 110 Planning

CIP PROJECT: No

ACTION OF COUNCIL: 09/23/08 First Reading. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code Section 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section. Final Reading.

(Approval would change the number of Topeka Planning Commission members required to constitute a quorum to five (5) members instead of the seven (7) members currently required by City Code.)

POLICY ISSUE:

Whether or not to change the quorum requirement of the Topeka Planning Commission from seven (7) members to five (5) members.

STAFF RECOMMENDATION:

BACKGROUND:

Changing the current quorum requirement of the Topeka Planning Commission from seven (7) members to five (5) members will allow the Commission to meet and conduct business with fewer members present. Affirmative votes of all five (5) members would be required in order for the Commission to make a recommendation to the City Council

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

Item #8

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code § 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section.

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

Section 1. That section 110-35, Quorum, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Quorum.

(a) A quorum of the Topeka Planning Commission shall consist of ~~seven (7)~~ five (5) members. Except as otherwise provided by state law requiring a higher number of affirmative votes, any matter requiring that a recommendation be made to the city council shall require the affirmative votes of not less than a majority of the ~~quorum present at such meeting~~ membership of the Topeka Planning Commission. The secretary shall record all votes taken by name, indicating whether the member voted in the affirmative or negative or abstained, and a copy of such record shall be transmitted to the city council following each meeting of the Topeka Planning Commission. The planning director shall serve as secretary to the Topeka Planning Commission. The secretary shall cause a proper record to be kept of all the proceedings of the Topeka Planning Commission.

Section 2. That section 110-35 of The Code of the City of Topeka, Kansas, is hereby specifically 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 22, 2008

+ Back Print

DATE: September 30, 2008

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

SECOND PARTY/SUBJECT: Mike Coker/Topeka Zoo **PROJECT #:** 30273-00
Mountain Lion - River
Otter Exhibit

CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 004 Project Budget - Capital Project

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A REVISED PROJECT BUDGET in the amount of \$317,406 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 30273-00 which provides for the design and construction of a new zoo exhibit as more specifically described herein and rescinding City of Topeka Resolution No. 7924. *(Council District No. 9)*

(Authorizing a total revised project budget of \$317,406 to provide for the construction of the Mountain Lion and River Otter Exhibits at the Zoo. The Friends of the Zoo (FOTZ) will provide full financing of the project.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Revised Project Budget and Adopt the Resolution as presented.

BACKGROUND:

This new exhibit will be part of the North American/Kansas section for the Topeka Zoo. This project will consist of the design and construction of a Zoo exhibit containing both housing facilities and secured exterior environments for both Mountain Lions and North American River Otters. The exhibit will be approximately 4,000-5,000 square feet and designed according to AZA requirements. These exhibits will address the need to show a relationship between these Kansas predators.

BUDGETARY IMPACT:

Revised Project Budget = \$392,406 with this revised budget to cover the unexpected increase in cost of construction materials which will be paid for by FOTZ (Friends of the Zoo). This project was adopted in 2005 of the 2005-2006 Capital Improvement Budget. The project cost is higher than the \$250,000 in the adopted budget. This project will not affect the debt service to the City.

Item #9

SOURCE OF FUNDING:

Friends of the Zoo (FOTZ)

ATTACHMENTS:

[Picture-Mountain Lion exhibit](#)

[Picture-River Otter](#)

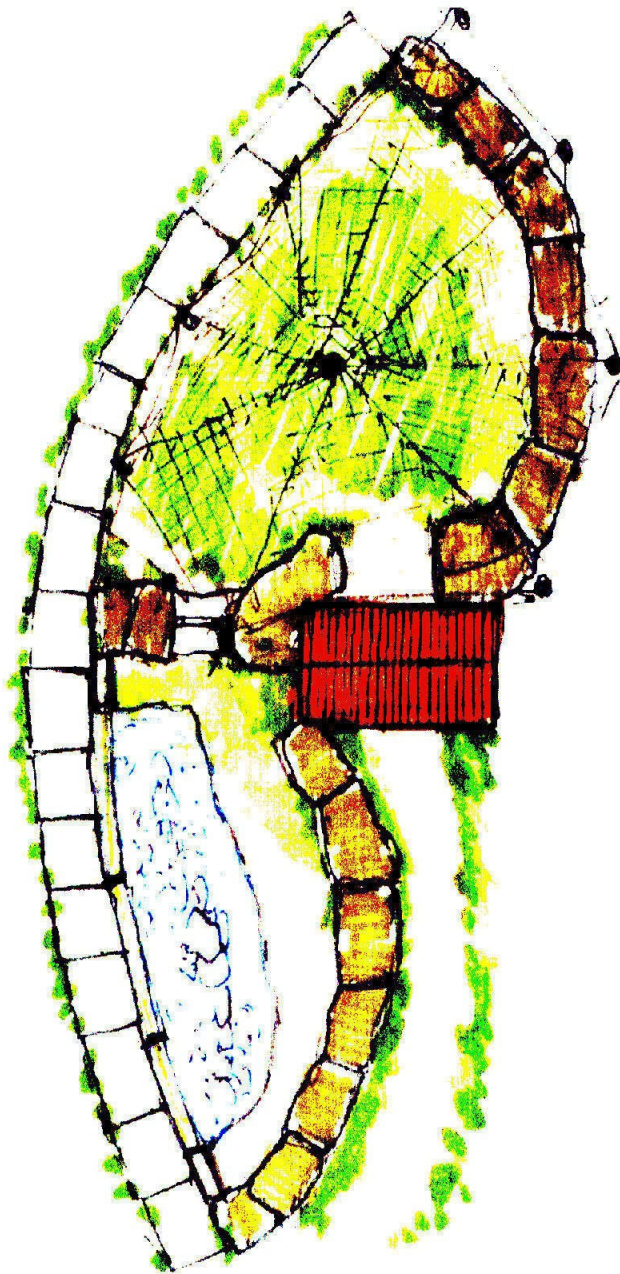
[Vicinity Map](#)

[Memorandum of Understanding](#)

[Resolution](#)

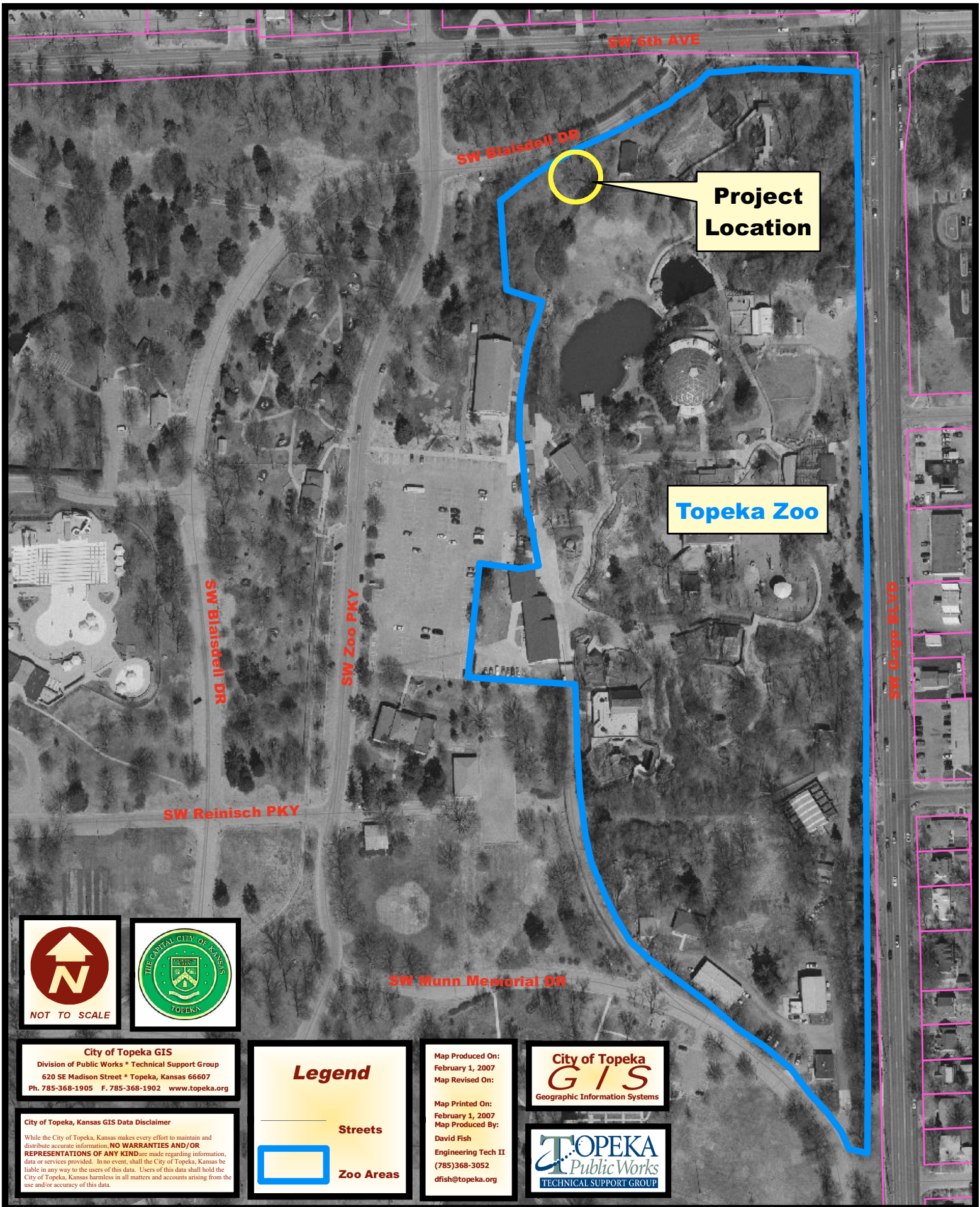
[Revised Project Budget](#)





Topeka Zoo Improvements - Project 30273-00

Attachment number 2
Page 1 of 1



NOT TO SCALE



City of Topeka GIS

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

City of Topeka, Kansas GIS Data Disclaimer

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Legend

Streets

Zoo Areas

Map Produced On:
February 1, 2007
Map Revised On:

Map Printed On:
February 1, 2007
Map Produced By:
David Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org

City of Topeka
GIS
Geographic Information Systems

TOPEKA
Public Works
TECHNICAL SUPPORT GROUP

CITY OF TOPEKA

Ord. No. 36225

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into this 17th day of ^{March}~~February~~, 2006, by and between the City of Topeka (hereinafter referred to as "CITY") and Friends of the Topeka Zoo, Inc., (hereinafter referred to as "FOTZ"); and

WHEREAS, the CITY has set forth in its Capital Improvement Plan (CIP) of 2005-2009 that it is intending on developing new exhibits and expanded exhibits and will authorize and fund at least Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to pay for these developments; and

WHEREAS, FOTZ agrees that it will seek donors and/or grants for these development Phases; and

WHEREAS, FOTZ wishes to participate in regard to these new exhibits and expanded exhibits and seeks to obtain by solicitation matching donations and or grants up to the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from January of 2006 through December of 2011 and to account to the donors and/or grantors for the use of their funds; and

WHEREAS, the CITY and FOTZ desire to set forth the conditions and requirements, which will govern the capital campaign called "ZOO TOMORROW" more specifically described hereinafter.

NOW, the CITY and FOTZ as evidenced by the signatures below agree to the following conditions and requirements:

1. The CITY as part of the Capital Improvement Plan (CIP) 2005-2009 has designated three separate development phases:

- A. *Phase I:* Animals & Man building expansion consisting of the Animals and Man, Animal Health Center and Kansas Carnivores;
- B. *Phase II:* African Canid consisting of African Canid Exhibit (hyena exhibit) and African Primate/bird exhibit;
- C. *Phase III:* Animal Kingdom Building (home for snakes, turtles, crocodiles, small mammals and lizards) and the Creatures of the Night (home for nocturnal animals).

The Capital Improvement Projects for 2005-2009 and the project titles and descriptions are attached hereto, as "Attachment A" and incorporated herein by reference.

2. The above identified developmental Phases would, upon completion, be staffed, funded and maintained solely by the CITY.

3. The city attorney will immediately upon the passage of the Capital Improvement Project (CIP) resolution, provide such resolution to FOTZ which will show that the work herein described has been approved by Topeka City Council. CITY and FOTZ agree they will work together on design, fund raising and promotional activities for these new and/or expanded facilities, specifically:

- A. CITY and FOTZ agree that for each project of each Phase of the development project set out below, FOTZ shall designate one person who will be permitted to attend meetings and participate in the process of each qualified architect for new project being chosen.
- B. CITY agrees that should there be any material changes from the original

architectural plans and construction plans in which FOTZ funds are used and that were presented to FOTZ then the CITY will provide written notice of the changes to FOTZ.

- C. CITY and FOTZ agree that upon the approval of a resolution authorizing all Phases of the development by the CITY that FOTZ will start immediately to seek donations and or grants matching the amount authorized and funded by the CITY up to the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal.
 - D. CITY and FOTZ agree that FOTZ will keep the CITY advised as to the amount of funds that have been donated and or grants approved for each Phase of the development and will notify the CITY within thirty (30) days upon FOTZ reaching its goal of the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal. The CITY agrees that Kansas Open Records laws may govern whether the name of any Donor or Grantor shall remain confidential until the Donor and or Grantor authorizes disclosure.
 - E. Upon certification in writing by the chief engineer for the City of Topeka to FOTZ that a specific Phase of the development has been completed in full and passed inspection then FOTZ will agree to tender the amount for that Phase of the development which FOTZ has agreed to participate in and if sufficient funds are not on hand at the time of completion additional funds will be paid when they become available.
4. The CITY understands and acknowledges that any donations and or grants which

FOTZ solicits for the above developments would be held by FOTZ. Should the CITY rescind, revoke or cancel this Memorandum of Understanding or rescind, revoke or cancel the agreement authorizing and funding the CITY's share of the development, or fail to fully fund any Phase of the development after being notified that FOTZ has its share of the funds on hand, then FOTZ is relieved of any obligation to assist in seeking additional donations and or grants for the remaining development phases and any remaining donations and or grants would be retained by FOTZ.

5. CITY and FOTZ agree that should FOTZ be successful in obtaining donations and/or grants in excess of the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal and the CITY has completed all Phases of the development, then FOTZ upon receipt of these additional donations will turn said donations over to the CITY for reimbursement of capital expenditures at the Zoo up to the total amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

6. This Memorandum of Understanding shall become effective upon approval by the Topeka City Council and signed by the City Manager. This Memorandum of Understanding shall expire on December 31, 2011.

Executed this 17th day of March, 2006.



CITY OF TOPEKA, KANSAS

City Manager, NORTON N. BONAPARTE, JR.

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

FRIENDS OF THE TOPEKA ZOO, INC.

APPROVED AS TO FORM AND LEGALITY DATE <u>02-22-06</u> BY <u><i>JE</i></u>
--

Vicki A. [Signature]

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 30273-00 which provides for the design and construction of a new zoo exhibit as more specifically described herein and rescinding City of Topeka Resolution No. 7924.

WHEREAS, the Council of the City of Topeka adopted Resolution No. 7924, effective on March 13, 2007, which authorized Improvement Project No. 30273-00 for the design and construction of a new exhibit at the zoo for mountain lions and river otters. The resolution was passed with a project budget of two hundred fifty thousand dollars (\$250,000.00) to be paid from by the Friends of the Topeka Zoo (FOTZ); and

WHEREAS, it is necessary to increase the project budget to cover the unexpected increase in cost of construction materials.

THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize Project No. 30273-00 with a project budget summarized herein:

A. GENERAL NATURE OF IMPROVEMENT:

This project provides for the design and construction of a zoo exhibit containing both housing facilities and secured exterior environments for both Mountain Lions and North American River Otters. This exhibit will be approximately 4,000-5,000 square feet and designed according to AZA requirements. This project will include both species housing and yard environments.

B. TOTAL PROJECT BUDGET COST:

\$317,406.00

C. SOURCE OF FUNDS:

Friends of the Topeka Zoo (FOTZ)

36 BE IT FURTHER RESOLVED that Resolution No. 7924 is hereby rescinded.
37

38 ADOPTED and APPROVED by the City Council _____.

39 CITY OF TOPEKA, KANSAS
40

41 _____
42 William W. Bunten, Mayor
43

44 ATTEST:

45 _____
46 Brenda Younger, City Clerk
47
48

REVISED PROJECT BUDGET

Project No. 30273-00

LOCATION:

Topeka Zoo
Mountain Lion and River Otter Exhibit
635 S.W. Gage Blvd.

Contact Person: Mike Coker

DESCRIPTION OF PROJECT:

This project will consist of the design and construction of a Zoo exhibit containing both housing facilities and secured exterior environments for both Mountain Lions and North American River Otters. The exhibit will be approximately 4,000-5,000 square feet and designed according to AZA requirements. This project will include both the housing and yard environment for both species.

SOURCE OF FUNDS:

FOTZ (Friends of the Zoo)

	<u>FOTZ</u>	<u>Source #2</u>	<u>Total</u>
<u>COST ESTIMATE:</u>			
Construction:	<u>239,552</u>	<u></u>	<u>239,552</u>
Design:	<u>29,944</u>	<u></u>	<u>29,944</u>
Construction Services Fees:	<u>19,164</u>	<u></u>	<u>19,164</u>
Administrative Fees:	<u>4,791</u>	<u></u>	<u>4,791</u>
Right-of Way Acquisition:	<u>0</u>	<u></u>	<u>0</u>
Contingency Amount:	<u>23,955</u>	<u></u>	<u>23,955</u>
Interim Interest plus Cost of Issuance	<u>0</u>	<u></u>	<u>0</u>
Total:	<u>317,406</u>	<u></u>	<u>317,406</u>

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.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 15, 2008

+ Back Print

DATE: September 30, 2008
CONTACT PERSON: Randy L. Speaker **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 019 Reports / 009 Real Estate
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A REAL ESTATE REPORT requesting approval of a real estate disposal method of the Sumner School that has been declared surplus real property by all City departments.

(The parcel is located at 330 SW Western and will be disposed of by public auction.)

POLICY ISSUE:

Should city council accept or reject the real estate reports and procedure for disposal.

STAFF RECOMMENDATION:

Approval of the real estate report and method of disposal as described within item "m" of the accompanying real estate report. Additionally, this includes the approval of the attached pre-bid requirements.

BACKGROUND:

All city departments have indicated they have no need for the subject real property and have declared as surplus real property. The city has attempted four (4) previous Request for Proposals (RFP) with two contracts, that did not consummate.

BUDGETARY IMPACT:

City shall be relieved of maintenance, repair, upkeep costs and property returned to the tax rolls. A minimum of \$50,000 shall reimburse the CDBG planning grant. Remaining proceeds shall go towards purchasing the City for the purchase of the building, of which \$23,034 is unfunded.

SOURCE OF FUNDING:

No costs other than auctioneer services and fees.

ATTACHMENTS:

[Report](#)

Item #10

HOUSING & NEIGHBORHOOD DEVELOPMENT REAL ESTATE DISPOSAL REPORT

- a. **Common Address:** 330 SW Western
- b. **Legal Description:** The South Half of Lot 82 and all of lots 84, 86, 88, 90, 92, 94, 96 98, 100, 102, 104, 106 and 108 on Western Avenue, and lot 83 except the North 7 ½ feet thereof, and all Lots 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105 and 107, all on Taylor Street, in the City of Topeka Shawnee County, Kansas along with the vacated alley lying between the South 7 ½ feet of Lot 99, and all lots 101, 103, 105, and 107 on Taylor Street, and South 7 ½ feet of Lot 100 and all of lots 102, 104, 106, and 108 on Western Avenue, in the City of Topeka, Shawnee County Kansas.
- c. **Owner of Record:** The City of Topeka, a Municipal Corporation
- d. **Current Zoning:** "OS-1" Open Space
- e. **Acquisition Date:** August 16, 2002

- f. **Reason City Acquired:** City support for the preservation and appropriate re-use of facility.
- g. **Previous Owner:** Topeka Public Library.
- h. **How City Acquired:** Warranty Deed
- i. **Current Use:** Historic Sumner School used for storage of City Property.
- j. **Expected Future Use:** The anticipated use is as a school, housing, or other legal, compatible use. A positive reuse of the site shall occur as the facility shall assist tourists with an exhibit and visitor area that will be placed within the lobby entrance on the southwest side of the building which shall commemorate the Historic Sumner School. Additionally, tours of the facility shall be available upon request. Buyer shall make a room available at a reasonable time upon request to accommodate the Ward Meade Neighborhood Improvement Association or its successors, at no cost. Said room shall be utilized for neighborhood meetings and shall not be unreasonably withheld.

- k. **Appraised Value:** Shawnee County Valuation \$41,980.
Robert C. Taggart & Associates, June 17, 2002 for \$46,000.

- l. **Additional Information:** This property shall be auctioned to the highest bidder subject to the following conditions.

- m. **Procedure for Disposal:** By Public Auction subject to the conditions imposed on the attached Auction of Sumner School Pre-Bid Requirements/Reserve Bid.

- n. **Financial Impact:**
The City shall be relieved of maintenance, repairs and upkeep costs. \$50,000 of the sale proceeds shall reimburse the CDBG planning grant to prevent an ineligible HUD activity.

- o. **Director HNDD Approval:** _____
- p. **Date City Manager Declared Property Surplus:** _____
- q. **Date Submitted to Governing Body:** _____

**AUCTION OF SUMNER SCHOOL
PRE-BID REQUIREMENTS/RESERVE BID**

1. If incorporated, proof that the entity is incorporated and in good standing.
2. Compliance with City Resolution 7580 that requires all city delinquent fees, fines and property taxes to be paid by the date of closing.
3. We hereby state and agree to fund the on-going maintenance and operations of the structure and grounds and to maintain same within compliance of the Topeka Codes.
4. Method of ownership including the names of all partners.
5. A description of the programs and activities that will take place in the school.
6. Execution of a "Hold Harmless" agreement in favor of the City of Topeka. This will also state that once transfer is complete, no further obligations for funding will be required of the City of Topeka.
7. Sale is subject to a deed reversionary clause without notice in that the property reverts to the City of Topeka on December 31, 2012, in the event the structure has not been fully rehabilitated and operational on or before the above date.
8. A 20% earnest money deposit to be paid on the date of sale. Balance to be paid within 45 days. In the event Buyer does not close within said 45 days, buyer forfeits said earnest money deposit and owner may offer property to the next bidder(s).
9. Purchaser must agree to follow all state and federal historic requirements and funding stipulations within the State of Kansas Grant Agreement to the City of Topeka.
10. A reserve bid of \$50,000.00 plus all buyer/seller closing costs.
11. An exhibit and visitor area will be placed within the Lobby entrance on the southwest side of building which will commemorate the Historic Sumner School. Additionally, tours of the facility shall be available upon request.
12. Buyer shall make a room available at a reasonable time upon written request to accommodate the Ward Meade Neighborhood Improvement Association or its successors, at no cost. Said room shall be utilized for neighborhood meetings and shall not be unreasonably withheld.
13. Further, buyer is accepting property as currently zoned with no guarantee of zoning change. The buyer may be required to obtain a variance from the Board of Zoning Appeals. The variance may or may not be granted and is required because the property does not currently meet the on site parking space requirements.

Parties interested in reviewing documents regarding the building may do so by contacting Kevin Rooney 785-368-3711.

The building may be made available for review and due diligence inspections at your expense, by contacting Jack Freeman 785 368-3949.

I/we _____ hereby read, understand and agree to bid with these stipulations being enforced on or after the sale and will be a part of the sales contract. Many of the above items will survive the closing and imposed on the buyer(s) in the future. Real property sales at auction are not final and subject to presentation of contract and approval by the Topeka City Council. The City Council may accept or reject any or all offers.

Sign Name

Date

Company Name

Partner

Partner

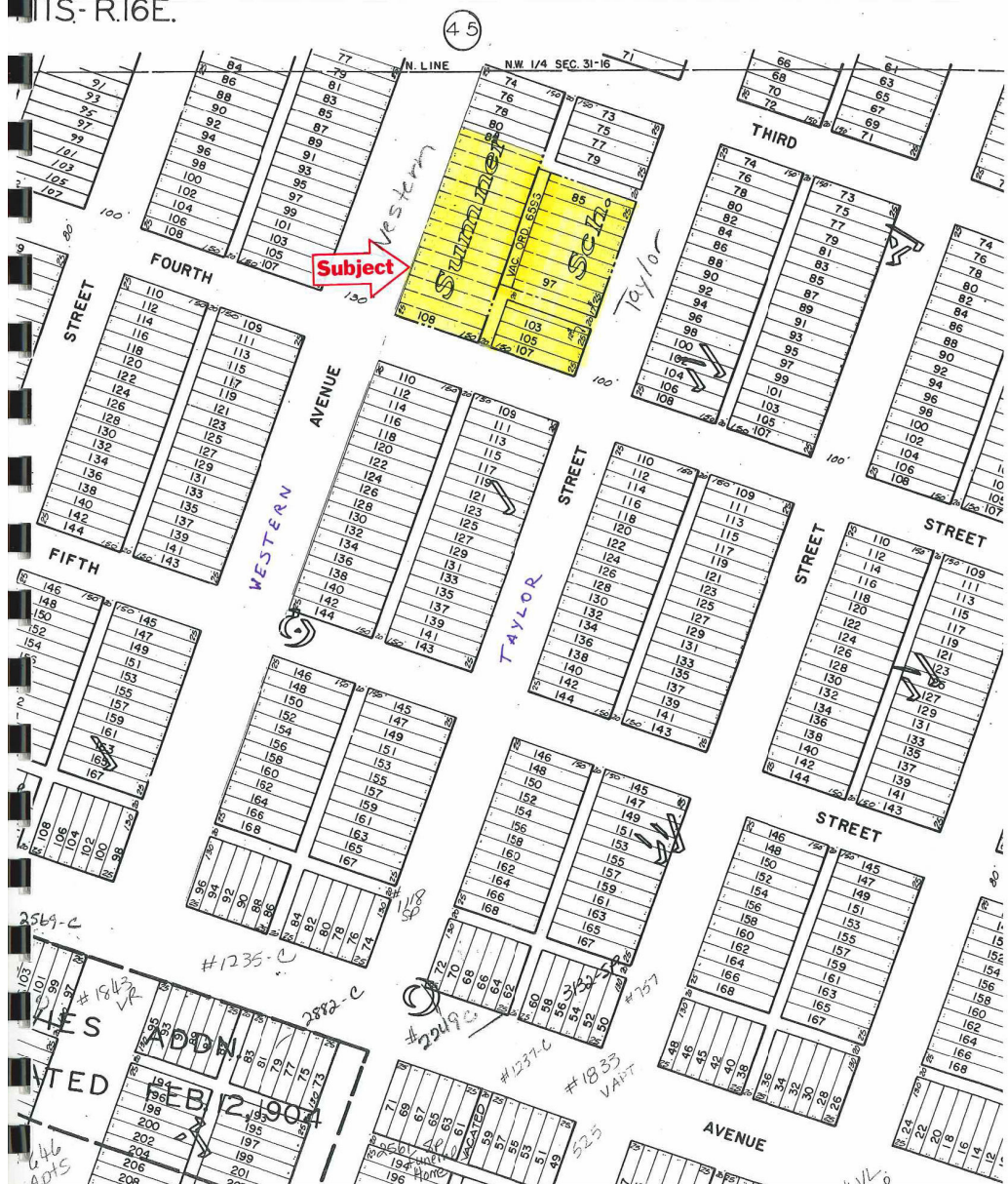
Partner

Partner



Plat Map

11S- R.16E.





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 15, 2008

+ Back Print

DATE: September 30, 2008
CONTACT PERSON: Randy L. Speaker **DOCUMENT #:**
SECOND PARTY/SUBJECT: Salas, Luz M. and Acosta, Estaban **PROJECT #:**
CATEGORY/SUBCATEGORY 019 Reports / 009 Real Estate
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL OF REAL ESTATE PURCHASE AGREEMENT

between the City of Topeka and Luz M. Salas and Esteban Acosta for the sale of surplus property located at 607 SW 2nd Street in the amount of \$700.

(Approval would authorize the adjoining property owners to purchase the parcel.)

POLICY ISSUE:

Should the city dispose of this parcel and accept the offer to purchase.

STAFF RECOMMENDATION:

Accept the offer and authorize the City Manager to execute any and all related documents in order to close the transaction.

BACKGROUND:

This property was acquired by HND for the acquisition, relocation and demolition program. This vacant lot is less than the minimum required for development under the city zoning ordinance and is without any capital improvement thereon. Therefore, the property may be sold by private negotiated sale to abutting property owners. Only one abutting property owner who responded to or surplus offer and provided a \$700.00 offer. All city departments declared as surplus and city council approved December 18, 2001.

BUDGETARY IMPACT:

Sale proceeds returned to the CDBG fund.

SOURCE OF FUNDING:

Private funds for purchase of this city real property.

ATTACHMENTS:

[Real Estate Contract](#)

Item #11



REAL ESTATE CONTRACT For UNIMPROVED LAND



Topeka Board of REALTORS®, Inc.

CONTRACT PREPARATION DATE: September 4, 2008

SELLER(S) (Name & marital status): The City of Topeka, a Municipal Corporation

BUYER(S) (Name & marital status): Luz M. Salas and Esteban Acosta

Do you want to take title in joint tenancy with right of survivorship? ☒ YES or ☐ NO

FOR GOOD AND VALUABLE CONSIDERATION, Buyer and Seller agree as follows:

1. **PROPERTY:** Seller agrees to sell and Buyer agrees to buy the following described real estate located in Shawnee County, KS:

Legal Description: (Correct legal description to appear on deed as per title evidence.) The west 70 feet of Lot 37 and the west 70 feet of the north half of Lot 39 on Tyler Street, in the City of Topeka, Shawnee County, Kansas.

commonly known and described as 607 SW 2nd Street Topeka KS 66603
(Approximate Address) (City) (State) (Zip)

2. **PURCHASE PRICE & FINANCING:** The total purchase price is (\$ 700.00) Seven hundred and 00/100 Dollars payable as follows:

(a) \$ -0- in the form of non-applicable as earnest money.
This earnest money is deposited as a good faith assurance that Buyer shall fulfill the terms and conditions of this Contract. Said earnest money shall be applied to Buyer's acquisition costs at closing.

(b) The remaining balance of the purchase price to be paid: (Check applicable box.)

☒ (i) CASH: In cash, \$ 700.00 as follows: In Certified or Cashier's Check form payable at closing.

Any applicable closing fees shall be paid by buyer

☐ (ii) ASSUMPTION OF EXISTING MORTGAGE: See attached Addendum.

☐ (iii) INSTALLMENT SALE: See attached Addendum.

☐ (iv) NEW MORTGAGE: In cash, including the proceeds of a new mortgage loan hereinafter described. This Contract is conditioned upon Buyer obtaining a written commitment for a loan on or before (date) of not less than \$ with interest at % per annum, or less, payable over a period of years, secured by a first real estate mortgage against the above described property.

Buyer shall apply for loan and make payment of loan application fees, including appraisal and credit report fees not later than five (5) days from the date this Contract is executed and shall exercise all reasonable efforts to secure the same. In the event loan commitment is not obtained, Buyer shall not be obligated to complete the purchase of the above described property. In the event repairs or requirements on subject property are necessary for Buyer to obtain the loan, Seller may elect to either comply with same or cancel this Contract.

It is expressly agreed that, notwithstanding any other provisions of this Contract, Buyer shall not be obligated to complete the purchase of the property, or to incur any penalty by forfeiture of earnest money or otherwise, if the appraised value of the property is less than the purchase price. However, Buyer may proceed with the purchase without regard to the amount of the appraised valuation.

3. **TENANT'S RIGHTS:** There are no leasehold interests or tenant's rights on the subject property, except as follows:
Non-applicable

4. **CLOSING & POSSESSION:** This Contract shall be closed on or before October 17, 2008 (date)
with possession to be delivered to Buyer on or before 3:00 P. M., October 17, 2008 (date)

5. **MARKETABLE TITLE:** Seller shall make available to Buyer prior to closing of this Contract, at Seller's expense, as evidence of marketable title, a standard owner's preliminary title insurance report, and, after closing of this Contract, a standard owner's title insurance policy that will insure Buyer against loss or damage to the extent of the total purchase price by reason of defects in the Seller's title to said real estate, subject to the exceptions below. If the Seller shall be unable to deliver marketable title as herein provided, this Contract shall be of no further force or effect.

Seller shall convey marketable title by General Warranty Deed or a deed acceptable to the title company issuing the title insurance to be delivered to Buyer at the closing of this Contract upon receipt of the total purchase price, free of all liens and encumbrances except:

- (a) Zoning, conditions, restrictions, deed restrictions, reservations, rights of way, and easements of record, if any, which do not materially affect the value or prohibit the use of the property for a legal purpose
- (b) Encumbrances created by the Buyer, (c) Installments, if any, of special assessments not yet due
- (d) Tenants rights, if any; (e) Other exceptions, if any:

6. **LIENS:** Seller shall pay all contractors, subcontractors, laborers, or suppliers for all work done or material furnished to the property prior to the closing of this Contract which might form the basis of a mechanic's lien. Seller shall indemnify and hold Buyer and real estate companies and licensees involved in this transaction harmless from any obligation for payment of any amounts by reason of any mechanic's liens which may be filed for labor performed or material furnished prior to the closing of this Contract.

7. ESCROW: Lawyers Title of Topeka

is hereby designated as escrow agent of both parties. All monies paid and to be paid, prior to the closing of this transaction, and the deed and other papers that may be delivered hereunder, shall be paid and delivered to said escrow agent, who shall hold and then pay and deliver the same to the respective parties entitled thereto upon full performance of all the terms of this Contract.

If this Contract is canceled at the option of one of the parties hereto under the provisions of paragraph 2, 5, or 15, Buyer's earnest money shall be returned to Buyer, less the cost of any reports, inspections, or other costs Buyer is obligated to pay under this Contract. Buyer agrees to pay immediately any costs that exceed the earnest money. Upon completion of disposition of the earnest money and payment of said costs pursuant hereto, this Contract shall be of no further force or effect, and all parties to this Contract and real estate companies and their agents shall be released from further liability hereunder.

Notwithstanding any other terms of this Contract providing for forfeiture or refund of the earnest money, the parties understand that applicable Kansas real estate laws prohibit the escrow agent from distributing the earnest money, once deposited, without the consent of all parties to this Contract. Buyer and Seller agree that failure by either to respond in writing to a certified letter from Broker within seven days of receipt thereof or failure to make written demand for return or forfeiture of an earnest money within 30 days of notice of cancellation of this Contract shall constitute consent to distribution of the earnest money as suggested in any such certified letter or as demanded by the other party hereto.

Buyer and Seller agree that the Escrow Agent may retain any interest earned on escrowed funds in lieu of escrow fees.

8. TAXES & ASSESSMENTS: Taxes and assessments due and payable for the calendar year 2007, and all prior years, and a pro rata share of the 2008 taxes and assessments as of date of closing, (based on 2007 general taxes and 2007 special assessments, if any), shall be paid by Seller, and all taxes and assessments that may be levied, imposed, or become payable after said time shall be assumed and paid by Buyer. The parties acknowledge that the taxes may be substantially higher or lower than the previous year's taxes due to Kansas law requiring periodic reappraisal.

9. MINERAL / WATER RIGHTS: Any and all mineral and water rights currently held by Seller become the property of the Buyer

10. CROPS: Crops planted at the time of sale will: ☐ pass with the land to Buyer / ☐ remain with Seller. (check one)
Non-applicable

11. FARM PROGRAMS: Any USDA / government payments will be paid as follows: Non-applicable

12. SURVEY: Buyer ☐ will / ☒ will not (check one) require a land survey of the property being purchased, regardless of lender's survey requirements. If such survey is required, Buyer Broker, or Broker's agent, is authorized to obtain, within 20 days of the effective date of this Contract, and Buyer agrees to pay for, a survey by any survey company of Buyer choice; provided, a licensed surveyor.

13. PRIVATE WASTE WATER DISPOSAL: The Shawnee County Health Department's rules and regulations applicable to private waste water disposal are applied on a case by case basis. Each party acknowledges that no representation has been made to either of them as to whether the subject property meets applicable requirements for use of a private waste water disposal system and that they have been further admonished to seek a determination of whether or not the property does meet applicable requirements from the appropriate county health department.

14. PROPERTY CONDITION: Buyer has carefully inspected the property, and, subject to any inspections included in this Contract, agrees to purchase the property in its present condition. No warranties or guarantees of any kind are made by Seller or any real estate licensee concerning the condition or value of the property, unless expressly set forth in this Contract or specifically implied by Kansas law. Buyer acknowledges that neither Seller nor any real estate licensee involved in this transaction is an expert at detecting or repairing physical defects in the property. Buyer states no important representations concerning the condition of the property are being relied upon by Buyer.

Buyer acknowledges receipt and acceptance of Seller's Property Disclosure Statement dated non-applicable
Buyer accepts property in its current condition with any and all defects.

Buyer agrees to verify, by an independent investigation, information Buyer deems important. Buyer has been advised to have the property examined by professional inspectors.

15. INSPECTIONS: Listing Broker, or Broker's agent, is authorized to obtain, within 20 days of the effective date of this Contract, the following written inspection reports. Buyer and Seller authorize all inspection reports to be provided to all parties and all real estate licensees involved in this transaction. In the event inspection report(s) is unacceptable to Buyer, Buyer may cancel this Contract. All inspections are to be performed by acknowledged contractors of professionals. Buyer may inspect property as needed. Any and all costs to be paid by the Buyer.

Type of Inspection	Inspector / Inspection Company	Paid by Buyer or Seller	Report Cost not to exceed
<u>Buyer's Initials</u>			
Except for inspections listed in section 15, the Buyer does not request any inspections.			

16. PREVIOUS CONTRACT: It is expressly understood and acknowledged that there is currently in force and effect a Real Estate Contract with a previous Buyer for this property. It is further understood that this Contract is contingent upon the previous Contract being declared null and void before M. Non-applicable (date). In the event said previous Contract is not declared null and void by said time, this Contract shall automatically become null and void and all earnest money paid hereunder shall be returned to Buyer.

17. TIME IS OF THE ESSENCE: If Buyer fails to comply with any of the terms of this Contract, this Contract shall, at the option of Seller, become null and void, and all rights of Buyer shall then terminate, and all monies paid and improvements made hereunder shall be retained by Seller as rent and as liquidated damages for said default by Buyer. In such event, Seller shall be entitled to possession of said real estate, free of all right, title, and interest of Buyer, and all parties shall be released from all further liability hereunder. If Seller does not exercise this option to cancel this Contract, Seller may exercise any other legal rights and remedies available to Seller under Kansas law.

18. REAL ESTATE BROKERAGE RELATIONSHIPS: (APPLICABLE SECTIONS MUST BE CHECKED)
Pursuant to the following:

- Listing Licensee, Non-applicable of Non-applicable is functioning as: (Mark appropriate response)
 - ☐ Transaction Broker
 - ☐ Designated Seller's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Seller's Agent
- Selling Licensee, Non-applicable of Non-applicable is functioning as: (Mark appropriate response)
 - ☐ Transaction Broker
 - ☐ Designated Buyer's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Buyer's Agent
 - ☐ Designated Seller's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Seller's Agent

Buyer and Seller acknowledge that the real estate licensees involved in this transaction may be functioning as agents of the Seller, agents of the Buyer, a Transaction Broker, or as Designated Agent(s) to represent the Seller or the Buyer. Licensees functioning as an agent of the Seller have a duty to represent the Seller's interest and will not be the agent of the Buyer. INFORMATION GIVEN BY THE BUYER TO AN AGENT FOR THE SELLER WILL BE DISCLOSED TO THE SELLER. Licensees functioning as an agent of the Buyer have a duty to represent the Buyer's interest and will not be the agent of the Seller. INFORMATION GIVEN BY THE SELLER TO AN AGENT FOR THE BUYER WILL BE DISCLOSED TO THE BUYER. A Broker or licensee, acting as a Transaction Broker, is not an agent for either the Seller or the Buyer and does not advocate the interests of either party, but is responsible for assisting both parties in closing the transaction. Buyer and Seller acknowledge that Real Estate Brokerage Relationships brochures have been furnished to them prior to entering into this Contract as prescribed by law.

19. ADDITIONAL PROVISIONS:

Kevin M. Rooney is a licensed real estate broker in the state of Kansas, whom is acting on behalf of the City of Topeka, as an employee.

Buyer intends to utilize for additional land to abutting property. Property shall be utilized in conformance to all City of Topeka codes.

This Contract constitutes the entire Contract between the parties and there are no representations, warranties, conditions, contracts, or agreements other than those expressly set forth herein. No other agreement, statement, promise, warranty, or representation made by any party to this Contract, or by any employee, officer, or agent of any party, that is not in writing and signed by all parties to this Contract, shall be binding.

This Contract shall extend to and become binding upon the heirs, executors, administrators, successors, and assigns of the respective parties. Prior to the closing of this Contract, Buyer shall not sell, assign, or transfer this Contract or any interest in said property without first obtaining the written consent of Seller.

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date last signed or initialed.

SELLER

BUYER

The City of Topeka

Date

Luz M. Salas

Date 09/08/09

Norton N. Bonaparte, Jr.

Date

Esteban Acosta

Date 09/08/09

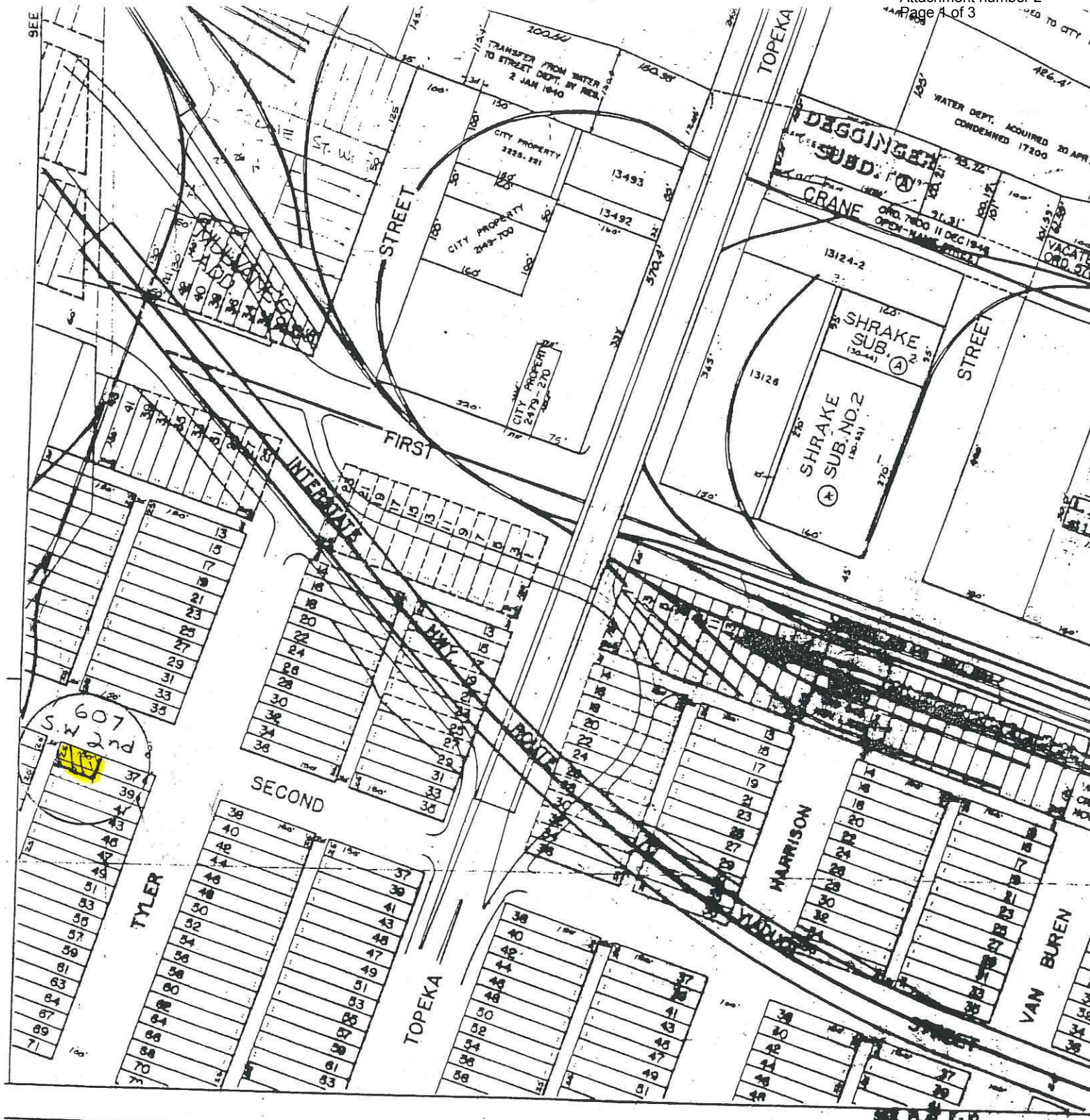
RECEIPT BY ESCROW AGENT

The undersigned hereby acknowledges receipt of an executed copy of this Contract and the sum of \$ -0- as earnest money, and agrees to act as escrow agent. In the event Seller executes and delivers a deed prior to closing, said deed shall be delivered to said Buyer by the escrow agent upon the closing of this Contract, pursuant to its terms.

This receipt is executed Non-applicable (date)

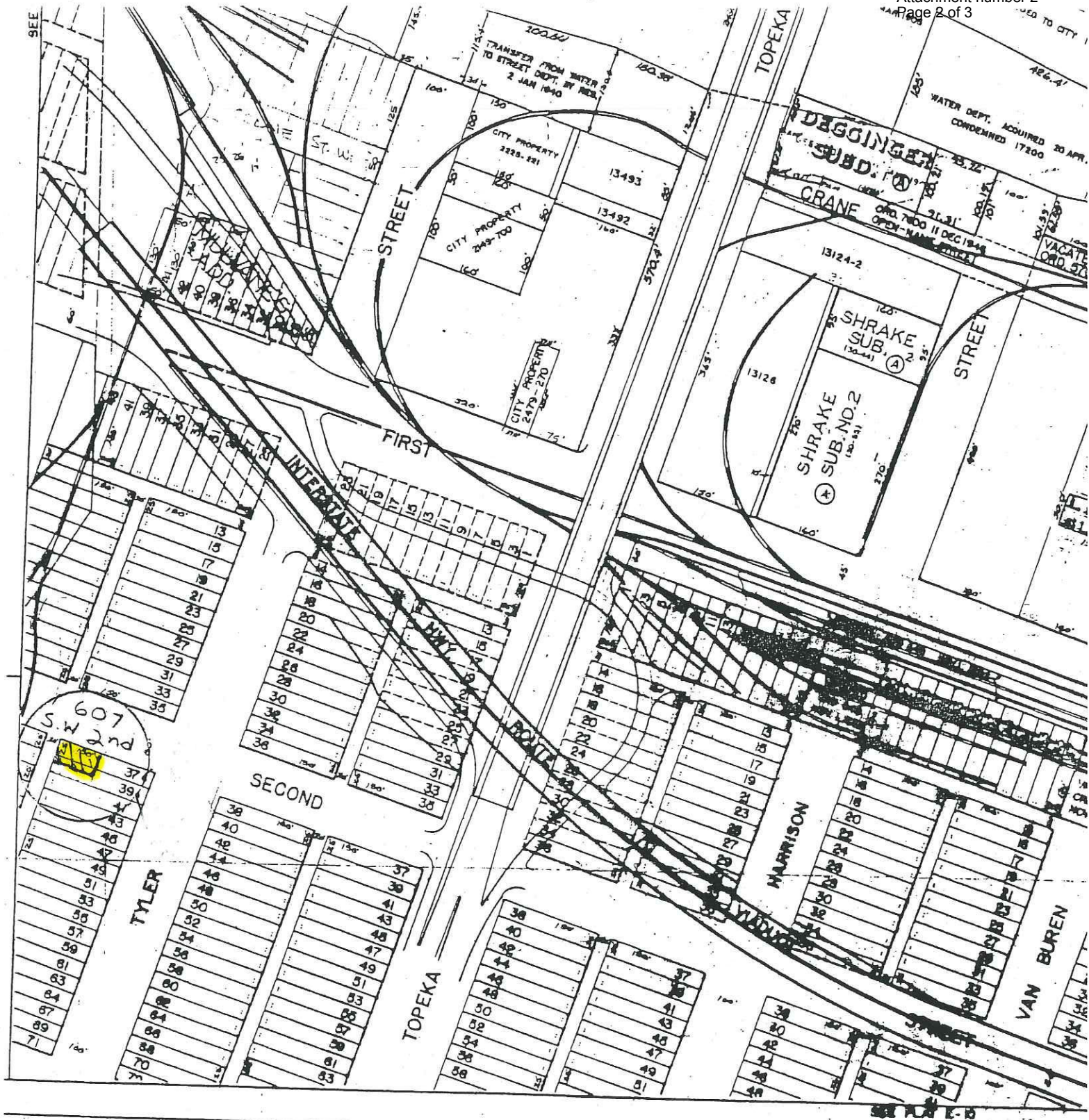
Company Non-applicable

By Non-applicable



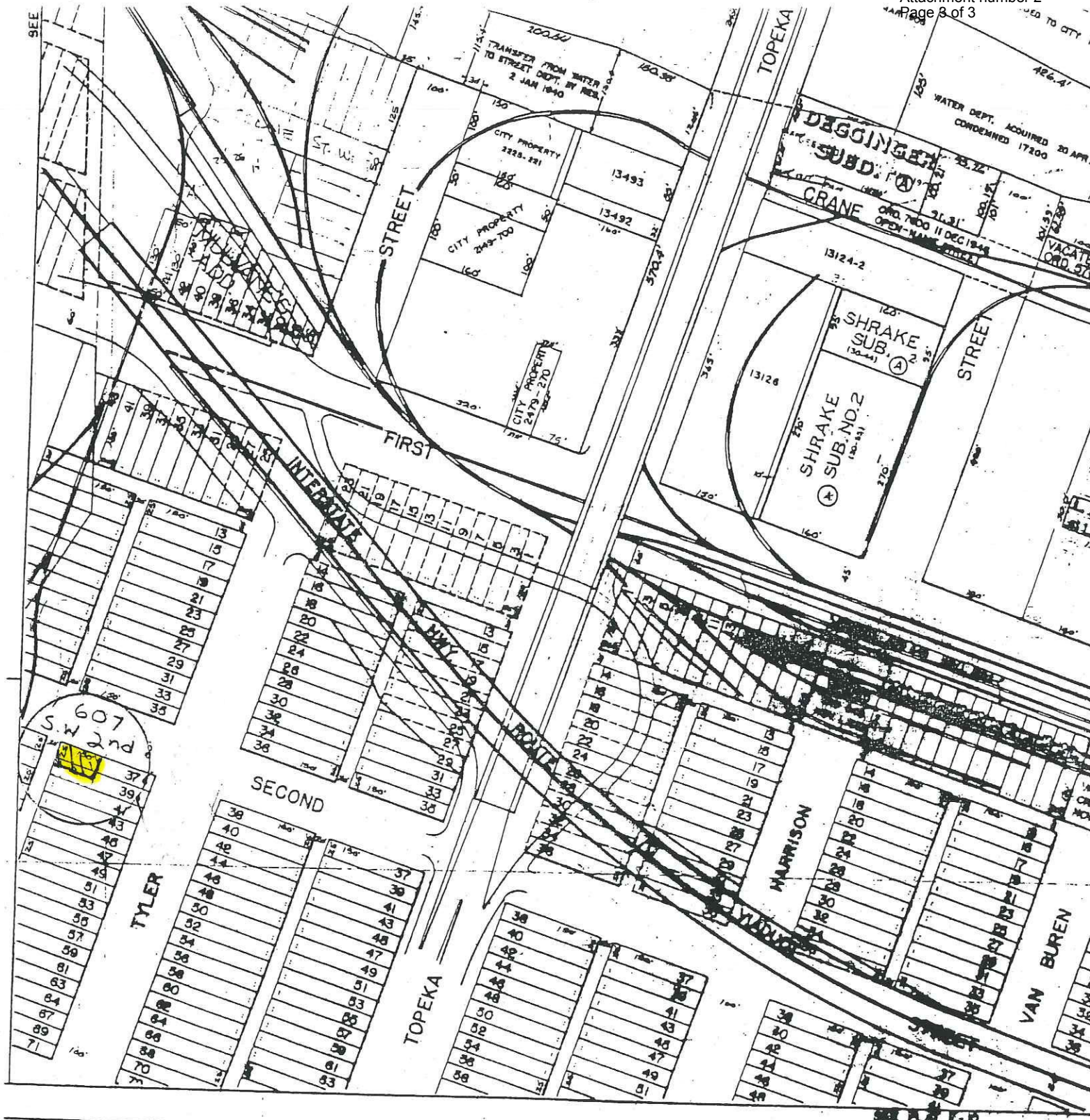
City Property 607 SW 2nd
70' X 37 1/2'

The West 70 feet of Lot 37 and the West
70 feet of the North Half of Lot 39 on
Tyler Street, in the City of Topeka,
Shawnee County, Kansas.



City Property 607 SW 2nd
70' X 37 1/2'

The West 70 feet of Lot 37 and the West
70 feet of the North Half of Lot 39 on
Tyler Street, in the City of Topeka,
Shawnee County, Kansas.



City Property 607 SW 2nd
70' X 37 1/2'

The West 70 feet of Lot 37 and the West
70 feet of the North Half of Lot 39 on
Tyler Street, in the City of Topeka,
Shawnee County, Kansas.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 15, 2008

+ Back Print

DATE: September 30, 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 September 8, 2008, through September 14, 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 September 8, 2008, through September 14, 2008, in the amount of \$7,670,988.55.

SOURCE OF FUNDING:

Approves expenditures for the period September 8, 2008, through September 14, 2008, in the amount of \$7,670,988.55.

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 September 8, 2008, through September 14, 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 1751 vendor checks written in this period	\$4,932,043.26
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	106,366.50
	Total net payroll to employees this period	1,616,190.22
	Total payroll related electronic transfers this period	<u>1,016,388.57</u>
	Total for expenditures in this period	<u>\$7,670,988.55</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

September 4, 2008

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DATE:	September 30, 2008		
CONTACT PERSON:	David Thurbon/Bill Fiander	DOCUMENT #:	V08A/2
SECOND PARTY/SUBJECT:	Credit Union One of Kansas	PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to a portion of a public alley located east of 610 SW Polk Street in the Original Town of the City of Topeka, Shawnee County, Kansas. First reading. (V08A/2)(Council District No. 1)

(Approval would enable the existing bank to reconfigure their drive-thru teller lanes and parking area to allow for better access.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Planning Department recommends approval of the proposed vacation conditional to retaining the necessary public utility easement.

BACKGROUND:

- The Kansas Statutes and Topeka City Code Section 130-476(b) requires a public hearing in conjunction with proposed vacation petitions which have been filed in accordance with the prescribed procedure.
- The property owners wish to vacate the public alley in order to reconfigure their drive-thru teller lanes and parking areas. No permanent structures will be built in the area to be vacated.
- The land owners to the north will still retain access to their properties from the remainder of the public alley.
- The Ordinance reflects retention of a public utility easement.
- Approval of the vacation should not be construed to imply support for any existing or subsequent land development.

BUDGETARY IMPACT:

N/A

Item #13

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Aerial Map](#)

[proposed site plan](#)

[Utility reviews](#)

[Ordinance](#)

[Legal ad](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to a portion of a public alley located east of 610 SW Polk Street in the Original Town of Topeka, Shawnee County, Kansas (V08A/2) (Council District No. 1)

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 Credit Union One of Kansas as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as:
Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; thence south-southwesterly to the point of beginning.**

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **October 7, 2008**, 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 public alley located within the City of Topeka, Kansas:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as:
Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; thence south-southwesterly to the point of beginning.**

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a public utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as:
Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; thence south-southwesterly to the point of beginning.**

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 its passage, approval and publication 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 September 12, 2008 and September 19, 2008

IN THE MATTER OF THE PROPOSED VACATION OF:

A public alley right-of-way located east of 610 SW Polk Street in the Original Town of Topeka, Shawnee County, Kansas **(V08A/2) (Council District No. 1)**

NOTICE OF PUBLIC HEARING

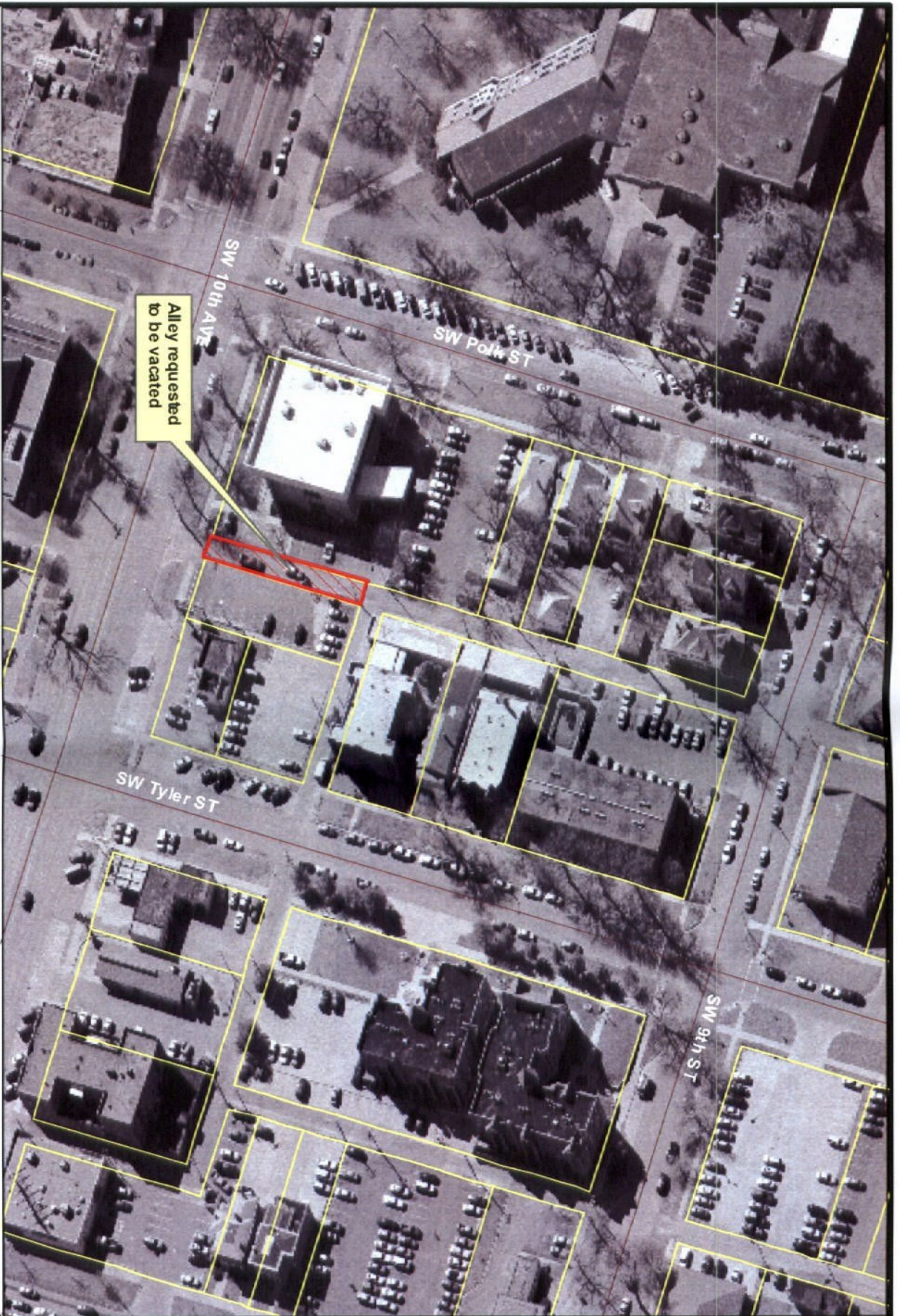
(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

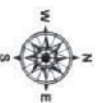
Public notice is hereby given that a petition has been filed by Credit Union One of Kansas which includes a portion of an alley in the Original Town of Topeka, Shawnee County, Kansas.

The petition will be presented to the Council of the City of Topeka for hearing **October 7, 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**



V08A/2 by: Credit Union One of Kansas



STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: **V08A/2**

Location: **Public alley east of 610 SW Polk Street**

DEPARTMENTS:

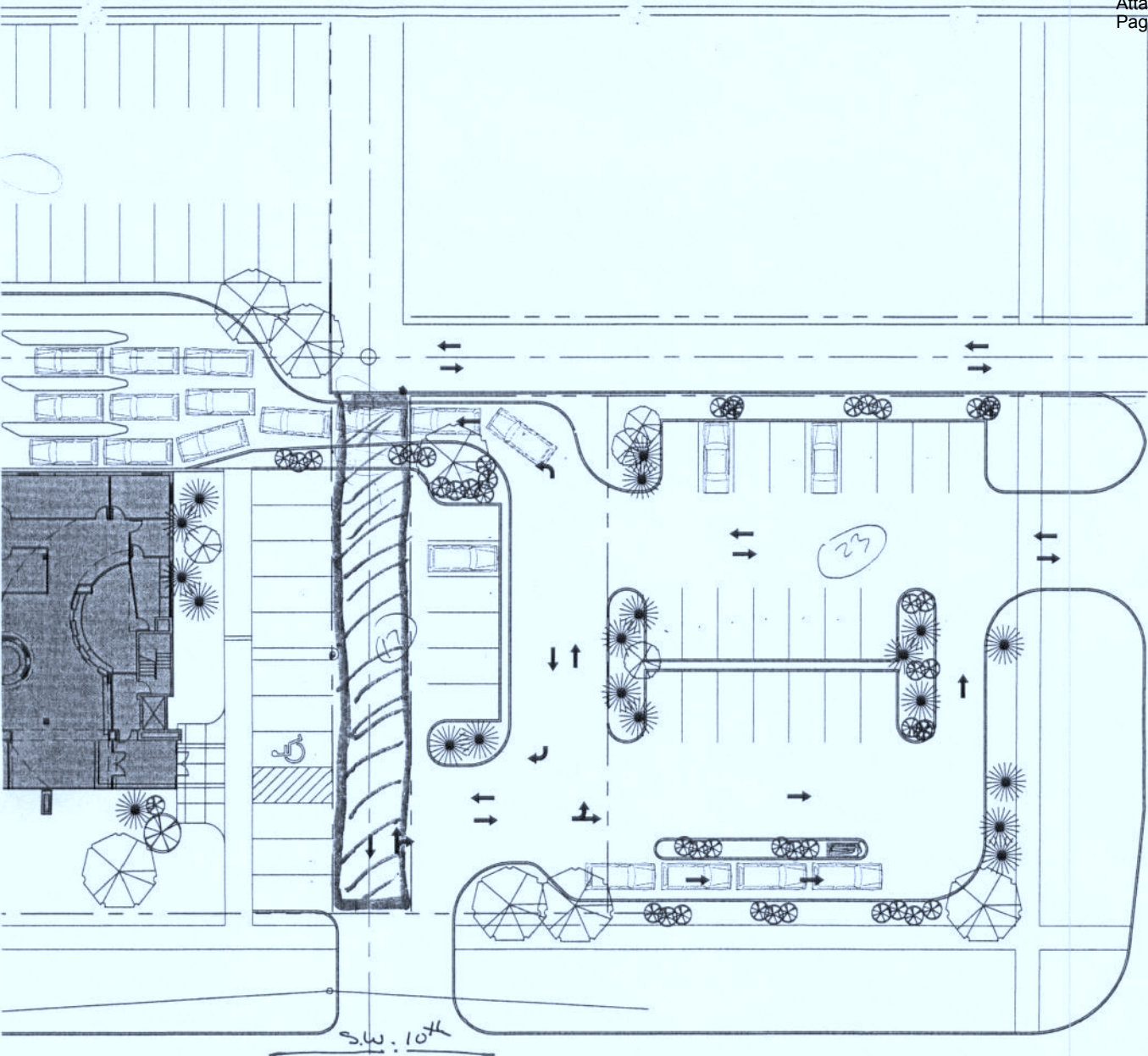
- **Water Division:** X No Objection Objection
- **Engineering:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Parks Department:** X No Objection Objection
- **County Refuse:** X No Objection Objection
- **Fire Department:** X No Objection Objection
- **Police Department:** X No Objection Objection

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Westar:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Kansas Gas Service:** X No Objection Objection
Comments:
- **Cox Communications:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley

Annie Driver, Planner I

Prepared: September 5, 2008



ARCHITECT
Inc.
P.A.
3500 SW FAIRLAWN RD., #100 PHONE: 785 / 271-7010
TOPEKA, KANSAS 66614 FAX: 785 / 271-7020
WWW.ARCHITECTONEPA.COM

PROJECT: Credit Union 1 of Kansas
Proposed Remodel
ADDRESS: 610 SW 10th Street
Topeka, KS 66601

PROJECT #: 08-067
DATE: 08/05/08

SHEET

SITE - C



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 16, 2008

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DATE: September 30, 2008

CONTACT PERSON: Jim Langford and Pam Simecka **DOCUMENT #:**

SECOND PARTY/SUBJECT: Series 2008-A GO bonds **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 012 Bond Ordinances

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$25,075,000 aggregate principal amount of General Obligation Improvement and Refunding Bonds, Series 2008-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the city, all as amended. First Reading.

(Approval would authorize the issuance of general obligation bonds. The proceeds would pay for a number of public infrastructure improvements that have already been approved by the Council that are completed or under construction and refund existing debt.)

POLICY ISSUE:

The debt financing of public improvements, to distribute the costs of capital assets across multiple generations of taxpayers.

STAFF RECOMMENDATION:

Approve the ordinance.

BACKGROUND:

Issuance of the 2008-A General Obligation Bonds will provide proceeds for 12 sanitary sewer projects, 7 street projects, 2 bridge projects, 1 bridge improvement project, 10 trafficway projects, 6 park improvement projects, and 3 neighborhood improvement projects all as specified in the Ordinance. It will also provide for the refunding of the remaining principal of \$4,655,000 for the 2001-B and 2003-B bonds.

BUDGETARY IMPACT:

The City's outstanding general obligation debt will increase by an estimated \$19,935,000.

SOURCE OF FUNDING:

Item #14

Funds to pay the principal and interest of the Series 2008-A Bonds will come from two sources--1) general property tax

levy, and 2) special assessments against property owners within the relevant improvement benefit districts for \$6,311,986.90 of costs.

ATTACHMENTS:

[Ordinance](#)

(Published in The Topeka Metro News on October 10, 2008.)

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$25,075,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2008-A, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 10-427 ET SEQ., K.S.A. 12-6a01 ET SEQ., THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the “City”) and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has caused the following improvements (the “Internal Improvements”) to be made in the City, to-wit:

- (a) Sanitary Sewer Improvement Project No. 40659-02;
- (b) Sanitary Sewer Improvement Project No. 40832-01;
- (c) Sanitary Sewer Improvement Project No. 40858-03;
- (d) Sanitary Sewer Improvement Project No. 40906-00;
- (e) Sanitary Sewer Improvement Project No. 40915-02;
- (f) Sanitary Sewer Improvement Project No. 40917-02;
- (g) Sanitary Sewer Improvement Project No. 40926-01;
- (h) Sanitary Sewer Improvement Project No. 40928-00;
- (i) Sanitary Sewer Improvement Project No. 40941-00;
- (j) Sanitary Sewer Improvement Project No. 40942-H;
- (k) Sanitary Sewer Improvement Project No. 40943-H;
- (l) Sanitary Sewer Improvement Project No. 40948-00;
- (m) Street Improvement Project No. 60364-02;
- (n) Street Improvement Project No. 60500-02;
- (o) Street Improvement Project No. 60581-01;
- (p) Street Improvement Project No. 60599-02;
- (q) Street Improvement Project No. 60604-01;
- (r) Street Improvement Project No. 60605-00;
- (s) Street Improvement Project No. 60623-H;
- (t) Street Improvement Project No. 24119-00;
- (u) Street Improvement Project No. 70114-03;
- (v) Street Improvement Project No. 70123-01;

- (w) Street Improvement Project No. 70190-01;
- (x) Street Improvement Project No. 84344-00;
- (y) Street Improvement Project No. 84347-00;
- (z) Street Improvement Project No. 84349-00;
- (aa) Street Improvement Project No. 84352-00;
- (bb) Street Improvement Project No. 84353-00;
- (cc) Street Improvement Project No. 86260-00;
- (dd) Bridge Improvement Project No. 12052-00;
- (ee) Trafficway Improvement Project No. 14115-00;
- (ff) Trafficway Improvement Project No. 14118-00;
- (gg) Trafficway Improvement Project No. 14119-00;
- (hh) Trafficway Improvement Project No. 14121-00;
- (ii) Trafficway Improvement Project No. 14122-00;
- (jj) Trafficway Improvement Project No. 14123-00;
- (kk) Trafficway Improvement Project No. 14124-00;
- (ll) Trafficway Improvement Project No. 14126-00;
- (mm) Trafficway Improvement Project No. 14128-00;
- (nn) Trafficway Improvement Project No. 70142-03
- (oo) Park Improvement Project No. 30127-09;
- (pp) Park Improvement Project No. 30268-00;
- (qq) Park Improvement Project No. 30280-00;
- (rr) Park Improvement Project No. 30281-00;
- (ss) Park Improvement Project No. 30245-00;
- (tt) Park Improvement Project No. 30283-00;
- (uu) Neighborhood Improvement Project No. 60627-00;
- (vv) Neighborhood Improvement Project No. 60633-00; and
- (ww) Neighborhood Improvement Project No. 60642-00.

WHEREAS, all legal requirements pertaining to the Internal Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Internal Improvements, including the payment of a portion of the City's outstanding Series 2007-A Temporary Note dated November 28, 2007, which is due and payable November 1, 2008, and related expenses are at least \$_____ (the "Internal Improvement Costs"), of which approximately \$_____ will be paid from other funds lawfully available to the City, with \$6,516,413.79 of said Internal Improvement Costs to be paid by the owners of the property within the City benefited by the Internal Improvements (none of which has been paid into the City Treasury on account of the Internal Improvements) leaving \$25,075,000 to be paid for by the issuance of general obligation bonds; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$29,665,000 principal amount of General Obligation Improvement and Refunding Bonds, Series 2001-B, dated August 1, 2001, (the "Series 2001-B Bonds") pursuant to its Ordinance adopted July 17, 2001, in accordance with the requirements of K.S.A. 10-427 et seq., K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., K.S.A. 12-1736 et seq. and Charter Ordinances Nos. 68 and 74 of the City, all as amended (the "Series 2001-B Bond Ordinance"). The terms

and conditions of the Series 2001-B Bonds was set forth in a Resolution adopted on July 17, 2001 (the “Series 2001-B Bond Resolution); and

WHEREAS, as of October 1, 2008, there remains outstanding of the Series 2001-B Bonds the principal amount of \$3,260,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2009	\$1,615,000	4.200%
2010	1,645,000	4.300

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$24,905,000 principal amount of General Obligation Refunding Bonds, Series 2003-B, dated August 14, 2003, (the “Series 2003-B Bonds”) pursuant to its Ordinance adopted July 15, 2003, in accordance with the requirements of K.S.A. 10-427 et seq. (the “Series 2003-B Bond Ordinance”). The terms and conditions of the Series 2003-B Bonds were set forth in a Resolution adopted on July 15, 2003 (the “Series 2003-B Bond Resolution); and

WHEREAS, as of October 1, 2008, there remains outstanding of the Series 2003-B Bonds the principal amount of \$12,420,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2009	\$2,470,000	2.60%
2010	2,455,000	2.90
2011	2,555,000	3.10
2012	1,315,000	3.25
2013	550,000	3.40
2014	570,000	3.55
2015	590,000	3.65
2016	610,000	3.80
2017	640,000	4.00
2018	665,000	4.00

; and

138 **WHEREAS**, pursuant to Section 203 of the Series 2001-B Bond Resolution and Series
139 2003-B Bond Resolution the State Treasurer of the State of Kansas, Topeka, Kansas, was
140 designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and
141 interest on the Series 2001-B Bonds and Series 2003-B Bonds; and
142

143 **WHEREAS**, pursuant to Section 301 of the Series 2001-B Bond Resolution, the Series
144 2001-B Bonds maturing on August 15, 2007, and thereafter, are subject to redemption and
145 payment at the option of the City on, August 15, 2006, and thereafter in whole or in part on any
146 date, at the redemption price equal to the principal amount thereof with a redemption premium of
147 one percent of the principal amount redeemed, such redemption premium to decline one-quarter
148 of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to
149 the date fixed for redemption and payment; and
150

151 **WHEREAS**, pursuant to Section 301 of the Series 2003-B Bond Resolution, the Series
152 2003-B Bonds maturing on August 15, 2009, and thereafter, are subject to redemption and
153 payment at the option of the City on, August 15, 2008, and thereafter in whole or in part on any
154 date, at the redemption price equal to the principal amount thereof with a redemption premium of
155 one percent of the principal amount redeemed, such redemption premium to decline one-quarter
156 of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to
157 the date fixed for redemption and payment; and
158

159 **WHEREAS**, the City has determined and hereby determines that it is in the best interest
160 of the City and the patrons and taxpayers thereof that (1) the Series 2001-B Bonds maturing on
161 August 15, 2009, and August 15, 2010 (i.e., \$3,260,000); and (2) \$250,000 of the Series 2003-B
162 Bonds maturing on August 15, 2009, and \$1,000,000 of the Series 2003-B Bonds maturing on
163 August 15, 2011 (i.e. \$1,250,000); (collectively the "Refunded Bonds") be paid and redeemed as
164 the same mature and otherwise become subject to redemption and payment on October 30, 2008,
165 (the "Redemption Date") and that general obligation refunding bonds be issued in the principal
166 amount of \$4,575,000 to be used together with other legally available and unencumbered funds
167 of the City for such purpose; and
168

169 **WHEREAS**, such redemption and refunding would help the City achieve interest cost
170 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and
171 result in a general restructuring of the debt service obligation of the City; and
172

173 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and
174 advisable to issue and sell its General Obligation Improvement and Refunding Bonds, Series
175 2008-A in the aggregate principal amount of Twenty-five Million Seventy-five Thousand
176 Dollars (\$25,075,000) for the purpose of paying the cost of the Internal Improvements and
177 currently refunding the City's Refunded Bonds.
178

179 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
180 **TOPEKA, SHAWNEE COUNTY, KANSAS:**
181

182 **Section 1.** That there is hereby authorized and directed to be issued General Obligation
183 Improvement and Refunding Bonds, Series 2008-A of the City in the aggregate principal amount

of Twenty-five Million Seventy-five Thousand Dollars (\$25,075,000) (the “Bonds”) for the purpose of paying the Internal Improvement Costs and currently refunding the Refunded Bonds, as provided by the home rule authority granted to the cities of the State of Kansas under Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City, (Section A12-1 of the Code of the City) K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq. and Article 1 of Chapter 10, Kansas States Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the “Resolution”).

Section 2. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

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221 Passed and approved by the Council of the City of Topeka, Kansas, this 7th day of
222 October, 2008.

223
224 CITY OF TOPEKA, KANSAS

225
226
227
228 _____
William W. Bunten, Mayor

229 ATTEST:

230
231
232 _____
233 Brenda Younger, City Clerk

234
235 (SEAL)

236
237 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
238 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No.
239 _____ adopted and approved by the City Council on October 7, 2008.

240
241 (SEAL)

242 _____
243 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 17, 2008

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

DATE: September 30, 2008

CONTACT PERSON: Joy Hoover / Nicole Vasquez **DOCUMENT #:**

SECOND PARTY/SUBJECT: North Topeka Distrubuted Control System (DCS) **PROJECT #:** T-291001.00

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

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291001.00 (HTE 291110) for replacement of Distributed Control System (DCS) at the North Topeka Waste Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. First Reading.

(Authorizing \$1,000,000 for the replacement of the Distributed Control System (DSC) at the North Topeka Waste Water Treatment Plant.)

POLICY ISSUE:

None.

STAFF RECOMMENDATION:

Approve request.

BACKGROUND:

Replacement of the outdated and costly existing DCS equipment at the North Topeka WWTP with modern cost effective Supervised Control and Data Acquisition (SCADA) equipment. This project will include, but is not limited to, replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogram the PLC's and HMI's to standardize with the Oakland plant, and replacement of the computer system. The current DCS at the North Topeka WWTP is no longer maintainable. In addition, the DCS does not conform to the

Division's standard for SCADA equipment.

BUDGETARY IMPACT:

The estimated total cost of this project is \$1,000,000.00.

SOURCE OF FUNDING:

This project will be funded by Revenue Bonds and/or SRF Loans.

ATTACHMENTS:

[Project Budget](#)

[Ordinance](#)

[Notice of Intent](#)

Project No. T-291001.00

North Topeka Distributed Control System (DCS)

LOCATION:

1600 N Button Road (North Topeka WWTP)

DESCRIPTION OF PROJECT:

Replacement of the outdated and costly existing DCS equipment at the North Topeka WWTP with modern cost effective SCADA equipment. The current DCS at the North Topeka WWTP is no longer maintainable. In addition, the DCS does not conform to the Division's standard for SCADA equipment.

SOURCE OF FUNDS:

This project will be funded by Revenue Bonds and/or SRF Loans.

COST ESTIMATE:

	PROPOSED	APPROVED
Construction:	\$905,000.00	
Design:	\$75,000.00	
Construction Admin.		
Project Admin.	\$5,000.00	
Contingencies	\$15,000.00	
Right-of Way		
Interim Interest (___% for 1 Year)		
Total:	\$1,000,000.00	

PUBLIC HEARING:**PROJECT AUTHORITY:**

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

PROJECT ENGINEER:

9/17/2008

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291001.00 (HTE #291110) for replacement of Distributed Control System (DCS) at the North Topeka Waste Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code §A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by replacing the existing Distributed Control System (DCS) equipment at the North Topeka Waste Water Treatment Plant (WWTP) with modern cost effective Supervised Control and Data Acquisition (SCADA) equipment. This project will include, but is not limited to, replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogramming the

programmable logic controllers (PLC's) and human machine interfaces (HMI's) to standardize with the Oakland plant, and replacement of the computer system and any related appurtenances needed for a complete project and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the improvements to be approximately one million dollars (\$1,000,000.00), be approved; and

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

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code §A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of one million dollars (\$1,000,000.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

Replacement of the existing DCS equipment at the North Topeka WWTP, located at 1600 N. Button Road, with modern cost effective SCADA equipment. This project will include, but is not limited to, replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogramming the PLC's and HMI's to standardize with the Oakland plant, and replacement of the computer system and any related appurtenances needed for a complete project

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund in a total amount not exceeding one million dollars (\$1,000,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or KDHE loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or

KDHE loan funds or any combination thereof, payable from the rates, fees and charges of the System. The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

NOTICE OF INTENTION

NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-291001.00 (HTE #291110) which provides for the replacement of Distributed Control System (DCS) at the North Topeka Waste Water Treatment Plant and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the Kansas Department of Health and Environment, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. _____ of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") under Improvement Project No. T-291001.00 (HTE #291110) which provides for the replacement of the Distributed Control System (DCS) equipment at the North Topeka Waste Water Treatment Plant with modern cost effective Supervised Control and Data Acquisition (SCADA) equipment. This project will include, but is not limited to, replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogramming the programmable logic controllers (PLC's) and human machine interfaces (HMI's) to standardize with the Oakland plant, and replacement of the computer system and related appurtenances for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. _____ of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,

and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Fund, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed one million dollars (\$1,000,000.00) and to so improve the System and make public improvements to the City by completing the Project.

Unless written protests against the proposed Project signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to complete the Project and issue and sell its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas Department of Health and Environment, payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this _____ day of _____, 2008

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

September 17, 2008

+ Back Print

DATE: September 30, 2008

CONTACT PERSON: Joy Hoover / Nicole Vasquez **DOCUMENT #:**

SECOND PARTY/SUBJECT: Northland 1 Pump Station Replacement **PROJECT #:** T-291002.00

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

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291002.00 (HTE 291120) for replacement of Northland I Pump Station approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. First Reading.

(Authorizing \$750,000 for the replacement of the Northland 1 Pump Station located 329 NE Pine Lane. Improvements include the planning, design and construction required to replace the wetwell, pumps, controls and electrical service.)

POLICY ISSUE:

None.

STAFF RECOMMENDATION:

Approve request.

BACKGROUND:

Replacement of Northland 1 Pump Station, located at 329 NE Pine Lane. This project will include, but is not limited to, the planning, design and construction required to replace the wetwell, pumps, controls and electrical service for the Northland 1 Pump Station. Recent development in the area will exceed the existing pump station capacity. This is a buried Can station that was installed in 1954. The integrity of the station is questionable due to large amounts of rust in several areas of the can.

Item #10

BUDGETARY IMPACT:

The estimated cost of this project is \$750,000.00.

SOURCE OF FUNDING:

This project will be funded by Revenue Bonds and/or SRF Loans.

ATTACHMENTS:

[Project Budget](#)

[Ordinance](#)

[Notice of Intent](#)

Project No. T-291002.00

Northland I Pump Station Replacement

LOCATION:

329 NE Pine Lane

DESCRIPTION OF PROJECT:

Replacement of Northland I Pump Station. Recent development in the area will exceed the existing pump station capacity. This is a buried can station that was installed in 1954. The integrity of the station is questionable due to large amounts of rust in several areas of the can.

SOURCE OF FUNDS:

This project will be funded by Revenue Bonds and/or SRF Loans.

COST ESTIMATE:

	PROPOSED	APPROVED
Construction:	\$675,000.00	
Design:	\$56,250.00	
Construction Admin.		
Project Admin.	\$3,750.00	
Contingencies	\$11,250.00	
Right-of Way	\$3,750.00	
Interim Interest (___% for 1 Year)		
Total:	\$750,000.00	

PUBLIC HEARING:**PROJECT AUTHORITY:**

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

PROJECT ENGINEER:

9/17/2008

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291002.00 (HTE #291120) for replacement of Northland I Pump Station approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code §A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by replacement of Northland I Pump Station. This project will include, but is not limited to, the planning, design and construction required to replace the wetwell, pumps, controls and electrical service for the Northland I pump Station and related appurtenances for a complete project and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of

said City, which estimates show a total cost of the improvements to be approximately seven hundred fifty thousand dollars (\$750,000.00), be approved; and

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

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code §A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget in the amount of seven hundred fifty thousand dollars (\$750,000.00) which are set out in the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

Replacement of the Northland I Pump Station located at 329 NE Pine Lane. This project will include, but is not limited to, the planning, design and construction required to replace the wetwell, pumps, controls and electrical service for the Northland I pump Station and related appurtenances for a complete project.

60 Section 3. That notice be given by the governing body of the City of its intention

61 to complete the Project in accordance with the plans, specifications and cost estimates and
62 to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds
63 from the Kansas Department of Health and Environment (KDHE) State Revolving Loan
64 Fund in a total amount not exceeding seven hundred fifty thousand dollars (\$750,000.00)
65 to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City
66 Clerk and shall be published in the official City newspaper. Such notice shall describe the
67 nature of the proposed improvements and shall state the amount of revenue and/or
68 general obligation bonds proposed to be issued and/or KDHE loan funds to be borrowed,
69 or any combination thereof for the payment of the cost of the project and otherwise, the
70 notice shall be in the form as provided by law.

71 Section 4. That unless written protests against such proposed improvements

72 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
73 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
74 the City both reasonably expects and intends to finance the costs as hereinbefore
75 described from the proceeds of revenue bonds payable from the rates, fees and charges of
76 the System. The City does hereby express its official intent to reimburse any expenditures
77 made in connection with the Project from System enterprise fund, or obligations incurred
78 by, on or after the date which is sixty (60) days before the effective date of this Ordinance
79 from the proceeds of its revenue bonds as aforesaid in the maximum principal amount
80 previously described in accordance with U.S. Treasury Regulation 1.150-2. This
81 Ordinance, as the expression of the governing body's official intent regarding the matters
82 described herein, will be available, for public inspection in the City Clerk's office at City Hall
83 during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

NOTICE OF INTENTION

NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-291002.00 (HTE #291120) which provides for the replacement of Northland I Pump Station and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the Kansas Department of Health and Environment, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. _____ of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") under Improvement Project No. T-291002.00 (HTE #291120) which provides for the replacement of Northland I Pump Station. This project will include, but is not limited to, the planning, design and construction required to replace the wetwell, pumps, controls and electrical service for the station and related appurtenances for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. _____ of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Fund, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed seven hundred fifty thousand dollars

(\$750,000.00) and to so improve the System and make public improvements to the City by completing the Project.

Unless written protests against the proposed Project signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to complete the Project and issue and sell its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas Department of Health and Environment, payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this _____ day of _____, 2008

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2008

+ Back Print

DATE: September 30, 2008

CONTACT PERSON: Larry Shannon **DOCUMENT #:**

SECOND PARTY/SUBJECT: Water Treatment Plant Rehabilitation **PROJECT #:** T-281000.03

CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 004 Project Budget - Capital Project

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-281000.03 (HTE 286383) for rehabilitation of the Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof. **First Reading.**

(Approval would authorize \$1,000,000 to provide for the rehabilitation of major components of the water treatment plant facility which are critical to the water treatment process.)

POLICY ISSUE:

No policy issues.

STAFF RECOMMENDATION:

Approve Ordinance and Budget.

BACKGROUND:

Various facilities/components at the Water Treatment Plant are near failure or need attention to avoid failure. These components include:

- Lime Softening Basin - Mechanical failure of this basin is imminent and would reduce our water production capability by one third. Although internal staff has effected various repairs, replacement of major components is necessary.

Item #17

- Layne Station Valves and Piping - Large valves and piping at our primary pump station to distribute water to customers have deteriorated and are susceptible to failure. Failure of this piping or valves will result in water outages throughout the water system.
- Medium and High Voltage Electrical Gear - Electrical switches and components that distribute electrical power throughout the water treatment plant and to major booster stations need testing, maintenance and replacement to ensure their continued operation.
- Miscellaneous - Replace dust collectors on chemical feed system to minimize health risks. Replace the roof on filter building to avoid costly damage inside the building.

BUDGETARY IMPACT:

\$1,000,000.00 Revenue Bonds authorized in 2008 Capital Improvement Budget. Annual debt service is estimated at \$93,000 for 30 years to pay principal and interest.

SOURCE OF FUNDING:

Temporary notes, revenue bonds, State of Kansas loan funds or other legally available funds.

ATTACHMENTS:

[Project Budget](#)

[Notice of Intent](#)

[Ordinance](#)

PROJECT BUDGET
Project No. T-281000.03 286383
Water Treatment Plant Rehabilitation

LOCATION:

3245 Water Works Drive -Water Treatment Plant

DESCRIPTION OF PROJECT:

Rehabilitate the lime softening basin in the North Train of the East Plant; rehabilitate interior valves and piping at Layne Station; rehabilitate exterior valves at Layne Station; test and rehabilitate medium and high voltage electrical gear at the Water Treatment Plant and Booster Stations; rehabilitate the dust collector; replace the roof on the East Filter Building; and other Water Treatment Plant Rehabilitation items.

SOURCE OF FUNDS:

Temporary notes, revenue bonds, SRF or other legally available funds

COST ESTIMATE:

	<u>Funding Source</u>	<u>Funding Source</u>	<u>Total</u>
Construction:	\$775,000.00	\$0.00	\$775,000.00
Design:	\$32,000.00	\$0.00	\$32,000.00
Construction Service Fees:			
<i>Construction Inspection:</i>	\$6,000.00	\$0.00	\$6,000.00
<i>Construction Staking:</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$16,000.00	\$0.00	\$16,000.00
Contingency Amount:	\$78,000.00	\$0.00	\$78,000.00
Temporary Notes & Cost of Issuance:	\$93,000.00	\$0.00	\$93,000.00
	\$1,000,000.00	\$0.00	\$1,000,000.00
Total:	\$1,000,000.00	\$0.00	\$1,000,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER:

Larry Shannon

(Published in the Topeka Metro News _____)

NOTICE OF INTENTION

NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-281000.03 (HTE #286383) which provides for rehabilitation of the Water Treatment Plant and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the Kansas Department of Health and Environment, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. _____ of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") under Improvement Project No. T-281000.03 (HTE #286383) which provides for rehabilitating the Water Treatment Plant. This project will include, but is not limited to, rehabilitation of the lime softening basin in the North Train of the East Plant, rehabilitation of the interior valves and piping at Layne Station, rehabilitation of exterior valves at Layne Station, testing and rehabilitation of medium and high voltage electrical gear at the Water Treatment Plant and Booster Stations, replacement/reconstruction of the dust collection system at the Water Treatment Plant, replacement of the roof membrane on the East Filter Building and any related appurtenances needed for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. _____ of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or

to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Fund, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed one million dollars (\$1,000,000.00) and to so improve the System and make public improvements to the City by completing the Project.

Unless written protests against the proposed Project signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to complete the Project and issue and sell its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas Department of Health and Environment, payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this _____ day of _____, 2008

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-281000.03 (HTE #286383) for rehabilitation of the Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code §A12-1, and authorizing the borrowing of funds from the Kansas Department of Health and Environment State Revolving Loan Fund to pay the cost thereof.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by rehabilitating the Water Treatment Plant. This project will include, but is not limited to, rehabilitation of the lime softening basin in the North Train of the East Plant, rehabilitation of the interior valves and piping at Layne Station, rehabilitation of exterior valves at Layne Station, testing and rehabilitation of medium and high voltage electrical gear at the Water Treatment Plant and Booster

Stations, replacement/reconstruction of the dust collection system at the Water Treatment Plant, replacement of the roof membrane on the East Filter Building and any related appurtenances needed for a complete project and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the improvements to be approximately one million dollars (\$1,000,000.00), be approved; and

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

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code §A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of one million dollars (\$1,000,000.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

Rehabilitating the Water Treatment Plant located at 3245 Water Works Drive in Topeka, Kansas. This project will include, but is not limited to, rehabilitation of the lime softening basin in the North Train of the East Plant, rehabilitation of the interior valves and piping at Layne Station, rehabilitation of exterior valves at Layne Station, testing and rehabilitation of medium and high voltage electrical gear at the Water Treatment Plant and Booster Stations, replacement/reconstruction of the dust collection system at the Water Treatment Plant, replacement of the roof membrane on the East Filter Building and any related appurtenances needed for a complete project and any related appurtenances needed for a complete project.

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the Kansas Department of Health and Environment (KDHE) State Revolving Loan Fund in a total amount not exceeding one million dollars (\$1,000,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or KDHE loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed

with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or KDHE loan funds or any combination thereof, payable from the rates, fees and charges of the System. The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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

DATE: September 30, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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