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City Council Agenda

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

October 7, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

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 accomodations 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:
"Energy Star Awareness Month"

2. PRESENTATIONS:
"Washburn University Student Association"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Resolution - Lifting the Fallen, Inc. - Noise Exception ATTACHMENTS

A RESOLUTION introduced by Councilmember John Alcala, granting Lifting the Fallen, Incorporated an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

This item was added at the meeting.

(Approval would grant a noise exception for outdoor services October 11, 2008 from 12:00 p.m. to 3:00 p.m.)

B. MINUTES of the regular meeting of September 30, 2008

C. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - Credit Union One (V08A/2) ATTACHMENTS

A PUBLIC HEARING in conjunction with vacation request V08A/2 by Credit Union One of Kansas to vacate 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.

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. Final 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.)

6. UNFINISHED BUSINESS:

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $24,570,000 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. Final 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.)

B. Resolution - City of Topeka General Obligation Bonds, Series 2008-A ATTACHMENTS

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of General Obligation Improvement and Refunding Bonds, Series 2008-A of the City of Topeka, Kansas, in the aggregate principal amount of $24,570,000 the issuance of which were authorized by the City pursuant to its Ordinance adopted and

approved October 7, 2008; and authorizing certain other documents and actions in connection with the issuance of the bonds.

(The resolution prescribes the form and details of the City's Series 2008-A General Obligation Bonds, providing funds to finance the costs of previously authorized capital improvement projects and refund existing debt.)

C. **Resolution - City of Topeka Temporary Notes, Series 2008-A** ATTACHMENTS

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of Temporary Notes, Series 2008-A of the City of Topeka, Kansas, in the aggregate principal amount of $16,350,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2007-A Temporary Notes of said City, dated November 28, 2008, and for the purpose of providing funds to pay a portion of the cost of certain improvements in said City.

(*The resolution authorizes the issuance of the City's Series 2008-A Temporary Notes, providing funds to temporarily finance the costs of previously authorized capital improvement projects.*)

D. **Real Estate Report - Sumner School** ATTACHMENTS

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. *(Deferred from the meeting of September 30, 2008.)*

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

E. **Project Budget, Ordinance and Notice of Intention - Water Treatment Plant Improvement Project No. T-281000.03** ATTACHMENTS

A PROJECT BUDGET in the amount of $1,000,000 and 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 waterworks 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 State of Kansas Loan Funds to pay the cost thereof. Final Reading.

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 Section A12-1, and to borrow funds from the Kansas Department of Health and Environment State of Kansas Loan Funds, or any combination thereof, to pay the cost of the project.

(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.)

F. **Project Budget, Ordinance and Notice of Intention - North Topeka Distributed Control System (DCS) Improvement Project No. T-291001** ATTACHMENTS

A PROJECT BUDGET in the amount of $1,000,000 and 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. Final Reading.

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 Section 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.

(Approval would authorize the replacement of the Distributed Control System (DSC) at the North Topeka Waste Water Treatment Plant.)

G. Project Budget, Ordinance and Notice of Intention - Northland 1 Pump Station Improvement Project T-291002 ATTACHMENTS

A PROJECT BUDGET in the amount of $780,000 and 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. Final Reading.

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 Section 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.

(Approval would authorize 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.)

H. Board Appointment - Civil Service Commission ATTACHMENTS

BOARD APPOINTMENT recommending the appointment of Kimberly Scott to the Civil Service Commission for a term that would expire on September 30, 2012. *(Council District No. 7) (Deferred from the meeting of September 23, 2008.)*

7. NEW BUSINESS:

A. Revised Project Budget and Resolution - Zoo African Canid (Hyena) Exhibit Project No. 30278-00 ATTACHMENTS

A REVISED PROJECT BUDGET in the amount of $376,185 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget for Improvement Project No. 30278-00 which provides for the African Canid (Hyena) Exhibit as more specifically described herein, authorizing the same and rescinding Resolution

No. 7967. *(Council District No. 9)*

(The project will be 100% funded by the Friends of the Topeka Zoo (FOTZ). An increase in the project budget of $226,185 will cover the unexpected increase in cost of construction materials.)

B. **Resolution - City Council Rule Amendment - Television Coverage**

ATTACHMENTS

A RESOLUTION introduced by Deputy Mayor Jeff Preisner amending the Topeka City Council Rules and Procedures, specifically Rule 2.12 concerning television coverage.

(The City would no longer provide television coverage of any City Council meeting. Instead, the City shall make audio recordings of the portions of the Council meeting which are open to the public.)

C. **Ordinance - Weekly Expenditures - September 15-21, 2008**

ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 15, 2008, through September 21, 2008, and enumerating said expenditures therein. First and Final Reading.

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:	**October 7, 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

Item #1

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214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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DATE:	**October 7, 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

Item #2

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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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DATE:	**October 7, 2008**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

"Energy Star Awareness Month"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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DATE: October 7, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Washburn University Student Association"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #4

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

DATE:	**October 7, 2008**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 8, 2008

Back Print

DATE:	**October 7, 2008**		
CONTACT PERSON:	**John Alcala**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Lifting the Fallen, Inc.**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Approve**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Alcala, granting Lifting the Fallen, Incorporated an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

This item was added at the meeting.

(Approval would grant a noise exception for outdoor services October 11, 2008 from 12:00 p.m. to 3:00 p.m.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Resolution

Item #6

RESOLUTION NO. ________

A RESOLUTION introduced by Councilmember John Alcala, granting Lifting the Fallen, Incorporated an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Lifting the Fallen, Incorporated is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified sound at their

Outdoor Service located at 2409 NE Division Street during the hours of 12:00 noon and 3:00 p.m. on October 11, 2008.

ADOPTED and APPROVED by the City Council ____________________.

____
William W. Bunten, Mayor

____
Brenda Younger, City Clerk

MEMORANDUM
City Council Office

To: Brenda Younger, City Clerk
Mayor Bill Bunten
Norton N. Bonaparte, Jr., City Manager
City Councilmembers

From: Councilmember John Alcala

Date: October 7, 2008

Subject: Resolution – Lifting the Fallen Inc. – Noise Exception

Per Topeka City Code § 2-29 relating to adding items to the agenda, I am requesting that the Council consider the attached noise exception resolution on behalf of Lifting the Fallen Incorporated for an outdoor service to be held October 11, 2008.

The request for a noise exception was received after the agenda deadline had passed.

Thank you.

Attachment - Resolution

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

← Back Print

DATE:	**October 7, 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

Item #7

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

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DATE:	**October 7, 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

Item #8

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

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DATE:	**October 7, 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:	**09/30/08 First Reading**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

A PUBLIC HEARING in conjunction with vacation request V08A/2 by Credit Union One of Kansas to vacate 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.

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. Final 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 reconfugure 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 be construed to imply support for any existing or subsequent land development.

Item #9

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Aerial Map

proposed site plan

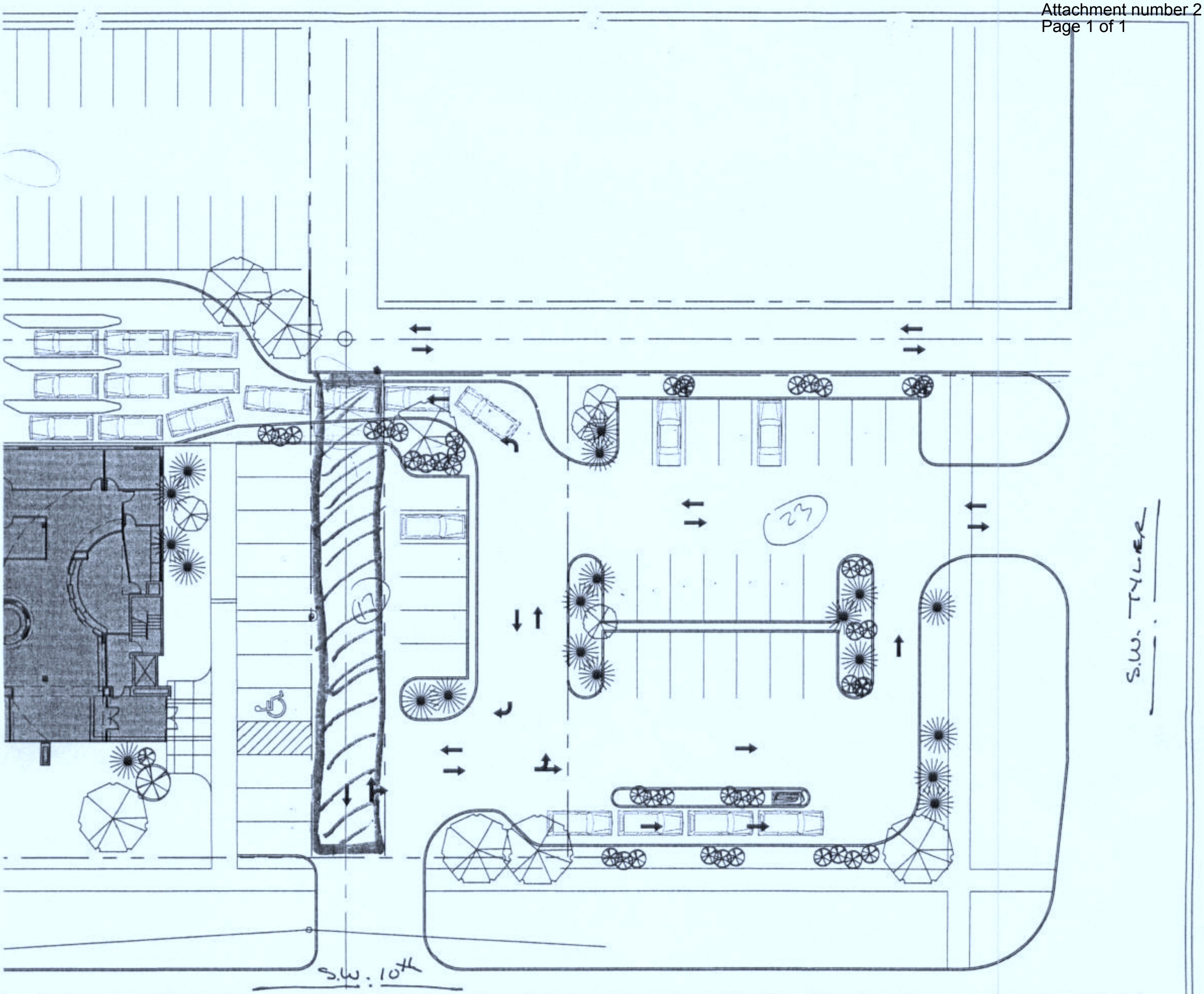
Utility reviews

Ordinance

Legal ad

V08A/2 by: Credit Union One of Kansas

City of Topeka Planning Department



ARCHITECT One 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

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

(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

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

← Back Print

DATE:	**October 7, 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:	**09/30/08 First Reading.**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $24,570,000 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. Final 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 proejct, 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 #10

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. 19169

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF $24,570,000 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. 40942-00;
(k) Sanitary Sewer Improvement Project No. 40943-01;
(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. 60623-01;
(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 $23,196,112.91 (the "Internal Improvement Costs"), of which approximately $2,984,420.02 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 ($216,692.89 of which has been paid into the City Treasury on account of the Internal Improvements) leaving $19,995,000.00 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

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
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

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
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

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

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

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

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

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

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Improvement and Refunding Bonds, Series 2008-A in the aggregate principal amount of Twenty-four Million Five Hundred Seventy Thousand Dollars ($24,570,000) for the purpose of paying the cost of the Internal Improvements and currently refunding the City's Refunded Bonds.

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

Section 1. That there is hereby authorized and directed to be issued General Obligation Improvement and Refunding Bonds, Series 2008-A of the City in the aggregate principal amount of Twenty-four Million Five Hundred Seventy Thousand Dollars ($24,570,000) (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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Passed and approved by the Council of the City of Topeka, Kansas, this 7th day of October, 2008.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19169 adopted and approved by the City Council on October 7, 2008.

(SEAL)

Brenda Younger, City Clerk

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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

← Back Print

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Jim Langford and Pam Simecka**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Resolution prescribing the form and details of General Obligation Bonds, Series 2008-A**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of General Obligation Improvement and Refunding Bonds, Series 2008-A of the City of Topeka, Kansas, in the aggregate principal amount of $24,570,000 the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved October 7, 2008; and authorizing certain other documents and actions in connection with the issuance of the bonds.

(The resolution prescribes the form and details of the City's Series 2008-A General Obligation Bonds, providing funds to finance the costs of previously authorized capital improvement projects and refund existing debt.)

POLICY ISSUE:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the general obligation bonds being issued.

STAFF RECOMMENDATION:

Approve the resolution as presented.

BACKGROUND:

These bonds will provide proceeds to pay costs of previously authorized capital projects and refund existing debt.

BUDGETARY IMPACT:

The funds provided from issuance of the 2008-A bonds will be used to finance the costs of several capital projects, including completed special assessment projects, and refund existing debt as set forth in the related Ordinance.

SOURCE OF FUNDING:

Item #11

The principal and interest on the Bonds will be paid from property taxes and special assessments appropriated for debt service from the Bond and Interest Fund.

ATTACHMENTS:

Resolution

****

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

OCTOBER 7, 2008

$24,570,000
GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS
SERIES 2008-A

****

RESOLUTION

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RESOLUTION NO. 8115

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2008-A OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF $24,570,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. 19169 ADOPTED AND APPROVED OCTOBER 7, 2008; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the Governing Body of the City of Topeka, Kansas, (the "City") has caused certain internal improvements (the "Internal Improvements") to be made in the City under the authority of 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, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and other provisions of the laws of the State of Kansas applicable thereto; 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. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., K.S.A. 12-1736 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, Charter Ordinances Nos. 68 and 74 of the City (Sections A12-1 and A14-2 of the Code of the City) (the "Series 2001-B Bond Ordinance). The terms and conditions of the Series 2001-B Bonds are set forth in a Resolution adopted on July 17, 2001 (the "Series 2001-B Bond Resolution"); 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, the City has by its Ordinance No. 19169 adopted and approved October 7, 2008, (the "Ordinance") authorized the issuance of its General Obligation Improvement and Refunding Bonds, Series 2008-A in the aggregate principal amount of $24,570,000 (the "Bonds") under the authority of K.S.A. 10-427 et seq., 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, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto for the purpose of providing funds to pay the cost of making the Internal Improvements and currently refunding (1) the Series 2001-B Bonds maturing on August 15, 2009, and August 15, 2010 (i.e., $3,260,000); and (2) $250,000 of the Series 2003-B Bonds maturing on August 15, 2009, and $1,000,000 of the Series 2003-B Bonds maturing on August 15, 2011, (i.e. $1,250,000) (collectively the "Refunded Bonds"); and

WHEREAS, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by Morgan Keegan & Company, Inc., Memphis, Tennessee (the "Original Purchaser"); and

WHEREAS, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

"Arbitrage Instructions" means the Arbitrage Instructions attached to the City's Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

"Bond and Interest Fund" means the Bond and Interest Fund of the City for its general obligation bonds.

"Bond Counsel" means the firm of Nichols and Wolfe Chartered, or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing as selected by the City.

"Bond Payment Date" means any date on which principal of or interest on any Bond is payable.

"Bond Register" means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

"Bond Registrar" means the Treasurer of the State of Kansas, Topeka, Kansas, and any successors and assigns thereto to the duties and responsibilities described in this Resolution and in the related agreement between the City and the State Treasurer.

"Bonds" means the General Obligation Improvement and Refunding Bonds, Series 2008-A, authorized and issued by the City pursuant to the Ordinance.

"Business Day" means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

"Cede & Co." means Cede & Co., as nominee name of The Depository Trust Company, New York, New York and any successors or assigns thereto.

"City" means the City of Topeka, Kansas, the issuer of the Bonds.

"Clerk" means the duly appointed and/or elected Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

"Code" means the Internal Revenue Code of 1986, as amended.

"Costs of Issuance" means all costs of issuing the Bonds, including all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code and with the Disclosure Certificate, all expenses, if any, incurred in connection with receiving ratings on the Bonds and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

"Dated Date" means October 29, 2008.

"Defaulted Interest" means interest on any Bond which is payable but not paid on any Interest Payment Date.

"Defeasance Obligations" means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

"Disclosure Certificate" means the Continuing Disclosure Certificate attached to the City's Final Certificate as *Exhibit D* and included in the transcript of proceedings pertaining to the issuance of the Bonds.

"Event of Default" means any of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made on the Interest Payment Date when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

"Fiscal Year" means the twelve month period ending on December 31.

"Funds and Accounts" means funds and accounts created or referred to in **Section 501** hereof.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 15 and August 15 of each year, commencing February 15, 2009.

"Internal Improvements" mean certain internal improvements constructed in the City in accordance with the legal authority as described in the recitals to this Resolution and in the Ordinance.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or upon on call for redemption or otherwise.

"Mayor" means the duly appointed and/or elected Mayor of the City or, in the Mayor's absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

"Moody’s" means Moody’s Investors Service, Inc., New York, New York, and any successors or assigns to the Bond rating functions thereof which is deemed acceptable by the City and Bond Counsel.

“Original Purchaser” means, with respect to the Bonds, Morgan Keegan & Company, Inc., Memphis, Tennessee.

"Ordinance" means Ordinance No. 19169 adopted and approved October 7, 2008, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

"Outstanding" means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

"Owner" when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

"Participants" means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

"Paying Agent" means the State Treasurer, and any successors and assigns thereof to the duties and responsibilities described in this Resolution and in the related agreement between the City and the State Treasurer.

"Permitted Investments" means: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties in which the City is located; (f) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements with or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units of a money market fund or trust the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Person" means any natural person, as well as any corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the purchase price of the Bonds as set forth in the *Bid Proposal for Purchase of the Bonds* as submitted by the Original Purchaser and accepted by the City, plus accrued interest to the date of delivery.

"Record Dates" means, for the interest payable on any Interest Payment Date, the first day (whether or not a Business Day) of each month of such Interest Payment Date.

"Redemption Date" means when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Resolution.

"Redemption Price" means when used with respect to any Bond to be redeemed the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Refunded Bonds" means the City's (1) General Obligation Improvement and Refunding Bonds, Series 2001-B maturing on August 15, 2009, and August 15, 2010,(i.e., \$3,260,000) and (2) \$250,000 of the General Obligation Refunding Bonds, Series 2003-B maturing on August 15, 2009 and \$1,000,000 of the General Obligation Refunding Bonds, Series 2003-B maturing on August 15, 2011, (i.e., \$1,250,000) being refunded with the proceeds of the Bonds.

“Refunded Bond Ordinances” means the Ordinances of the City authorizing the issuance of the City’s General Obligation Improvement and Refunding Bonds, Series 2001-B and General Obligation Refunding Bonds, Series 2003-B.

“Refunded Bond Resolutions” means the Resolutions of the City setting forth the terms and conditions of the City’s General Obligation Improvement and Refunding Bonds, Series 2001-B and General Obligation Refunding Bonds, Series 2003-B.

“Refunded Bonds Paying Agent” means the Treasurer of the State of Kansas, Topeka, Kansas.

"Replacement Bonds" means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

"Representation Letter" means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as *Exhibit B*.

"Resolution" means this resolution relating to the Bonds, and any Supplemental Resolution.

"Securities Depository" means, initially, The Depository Trust Company, New York, New York, and any successors and assigns.

“Series 2001-B Bonds” means the City’s General Obligation Improvement and Refunding Bonds, Series 2001-B, maturing August 15, 2009, and August 15, 2010, (i.e., $3,260,000) being currently refunded with proceeds of the Bonds.

“Series 2003-B Bonds” means $250,000 of the City’s General Obligation Refunding Bonds, Series 2003-B, maturing August 15, 2009, and $1,000,000 of the Series 2003-B Bonds maturing on August 15, 2011, (i.e., $1,250,000) being currently refunded with proceeds of the Bonds.

"Series 2008-A Principal and Interest Account" means the Principal and Interest Account for the City of Topeka, Kansas, General Obligation Improvement and Refunding Bonds, Series 2008-A, created herein within the City's Bond and Interest Fund.

"Series 2008-A Project Account" means the Project Account for the Internal Improvements in the treasury of the City, created herein.

"Series 2008-A Rebate Fund" means the Rebate Fund for the City of Topeka, Kansas, General Obligation Improvement and Refunding Bonds, Series 2008-A, created herein.

"Special Record Date" means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“Standard & Poor’s” means Standard & Poor’s Ratings Services, a Division of The McGraw Hill Companies, Inc., New York, New York and any successors or assigns to the Bond rating functions thereof which is deemed acceptable by the City and Bond Counsel.

"State" means the State of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors or assigns.

"Stated Maturity" means (i) with respect to any Bond principal payment, the date on which payment of principal is due and payable on any Bond, as specified on that Bond and in this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of the year in which any Bond is Outstanding, beginning February 15, 2009.

"Treasurer" means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

"United States Government Obligations" means bonds, notes, certificates of indebtedness, U.S. Treasury or other securities consisting of direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in the future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation).

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued General Obligation Improvement and Refunding Bonds, Series 2008-A, of the City in the aggregate principal amount of $24,570,000 for the purpose of providing funds to pay the costs of the Internal Improvements and currently refund the City's Refunded Bonds, as described in the Ordinance, in accordance with K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., Article 1 of Chapter 10, Kansas Statutes Annotated, 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, Charter Ordinance No. 89 of the City (Sections A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in the denominations of $5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated October 29, 2008, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
	SERIAL BONDS	
2009	$265,000	3.500%
2010	210,000	3.500
2011	220,000	3.500
2012	230,000	3.750
2013	240,000	3.750
2014	245,000	4.000
2015	1,035,000	4.250
2016	1,085,000	4.000
2017	1,125,000	4.250
2018	1,175,000	4.375
2019	1,225,000	5.250
2020	1,290,000	5.250
2021	1,355,000	5.000
2022	1,425,000	5.000
2023	1,505,000	5.000
2024	1,575,000	5.250
2025	1,660,000	5.400
2026	1,745,000	5.500
2027	1,840,000	5.500
2028	1,940,000	5.550
2029	1,550,000	5.600
2030	1,630,000	5.600

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *Exhibit A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq*.

Section 203. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and as Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond

Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq*. and K.S.A. 10-620 *et seq*., respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, if any, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a *Certificate of Authentication* substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the *Certificate of Authentication* on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such C*ertificate of Authentication* has been duly executed by the Bond Registrar. Such executed *Certificate of Authentication* upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Original Purchaser upon instructions of the City or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Bond Registrar) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement. The *Preliminary Official Statement* dated September 29, 2008, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

The final *Official Statement* is hereby authorized to be prepared by supplementing, amending and completing the *Preliminary Official Statement*, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final *Official Statement* as so supplemented, amended and completed, and the use and public distribution of the final *Official Statement* by the Original Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such *Official Statement* as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final *Official Statement* to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Sale of the Bonds. The sale of the Bonds to the Original Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

Section 211. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing its respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the

Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption by City. The Bonds maturing prior to August 15, 2014, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2014, may be called for redemption and payment prior to maturity on August 15, 2013, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of $5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the Bonds of the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in $5,000 units of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then Outstanding, then for all purposes in connection with such redemption each $5,000 of face value shall be treated as though it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such $5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such $5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the $5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the City desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice at least 45 days prior to the Redemption Date. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.

Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchaser of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall contain the following information:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the City. The Bonds shall be payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the City. The balance of the principal of and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, redemption premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Series 2008-A Principal and Interest Account and, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, redemption premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS
DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

(a) In the treasury of the City, the "Series 2008-A Project Account";

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Improvement and Refunding Bonds, Series 2008-A (the "Series 2008-A Principal and Interest Account"); and

(c) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Improvement and Refunding Bonds, Series 2008-A (the " Series 2008-A Rebate Fund").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

Section 502. Disposition of Bond Proceeds. The Purchase Price of the Bonds, upon issuance and delivery thereof, shall be deposited as follows:

(a) Proceeds of the Bonds in the amount of $15,374,848.20 shall be deposited in the Series 2008-A Project Account; and

(b) Proceeds of the Bonds in the amount of $4,384,143.60 shall be deposited with the Treasurer of the State of Kansas for the redemption of a portion of the City's Temporary Notes, Series 2007-A, on November 1, 2008; and

(c) Proceeds of the Bonds in the amount of $4,559,180.21 shall be deposited with the Treasurer of the State of Kansas for the redemption of the Refunded Bonds on October 30, 2008.

Section 503. Disposition of Other Moneys.

(a) That concurrently with the issuance and delivery of the Bonds, the City shall deposit with the Treasurer of the State of Kansas $9,937.99 of other lawfully avalilable funds of the City, for the redemption of a portion of the City's Temporary Notes, Series 2007-A, on November 1, 2008.

Section 504. Withdrawals from the Series 2008-A Project Account. The Treasurer shall make withdrawals from the Series 2008-A Project Account solely for the purpose of paying costs and expenses of the Internal Improvements and paying the Costs of Issuance for the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 505. Surplus in the Series 2008-A Project Account. All moneys remaining in the Series 2008-A Project Account after the completion of the Internal Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2008-A Principal and Interest Account and applied to the next installment of principal due on the Bonds from which such surplus moneys remain.

Section 506. Application of Moneys in Series 2008-A Principal and Interest Account. All amounts paid and credited to the Series 2008-A Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Series 2008-A Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Series 2008-A Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Series 2008-A Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 507. Application of Moneys in the Series 2008-A Rebate Fund.

(a) There shall be deposited in the Series 2008-A Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Series 2008-A Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2008-A Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Series 2008-A Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2008-A Principal and Interest Account of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

Section 508. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be invested in accordance with the requirements of K.S.A. 10-131, as amended. All such investments constituting deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Series 2008-A Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Series 2008-A Project Account may, at the direction of the governing body of the City, be paid and credited to the Series 2008-A Principal and Interest Account, and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

Section 509. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent, all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the Owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Outstanding Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any Bond proceeds or any other funds of the City in a manner which would adversely affect the exclusion from gross income of the interest on the bonds, and (3) will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely effect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, and will not take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

Section 802. Rebate Covenant. The City covenants and agrees that it will pay, or provide for the payment of, from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

Section 803. Survival of Covenants. The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article VII hereof or any other provision of this Resolution until the final maturity date of all Bonds Outstanding.

Section 804. Qualified Tax-exempt Obligations. The Bonds are not designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The City hereby covenants with the Original Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Original Purchaser and such Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Original Purchaser and/or any such Beneficial Owner may make demand for such compliance by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Original Purchaser or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy as the Original Purchaser and/or any such Beneficial Owner shall deem effectual to protect and enforce any of the duties of the City under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Redemption of Refunded Bonds. That pursuant to the Refunded Bond Resolutions, the City hereby calls (1) the Series 2001-B Bonds maturing on August 15, 2009, and August 15, 2010, and (2) $250,000 the Series 2003-B Bonds maturing on August 15, 2009, and $1,000,000 of the Series 2003-B Bonds maturing on August 15, 2011, for redemption and payment on October 30, 2008, the Redemption Date. The Series 2001-B Bonds are being called at the redemption price of 100 percent of the par value thereof plus accrued interest thereon to the redemption date. The Series 2003-B Bonds are being called at the redemption price of 101 percent of the par value thereof plus accrued interest thereon to the redemption date. Subject to the specific requirements of the Refunded Bond Resolutions which set forth the terms and conditions of the Refunded Bonds, notice of redemption shall be given in accordance with applicable law by the City giving written notice of its intention to redeem such bonds by mailing by certified mail a copy of the City's order of redemption (the "Redemption Notice") to the State Treasurer of the State of Kansas, 900 SW Jackson, Suite 201, Topeka, Kansas 66612, who upon receipt of the Redemption Notice shall give notice of such call by mailing a copy of the Redemption Notice by first class mail, postage prepaid, to the registered owner of each bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar.

Section 1002. Annual Audit. Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk**,** and a duplicate copy of the audit shall be mailed to the Original Purchaser. Such audit shall at all times during the usual business hours of the City be open to the examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

Section 1003. Amendments. The rights and duties of the City and the Owners, and the terms and provisions of the Bonds or of this Resolution, may be amended or modified at any time in any respect by resolution of the City with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

Any provision of the Bonds or of this Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

With notice to or the consent of any Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond, or a prospective purchaser or owner of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk to any such Owner or prospective Owner. A copy of every amendatory or supplemental resolution shall be sent to Moody's.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Bond Registrar and to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Bond Registrar or the Paying Agent under this Resolution.

Section 1004. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to make acknowledgements within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.

Section 1005. Further Authority. The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1006. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 1007. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1008. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the Council of the City.

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PASSED and approved by the City of Topeka, Kansas, on October 7, 2008.

CITY OF TOPEKA, KANSAS

(SEAL)

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a regularly scheduled meeting held on October 7, 2008, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: October 7, 2008.

____
Brenda Younger, City Clerk

(SEAL)

EXHIBIT A
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BOND
SERIES 2008-A

No. R-_____ $_________

Rate of Interest:	Maturity Date: August 15, 20__	Dated Date: October 29, 2008	CUSIP _________

Registered Owner:

PRINCIPAL AMOUNT ______________________________

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the "Owner"), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2009, until said principal amount is paid.

The principal of and redemption premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the Owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 1st day of February or August of the applicable interest payment date (the "Record Dates"), or in the case of an interest payment to any Owner of **$500,000** or more in aggregate principal amount of the Bonds, by electronic transfer to such Owner upon written notice given to the Paying Agent by such Owner not less than **15** days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Owner wishes to have such transfer directed. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 29th day of October, 2008.

CITY OF TOPEKA, KANSAS

(manual)
Mayor

ATTEST: (manual)
(SEAL) City Clerk

****

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation Improvement and Refunding Bonds, Series 2008-A described in the within mentioned Resolution.

Registration Date: ____________________

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
as Bond Registrar and Paying Agent

By ____________________________________

I.D.#: ________________

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FURTHER TERMS AND PROVISIONS

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of $24,570,000 (the "Bonds") issued for the purposes set forth in Ordinance No. 19169 of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, K.S.A. 10-101 to 125, inclusive, as amended, K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City, and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. 8115 of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issuable in fully registered form in the denomination of $5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds maturing on or after August 15, 2014, may be called for redemption and payment prior to maturity on August 15, 2013, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of $5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

Bonds will be redeemed in integral multiples of $5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than $5,000, treat each $5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the Owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the Owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of the Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the city, the Paying Agent and the Securities Depository.

This Bond is transferable by the Owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

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BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

____
(Name and Address)

____

____
(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____________ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint ____________________________ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _______________

____
Name

____
Social Security or Taxpayer Identifying No.

____
Signature (Sign Here Exactly as Name(s) Appear on Face of Certificate)

Signature guaranty:

By______________________________

****

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of October 29, 2008.

WITNESS my hand and official seal.

______________(manual)______________
City Clerk

(SEAL)
****

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, LYNN JENKINS, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this ________________________.

WITNESS my hand and official seal.

LYNN JENKINS
TREASURER OF THE STATE OF KANSAS

By______________________________________
State Treasurer

(SEAL)
****

EXHIBIT B

(DTC LETTERS OF REPRESENTATION)

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Jim Langford or Pam Simecka**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of Temporary Notes, Series 2008-A of the City of Topeka, Kansas, in the aggregate principal amount of $16,350,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2007-A Temporary Notes of said City, dated November 28, 2008, and for the purpose of providing funds to pay a portion of the cost of certain improvements in said City.

(*The resolution authorizes the issuance of the City's Series 2008-A Temporary Notes, providing funds to temporarily finance the costs of previously authorized capital improvement projects.*)

POLICY ISSUE:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the temporary notes being issued.

STAFF RECOMMENDATION:

Approve the resolution as presented.

BACKGROUND:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the temporary notes being issued.

BUDGETARY IMPACT:

The funds provided from issuance of the 2008-A Notes will be used to temporarily finance the costs of several capital projects, including incomplete special assessment projects. The budgetary impact will not be realized until the principal and interest on the Notes are paid from proceeds of general obligation bonds expected to be issued in 2009.

SOURCE OF FUNDING:

The principal and interest on the Notes will be paid from proceeds of general obligation bonds expected to be issued in 2009.

Item #12

ATTACHMENTS:

Resolution -Temporary Notes

RESOLUTION NO. 8116

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES 2008-A OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF $16,350,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF RENEWING A PORTION OF THE PRINCIPAL AMOUNT OF THE SERIES 2007-A TEMPORARY NOTES OF SAID CITY, DATED NOVEMBER 28, 2008, AND FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COST OF CERTAIN IMPROVEMENTS IN SAID CITY.

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq*., 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") (Section A12-1 of the Code of the City) and all other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had and other actions duly and legally taken, the City has approved the following internal improvements (the "Improvements"):

(a) Water Main Improvement Project No. 28627-00;

(b) Sanitary Sewer Improvement Project No. 40874-03;

(c) Sanitary Sewer Improvement Project No. 40898-01;

(d) Sanitary Sewer Improvement Project No. 40936-00;

(e) Sanitary Sewer Improvement Project No. 40936-01;

(f) Sanitary Sewer Improvement Project No. 40945-00;

(g) Sanitary Sewer Improvement Project No. 40947-00;

(h) Sanitary Sewer Improvement Project No. 40949-01;

(i) Sanitary Sewer Improvement Project No. 40951-00;

(j) Sanitary Sewer Improvement Project No. 40951-01;

(k) Street Improvement Project No. 60607-00;

(l) Street Improvement Project No. 60611-04;

(m) Street Improvement Project No. 60619-00;

(n) Street Improvement Project No. 60624-01;

(o) Street Improvement Project No. 60624-02;

(p) Street Improvement Project No. 60625-00;

(q) Storm Sewer Improvement Project No. 60626-00;

(r) Street Improvement Project No. 60632-00;

(s) Street Improvement Project No. 60632-01;

(t) Street Improvement Project No. 60638-00;

(u) Street Improvement Project No. 60641-00; and

(v) Street Improvement Project No. 70196-02.

WHEREAS, the cost of making the Improvements are to be paid in whole or in part by the issuance of general obligation bonds of the City in the manner provided by law; and

WHEREAS, pursuant to Resolution No. 8013 of the City adopted November 6, 2007, the City has issued its Temporary Notes, Series 2007-A, dated November 28, 2007, aggregating the principal amount of $9,200,000 and maturing on November 1, 2008, (the "Series 2007-A Notes") to provide funds to finance certain improvements in the City including Projects Nos. 28627-00, 40945-00, 40947-00, 60607-00, 60624-01, 60625-00, 60626-00 and 70196-02; as hereinbefore described (the "Projects"), and all aspects of said Projects will not be fully completed at the maturity of the Series 2007-A Notes; and

WHEREAS, it is necessary for the City to provide cash funds to renew a portion of the Series 2007-A Temporary Notes issued to provide financing for the Projects and to meet the City's obligations incurred in connection with the Improvements prior to the completion of said work and the issuance of the City's general obligation bonds, and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

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

Section 1.(a) For the purpose of providing funds to renew a portion of the Series 2007-A Notes issued in connection with the Projects as hereinbefore described and to pay obligations incurred by the City in acquiring and constructing the Improvements, there shall be issued and are hereby authorized to be issued Temporary Notes, Series 2008-A, of the City, in the principal amount not to exceed $16,350,000 (the "Notes"). The Notes will consist of fully registered notes in the denomination of $5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated October 29, 2008, shall become due on November 1, 2009, and shall bear interest from said date at the rate of four and one-half percent (4.50%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on November 1, 2009, or at redemption prior to maturity, (the "Interest Payment Date") to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding the applicable interest payment date (the "Record Date").

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of

1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes which are outstanding and unpaid, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may, after consultation with the Note Registrar, select a successor securities depository in accordance with subsection (c) hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of any replacement Notes ("Replacement Notes"), all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository, provided the Note Registrar receives written evidence satisfactory to it with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to The Depository Trust Company, New York, New York, by the Mayor or Deputy Mayor in the form attached hereto as Exhibit A with such changes, omissions, insertions and revisions as the Mayor or Deputy Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor or Deputy Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes.

Section 2. The City may call the Notes for redemption and payment prior to maturity in whole or in part, (selection of the Notes to be redeemed to be determined by the City) at any time on or after May 1, 2009, at the redemption price (the "Redemption Price") of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the date of such redemption (the "Redemption Date").

Notes shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the Notes are to be redeemed and paid prior to their stated maturity, such Notes shall be redeemed in such manner as the City shall determine. Notes of less than a full stated maturity shall be selected by the Note Registrar in $5,000 units of principal amount in such equitable manner as the Note Registrar may determine. In the case of a partial redemption of Notes by lot when Notes of denominations greater than $5,000 are then outstanding, then for all purposes in connection with such redemption each $5,000 of face value shall be treated as though it were a separate Note of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of face value represented by any Note is selected for redemption, then upon notice of intention to redeem such $5,000 unit or units, the Registered Owner or the Registered Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such $5,000 unit or units of face value called for redemption, and (2) for exchange without charge to the Registered Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Registered Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of the $5,000 unit or units of face value called for redemption (and to that extent only).

Unless waived by any Registered Owner of Notes to be redeemed, if the City shall call any Notes for redemption and payment prior to the stated maturity thereof, the City shall give written notice of its intention to call and pay said Notes to the Note Registrar, and the Underwriter. In addition, the City shall in accordance with the requirements of K.S.A. 10-129, as amended, cause the Note Registrar to give written notice of redemption to the Registered Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information: (a) the Redemption Date; (b) the Redemption Price; (c) if less than all outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the

Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent. The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date. Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest.

In addition to the foregoing notice, the Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

Section 3. The Notes shall contain recitals and be in the form as prescribed by law. The Notes, shall in addition to all other requirements, shall be subject to the terms and conditions of the agreement entitled "Agreement Between Issuer and Agent" by and between the City and the Treasurer of the State of Kansas, as Note Registrar.

Section 4. The Notes shall be executed by the facsimile or manual signature of the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon. After such execution and the registration of the Notes by the City Clerk and the Kansas State Treasurer, Topeka, Kansas, hereby designated as both the City's Note Registrar and Paying Agent in connection with the Notes, the Notes shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the Original Purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest thereon to the date of delivery. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of renewing the Series 2007-A Notes previously issued to finance the Projects as hereinbefore described, the costs of the Improvements and the costs of issuing the Notes.

Section 5. The Notes to be issued shall be in substantially the following form:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION (“DTC”), TO ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), **ANY TRANSFER, PLEDGE, OR OTHER USE THEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL** IN AS MUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

Temporary Note No. R-1

$16,350,000 **$16,350,000**

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
SERIES 2008-A

Rate of Interest: 4.50%	Maturity Date: November 1, 2009	Dated Date: October 29, 2008	CUSIP NO. _______

Registered Owner: Cede & Co.
Principal Amount: Sixteen Million Three Hundred Fifty Thousand Dollars

KNOW ALL MEN BY THESE PRESENTS:

That the City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, unless called for redemption and payment prior to such maturity date as hereinafter provided, both the principal amount identified above and in like manner to pay interest on such principal amount from the date of this Note until said principal amount is paid. In accordance with the terms and conditions of the Resolution, the City may call this Note for redemption and payment on or after May 1, 2009, by serving written notice to that effect on the owner of this Note at least thirty (30) days before the date of such call and it may redeem this Note on the date of such call upon payment to the owner hereof of the principal of and interest accrued to the date of such call and no further interest shall accrue on the Note subsequent to such date of redemption.

The principal of and interest on this Note shall be payable in lawful money of the United States of America by check or draft at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Note Registrar" and "Paying Agent"), upon presentation of this Note for payment and cancellation. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS NOTE ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas; that this Note is negotiable and constitutes a general obligation of the City; that this Note and any outstanding notes and bonds previously issued for the improvement described herein do not exceed the estimated cost and expense of said improvement; and that the total indebtedness of said City, including this series of Notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its Governing Body, has caused this Temporary Note to be signed by its Mayor or Deputy Mayor and attested by its City Clerk, and has caused its corporate seal to be affixed hereto, all as of the 29th day of October, 2008.

ATTEST:

____
Mayor, City of Topeka, Shawnee County, Kansas

____
City Clerk

(SEAL)

This Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

____
(SEAL) City Clerk

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CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2008-A, described in the within mentioned Resolution.

Registration Date: ____________________.

OFFICE OF THE STATE TREASURER
Topeka, Kansas,

As Note Registrar and Paying Agent

I.D. No. ____________________ By______________________________

****

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that the within Temporary Note of the City of Topeka, Kansas, was duly registered in my office according to law, and that the signatures thereto are genuine.

WITNESS My Hand and Official Seal as of this 29th day of October, 2008.

____

(SEAL) City Clerk of the City of Topeka, Shawnee County, Kansas

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STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, LYNN JENKINS, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Temporary Note has been filed in my office and that this Note has been registered in my office according to law this _____ day of October, 2008.

WITNESS My Hand and Official Seal.

LYNN JENKINS
Treasurer of the State of Kansas

BY:_____________________________

(SEAL) State Treasurer

****

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

____

(Note Assignment)

____

____

(Social Security or Taxpayer Identifying No.)

the Temporary Note to which this assignment is affixed in the outstanding principal amount of $_____________ standing in the name of undersigned on the books of the Treasurer of the State of Kansas, Topeka, Kansas, the Note Registrar. The undersigned does (do) hereby irrevocably constitute and appoint ________________________ as attorney to transfer said Note on the books of the Note Registrar with full power of substitution in the premises.

Dated___________

____
Name

____
Social Security or Taxpayer Identifying No.

____
Signature (Sign Here Exactly as Name(s) Appear on Face of Certificate)

Face of Certificate SignatureGuaranteed By:

____
(Name of Eligible Guarantor Institution as defined by SEC Rule 17Ad-15 (17CFR 240.17 Ad-15)

By:_________________________________

****

FURTHER TERMS AND CONDITIONS

This Note is one of a duly authorized series of Temporary Notes aggregating the principal amount of $16,350,000 (the "Notes") issued by the City to finance, on an interim basis, the construction of certain improvements, heretofore duly authorized by the City, which are to be paid for either in whole or in part by the issuance of bonds of the City. This Note and the series of which it is a part are issued by the City to pay the cost of such improvements until money for such purpose and for the payment of this Note with accrued interest, if any, thereon can be raised by the City by the sale and issuance of its general obligation bonds. This Note and the series of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of Resolution No. 8116 of the City (the “Resolution”), the Constitution and Laws of the State of Kansas, including Article 12, Section 5 of the Constitution to the State of Kansas, K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 *et seq*., as amended, and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and all acts amendatory thereof and supplemental thereto.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Resolution. One Note certificate with respect to each date on which the Notes are stated to mature, registered in the nominee name of the securities depository named in the Resolution, together with its successors and assigns (the “Securities Depository”), is being issued. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to the rules and procedures established by the Securities Depository and its participants. The City will recognize the Securities Depository nominee, while the registered owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of and interest on this Note, (ii) notices and (iii) voting. Transfers of principal and interest payments to participants of the Securities Depository, and transfers of principal and interest payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficials owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the registered owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Note shall be made in accordance with existing arrangements among the City, its Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION, THIS NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. The City may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of the principal hereof and interest due hereon and for all other purposes. This Note is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the office of the Note Registrar upon receipt by the Note Registrar of a duplicate original counterpart of the document by which the assignment or reassignment is made, disclosing the name and address of each such assignee. Upon receipt of such notice of assignment, the Paying Agent agrees to make all payments to the assignee designated in the assignment. The City shall pay out of the proceeds of the Notes, or from other lawfully available funds, all costs incurred in connection with the issuance, transfer, exchange, redemption or payment of the Notes except (a) fees and expenses in connection with the replacement of any of the Notes mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange or payment of the Notes.

****

Section 6. That the Notes shall be issued and sold to Morgan Stanley DW Inc., Purchase, New York, in accordance with both the Note Bid Form (the "Note Bid Form") between such Original Purchaser and the City, the execution of which Note Bid Form is authorized hereby and by the other terms and conditions of this Resolution.

Section 7. That the City covenants and certifies to and for the benefit of the Owners of the Notes from time to time outstanding that so long as any of the Notes remain outstanding, moneys on deposit in any fund or account in connection with the Notes, whether or not such moneys were derived from the proceeds of the sale of the Notes or from any other sources, will not be used in a manner which will cause the Notes to be classified as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). Pursuant to such covenant, the City shall, to the extent permitted by law, comply throughout the term of the issue of the Notes and thereafter with the requirements of Section 148 of the Code including, but not limited to, the rebate of certain amounts, if any, to the United States.

Section 8. That the City covenants to take all action necessary in order to maintain the exclusion under Section 103 of the Code of the interest on the Notes from gross income for federal income tax purposes.

Section 9. That the forms of the *Preliminary Official Statement* and the *Official Statement*, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed, and the execution, circulation and distribution thereof are hereby approved, ratified and confirmed for and on behalf of the City, in substantially the form presented at this meeting.

Section 10. That the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City's obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

ADOPTED by the Council of the City of Topeka, Kansas, this 7th day of October, 2008.

CITY OF TOPEKA, KANSAS

(SEAL)

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 8116 adopted and approved by the City Council on October 7, 2008.

(SEAL)

____
Brenda Younger, City Clerk

EXHIBIT A

LETTER OF REPRESENTATIONS

(ATTACHED)

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2008

Back Print

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Randy L. Speaker**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**019 Reports / 009 Real Estate**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/30/08 Defer one week**	**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. *(Deferred from the meeting of September 30, 2008.)*

(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. rant. Remaining proceeds shall go towards
ursing the City for the p purchase of the building, of which $23,034 is unfunded.

SOURCE OF FUNDING:

No costs other than auctioneer services and fees.

ATTACHMENTS:

Report

Item #13

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.

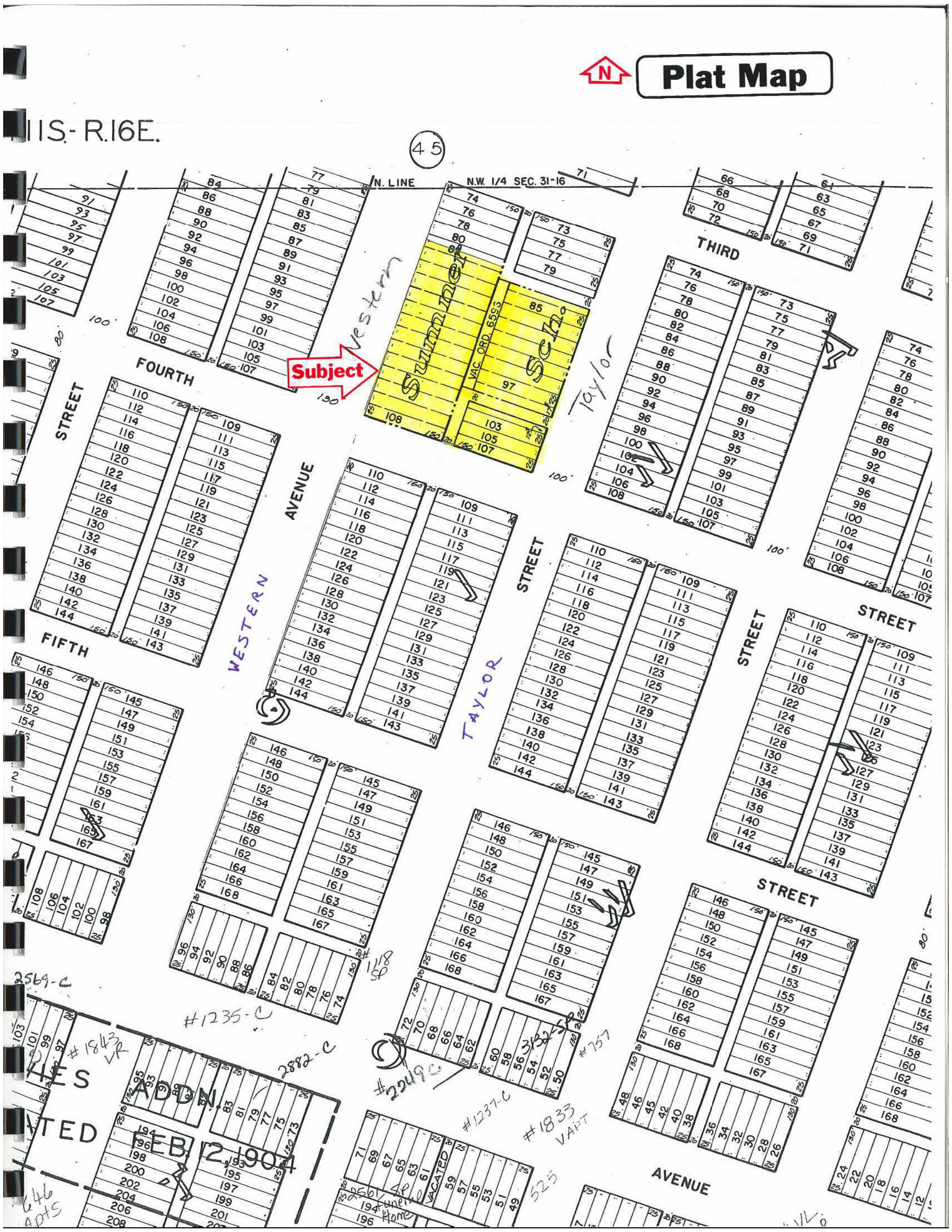
I/we ____________________________________ hereby read, understand and agree to bid with these stipulations being enforced on or after the sale and will be a part of the sales contract. Many of the above items will survive the closing and imposed on the buyer(s) in the future. Real property sales at auction 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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#1833 VAPT
Funeral Home
VACATED

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 25, 2008

← Back Print

DATE:	**October 7, 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:	**09/30/08 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of $1,000,000 and 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 waterworks 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 State of Kansas Loan Funds to pay the cost thereof. Final Reading.

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 Section A12-1, and to borrow funds from the Kansas Department of Health and Environment State of Kansas Loan Funds, or any combination thereof, to pay the cost of the project.

(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.

Item #14

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.

- 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

Ordinance

Notice of Intent

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:	**Funding Source**	**Funding Source**	**Total**
Construction:	$775,000.00	$0.00	$775,000.00
Design:	$32,000.00	$0.00	$32,000.00
Construction Service Fees:			
Construction Inspection:	$6,000.00	$0.00	$6,000.00
Construction Staking:	$0.00	$0.00	$0.00
Administrative Fees:			
Legal Dept. Admin.	$0.00	$0.00	$0.00
Engineering Admin.	$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: ______ Date: ______
d. City at Large: ______
e. Method of Assessment: ______

PROJECT ENGINEER:

Larry Shannon

(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 waterworks system pursuant to City of Topeka Code §A12-1, and authorizing the borrowing of funds from the State of Kansas Loan Funds 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

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 State of Kansas Loan Funds 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 State of Kansas Loan Funds 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 State of Kansas 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 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-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 State of Kansas Loan Funds, 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 State of Kansas Loan Funds, 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 State of Kansas Loan Funds, 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 23, 2008

Back Print

DATE:	**October 7, 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:	**09/30/08 First Reading**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of $1,000,000 and 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. Final Reading.

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 Section 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.

(Approval would authorize the replacement of the Distributed Control System (DSC) at the North Topeka Waste Water Treatment Plant.)

POLICY ISSUE:

None.

STAFF RECOMMENDATION:

Item #15

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 computor 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 orth 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	
Contingincies		$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:

(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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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008

← Back Print

DATE:	**October 7, 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:	**09/30/08 First Reading**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of $780,000 and 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. Final Reading.

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 Section 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.

(Approval would authorize 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:

Item #16

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.

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

Notice of Intent

Ordinance

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 intergrity 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	
Contingincies		$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:

(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

(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.

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 seven hundred fifty thousand dollars ($750,000.00) 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.

<u>Section 5</u>. 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

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 24, 2008

Back Print

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Celeste Benton**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Civil Service Commission**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 003 Requests**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/16/08 Defer one week.** **09/23/08 Defer two weeks.**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Kimberly Scott to the Civil Service Commission for a term that would expire on September 30, 2012. *(Council District No. 7) (Deferred from the meeting of September 23, 2008.)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Kimberly Scott, 3049 SE Wisconsin, to the Civil Service Commission. Ms. Scott was nominated by Councilman Alcala. A copy of her resume is attached for review.

BACKGROUND:

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments and certifies the lists of eligible applicants. The Commission makes an annual report to the City Manager and the City Manager may require special reports from the Civil Service Commission at any time.

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

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #17

ATTACHMENTS:

Scott Bio

August 26, 2008

Kimberly Scott

HR RELATED TRAINING:

Targeted Selection Course/Competency Based Interviewing and Hiring Practices:

- Use the STAR concept when interviewing (Situation, Task, Action, and Result).
- Use of interview guides that help to ask behavioral questions that fit specific competencies (Leadership, strategy/vision, relationship building, influence/negotiation, innovation, results oriented, etc.)
- Responsible for understanding and applying laws for pre-employment inquires and questions that are prohibited during the interview process and legal rights of employees. Also required to adhere to and enforce the Colgate Code of Ethics/Conduct for all employees.

Employee Issues Resolution Process Training:

- Improve communication between employees and management
- Provide training/guidance for managers to effectively resolve issues in a timely manner
- Provide alternative options to resolving conflicts internally
- Proper steps for handling Code of Conduct violations

Supervise/Manage:

Hill's Topeka Plant Analytical/Quality Laboratory:

- 3 Quality Assurance Chemists with an average of 31 years of service to the company
- 2 Quality Assurance technicians – 23 years of service and 1.5 years of service
- All plant production personnel

The Lab operates 24 hours 5-6 days a week depending on the production schedule. I am on call 24 hours 7 days a week.

I hire a temporary position about every 10 months and work through Kelly Scientific. They screen and I am responsible for selecting candidates to interview and hire. Over the last 4 years, I have hired 5 people for this position and am in the process of hiring another chemist for the lab.

Additionally, I participate in plant wide interviews for team leaders and technicians and in the past have participated in interviews for Scientists and Fellows at the Pet Nutrition Center.

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 25, 2008

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Mark Schreiner**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Mike Coker/Topeka Zoo African Canid (Hyena) Exhibit**	**PROJECT #:**	**30278-00**
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 $376,185 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget for Improvement Project No. 30278-00 which provides for the African Canid (Hyena) Exhibit as more specifically described herein, authorizing the same and rescinding Resolution No. 7967. *(Council District No. 9)*

(The project will be 100% funded by the Friends of the Topeka Zoo (FOTZ). An increase in the project budget of $226,185 will cover the unexpected increase in cost of construction materials.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Revised Project Budget and Adopt Resolution as presented.

BACKGROUND:

This project is needed to promote an African Canid/Hyena species to balance the experience for the public visiting Lion's Pride. This project is part of the approved Zoo Master Plan and the MOU (Memorandum of Understanding with FOTZ and the City). This agreement covers seven projects being developed over the next five years. This project is funded with Non city-private funds, no GO dollars involved. This project is part of the Zoo Master Plan and the Memorandum of Understanding (MOU) between the Zoo (City) and the Friends of the Zoo (FOTZ).

BUDGETARY IMPACT:

Revised Project Budget: $376,185.00
This revised budget will cover the unexpected increase in cost of construction materials and paid for by FOTZ (Friends of the Zoo). This project will not affect the debt service to the City. The funding is part of a commitment from Friends of the Zoo (FOTZ) as part of the Zoo Tomorrow Capitol Campaign. The use of FOTZ funds for this project is part of the Zoo Master Plan approved by the City Council and part of the Zoo Tomorrow Capitol Campaign with the Friends of the

Zoo.

SOURCE OF FUNDING:

Friends of the Zoo (FOTZ)

ATTACHMENTS:

Revised Project Budget

Vicinity Map

Picture-Purposed Topeka African Canid Exhibit

Resolution

Complete and print both the ***Clerk Information Sheet*** and ***Council Action Sheet*** for each document submitted to the City Clerk for the agenda.

You need to fill in the Clerk Information page first, otherwise the Council form will not work properly.

Clerk Information Sheet - Data is entered either in the text boxes or use the pull downs available and highlight your choice.

Council Action Sheet - The information on the Council Action sheet is entered into merged cells.

To type information in the cells, use the F2 function key.
In order to space between paragraphs in the cells, use
ALT - ENTER. This will add a line between paragraphs or enable you to list items.

Please use the original form from the City Intranet each time you prepare a Council document. The original form is modified periodically.

REVISED PROJECT BUDGET
Project No. 30278-00

LOCATION:

Topeka Zoo
African Canid/Hyena Exhibit
635 S.W. Gage Blvd.

Contact Person: Mike Coker

DESCRIPTION OF PROJECT:

To provide design and construction of an African Canid (hyenas) exhibit. This new exhibit will provide a large outside yard with a winter holding facility. The new exhibit will be heavily planted with a small pool, naturalistic rock work, and dens. The visitors will be able to view 3-4 animals in a social setting, and experience interpretative graphics. The location is next to a hoof stock exhibit allowing for better discussion about the predator/prey relationship. This exhibit will be a 4,000-6,000 square foot open topped exhibit for African hyenas.

SOURCE OF FUNDS:
FOTZ

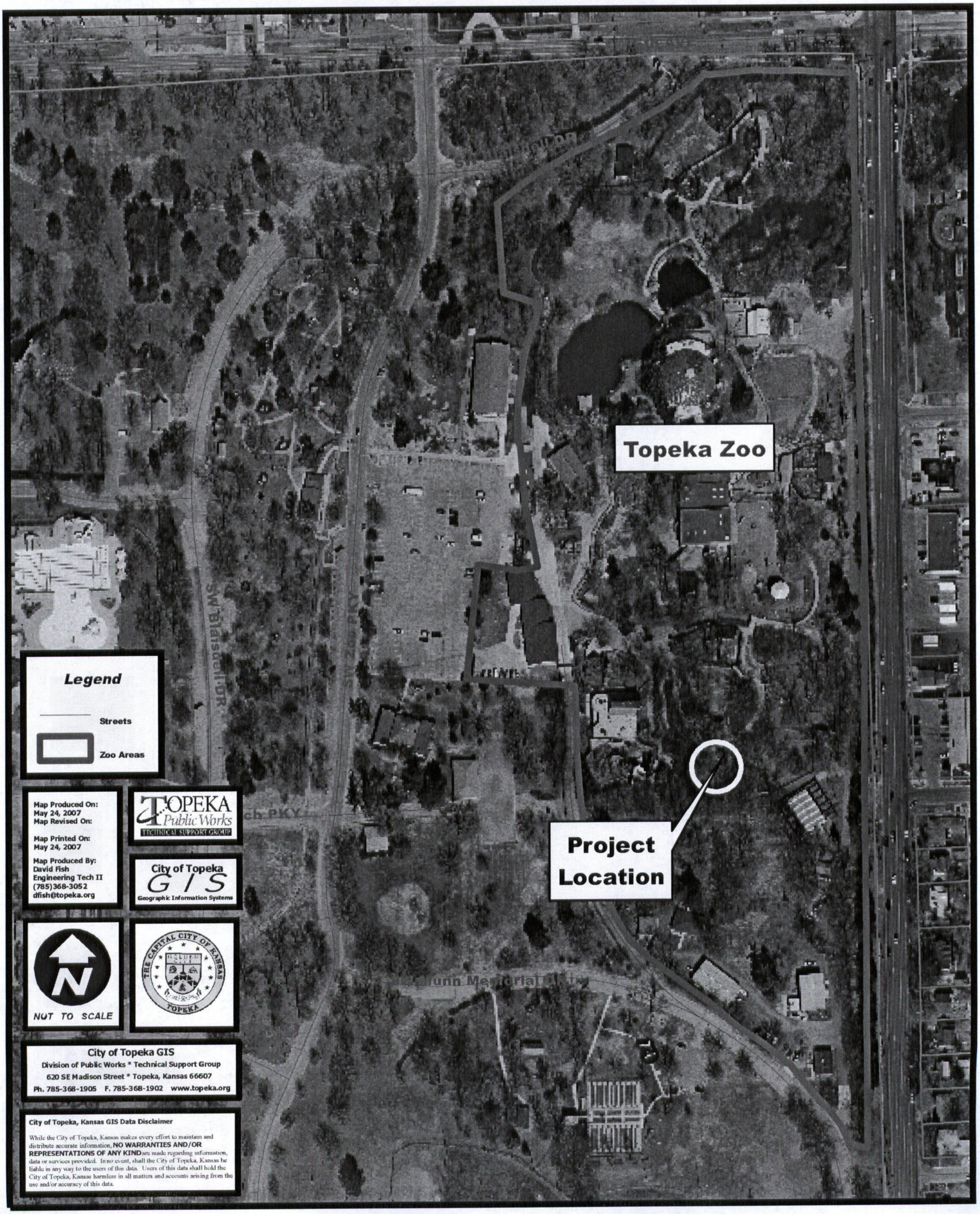
COST ESTIMATE:	FOTZ	FUNDING SOURCE	Total
Construction:	283,904		$283,904
Design:	35,500		$35,500
Construction Services Fees:	22,712		$22,712
Administrative Fees:	5,679		$5,679
Right-of Way Acquisition:	0		$0
Contingency Amount:	28,390		$28,390
Interim Interest	0		$0
Total:	376,185		$376,185

PUBLIC HEARING:

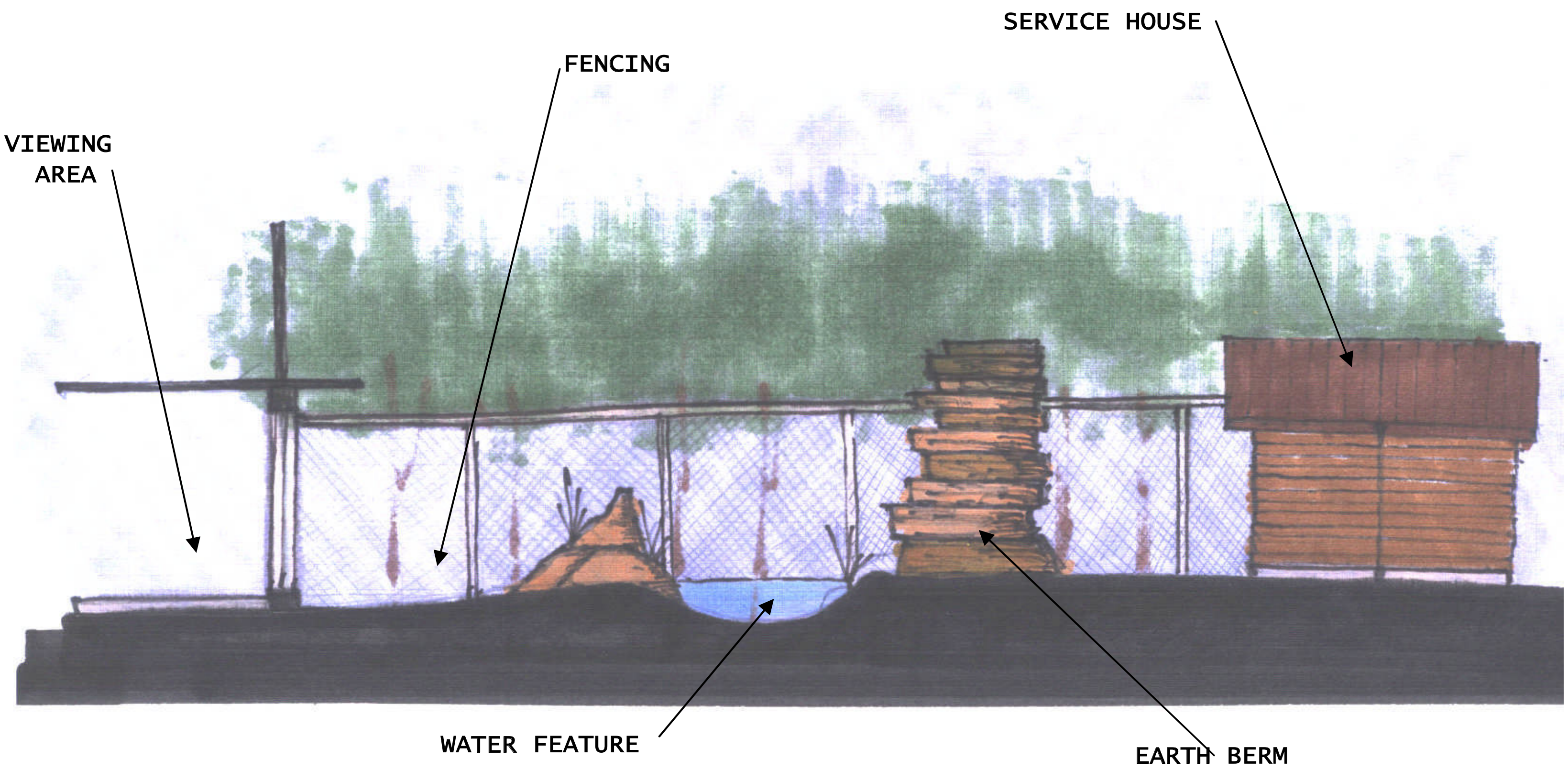
PROJECT AUTHORITY:
a. Statutes: ______
b. Ord./Res. No.: ______
c. Improvement District: ______
d. City at Large: ______
e. Method of Assessment: ______

PROJECT ENGINEER: Mark B. Schreiner, P.E.

Topeka Zoo Improvements - Project 30278-00



Proposed Concept Drawing
Project No. 30278-00, African Canid/Hyena Exhibit



RESOLUTION NO. ____________

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget for Improvement Project No. 30278-00 which provides for the African Canid (Hyena) Exhibit as more specifically described herein, authorizing the same and rescinding Resolution No. 7967.

WHEREAS, the City Council approved Resolution No. 7967 on June 19, 2007, for Project No. 30278-00 with an estimated budget cost of one hundred fifty thousand dollars ($150,000.00); and

WHEREAS, the cost of the project has increased an additional two hundred twenty six thousand one hundred eighty five dollars ($226,185.00).

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. 30278-00 with a project budget summarized herein and more fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

To provide for the design and construction of an African Canid (hyenas) exhibit. This new exhibit will provide a large outside yard with a winter holding facility and will be heavily planted with a small pool, naturalistic rock work, and dens. The visitors will be able to view 3–4 animals in a social setting, and experience interpretative graphics. The location is next to a hoof stock exhibit, allowing for better discussion about the predator/prey relationship. This will be a 4,000–6,000 square foot open topped exhibit for African hyenas.

B. TOTAL PROJECT BUDGET COST:

$376,185.00

C. SOURCE OF FUNDS:

Friends of the Zoo (FOTZ)

BE IT FURTHER RESOLVED that Resolution 7967 is hereby rescinded.

ADOPTED and APPROVED by the City Council ___________________________.

CITY OF TOPEKA, KANSAS

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 24, 2008

DATE:	**October 7, 2008**		
CONTACT PERSON:	**Deputy Mayor Jeff Preisner**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**City Council Rule 2.12 - television coverage**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Deputy Mayor Jeff Preisner amending the Topeka City Council Rules and Procedures, specifically Rule 2.12 concerning television coverage.

(The City would no longer provide television coverage of any City Council meeting. Instead, the City shall make audio recordings of the portions of the Council meeting which are open to the public.)

POLICY ISSUE:

Whether or not to discontinue television coverage and instead provide audio recordings of city council meetings.

STAFF RECOMMENDATION:

BACKGROUND:

Discontinuance of city council meeting television coverage will save taxpayers' money. Providing audio recordings of the portions of the council meeting which are open to the public emulates the manner in which our county government provides public access to commission meetings

BUDGETARY IMPACT:

Personnel cost savings of approximately $253 per council meeting

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Resolution

Item #19

RESOLUTION NO. ___________

A RESOLUTION introduced by Deputy Mayor Jeff Preisner amending the Topeka City Council Rules and Procedures, specifically Rule 2.12 concerning television coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that Topeka City Council Rule 2.12 is hereby amended to read as follows:

2.12 No Television Coverage/Audio Recordings. ~~Except as otherwise provided herein, the public portions~~The City shall not provide television coverage of any city council ~~action~~ meeting. The City shall, however, make audio recordings of the portions of the council meeting which are open to the public ~~shall be televised live~~ subject to budget constraints or technical difficulties.

ADOPTED and APPROVED by the City Council _________________________.

CITY OF TOPEKA, KANSAS

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 22, 2008

Back Print

DATE:	**October 7, 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:	**09/30/08 First and Final Reading**	**JOURNAL #:**	**08**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 15, 2008, through September 21, 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 15, 2008, through September 21, 2008, in the amount of $434,542.89.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Weekly Expenditures

Item #20

(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 15, 2008, through September 21, 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.

Section 3.	Total for 1323 vendor checks written in this period	$258,927.31
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	175,615.58
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	000,000.00
	Total for expenditures in this period	$434,542.89

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 ___________________________.

____
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 11, 2008

← Back Print

DATE:	**October 7, 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

Item #21

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

DATE:	**October 7, 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

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214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

← Back Print

DATE:	**October 7, 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

Item #23

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2008

Back Print

DATE:	**October 7, 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

Item #24