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City Council Agenda

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

October 6, 2009
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Karen A. Hiller	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Robert E. Archer	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Larry Wolgast	District No. 5		

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

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

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

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

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

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

"Energy Star Awareness Month"
"Fire Prevention Week"
"National 4-H Week"

2. PRESENTATIONS:

"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - City of Topeka ADA Advisory Council



[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Kathleen A. Wilson to the City of Topeka ADA Advisory Council for a term that would end on October 31, 2011.
(Council District No. 9)

B. Board Appointment - Civil Service Commission



[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Douglas Hollandsworth to the Civil Service Commission for a term that would end on October 31, 2013. *(Council District No. 9)*

C. Resolution - Jenalea Randall - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmembers Larry Wolgast and Richard Harmon granting Jenalea Randall an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 5)*

(The event will take place at 2900 SW 33rd Street during the hours of 4:00 p.m. and 11:00 p.m. on October 10, 2009.)

D. MINUTES of the regular meeting of September 29, 2009

E. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - City of Topeka (V08S/4)



[ATTACHMENTS](#)

A PUBLIC HEARING in conjunction with vacation request V08S/4 to vacate a portion of the city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **Final Reading.** *(V08S/4) (Council District No. 2) (Deferred from the meeting of September 22, 2009.)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would vacate a portion of NW Howard and NW 7th Streets and establish a necessary utility easement.)

6. UNFINISHED BUSINESS:

A. Ordinance - General Obligation Bonds, Series 2009-A and 2009-B



AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$3,390,000 aggregate principal amount of General Obligation Improvement Bonds, Series 2009-A, and \$58,020,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2009-B 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.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(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.)

7. NEW BUSINESS:

A. Resolution - City of Topeka General Obligation Bonds, Series 2009-A and Series 2009-B

[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of both the General Obligation Bonds, Series 2009-A and General Obligation Refunding Bonds, Series 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of \$61,410,000 the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved October 6, 2009; and authorizing certain other documents and actions in connection with the issuance of the bonds.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(The resolution prescribes the form and details of the City's Series 2009-A and Series 2009-B General Obligation Bonds, providing funds to finance the costs of previously authorized capital improvement projects and refund existing debt.)

B. Resolution - City of Topeka Temporary Notes, Series 2009-B

[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of Temporary Notes, Series 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of \$25,230,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the principal amount of the Series 2008-A Temporary Notes of said City, dated October 28, 2009, (ii) renewing all of the principal amount of the Series 2009-A Temporary Notes of said City, dated February 19, 2009, and (iii) for the purpose of providing funds to pay a portion of the cost of certain improvements in said City.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize the issuance of the City's Series 2009-B Temporary Notes, providing funds to temporarily finance the costs of previously authorized capital improvement projects.)

C. Resolution - Installation of Traffic Signals - SE 4th and SE Branner Streets

[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmembers Sylvia Ortiz and John Alcala requesting the installation of traffic signals at the intersection of SE 4th and SE Branner Streets.
(Council District No. 3)

(Approval would provide for the installation of traffic signals at this intersection to improve the safety of motorists and request that the City Manager place on a Council meeting agenda as soon as possible a project budget and ordinance for the installation of said traffic signals.)

D. Authorization - City Manager - KU Public Management Center

[ATTACHMENTS](#)

APPROVAL for the City Manager to teach limited sessions at the Kansas University Public Management Center in Topeka in accordance with City of Topeka Contract No. 36119.

(The City Manager's employment agreement provides that the City Manager can accept limited teaching opportunities which do not interfere with or present a conflict of interest with the City

Manager's duties subject to the approval of the City Council.)

E. Ordinance - Weekly Expenditures - September 14-20, 2009

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 14, 2009, through September 20, 2009, and enumerating said expenditures therein. First and Final Reading.

8. FIRST READINGS:

A. Ordinance - Citizens Government Review Committee

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Jeff Preisner creating City of Topeka Code Chapter 2, Division 2, concerning Citizens Government Review Committee to the form of government and repealing original Ordinance No. 15961. First Reading. *(All Council Districts)*

(Establishes a process whereby a committee of citizens from Topeka shall be impaneled to study and review the form of government of the City of Topeka and make recommendations to the City's Governing Body for amendment or modification.)

B. Ordinance - Parks and Recreation Advisory Board

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 102-52 concerning the composition of the Parks and Recreation Advisory Board and specifically repealing said original section. First Reading.

(Approval would amend current city code to reflect a change in the composition of the Parks and Recreation Advisory Board to allow representation from Washburn University.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2009

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

DATE: October 6, 2009

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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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Energy Star Awareness Month"
"Fire Prevention Week"
"National 4-H Week"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2009

+ Back Print

DATE: October 6, 2009
CONTACT PERSON: Mayor Bunten
SECOND PARTY/SUBJECT: City of Topeka ADA
Advisory Council
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Kathleen A. Wilson to the City of Topeka ADA Advisory Council for a term that would end on October 31, 2011. *(Council District No. 9)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Kathleen A. Wilson, to the City of Topeka ADA Advisory Council for a two year term that will end October 31, 2011. Ms. Wilson was nominated by Councilman Harmon. A bio is attached for review.

BACKGROUND:

Ordinance 18920 created the City of Topeka ADA Advisory Council to support the civil rights of full integration into Topeka community like for all people with disabilities. The ADA Council will be comprised of ten members. At least six of the members will be individuals with disabilities; with each of the six major life functions represented as much as possible. Members will serve a two year term and shall not be eligible to serve more than four consecutive terms. The ADA Council, at a minimum, will meet quarterly, or more frequently, if needed.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Wilson Bio - ADA AC](#)

Item #6

Kathleen A. Wilson

Education:

Bloomsburg University, Bloomsburg, Pennsylvania - Courses in Special Education Supervision (12 Hrs.)

University of Kansas, Lawrence, Kansas - M.S. in Special Education (Graduate School Honors and Graduate Assistantship)

Washburn University, Topeka, Kansas - B.Ed., Education (Departmental Honors), Minor in Music

Certification: (copies included)

Current - Commonwealth of Pennsylvania - Mental and/or Physically Handicapped Instruction (Permanent)

Prior - Commonwealth of Pennsylvania - Supervisor of Special Education (exp. 1988, renewable based on years of experience)

State of Kansas - Elementary, EMR, TMR (exp. 1986); Standard Substitute Teacher K-9, (exp. 2002)

Professional Experience:

2002-Present *2008* ***Disability Rights Center of Kansas:*** *Prior to retirement* *Current position as Advocacy Supervisor (1yr.), Previous position, Disability Rights Advocate (4yrs).*

Responsible for coordinating Advocacy Team services to address protection of civil and legal rights and provide advocacy support for Kansans with disabilities; implementing and monitoring federal grant programs, including continuation applications and necessary ongoing reporting; supervision and training of advocacy staff, including interviewing, evaluations and recommendations for hiring and termination; development of outreach materials and numerous direct training programs for consumers, family members and providers across the state; monitoring of legislative and other meetings to provide for stakeholder input and development of DRC public policy statements and position papers; and, assisting Legal Team in resolution, mediation and Due Process representations, including directly representing clients at meetings when necessary. "Point Person" for Special Education, Social Security, Vocational Rehabilitation, and Transition Services, in addition to general knowledge of Employment Issues, Guardianship, Medicaid, Fair Housing and other disability rights issues addressed by DRC. Represent DRC on numerous stakeholder's committees and Advisory Panels.

1997-2002 ***Sheltered Living, Inc.:*** *Served as Program Technician and Assistant Program Director (2yrs).* Responsible for writing an training staff on Positive Behavioral Supports and other training and behavior programs for individuals with

developmental disabilities, and quarterly evaluation reports on agency performance.
Promoted to Program Director in 1999: Responsible for supervision of provision of residential and day services for over 200 individuals with developmental disabilities. Directly supervised staff of ten and indirectly supervised a staff of nearly 200 support staff team members. Developed program and staffing design, supervised and delivered training and in-service for staff, responsible for hiring, evaluating and terminating all agency direct support staff and accountable for quality of services. Prepared quarterly and annual reports and yearly budget input, and supervised ongoing monitoring of fiscal accountability. During this time, taught 3 semesters of Washburn University Human Services classes, Introduction to Developmental Disabilities and Applied Intervention

1991-1996 Matrix Research Institute (Philadelphia, PA) *Served as Research and Training Associate.* Responsible for training program design, materials development, assessment, evaluation and ongoing technical assistance for this National Rehabilitation Research and Training Center on Employment and Persons with Disabilities (funded by RSA) Major topic areas of training seminars developed and delivered on the national level included: Psychosocial and Vocational Rehabilitation, effective utilization of the Social Security Work Incentives, ADA and various reasonable accommodations, Employment Support Plans, Motivation, Program Evaluation, Consumers as Provider Colleagues and Addressing Stigma. Worked closely with the Director of Training in writing federal grants, reports, and articles for publication.

Additional Related Work Experience:

Consultant/Lecturer, *Medical College of Pennsylvania, Department of Continuing Behavioral Healthcare Education - 1990-1996*

Montgomery County MH Advocate, *Mental Health Association of Southeastern Pennsylvania - 1989-1991*

Supervisor of Special Education, *Allentown (PA) School District - 1986-1988*

Educator, Early Childhood Special Education *Allentown School District - 1983-1986*

Educator, Special Education Classes, *USD 501, Topeka, KS - 1975-1983*

Educator, General Education Classes, *Private Schools in Topeka and Atchison, KS - 1972-1975*

References Provided upon Request

Presentations and Publications Provided upon Request



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2009

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DATE: October 6, 2009
CONTACT PERSON: Mayor Buntun **DOCUMENT #:**
SECOND PARTY/SUBJECT: Civil Service Commission **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Douglas Hollandsworth to the Civil Service Commission for a term that would end on October 31, 2013. *(Council District No. 9)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Douglas Hollandsworth, 709 SW Wayne, to a four year term on the Civil Service Commission. Mr. Hollandsworth was nominated by Councilman Harmon. A bio 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 list of eligible applicants. The Commission makes an annual report to the City Manager who may also require special reports from the Civil Service Commission at any time.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Hollandsworth Bio - CSC](#)

Douglas E. Hollandsworth

Summary of qualifications

Professional with over 20 years of experience in working in various levels of workers compensation claims. Have seen many changes during my tenure. First 8 years I actually worked claims, the next 3 years I was a supervisor of a unit of claims handlers and the final 9 years have been the administrator of the department. I have first hand knowledge in all aspects of workers compensation.

Professional experience

2009 – 2009	State Self Insurance Fund	Topeka, Kansas
Retired		

2008 – 2009	State Self Insurance Fund	Topeka, Kansas
Data & Operations Manager		

Provided training to individual who replaced me as the manager of the State Self Insurance Fund. Explained budget process, yearly agency assessments and the specialize computer software that handled our claims. When I wasn't providing him training, I was in charge of our computer software updates and handled all problems associated with this software. Responsible for the successful completion of the Electronic Date Interface between our department and the Department of Labor.

1999 - 2008	State Self Insurance Fund	Topeka, Kansas
Manager		

Manage a total staff of 20, with an annual caseload of about 3200 new workers compensation claims. Directs medical & compensation payments exceeding \$22,000,000.00 annually. Refers litigation to staff attorney for representation and provides settlement authority. Develops and maintains a risk management system containing reported accidents, and analysis of relevant employee and investigative information, compensation payments for medical, disability and other claim costs. Work with actuarial vendor to develop the annual workers compensation assessment. Provide department budget information to agency fiscal unit.

1996 - 1999 State Self Insurance Fund Topeka, Kansas

Human Resource Professional III

Supervise work activities of a team of 5 claims handlers. Directs, trains and advises subordinates on workers compensation law, FMLA & shared leave regulations and policies. Supervises all mitigated litigation of the unit. Provides technical and consultative assistance to agencies, through seminars and injury trend analysis.

1988 - 1996 State Self Insurance Fund Topeka, Kansas

Special Investigator II

Receive written reports of accidents; plan and conduct investigations into compensability of claim. Process compensation payments and medical payments all according to the provisions of the Act. Mediate disputes with attorneys in an attempt to avoid litigation. Collaborate with injured workers, providers, agency personnel and attorneys to maximize early return to work.

Education

1978 - 1981 University of Kansas Lawrence, Kansas

Course work was in Law Enforcement.

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmembers Larry Wolgast and Richard Harmon, granting Jenalea Randall 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, Jenalea Randall has requested that she 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 Jenalea Randall, 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 Jenalea Randall is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified music for a Soldier's

26 Homecoming celebration at 2900 SW 33rd Street during the hours of 4:00 p.m.
27 and 11:00 p.m. on October 10, 2009.

28 The celebration will take place on the cul-de-sac of SW 33rd Street.

29 ADOPTED and APPROVED by the City Council _____.

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31

32

33

William W. Bunten, Mayor

34

35

36 _____
Brenda Younger, City Clerk

37



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Topeka, Kansas 66603

August 18, 2009

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DATE: October 6, 2009

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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DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2009

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DATE:	October 6, 2009		
CONTACT PERSON:	David Thurbon/Braxton Copley	DOCUMENT #:	N/A
SECOND PARTY/SUBJECT:	City of Topeka	PROJECT #:	V08S/4
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations		
CIP PROJECT:	No		
ACTION OF COUNCIL:	09/15/09 First Reading. 9/22/09 Deferred for two weeks.	JOURNAL #:	09

PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING in conjunction with vacation request V08S/4 to vacate a portion of the city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. Final Reading. (V08S/4) (Council District No. 2) (Deferred from the meeting of September 22, 2009.)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would vacate a portion of NW Howard and NW 7th Streets and establish a necessary utility easement.)

POLICY ISSUE:

The vacation is for a railroad crossing on the Goodyear Spur. City Council's approval of the vacation of street right-of-way across the Union Pacific Railroad will complete an agreement between the City of Topeka and the UPRR. Approximately 2,367 feet of UPRR track along SW 1st Street from Jackson to Tyler, including the SW 1st Street Crossing will be abandoned with the vacation. The abandonment of this track and the crossing made it possible for the City to design and construct a new Topeka Boulevard bridge.

STAFF RECOMMENDATION:

The Planning and Legal Departments recommend **APPROVAL** of the proposed vacation conditional upon retaining a necessary utility easement.

BACKGROUND:

- This portion of right-of-way was previously approved by the City Council on May 6, 2008. However, 7th Street was not named explicitly in the legal description or public notice. Therefore, this vacation is being resubmitted for

Item #11

- approval.
- The Kansas Statutes and Topeka Code Section 130-476(b) requires a public hearing in conjunction with proposed vacation petitions which have been filed in accordance with a prescribed procedure.
 - Traffic counts for NW Howard and NW 7th Streets at the UPRR crossing were 252 vehicles per day, peak hourly volume at 18 vehicles.
 - Westar has utilities within the street right-of-way. The ordinance reflects the retention of a utility easement.
 - Planning staff sent out notices on July 16, 2009, to property owners within a 200' radius of the proposed vacation. Sandy Howard, property owner, called with concerns about traffic.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

N/A.

ATTACHMENTS:

[Application](#)

[Aerial](#)

[Ordinance](#)

[Legal Advertisement](#)

[Check-Off Page](#)

[Vicinity Map](#)

CITY OF TOPEKA PLANNING DEPARTMENT

620 SE Madison Street-3rd Floor
Topeka, Kansas 66607

Office: (785) 368-3728
Fax: (785) 368-2535

PLANNING OFFICE USE ONLY

Date Submitted 3-14-08

Date Advertised

Application No. 108514

Date of Public Hearing

TO BE COMPLETED BY CITY CLERK'S OFFICE

Filing Fee \$ 250.00

Receipt No. 39517.7036

APPLICATION

City Vacation of Streets, Alleys and Easements

RECEIVED

MAR 14 2008

TOPEKA PLANNING
DEPARTMENT

- Applicant(s): City of Topeka, Engineering Division
- Applicant's Mailing Address: 620 SE Madison, 2nd floor
City Topeka State: Ks Zip: 66607
- Telephone: Area Code: (785) No.: 368-3842
- Legal description of property requested to be vacated as prepared by the City of Topeka Department of Public Works: Howard Street Right-of-Way at
grade crossing with Department of Transportation
Crossing No. 604730U - See Attached Sheet

- Check type of vacation: Street ☒ Alley ☐ Easement ☐ Other ☐
- Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:

Lots _____ Block No. _____

In _____ Subdivision _____

Public Right-of-Way on Howard Street

Meres and Bounds Description, if unplatted: N/A

RECEIVED
CITY CLERK
2008 MAR 13 A 9:29
TOPEKA, KANSAS

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate?

Yes _____ No ☒ _____

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

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

9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties? No

10. Do you concur with the retention of the subject area as an easement should the reviewing utility or public agency request such to cover existing or proposed utility lines? N/A - Area of abandoned street right-of-way is within continuous Railroad Right-of-Way

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

12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions? No

13. How are adjoining properties used? RR Right-of-Way for Goodyear Industrial Lead Track

14. In your opinion, would the proposed vacation injure or endanger any private rights? No

15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved? No

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

"R-1" Single Family Dwelling District zoning
is adjacent to the R.O.W

Signature of Applicant(s)

Bernard L. Corby, P.E.
City of Topeka, Engineering

(Please Attach Any Additional Information)

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

Name of Representative _____

Street Address _____

City _____ State _____ Zip Code _____

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



V08S/4 City of Topeka

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of City's street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **(V08S/4) (Council District No. 2)**

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by the City of Topeka, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly 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 September 15, 2009, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

Section 3. That the Governing Body 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 Governing Body 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 street right-of-way located within the City of Topeka, Kansas:

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.

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

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.

Section 6. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 7. 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 8. 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 Governing Body of the City of Topeka_____, 2009.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on August 7, 2009 and again on August 14, 2009.

IN THE MATTER OF THE PROPOSED VACATION OF:

Vacation of a portion of City's street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **(V08S/4) (Council District No. 2)**

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 the City of Topeka, owners of the concerned property, which includes a portion of street right-of-way and praying that the street right-of-way located on said property be vacated.

The petition will be presented to the Council of the City of Topeka for hearing on September 15, 2009, 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**

STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: V08S/4 Location: NW Howard & NW 7th Streets
between NW Lincoln & NW Lane
Streets

DEPARTMENTS:

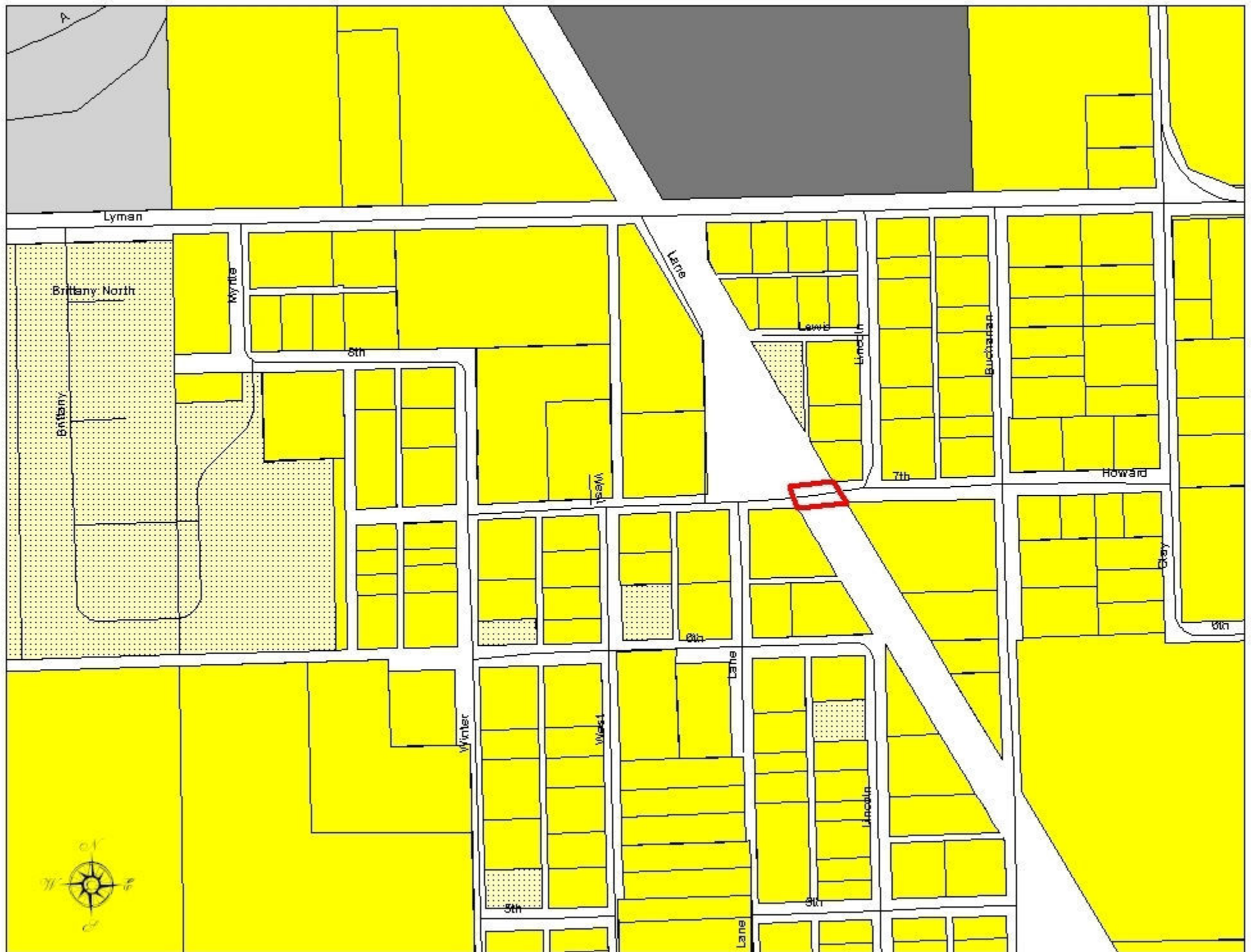
- **Water Division:** X No Objection Objection
Comments: The vacated right-of-way will need to be retained as a utility easement. There is a 6" water main through the area.
- **Engineering:** X No Objection Objection
Comments: The crossing does not contain storm sewer but there is a sanitary sewer near and parallel with the east side of the railroad right-of-way. The sewer should be covered by a separate license agreement and not be affected by this vacation.
- **Fire:** X No Objection Objection
- **Police:** X No Objection Objection
- **Shawnee County Refuse:** X No Objection Objection

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
- **Westar:** X No Objection Objection
Comments: Westar has existing overhead electric facilities. An easement needs to be retained for continued operation, maintenance and replacement of electric facilities.
- **Kansas Gas Service:** X No Objection Objection
- **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

August 17, 2009





A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 22, 2009

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

DATE: October 6, 2009

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

SECOND PARTY/SUBJECT: Series 2009-A and B GO bonds **PROJECT #:**

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

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$3,390,000 aggregate principal amount of General Obligation Improvement Bonds, Series 2009-A, and \$58,020,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2009-B 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.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(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 2009-A General Obligation Bonds will provide proceeds for 3 sanitary sewer projects, 6 street projects, 1 Fire Station project and 4 trafficway projects all as specified in the Ordinance. Issuance of the 2009-B will provide for the refunding of the remaining principal of \$58,020,000 for the 2001-A, 2003-A, 2003-B, 2003-C, 2004-B and 2004-C bonds.

BUDGETARY IMPACT:

Item #12

The City's outstanding general obligation debt will increase by an estimated \$3,390,000, of which \$1,558,960 is for

improvement district projects.

The refunding of \$58,020,000 of existing general obligation debt will generate an estimated \$4.0 million of savings in debt service payments over the term of the bonds. These savings are based on an estimated interest rate of about 3.0 percent.

SOURCE OF FUNDING:

Funds to pay the principal and interest of the Series 2009-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 \$1,558,960 of costs.

ATTACHMENTS:

[Ordinance](#)

(Published in The Topeka Metro News on October ___, 2009.)

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$3,390,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2009-A, AND \$58,020,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009-B 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., 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. 40933-01;
- (b) Sanitary Sewer Improvement Project No. 40936-01;
- (c) Sanitary Sewer Improvement Project No. 40947-00;
- (d) Street Improvement Project No. 60607-00;
- (e) Street Improvement Project No. 60626-00;
- (f) Street Improvement Project No. 70114-03;
- (g) Street Improvement Project No. 84353-00;
- (h) Street Improvement Project No. 86259-00;
- (i) Street Improvement Project No. 84354-00;
- (j) Fire Station Improvement Project No. 13170-00;
- (k) Trafficway Improvement Project No. 14125-00;
- (l) Trafficway Improvement Project No. 14127-00;
- (m) Trafficway Improvement Project No. 14128-00; and
- (n) Trafficway Improvement Project No. 14131-00.

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 2008-A Temporary Notes dated October 29, 2008, which are due and payable November 1, 2009, and related expenses are at least \$4,577,710.77 (the "Internal Improvement Costs"), of which approximately \$1,056,075.00 will be paid from other funds lawfully available to the City,

with \$1,690,596.23 of said Internal Improvement Costs to be paid by the owners of the property within the City benefited by the Internal Improvements (\$131,635.77 of which has been paid into the City Treasury on account of the Internal Improvements) leaving \$3,390,000.00 to be paid for by the issuance of general obligation bonds; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$6,240,000 principal amount of General Obligation Bonds, Series 2001-A, dated March 1, 2001, (the "Series 2001-A Bonds") pursuant to its Ordinance adopted March 13, 2001, in accordance with the requirements of K.S.A. 12-1736 et seq., as amended (the "Series 2001-A Bond Ordinance"). The terms and conditions of the Series 2001-A Bonds was set forth in a Resolution adopted on March 13, 2001 (the "Series 2001-A Bond Resolution"); and

WHEREAS, as of October 1, 2009, there remains outstanding of the Series 2001-A Bonds the principal amount of \$5,835,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$150,000	4.300%
2011	155,000	4.400
2012	160,000	4.400
2013	170,000	4.500
2014	180,000	4.600
2015	190,000	4.700
2016	195,000	4.800
2017	205,000	5.000
2018	220,000	5.000
2019	230,000	5.000
2020	240,000	5.000
2021	255,000	5.000

TERM BONDS

2026	1,505,000	5.100
2031	1,980,000	5.125

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$6,205,000 principal amount of General Obligation Refunding Bonds, Series 2003-A, dated March 1, 2003, (the "Series 2003-A Bonds") pursuant to its Ordinance adopted February 18, 2003, in accordance with the requirements of K.S.A. 10-427 et seq., as amended (the "Series 2003-A Bond Ordinance"). The terms and conditions of the Series 2003-A Bonds were set forth in a Resolution adopted on February 18, 2003 (the "Series 2003-A Bond Resolution"); and

WHEREAS, as of October 1, 2009, there remains outstanding of the Series 2003-A Bonds the principal amount of \$3,890,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$435,000	3.200%
2011	455,000	3.400
2012	450,000	3.600
2013	470,000	3.700
2014	490,000	3.850
2015	510,000	4.000
2016	530,000	4.100
2017	550,000	4.125

; 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., as amended (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, 2009, there remains outstanding of the Series 2003-B Bonds the principal amount of \$8,950,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$2,455,000	2.900%
2011	1,555,000	3.100
2012	1,315,000	3.250
2013	550,000	3.400
2014	570,000	3.550
2015	590,000	3.650
2016	610,000	3.800
2017	640,000	4.000
2018	665,000	4.000

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$11,225,000 principal amount of General Obligation Bonds, Series 2003-C, dated November 24, 2003, (the "Series 2003-C Bonds") pursuant to its Ordinance adopted November 4, 2003, 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., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. 17733 of the City and Charter Ordinances Nos. 68 and 89 of the City, all as amended (the "Series 2003-C Bond Ordinance"). The terms and conditions of the Series 2003-C Bonds were set forth in a Resolution adopted on November 4, 2003 (the "Series 2003-C Bond Resolution"); and

WHEREAS, as of October 1, 2009, there remains outstanding of the Series 2003-C Bonds the principal amount of \$8,790,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$480,000	3.05%
2011	495,000	3.35
2012	510,000	3.60
2013	530,000	3.65
2014	555,000	3.80
2015	575,000	4.00
2016	600,000	4.05
2017	625,000	4.15
2018	655,000	4.25
2019	685,000	4.35
2020	715,000	4.45
2021	750,000	4.55
2022	790,000	4.60
2023	825,000	4.65

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$39,125,000 principal amount of General Obligation Refunding Bonds, Series 2004-B, dated October 7, 2004, (the "Series 2004-B Bonds") pursuant to its Ordinance adopted September 14, 2004, in accordance with the requirements of K.S.A. 10-427 et seq., as amended (the "Series 2004-B Bond Ordinance"). The terms and conditions of the Series 2004-B Bonds were set forth in a Resolution adopted on September 14, 2004 (the "Series 2004-B Bond Resolution"); and

WHEREAS, as of October 1, 2009, there remains outstanding of the Series 2004-B Bonds the principal amount of \$24,065,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$3,015,000	3.000%
2011	2,760,000	3.100
2012	3,930,000	3.300
2013	4,710,000	3.500
2014	4,235,000	3.600
2015	940,000	3.625
2016	990,000	3.750
2017	1,015,000	3.850
2018	1,045,000	4.000
2019	1,095,000	4.000
2020	330,000	4.050

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$6,875,000 principal amount of General Obligation Bonds, Series 2004-C, dated November 23, 2004, (the “Series 2004-C Bonds”) pursuant to its Ordinance adopted October 26, 2004, in accordance with the requirements of K.S.A. 12-685 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 Ordinances Nos. 68 and 89 of the City, all as amended (the “Series 2004-C Bond Ordinance”). The terms and conditions of the Series 2004-C Bonds were set forth in a Resolution adopted on October 26, 2004 (the “Series 2004-C Bond Resolution”); and

WHEREAS, as of October 1, 2009, there remains outstanding of the Series 2004-C Bonds the principal amount of \$5,515,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS		
<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2010	\$280,000	3.00%
2011	285,000	3.10
2012	295,000	3.25
2013	310,000	3.40
2014	320,000	3.50
2015	330,000	3.75
2016	345,000	3.75
2017	360,000	3.85

(continued on next page)

(continued from previous page)

MATURITY (August 15)	SERIAL BONDS PRINCIPAL AMOUNT	INTEREST RATE
2018	\$375,000	4.00%
2019	390,000	4.00
2020	405,000	4.05
2021	425,000	4.20
2022	445,000	4.25
2023	465,000	4.35
2024	485,000	4.40

; and

WHEREAS, pursuant to Section 203 of the Series 2001-A Bond Resolution, the Series 2003-A Bond Resolution, the Series 2003-B Bond Resolution, the Series 2003-C Bond Resolution, the Series 2004-B Bond Resolution and the Series 2004-C 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-A Bonds, Series 2003-A Bonds, Series 2003-B Bonds, Series 2003-C Bonds, Series 2004-B Bonds and Series 2004-C Bonds; and

WHEREAS, pursuant to Section 301 of the Series 2001-A Bond Resolution, the Series 2001-A Bonds maturing on August 15, 2010, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2009, 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-A Bond Resolution, the Series 2003-A 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, 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

272 **WHEREAS**, pursuant to Section 301 of the Series 2003-C Bond Resolution, the Series
273 2003-C Bonds maturing on August 15, 2009, and thereafter, are subject to redemption and
274 payment at the option of the City on, August 15, 2008, and thereafter in whole or in part on any
275 date, at the redemption price equal to the principal amount thereof with a redemption premium of
276 one percent of the principal amount redeemed, such redemption premium to decline one-quarter
277 of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to
278 the date fixed for redemption and payment; and
279

280 **WHEREAS**, pursuant to Section 301 of the Series 2004-B Bond Resolution, the Series
281 2004-B Bonds maturing on August 15, 2010, and thereafter, are subject to redemption and
282 payment at the option of the City on, August 15, 2009, and thereafter in whole or in part on any
283 date, at the redemption price equal to the principal amount thereof with a redemption premium of
284 one percent of the principal amount redeemed, such redemption premium to decline one-quarter
285 of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to
286 the date fixed for redemption and payment; and
287

288 **WHEREAS**, pursuant to Section 301 of the Series 2004-C Bond Resolution, the Series
289 2004-C Bonds maturing on August 15, 2010, and thereafter, are subject to redemption and
290 payment at the option of the City on, August 15, 2009, and thereafter in whole or in part on any
291 date, at the redemption price equal to the principal amount thereof with a redemption premium of
292 one percent of the principal amount redeemed, such redemption premium to decline one-quarter
293 of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to
294 the date fixed for redemption and payment; and
295

296 **WHEREAS**, the City has determined and hereby determines that it is in the best interest
297 of the City and the patrons and taxpayers thereof that (1) the Series 2001-A Bonds maturing on
298 August 15, 2010, through and including August 15, 2031 (i.e., \$5,835,000); (2) the Series 2003-
299 A Bonds maturing on August 15, 2010, through and including August 15, 2017 (i.e.,
300 \$3,890,000); (3) the Series 2003-B Bonds maturing on August 15, 2010, through and including
301 August 15, 2018 (i.e., \$8,950,000); (4) the Series 2003-C Bonds maturing on August 15, 2010,
302 through and including August 15, 2023 (i.e., \$8,790,000); (5) the Series 2004-B Bonds maturing
303 on August 15, 2010, through and including August 15, 2020 (i.e., \$24,065,000); and (6) the
304 Series 2004-C Bonds maturing on August 15, 2010, through and including August 15, 2024 (i.e.,
305 \$5,515,000) (collectively the "Refunded Bonds") be paid and redeemed as the same mature and
306 otherwise become subject to redemption and payment on October 30, 2009, (the "Redemption
307 Date") and that general obligation refunding bonds be issued in the principal amount of
308 \$58,020,000 to be used together with other legally available and unencumbered funds of the City
309 for such purpose; and
310

311 **WHEREAS**, such redemption and refunding would help the City achieve interest cost
312 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and
313 result in a general restructuring of the debt service obligation of the City; and
314

315 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and
316 advisable to issue and sell (1) its General Obligation Bonds, Series 2009-A in the aggregate
317 principal amount of Three Million Three Hundred Ninety Thousand Dollars (\$3,390,000) for the

purpose of paying the cost of the Internal Improvements and (ii) its General Obligation Refunding Bonds, Series 2009-B in the aggregate principal amount of Fifty-eight Million Twenty Thousand Dollars (\$58,020,000) for the purpose of 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 (1) General Obligation Bonds, Series 2009-A of the City in the aggregate principal amount of Three Million Three Hundred Ninety Thousand Dollars (\$3,390,000) (the Series 2009-A Bonds") for the purpose of paying the Internal Improvement Costs 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. 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 and (2) General Obligation Refunding Bonds, Series 2009-B in the aggregate principal amount of Fifty-eight Million Twenty Thousand Dollars (\$58,020,000) for the purpose of currently refunding the City's Refunded Bonds as provided by K.S.A. 10-427 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.

Passed and approved by the Council of the City of Topeka, Kansas, this 6th day of October, 2009.

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. _____ adopted and approved by the City Council on October 6, 2009.

(SEAL)

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 22, 2009

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

DATE: October 6, 2009

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

SECOND PARTY/SUBJECT: General Obligation Bonds, Series 2009-A and B **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 both the General Obligation Bonds, Series 2009-A and General Obligation Refunding Bonds, Series 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of \$61,410,000 the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved October 6, 2009; and authorizing certain other documents and actions in connection with the issuance of the bonds.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(The resolution prescribes the form and details of the City's Series 2009-A and Series 2009-B 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 2009-A and 2009-B 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 Ordinance. Item #13

SOURCE OF FUNDING:

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 6, 2009

\$3,390,000
GENERAL OBLIGATION BONDS
SERIES 2009-A

\$58,020,000
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2009-B

RESOLUTION

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RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. PRESCRIBING THE FORM AND DETAILS OF BOTH THE GENERAL OBLIGATION BONDS, SERIES 2009-A AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009-B OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$61,410,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. _____ ADOPTED AND APPROVED OCTOBER 6, 2009; 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.*, 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 \$6,240,000 principal amount of General Obligation Bonds, Series 2001-A, dated March 1, 2001, (the "Series 2001-A Bonds") pursuant to its Ordinance adopted March 13, 2001, in accordance with the requirements of K.S.A. 12-1736 *et seq.*, as amended (the "Series 2001-A Bond Ordinance"). The terms and conditions of the Series 2001-A Bonds are set forth in a Resolution adopted on March 13, 2001 (the "Series 2001-A Bond Resolution"); and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$6,205,000 principal amount of General Obligation Refunding Bonds, Series 2003-A, dated March 1, 2003, (the "Series 2003-A Bonds") pursuant to its Ordinance adopted February 18, 2003, in accordance with the requirements of K.S.A. 10-427 *et seq.*, as amended (the "Series 2003-A Bond Ordinance"). The terms and conditions of the Series 2003-A Bonds were set forth in a Resolution adopted on February 18, 2003 (the "Series 2003-A 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.*, as amended (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-A Bond Resolution"); and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$11,225,000 principal amount of General Obligation Bonds, Series 2003-C, dated November 24, 2003, (the "Series 2003-C Bonds") pursuant to its Ordinance adopted November 4, 2003, 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.*, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. 17733 of the City and Charter Ordinances Nos. 68 and 89 of the City, all as amended (the "Series 2003-C Bond Ordinance"). The terms and conditions of the Series 2003-C Bonds were set forth in a Resolution adopted on November 4, 2003 (the "Series 2003-C Bond Resolution"); and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$39,125,000 principal amount of General Obligation Refunding Bonds, Series 2004-B, dated October 7, 2004, (the "Series 2004-B Bonds") pursuant to its Ordinance adopted September 14,

208 2004, in accordance with the requirements of K.S.A. 10-427 et seq., as amended (the "Series
209 2004-B Bond Ordinance"). The terms and conditions of the Series 2004-B Bonds were set forth
210 in a Resolution adopted on September 14, 2004 (the "Series 2004-B Bond Resolution"); and
211

212 **WHEREAS**, the City has heretofore duly authorized, issued and delivered its \$6,875,000
213 principal amount of General Obligation Bonds, Series 2004-C, dated November 23, 2004, (the
214 "Series 2004-C Bonds") pursuant to its Ordinance adopted October 26, 2004, in accordance with
215 the requirements of K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., the home rule authority
216 granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution,
217 and Charter Ordinances Nos. 68 and 89 of the City, all as amended (the "Series 2004-C Bond
218 Ordinance"). The terms and conditions of the Series 2004-C Bonds were set forth in a
219 Resolution adopted on October 26, 2004 (the "Series 2004-C Bond Resolution"); and
220

221 **WHEREAS**, the City has by its Ordinance No. _____ adopted and approved October 6,
222 2009, (the "Ordinance") authorized the issuance of (1) its General Obligation Bonds, Series
223 2009-A in the aggregate principal amount of \$3,390,000 (the "Series 2009-A Bonds") under the
224 authority of K.S.A. 12-6a01 et seq., as amended, the home rule authority granted to the cities of
225 the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No.
226 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the
227 State of Kansas applicable thereto for the purpose of providing funds to pay the cost of making
228 the Internal Improvements and (2) its General Obligation Refunding Bonds, Series 2009-B in the
229 aggregate principal amount of \$58,020,000 (the "Series 2009-B Bonds") (the Series 2009-A
230 Bonds and the Series 2009-B Bonds are collectively referred to as the "Bonds") under the
231 authority of K.S.A. 10-427 et seq., as amended, and other provisions of the laws of the State of
232 Kansas applicable thereto for the purpose of providing funds to pay the cost of currently
233 refunding (1) the Series 2001-A Bonds maturing on August 15, 2010, through and including
234 August 15, 2031 (i.e., \$5,835,000); the Series 2003-A Bonds maturing on August 15, 2010,
235 through and including August 15, 2017 (i.e., \$3,890,000); the Series 2003-B Bonds maturing on
236 August 15, 2010, through and including August 15, 2018 (i.e., \$8,950,000); the Series 2003-C
237 Bonds maturing on August 15, 2010, through and including August 15, 2023 (i.e., \$8,790,000);
238 the Series 2004-B Bonds maturing on August 15, 2010, through and including August 15, 2020
239 (i.e., \$24,065,000); and the Series 2004-C Bonds maturing on August 15, 2010, through and
240 including August 15, 2024 (i.e., \$5,515,000) (collectively, the "Refunded Bonds") and
241

242 **WHEREAS**, in accordance with the City's notice of the sale of the Bonds published in
243 accordance with the requirements of law the Bonds have been sold to and purchased by
244 _____, _____, _____ (the "Original Purchaser"); and
245

246 **WHEREAS**, in accordance with the terms and conditions of the Ordinance, the City
247 hereby intends to both prescribe the form and details of the Bonds and authorize certain other
248 documents and actions in connection with the issuance of the Bonds.
249

250 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
251 **TOPEKA, KANSAS, AS FOLLOWS:**
252

253 ARTICLE I

254 DEFINITIONS

255 **Section 101. Definitions of Words and Terms.** In addition to words and terms
256 identified elsewhere herein, the following words and terms as used in this Resolution shall have
257 the following meanings:
258
259
260

261 **"Arbitrage Instructions"** means the Arbitrage Instructions attached to the City's Federal
262 Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be
263 amended or supplemented in accordance with the provisions thereof.
264

265 **"Bond and Interest Fund"** means the Bond and Interest Fund of the City for its general
266 obligation bonds.
267

268 **"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney
269 or firm of attorneys with a nationally recognized standing in the field of municipal bond financ-
270 ing as selected by the City.
271

272 **"Bond Payment Date"** means any date on which principal of or interest on any Bond is
273 payable.
274

275 **"Bond Register"** means the books for the registration, transfer and exchange of Bonds
276 kept at the office of the Bond Registrar.
277

278 **"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and any
279 successors and assigns thereto to the duties and responsibilities described in this Resolution and
280 in the related agreement between the City and the State Treasurer.
281

282 **"Bonds"** means the General Obligation Bonds, Series 2009-A, and General Obligation
283 Refunding Bonds, Series 2009-B authorized and issued by the City pursuant to the Ordinance.
284

285 **"Business Day"** means a day other than a Saturday, Sunday or holiday on which the
286 Paying Agent is scheduled in the normal course of its operations to be open to the public for
287 conduct of its operations.
288

289 **"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company,
290 New York, New York and any successors or assigns thereto.
291

292 **"City"** means the City of Topeka, Kansas, the issuer of the Bonds.
293

294 **"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's
295 absence, the duly appointed Deputy Clerk or Acting Clerk of the City.
296

297 **"Code"** means the Internal Revenue Code of 1986, as amended.
298

299 **"Costs of Issuance"** means all costs of issuing the Bonds, including all publication,
300 printing, signing and mailing expenses in connection therewith, registration fees, financial
301 advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses
302 incurred in connection with compliance with the Code and with the Disclosure Certificate, all
303 expenses, if any, incurred in connection with receiving ratings on the Bonds and any premiums
304 or expenses incurred in obtaining municipal bond insurance on the Bonds.
305

306 **"Dated Date"** means October 28, 2009.
307

308 **"Defaulted Interest"** means interest on any Bond which is payable but not paid on any
309 Interest Payment Date.
310

311 **"Defeasance Obligations"** means any of the following obligations:
312

313 (a) United States Government Obligations that are not subject to redemption in
314 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.

367 **"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on
368 any Bond which shall be February 15 and August 15 of each year, commencing February 15,
369 2010.

370
371 **"Internal Improvements"** mean certain internal improvements constructed in the City
372 in accordance with the legal authority as described in the recitals to this Resolution and in the
373 Ordinance.

374
375 **"Maturity"** when used with respect to any Bond means the date on which the principal
376 of such Bond becomes due and payable as therein and herein provided, whether at the Stated
377 Maturity thereof or upon on call for redemption or otherwise.

378
379 **"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's
380 absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

381
382 **"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any
383 successors or assigns to the Bond rating functions thereof which is deemed acceptable by the
384 City and Bond Counsel.

385
386 **"Original Purchaser"** means, with respect to the Bonds, _____,
387 _____.

388
389 **"Ordinance"** means Ordinance No. _____ adopted and approved October 6, 2009,
390 and published as required by law, pursuant to which the issuance of the Bonds has been
391 authorized.

392
393 **"Outstanding"** means, when used with reference to the Bonds, as of a particular date of
394 determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

395
396 (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent
397 for cancellation;

398
399 (b) Bonds deemed to be paid in accordance with the provisions of **Section 701**
400 hereof; and

401
402 (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated
403 and delivered hereunder.

404
405 **"Owner"** when used with respect to any Bond means the Person in whose name such
406 Bond is registered on the Bond Register.

407
408 **"Participants"** means those financial institutions for whom the Securities Depository
409 effects book-entry transfers and pledges of securities deposited with the Securities Depository, as
410 such listing of Participants exists at the time of such reference.

411
412 **"Paying Agent"** means the State Treasurer, and any successors and assigns thereof to the
413 duties and responsibilities described in this Resolution and in the related agreement between the
414 City and the State Treasurer.

415
416 **"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and
417 amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a,
418 and amendments thereto; (c) direct obligations of the United States Government or any agency
419 thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments
420 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 Bonds, Series 2001-A maturing on August 15, 2010, through and including, August 15, 2031, (i.e., \$5,835,000); (2) General Obligation Refunding Bonds, Series 2003-A, maturing on August 15, 2010, through and including, August 15, 2017, (i.e., \$3,890,000); (3) General Obligation Refunding Bonds, Series 2003-B, maturing on August 15, 2010, through and including, August 15, 2018, (i.e., \$8,950,00); (4) General Obligation Bonds, Series 2003-C, maturing on August 15, 2010, through and including, August 15, 2023, (i.e., \$8,790,000); (5) General Obligation Refunding Bonds, Series 2004-B maturing on August 15, 2010, through and including, August 15, 2020, (i.e., \$24,065,000); and (6) General Obligation Bonds, Series 2004-C maturing on August 15, 2010 through and including August 15, 2024, (i.e., \$5,515,000) being refunded with the proceeds of the Bonds.

"Refunded Bond Ordinances" means the Ordinances of the City authorizing the issuance of the City's Series 2001-A Bonds, Series 2003-A Bonds, Series 2003-B Bonds, Series 2003-C Bonds, Series 2004-B Bonds and Series 2004-C Bonds.

"Refunded Bond Resolutions" means the Resolutions of the City setting forth the terms and conditions of the City's Series 2001-A Bonds, Series 2003-A Bonds, Series 2003-B Bonds, Series 2003-C Bonds, Series 2004-B Bonds and Series 2004-C Bonds.

475 **"Refunded Bonds Paying Agent"** means the Treasurer of the State of Kansas, Topeka,
476 Kansas.
477

478 **"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in
479 accordance with **Section 211** hereof.
480

481 **"Representation Letter"** means the Blanket Issuer Letter of Representations from the
482 City to the Securities Depository with respect to the Bonds, substantially in the form attached to
483 this Resolution as *Exhibit B*.
484

485 **"Resolution"** means this resolution relating to the Bonds, and any Supplemental
486 Resolution.
487

488 **"Securities Depository"** means, initially, The Depository Trust Company, New York,
489 New York, and any successors and assigns.
490

491 **"Series 2001-A Bonds"** means the City's General Obligation Bonds, Series 2001-A,
492 maturing on August 15, 2010, through and including August 15, 2031 (i.e., \$5,835,000) being
493 currently refunded with proceeds of the Bonds.
494

495 **"Series 2003-A Bonds"** means the City's General Obligation Refunding Bonds, Series
496 2003-A, maturing August 15, 2010, through and including August 15, 2017, (i.e., \$3,890,000)
497 being currently refunded with proceeds of the Bonds.
498

499 **"Series 2003-B Bonds"** means the City's General Obligation Bonds, Series 2003-B,
500 maturing August 15, 2010, through and including August 15, 2018, (i.e., \$8,950,000) being
501 currently refunded with proceeds of the Bonds.
502

503 **"Series 2003-C Bonds"** means the City's General Obligation Refunding Bonds, Series
504 2003-C, maturing August 15, 2010, through and including August 15, 2023, (i.e., \$8,790,000)
505 being currently refunded with proceeds of the Bonds.
506

507 **"Series 2004-B Bonds"** means the City's General Obligation Refunding Bonds, Series
508 2004-B, maturing August 15, 2010, through and including August 15, 2020, (i.e., \$24,065,000)
509 being currently refunded with proceeds of the Bonds.
510

511 **"Series 2004-C Bonds"** means the City's General Obligation Bonds, Series 2004-C,
512 maturing August 15, 2010, through and including August 15, 2024, (i.e., \$5,515,000) being
513 currently refunded with proceeds of the Bonds.
514

515 **"Series 2009-A Bonds"** means the City's General Obligation Bonds, Series 2009-A
516 issued pursuant to the Ordinance.
517

518 **"Series 2009-A Principal and Interest Account"** means the Principal and Interest
519 Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2009-A, created
520 herein within the City's Bond and Interest Fund.
521

522 **"Series 2009-A Project Account"** means the Project Account for the Internal
523 Improvements in the treasury of the City, created herein.
524

525 **"Series 2009-A Rebate Fund"** means the Rebate Fund for the City of Topeka, Kansas,
526 General Obligation Bonds, Series 2009-A, created herein.
527

531
532 **"Series 2009-B Cost of Issuance Account"** means the Cost of Issuance Account for the
533 City of Topeka, Kansas, General Obligation Refunding Bonds, Series 2009-B, created herein.

534
535 **"Series 2009-B Principal and Interest Account"** means the Principal and Interest
536 Account for the City of Topeka, Kansas, General Obligation Refunding Bonds, Series 2009-B,
537 created herein within the City's Bond and Interest Fund.

538
539 **"Series 2009-B Rebate Fund"** means the Rebate Fund for the City of Topeka, Kansas,
540 General Obligation Refunding Bonds, Series 2009-B, created herein.

541
542 **"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section**
543 **204** hereof for the payment of Defaulted Interest.

544
545 **“Standard & Poor’s”** means Standard & Poor’s Ratings Services, a Division of The
546 McGraw Hill Companies, Inc., New York, New York and any successors or assigns to the Bond
547 rating functions thereof which is deemed acceptable by the City and Bond Counsel.

548
549 **"State"** means the State of Kansas.

550
551 **"State Treasurer"** means the duly elected Treasurer or, in the Treasurer's absence, the
552 duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors
553 or assigns.

554
555 **"Stated Maturity"** means (i) with respect to any Bond principal payment, the date on
556 which payment of principal is due and payable on any Bond, as specified on that Bond and in
557 this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of
558 the year in which any Bond is Outstanding, beginning February 15, 2010.

559
560 ["**Term Bonds**" means the Bonds scheduled to mature in the year 20 .]

561
562 **"Treasurer"** means the duly appointed and/or elected Treasurer of the City or, in the
563 Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

564
565 **"United States Government Obligations"** means bonds, notes, certificates of
566 indebtedness, U.S. Treasury or other securities consisting of direct obligations of, or obligations
567 the principal of and interest on which are fully and unconditionally guaranteed as to full and
568 timely payment by, the United States of America, including evidences of a direct ownership
569 interest in the future interest or principal payment on obligations issued by the United States of
570 America (including the interest component of obligations of the Resolution Funding
571 Corporation).

572
573 ARTICLE II

574
575 AUTHORIZATION AND DETAILS OF THE BONDS

576
577 **Section 201. Authorization of the Bonds.** There shall be issued and hereby are
578 authorized and directed to be issued (1) General Obligation Bonds, Series 2009-A, of the City in
579 the aggregate principal amount of \$3,390,000 for the purpose of providing funds to pay the costs
580 of the Internal Improvements as described in the Ordinance, in accordance with K.S.A. 12-6a01
581 et seq., Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, the home rule
582 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 and (2) General Obligation Refunding Bonds, Series 2009-B, of the City in the aggregate principal amount of \$58,020,000 for the purpose of currently refunding the Refunded Bonds as described in the Ordinance, in accordance with K.S.A. 10-427 et seq., as amended 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 28, 2009, 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:

SERIES 2009-A BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
-------------------------	---------------------	------------------

SERIAL BONDS

2010	\$155,000	_____ %
2011	135,000	_____
2012	135,000	_____
2013	135,000	_____
2014	140,000	_____
2015	140,000	_____
2016	145,000	_____
2017	150,000	_____
2018	155,000	_____
2019	160,000	_____
2020	165,000	_____
2021	170,000	_____
2022	175,000	_____
2023	180,000	_____
2024	190,000	_____
2025	195,000	_____
2026	205,000	_____
2027	210,000	_____
2028	220,000	_____
2029	230,000	_____

TERM BONDS

20__	_____	_____
------	-------	-------

SERIES 2009-B BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
-------------------------	---------------------	------------------

SERIAL BONDS

2010	\$7,780,000	_____ %
2011	6,270,000	_____
2012	7,110,000	_____
2013	7,065,000	_____
2014	6,560,000	_____
2015	3,250,000	_____
2016	3,345,000	_____
2017	3,430,000	_____
2018	2,955,000	_____
2019	2,365,000	_____
2020	1,630,000	_____
2021	1,350,000	_____
2022	1,410,000	_____
2023	1,460,000	_____
2024	650,000	_____
2025	170,000	_____
2026	180,000	_____
2027	190,000	_____
2028	200,000	_____
2029	205,000	_____
2030	215,000	_____
2031	230,000	_____

TERM BONDS

20__

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.

739
740 **Section 205. Registration, Transfer and Exchange of Bonds.** The City covenants that,
741 as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the
742 office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in
743 the name of the Owner thereof on the Bond Register.

744
745 Bonds may be transferred and exchanged only on the Bond Register as provided in this
746 Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Regis-
747 trar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any
748 authorized denomination of the same Stated Maturity and in the same aggregate principal
749 amount as the Bond that was presented for transfer or exchange.

750
751 Bonds presented for transfer or exchange shall be accompanied by a written instrument or
752 instruments of transfer or authorization for exchange, in a form and with guarantee of signature
753 satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly
754 authorized agent.

755
756 In all cases in which the privilege of transferring or exchanging Bonds is exercised, the
757 Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this
758 Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration,
759 transfer and exchange of Bonds provided for by this Resolution and the cost of printing a
760 reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred
761 in the secondary market, other than fees of the Bond Registrar, are the responsibility of the
762 Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification
763 number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient
764 to pay any governmental charge required to be paid as a result of such failure. In compliance
765 with Section 3406 of the Code, such amount may be deducted by the Paying Agent from
766 amounts otherwise payable to such Owner hereunder or under the Bonds.

767
768 The City and the Bond Registrar shall not be required (a) to register the transfer or
769 exchange of any Bond that has been called for redemption after notice of such redemption has
770 been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15
771 days next preceding the date of mailing of such notice of redemption; or (b) to register the
772 transfer or exchange of any Bond during a period beginning at the opening of business on the
773 day after receiving written notice from the City of its intent to pay Defaulted Interest and ending
774 at the close of business on the date fixed for the payment of Defaulted Interest pursuant to
775 **Section 204** hereof.

776
777 The City and the Paying Agent may deem and treat the Person in whose name any Bond
778 is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is
779 overdue or not, for the purpose of receiving payment of, or on account of, the principal or
780 Redemption Price of and interest on said Bond and for all other purposes. All payments so made
781 to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge
782 the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the
783 Paying Agent shall be affected by any notice to the contrary.

784
785 At reasonable times and under reasonable regulations established by the Bond Registrar,
786 the Bond Register may be inspected and copied by the Owners of 10% or more in principal
787 amount of the Bonds then Outstanding or any designated representative of such Owners whose
788 authority is evidenced to the satisfaction of the Bond Registrar.

789
790 **Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each
791 of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially
792 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 *Certificate 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 30, 2009, 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. Redemption of Bonds.

(a) Optional Redemption by City. The Bonds maturing prior to August 15, 2015, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2015, may be called for redemption and payment prior to maturity on August 15, 2014, 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.

[(b) Mandatory Redemption. The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this

Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited into the _____ Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on August 15 in each year, the following principal amounts of such Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$ _____	20__
_____	20__
(leaving \$ _____ to mature August 15, 20__)	

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption 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 Series 2009-A 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 Series 2009-A Bonds and all of the principal of and interest on the Series 2009-B 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 2009-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 2009-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 Bonds, Series 2009-A (the "Series 2009-A Principal and Interest Account"); and

(c) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Refunding Bonds, Series 2009-B (the "Series 2009-B Principal and Interest Account");

(d) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2009-A (the "Series 2009-A Rebate Fund");

(e) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Refunding Bonds, Series 2009-B (the "Series 2009-B Rebate Fund"); and

(f) In the treasury of the City, the Cost of Issuance Account for the City of Topeka, Kansas, General Obligation Refunding Bonds, Series 2009-B (the "Series 2009-B Cost of Issuance Account").

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 Series 2009-A Bonds in the amount of \$_____ shall be deposited in the Series 2009-A Project Account; and

(b) Proceeds of the Series 2009-A Bonds in the amount of \$_____ shall be deposited with the Treasurer of the State of Kansas for the redemption of a portion of the City's Temporary Notes, Series 2008-A, on November 1, 2009; and

(c) Proceeds of the Series 2009-B Bonds in the amount of \$_____ shall be deposited in the Series 2009-B Cost of Issuance Account; and

(d) Proceeds of the Series 2009-B Bonds in the amount of \$_____ shall be deposited with the Treasurer of the State of Kansas for the redemption of the Refunded Bonds on _____, 2009.

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 \$_____ of other lawfully available funds of the City, for the redemption of a portion of the City's Temporary Notes, Series 2008-A, on November 1, 2009.

Section 504. Withdrawals from the Series 2009-A Project Account. The Treasurer shall make withdrawals from the Series 2009-A Project Account solely for the purpose of paying costs and expenses of the Internal Improvements and paying the Costs of Issuance for the Series 2009-A Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 505. Surplus in the Series 2009-A Project Account. All moneys remaining in the Series 2009-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 2009-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. Withdrawals of the Series 2009-B Cost of Issuance Account. The Treasurer shall make withdrawals from the Series 2009-B Cost of Issuance Account solely for the purpose of paying costs of issuing the Series 2009-B Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 507. Surplus in the Series 2009-B Cost of Issuance Account. All moneys remaining the Series 2009-B Cost of Issuance Account after 60 days of the issuance of the Series 2009-B Bonds, shall be transferred immediately to the Series 2009-B Principal and Interest Account and applied to the next installment of principal due on the Series 2009-B Bonds.

Section 508. Application of Moneys in Series 2009-A and 2009-B Principal and Interest Accounts. All amounts paid and credited to the Series 2009-A and 2009-B Principal and Interest Accounts 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 2009-A Bonds and Series 2009-B 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 2009-A and 2009-B Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Series 2009-A Bonds and Series 2009-B 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 2009-A and 2009-B Principal and Interest Account after the retirement of the indebtedness for which the Series 2009-A Bonds and Series 2009-B were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 509. Application of Moneys in the Series 2009-A and 2009-B Rebate Funds.

(a) There shall be deposited in the Series 2009-A Rebate Fund and Series 2009-B 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 2009-A and 2009-B Rebate Funds 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 Series 2009-A or 2009-B Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2009-A and 2009-B Rebate Funds 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 2009-A Rebate Fund after redemption and payment of all of the Series 2009-A Bonds and payment and satisfaction of any

rebtable arbitrage, or provision made therefor, shall be deposited into the Series 2009-A Principal and Interest Account of the City. Any moneys remaining in the Series 2009-B Rebate Fund after redemption and payment of all of the Series 2009-B Bonds and payment and satisfaction of any rebtable arbitrage, or provision made therefor, shall be deposited into the Series 2009-B 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 rebtable 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 510. 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 2009-A Rebate Fund and Series 2009-B 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 2009-A Project Account may, at the direction of the governing body of the City, be paid and credited to the Series 2009-A Principal and Interest Account, and used to pay interest on the Series 2009-A 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 511. 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-A Bonds maturing on August 15, 2010, through and including August 15, 2031; (2) the Series 2003-A Bonds maturing on August 15, 2010, through and including August 15, 2017; (3) the Series 2003-B Bonds maturing on August 15, 2010, through and including August 15, 2018; (4) the Series 2003-C Bonds maturing on

August 15, 2010, through and including August 15, 2023; (5) the Series 2004-B Bonds maturing on August 15, 2010, through and including August 15, 2020; and (6) the Series 2004-C Bonds maturing on August 15, 2010, through and including August 15, 2024, for redemption and payment on November 1, 2009, the Redemption Date. The Series 2001-A Bonds, Series 2004-B Bonds and Series 2004-C Bonds are being called at the redemption price of 101 percent of the par value thereof plus accrued interest thereon to the redemption date. The Series 2003-A Bonds, Series 2003-B Bonds and Series 2003-C Bonds are being called at the redemption price of 100.50 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.

1490
1491 With notice to or the consent of any Owners, the City may amend or supplement this
1492 Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity
1493 therein or in connection with any other change therein which is not materially adverse to the
1494 interests of the Owners.
1495

1496 Every amendment or modification of the provisions of the Bonds or of this Resolution, to
1497 which the written consent of the Owners is given, as above provided, shall be expressed in a
1498 resolution adopted by the governing body of the City amending or supplementing the provisions
1499 of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every
1500 such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall
1501 always be kept on file in the office of the Clerk, and shall be made available for inspection by the
1502 Owner of any Bond, or a prospective purchaser or owner of any Bond authorized by this
1503 Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of
1504 any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk to
1505 any such Owner or prospective Owner. A copy of every amendatory or supplemental resolution
1506 shall be sent to Moody's.
1507

1508 Any and all modifications made in the manner hereinabove provided shall not become
1509 effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove
1510 provided for, duly certified, as well as proof of any required consent to such modification by the
1511 Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the
1512 Outstanding Bonds any reference to such amendment or modification.
1513

1514 The City shall furnish to the Bond Registrar and to the Paying Agent a copy of any
1515 amendment to the Bonds or this Resolution which affects the duties or obligations of the Bond
1516 Registrar or the Paying Agent under this Resolution.
1517

1518 **Section 1004. Notices, Consents and Other Instruments by Owners.** Any notice,
1519 consent, request, direction, approval or other instrument to be signed and executed by the
1520 Owners may be in any number of concurrent writings of similar tenor and may be signed or
1521 executed by such Owners in person or by agent appointed in writing. Proof of the execution of
1522 any such instrument or of the writing appointing any such agent and of the ownership of Bonds,
1523 if made in the following manner, shall be sufficient for any of the purposes of this Resolution,
1524 and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard
1525 to any action taken, suffered or omitted under any such instrument, namely:
1526

1527 (a) The fact and date of the execution by any person of any such instrument may be
1528 proved by a certificate of any officer in any jurisdiction who by law has power to make
1529 acknowledgements within such jurisdiction that the person signing such instrument
1530 acknowledged before such officer the execution thereof, or by affidavit of any witness to such
1531 execution.
1532

1533 (b) The fact of ownership of Bonds, the amount or amounts, numbers and other
1534 identification of Bonds, and the date of holding the same shall be proved by the Bond Register.
1535

1536 In determining whether the Owners of the requisite principal amount of Bonds
1537 Outstanding have given any request, demand, authorization, direction, notice, consent or waiver
1538 under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be
1539 Outstanding under this Resolution, except that, in determining whether the Owners shall be
1540 protected in relying upon any such request, demand, authorization, direction, notice, consent or
1541 waiver, only Bonds which the Owners know to be so owned shall be so disregarded.
1542 Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not

1543 be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the
1544 pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.
1545

1546 **Section 1005. Further Authority.** The officers and officials of the City, including the
1547 Mayor and Clerk, are hereby authorized and directed to execute all documents and take such
1548 actions as they may deem necessary or advisable in order to carry out and perform the purposes
1549 of this Resolution and to make ministerial alterations, changes or additions in the foregoing
1550 agreements, statements, instruments and other documents herein approved, authorized and
1551 confirmed which they may approve, and the execution or taking of such action shall be con-
1552 clusive evidence of such necessity or advisability.
1553

1554 **Section 1006. Severability.** If any section or other part of this Resolution is for any
1555 reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of
1556 this Resolution.
1557

1558 **Section 1007. Governing Law.** This Resolution shall be governed exclusively by and
1559 construed in accordance with the applicable laws of the State.
1560

1561 **Section 1008. Effective Date.** This Resolution shall take effect and be in full force from
1562 and after its passage by the Council of the City.
1563

1564 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED and approved by the City of Topeka, Kansas, on October 6, 2009.

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 6, 2009, 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 6, 2009.

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 [REFUNDING] BOND
SERIES 2009-[A][B]

No. R-_____

\$_____

Rate of
Interest:

Maturity

Date: August 15, 20__

Dated

Date: October 28, 2009

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, 2010, 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 28th day of October, 2009.

CITY OF TOPEKA, KANSAS

(manual)
Mayor

ATTEST: _____
(manual)
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation [Refunding] Bonds, Series 2009-[A][B] described in the within mentioned Resolution.

Registration Date: _____

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

By _____

I.D.#: _____

FURTHER TERMS AND PROVISIONS

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$_____ (the "Bonds") issued for the purposes set forth in Ordinance No. _____ 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. 12-6a01 et seq., Charter Ordinance No. 89 of the City,][K.S.A. 10-427 et seq.] and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. _____ 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, 2015, may be called for redemption and payment prior to maturity on August 15, 2014, 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.

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 28, 2009.

WITNESS my hand and official seal.

(manual)

City Clerk

(SEAL)

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, DENNIS MCKINNEY, 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.

DENNIS MCKINNEY
TREASURER OF THE STATE OF KANSAS

By _____
State Treasurer

(SEAL)

1
2
3
4

EXHIBIT B
(DTC LETTERS OF REPRESENTATION)



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 9, 2009

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

DATE: October 6, 2009

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

SECOND PARTY/SUBJECT: Temporary Notes Series **PROJECT #:** 2009-B

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 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of \$25,230,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the principal amount of the Series 2008-A Temporary Notes of said City, dated October 28, 2009, (ii) renewing all of the principal amount of the Series 2009-A Temporary Notes of said City, dated February 19, 2009, and (iii) for the purpose of providing funds to pay a portion of the cost of certain improvements in said City.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize the issuance of the City's Series 2009-B 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 2009-B 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 2010.

SOURCE OF FUNDING:

The principal and interest on the Notes will be paid from proceeds of general obligation bonds expected to be issued in 2010.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES 2009-B OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$25,230,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF (i) RENEWING A PORTION OF THE PRINCIPAL AMOUNT OF THE SERIES 2008-A TEMPORARY NOTES OF SAID CITY, DATED OCTOBER 29, 2008, (ii) RENEWING ALL OF THE PRINCIPAL AMOUNT OF THE SERIES 2009-A TEMPORARY NOTES OF SAID CITY, DATED FEBRUARY 19, 2009, AND (iii) 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) Drainage Improvement Project No. 15079-00;
- (b) Water Line Improvement Project No. 28627-00;
- (c) Water Treatment Plant Project No. 28638-03;
- (d) Water Line Improvement Project No. 28642-00;
- (e) Water System Improvement Project No. 29105-00;
- (f) Waste Water Treatment Plant Project No. 29111-00;
- (g) Water System Improvement Project No. 29112-00;
- (h) Sanitary Sewer Improvement Project No. 40874-03;
- (i) Sanitary Sewer Improvement Project No. 40898-01;
- (j) Sanitary Sewer Improvement Project No. 40936-00;

- (k) Sanitary Sewer Improvement Project No. 40945-00;
- (l) Sanitary Sewer Improvement Project No. 40951-00;
- (m) Sanitary Sewer Improvement Project No. 40951-01;
- (n) Sanitary Sewer Improvement Project No. 40965-00;
- (o) Sanitary Sewer Improvement Project No. 40970-00;
- (p) Street Improvement Project No. 60610-02;
- (q) Street Improvement Project No. 60611-04;
- (r) Street Improvement Project No. 60619-00;
- (s) Street Improvement Project No. 60625-00;
- (t) Street Improvement Project No. 60632-00;
- (u) Street Improvement Project No. 60632-01;
- (v) Street Improvement Project No. 60635-01;
- (w) Street Improvement Project No. 60638-00;
- (x) Street Improvement Project No. 60641-00;
- (y) Street Improvement Project No. 60645-00;
- (z) Street Improvement Project No. 60655-00;
- (aa) Street Improvement Project No. 70196-02;
- (bb) Street Improvement Project No. 70203-00;
- (cc) Fire Station Improvement Project No. 13153-00; and
- (dd) Street Improvement Project No. 70123-01.

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. 8116 of the City adopted October 7, 2008, the City has issued its Temporary Notes, Series 2008-A, dated October 29, 2008, aggregating the principal amount of \$16,350,000 and maturing on November 1, 2009, (the “Series 2008-A Notes”) to provide funds to finance certain improvements in the City including Projects Nos. 40874-03, 40898-01, 40936-00, 40945-00, 40951-00, 40951-01, 60611-04, 60619-00, 60625-00,

60632-00, 60632-01, 60641-00 and 70196-02; as hereinbefore described (the “2008-A Projects”), and all aspects of said Projects will not be fully completed at the maturity of the Series 2008-A Notes; and

WHEREAS, pursuant to Resolution No. 8141 of the City adopted February 3, 2009, the City has issued its Temporary Notes, Series 2009-A, dated February 19, 2009, aggregating the principal amount of \$820,000 and maturing on November 1, 2010, (the “Series 2009-A Notes”) to provide funds to finance Water Treatment Plant Project No. 28638-03; as hereinbefore described (the “2009-A Project”), and the Series 2009-A Notes are being called for redemption and payment on November 1, 2009; and

WHEREAS, it is necessary for the City to provide cash funds to (i) renew a portion of the Series 2008-A Notes issued to provide financing for the 2008-A Projects, (ii) renew all of the Series 2009-A Notes issued to provide financing for the 2009-A Project and (iii) 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 (i) renew a portion of the Series 2008-A Notes issued in connection with the 2008-A Projects as hereinbefore described, (ii) renew all of the Series 2009-A Notes issued in connection with the 2009-A Project as hereinbefore described and (iii) 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 2009-B, of the City, in the principal amount not to exceed \$25,230,000 (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 28, 2009, shall become due on November 1, 2010, and shall bear interest from said date at the rate of _____ percent (_____%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on November 1, 2010, 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 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 3. 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 (i) renewing the Series 2008-A Notes previously issued to finance the 2008-A Projects as hereinbefore described, (ii) renewing the Series 2009-A Notes previously issued to finance the 2009-A Project as hereinbefore described (iii) the costs of the Improvements and (iv) the costs of issuing the Notes.

Section 4. 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

\$ _____ \$ _____

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
SERIES 2009-B**

Rate of _____ Maturity _____ Dated _____ CUSIP NO. _____
Interest: _____% Date: November 1, 2010 Date: October 28, 2009
Registered Owner: Cede & Co.
Principal Amount: _____ 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. The Notes will not be subject to redemption prior to maturity.

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 28th day of October, 2009.

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

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2009-B, 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 28th day of October, 2009.

(SEAL)

City Clerk of the City of Topeka,
Shawnee County, Kansas

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, DENNIS MCKINNEY, 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, 2009.

WITNESS My Hand and Official Seal.

DENNIS MCKINNEY
Treasurer of the State of Kansas

BY: _____
State Treasurer

(SEAL)

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 Signature Guaranteed 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 \$_____ (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. _____ 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 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 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. 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 5. That the Notes shall be issued and sold to _____, _____, 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 6. 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 7. 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.

386 **Section 8.** That the forms of the *Preliminary Official Statement* and the *Official*
387 *Statement*, both of which will be dated as of the date set forth thereon, all in the form presented
388 at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed,
389 and the execution, circulation and distribution thereof are hereby approved, ratified and
390 confirmed for and on behalf of the City, in substantially the form presented at this meeting.

391 **Section 9.** That the City hereby covenants and agrees that it will comply with and carry
392 out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate
393 of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any
394 other provision of this Resolution, failure of the City to comply with the Continuing Disclosure
395 Certificate shall not be considered an event of default of the City's obligations either under this
396 Resolution or in connection with the Notes; provided, however, any owner of the Notes may take
397 such actions as may be necessary and appropriate, including seeking mandate or specific perfor-
398 mance 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 6th day of October, 2009.

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. ____
adopted and approved by the City Council on October 6, 2009.

(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

September 16, 2009

 + Back  Print

DATE: October 6, 2009

CONTACT PERSON: Councilmember Sylvia Ortiz and John Alcala **DOCUMENT #:**

SECOND PARTY/SUBJECT: Installation of traffic signals - SE 4th and Branner Streets **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmembers Sylvia Ortiz and John Alcala requesting the installation of traffic signals at the intersection of SE 4th and SE Branner Streets. (Council District No. 3)

(Approval would provide for the installation of traffic signals at this intersection to improve the safety of motorists and request that the City Manager place on a Council meeting agenda as soon as possible a project budget and ordinance for the installation of said traffic signals.)

POLICY ISSUE:

Whether or not to approve the installation of traffic signals to improve the safety of motorists at the intersection of SE 4th and SE Branner Streets and request the City Manager to place on a Council meeting agenda as soon as possible a project budget and ordinance for the installation of said traffic signals.

STAFF RECOMMENDATION:

BACKGROUND:

In 2007, the City of Topeka deactivated the traffic signals and installed stop signs at the intersection of SE 4th and SE Branner Streets. The intersection had the highest crash rate in the City in 2008 with 13 vehicle crashes. So far in 2009, there have been 8 vehicle crashes. The stop signs are not sufficiently controlling traffic at this intersection or providing the level of safety citizens traveling City streets expect and deserve. By approving this Resolution, the Council requests that the City Manager place on a Council meeting agenda as soon as possible a project budget and ordinance for the installation of traffic signals to improve the safety of motorists at this intersection.

BUDGETARY IMPACT:

Estimated \$160,000 for traffic signals

Item #15

SOURCE OF FUNDING:

General Obligation bonds or any other lawfully available funds

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmembers Sylvia Ortiz and John Alcala requesting the installation of traffic signals at the intersection of SE 4th and SE Branner Streets.

WHEREAS, in 2007, the City of Topeka deactivated the traffic signals and installed stop signs at the intersection of SE 4th and SE Branner Streets; and

WHEREAS, the intersection had the highest crash rate in the City in 2008 with 13 vehicle crashes. So far in 2009, there have been 8 vehicle crashes; and

WHEREAS, stop signs are not sufficient to control traffic at this intersection or to provide the level of safety citizens traveling City streets expect and deserve.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Topeka that it believes in order to improve the safety of motorists, traffic signals should be installed at the intersection of SE 4th and Branner Streets.

BE IT FURTHER RESOLVED by the Council of the City of Topeka that it requests the City Manager to place on a Council meeting agenda as soon as possible a project budget and ordinance for the installation of traffic signals at SE 4th and SE Branner Streets. The traffic installation project will be funded through general obligation bonds or any other lawfully available funds.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Brenda Younger, City Clerk

COUNRES
4th & BRANNER SIGNAL
9/10/09



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 28, 2009

+ Back Print

DATE: October 6, 2009
CONTACT PERSON: Braxton B. Copley, Deputy City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: City Manager
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL for the City Manager to teach limited sessions at the Kansas University Public Management Center in Topeka in accordance with City of Topeka Contract No. 36119.

(The City Manager's employment agreement provides that the City Manager can accept limited teaching opportunities which do not interfere with or present a conflict of interest with the City Manager's duties subject to the approval of the City Council.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Approve.

BACKGROUND:

The City Manager's employment contract with the City states that he can accept limited teaching opportunities subject to the approval of the City Council. At the November 28, 2006 Council meeting, the Council approved a motion for him to teach five sessions for KU's Topeka Public Management Center's Emerging Leaders Academy. (See attached meeting minutes.) He has been asked to continue to teach in the program. He would be responsible for conducting about five 3-hour sessions over a six month period. He will use his own time when teaching sessions.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #16

City Council Minutes – November 28, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 28, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon -8. Mayor Bunten presided: -1. Absent: Councilmember Blackburn -1.

AFTER THE MEETING was called to order, Pastor Martin Schmidt, Prince of Peace Lutheran Church, gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Councilmember Alcala moved to suspend the Council rules to add a resolution to the agenda authorizing the City Manager to sell surplus fire department self-contained breathing apparatus to the Shawnee Heights Fire District. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Councilmember Alcala moved to reinstate the Council rules. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Mayor Bunten noted that the resolution would be placed on the agenda under New Business as Item 5E.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of November 21, 2006 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

Business

Godfather's Pizza #17017
Grab-N-Go
Taco Tico

Address

1707 S.E. 29th Street
1531 S.W. Wanamaker Road
2102 N. Topeka Boulevard

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Skinny's Sports Bar & Grill located at 4016 S.W. Huntoon, was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

A COMMUNICATION authorizing the amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment was presented. The communication was deferred from the meeting of November 21, 2006.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Duffy moved to accept the committee report. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

Councilmember Duffy moved to amend the contract by adding the following language, "All water service provided to residential customers in subdivisions in the potential annexed area that are platted after the effective date of this amendment shall be installed with a one (1) inch service line, and a one (1) inch water meter. The motion seconded by Councilmember Alcala carried. Councilmember Harmon voted "no". (7-1-0)

Dennis Schwartz, General Manager of Rural Water District No. 8 stated that because sizing of water services is a significantly larger issue than the sizing of water lines and water meters, he does not believe the Board would support the amendment at this time. He noted that at this time all other amendments have been negotiated, and an agreement reached.

Councilmember Kennedy asked how the amendments came about, and why they were not included in the original agreement.

Mike Teply, Acting Public Works Director stated that the amendments were recently proposed by Councilmember Duffy.

Mike Engler, Bartlett & West Engineers commended the Council for moving forward with the agreement. He stated that the contract would allow the City to have a tool to facilitate annexation in the future.

Councilmember Duffy explained his reason for proposing the amendment. He stated that Resolution No. 7339 was crafted to outline a policy for City staff to follow when working with rural water district contracts and managing the growth of the city. He also stated that if annexation were to occur, this contract would help address rural water contracts.

Councilmember Preisner moved to approve the contract as amended. The motion seconded by Councilmember Duffy failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes and Harmon voted “no”. (2-6-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River, placed on first reading November 14, 2006 was again presented. The ordinance was deferred from the meeting of November 21, 2006.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion was seconded by Councilmember Alcala.

Councilmember Alcala stated that he is opposed to the ordinance because he believes staff could find another way to accomplish use of the property.

Councilmember Haynes asked if there was another way to acquire the properties.

Brenden Long, City Attorney stated that the only alternative is property negotiations.

The motion to adopt the ordinance failed. Councilmembers Kennedy, Alcala, Ortiz, Haynes and Duffy voted “no”. (3-5-0)

A PROJECT BUDGET in the amount of \$1,292,700 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein, was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Brenden Long, City Attorney suggested that the project budget and resolution be denied because the public improvement petition was not included in the original project.

Councilmember Preisner moved to approve the project budget and resolution. The motion seconded by Councilmember Alcala failed. Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted “no”. (1-7-0)

A PUBLIC IMPROVEMENT PETITION, a PROJECT BUDGET in the amount of \$1,292,700 and RESOLUTION NO. 7894 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60619-00 which provides for the paving of the Horseshoe Bend Subdivision, as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

RESOLUTION NO. 7895 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project

No. 70196-02 which provides for the construction of SW MacVicar Avenue, from SW 6th Street to the eastbound I-70 exit ramp, was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

A COMMUNICATION authorizing the City Manager to execute Contract No. 36888, an amendment to the contract with Cingular Wireless PCS, L.L.C. to increase the size of leased premise to accommodate a diesel generator was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

A PROJECT BUDGET in the amount of \$130,000 and RESOLUTION NO. 7896 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13155-00, which provides for two passenger elevators located at the Cyrus K. Holliday building at 620 S.E. Madison as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Haynes asked why the elevator improvements were not included in the remodeling budget of the Cyrus K. Holliday Building.

Mike Teply, Acting Public Works Director stated that the elevator was working fine when the building was being remodeled, but with the increased usage they have not been functioning properly.

Councilmember Ortiz encouraged the Council to support the project because the improvement would better accommodate the large increase in customer traffic.

Councilmember Ortiz moved to approve the project budget and resolution. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

RESOLUTION NO. 7897 introduced by Councilmember Alcalá authorizing the City Manager to sell surplus fire department self-contained breathing apparatus to the Shawnee Heights Fire District was presented.

Councilmember Alcalá moved to approve the resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Preisner stated that he believes the transaction should be treated as a mutual aid agreement.

Councilmember Preisner moved to amend line 10 of the resolution to reflect a purchase price of \$1 each. The motion was seconded by Councilmember Nave.

Councilmember Duffy asked if the equipment is unsafe and if so, why would they sell the equipment to another fire district.

Chief Giles stated that they have shared their concerns with the Shawnee Heights Fire District regarding the age of the air packs, and the on-going maintenance requirement. He noted that they would assist the Shawnee Heights Fire District in selecting the best equipment.

Councilmember Duffy expressed concern with re-issuing unsafe fire equipment back into service.

The motion to amend line 10 of the resolution to reflect a purchase price of \$1 each carried unanimously. (8-0-0)

Councilmember Preisner moved to approve the resolution as amended. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Trafficway Improvement Project No. 70190-01, Part B, which provides for the reconstruction of East 6th Street to five lanes wide between Golden Avenue and Market Street, was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., authorizing Improvement Project No. 84344 which provides for the removal and replacement of concrete curb and gutter throughout the City of Topeka, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code

of the City of Topeka and specifically repealing Ordinance No. 18627 was presented for first reading.

Councilmember Duffy requested additional information on Item 6B, an ordinance authorizing Improvement Project No. 84344 which provides for the removal and replacement of concrete curb and gutter. He stated that before he makes a decision on the ordinance next week he would like an explanation on how the eligibility and priorities of the expenditure of funds were determined for the project.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE CITY COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager stated that the Park Maintenance employee that was recently injured on the job is recuperating. He also announced several upcoming community events. He requested approval of the Council to teach five sessions for the Emerging Leaders Program sponsored by the University of Kansas.

Councilmember Preisner moved to approve the City Manager's request to teach five sessions for the Emerging Leaders Program sponsored by the University of Kansas. The motion seconded by Councilmember Haynes carried. Councilmember Duffy voted "no". (7-1-0)

Councilmember Alcala moved to reconsider the vote. The motion seconded by Councilmember Duffy carried. Councilmembers Ortiz, Nave and Preisner voted "no". (5-3-0)

Councilmember Alcala moved to approve the City Manager's request to teach five sessions for the Emerging Leaders Program sponsored by the University of Kansas. The motion seconded by Councilmember Haynes carried. Councilmembers Alcala, Ortiz and Duffy voted "no". (5-3-0)

Councilmember Duffy gave a brief overview of the article “How to bring High-Tech Jobs to the State of Kansas” by Harold Stone. He also noted a number of statistics relating to the State of Kansas unemployment rates, average medium income and Shawnee County poverty estimates, and stated that he found the trend in the statistics troubling.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:25 p.m.

Iris Walker
City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2009

+ Back Print

DATE: October 6, 2009
CONTACT PERSON: JIM LANGFORD/KEJ **DOCUMENT #:**
SECOND PARTY/SUBJECT: WEEKLY EXPENDITURES **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 14, 2009, through September 20, 2009, 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 14, 2009 through September 20, 2009, in the amount of \$310,189.84.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Ordinance](#)

[Expenditures](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 14, 2009, through September 20, 2009, and enumerating said expenditures herein.

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

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

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

<u>Section 3.</u>	Total for 53 vendor checks written in this period	\$104,316.92
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	205,872.92
	Total net payroll to employees this period	000.00
	Total payroll related electronic transfers this period	<u>000.00</u>
	Total for expenditures in this period	<u>\$310,189.84</u>

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

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

PREPARED 09/21/2009, 9:46:18
PROGRAM: GM350LSPCL
City of TopekaA/P CHECKS BY PERIOD AND YEAR
FROM 09/14/2009 TO 09/20/2009

PAGE 1

CHECK DATE	CHECK NUMBER	VENDOR NAME	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	*ALL*
ACCOUNT #									CHECK AMOUNT
09/18/2009	665963	AAA ALLIED GROUP INC		1115210					905.50
101-1820-520.29-00		08/31/2009		MISCELLANEOUS SERVICES	252732	555081	09/2009		38.50
101-1820-520.29-00		09/01/2009		MISCELLANEOUS SERVICES	257084	555081	09/2009		38.50
101-1820-520.29-00		09/01/2009		MISCELLANEOUS SERVICES	257086	555081	09/2009		58.50
101-1820-520.29-00		09/01/2009		MISCELLANEOUS SERVICES	257850	555081	09/2009		38.50
101-1820-520.29-00		09/02/2009		MISCELLANEOUS SERVICES	257735	555081	09/2009		77.00
101-1820-520.29-00		09/02/2009		MISCELLANEOUS SERVICES	257541	555081	09/2009		38.50
101-1820-520.29-00		09/03/2009		MISCELLANEOUS SERVICES	257852	555081	09/2009		38.50
101-1820-520.29-00		09/03/2009		MISCELLANEOUS SERVICES	257242	555081	09/2009		38.50
101-1820-520.29-00		09/03/2009		MISCELLANEOUS SERVICES	257663	555081	09/2009		38.50
101-1820-520.29-00		09/04/2009		MISCELLANEOUS SERVICES	257701	555081	09/2009		38.50
101-1820-520.29-00		09/04/2009		MISCELLANEOUS SERVICES	257246	555081	09/2009		38.50
101-1820-520.29-00		09/06/2009		MISCELLANEOUS SERVICES	257808	555081	09/2009		38.50
101-1820-520.29-00		09/06/2009		MISCELLANEOUS SERVICES	257281	555081	09/2009		38.50
101-1820-520.29-00		09/08/2009		MISCELLANEOUS SERVICES	257283	555081	09/2009		38.50
101-1820-520.29-00		09/08/2009		MISCELLANEOUS SERVICES	252742	555081	09/2009		38.50
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101-1820-520.29-00		09/09/2009		MISCELLANEOUS SERVICES	257284	555081	09/2009		38.50
101-1820-520.29-00		09/10/2009		MISCELLANEOUS SERVICES	257286	555081	09/2009		38.50
614-0435-510.99-99		09/09/2009		AUTO & TRUCK MAINT. ITEMS	257543	555081	09/2009		38.50
614-0435-510.99-99		09/12/2009		AUTO & TRUCK MAINT. ITEMS	257480	555086	09/2009		38.50
614-0435-510.99-99		09/15/2009		AUTO & TRUCK MAINT. ITEMS	257288	555086	09/2009		38.50
09/18/2009	665962	AAA ALLIED GROUP INC		1115210					.00
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09/18/2009	665961	AAA ALLIED GROUP INC		1115210					.00
614-0435-510.99-99		09/15/2009		AUTO & TRUCK MAINT. ITEMS	257488	555086	09/2009		.00
09/18/2009	665960	AAA ALLIED GROUP INC		1115210					.00
614-0435-510.99-99		09/15/2009		AUTO & TRUCK MAINT. ITEMS	257488	555086	09/2009		.00
09/18/2009	665964	ANNETTE CARAWAY		44					50.00
265-0000-227.40-00		09/08/2009		SHELTER HOUSE DEPOSIT	CARAWAY ANNETTE		09/2009		50.00
09/18/2009	665965	CONFIDENTIAL-HIPAA REG		13					100.00
530-0000-227.00-00		09/09/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009		100.00
09/18/2009	665983	AT&T		1302741					999.86
613-0710-510.21-04		08/25/2009		SERVICE 8/25-9/24/09	0738033665 0809		09/2009		270.98
101-0510-510.21-02		08/25/2009		SERVICE 8/25-9/24/09	0780773571 0809		09/2009		88.23
101-1820-520.21-00		08/25/2009		SERVICE 8/25-9/24/09	0780773571 0809		09/2009		451.60
265-4002-540.21-02		08/25/2009		SERVICE 8/25-9/24/09	0780773571 0809		09/2009		73.52
613-0710-510.21-04		08/25/2009		SERVICE 8/25-9/24/09	0780773571 0809		09/2009		115.53
09/18/2009	665982	AT&T		1193033					18,402.72
101-0210-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009		40.31
101-0826-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009		40.31

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TOPEKA, KANSAS

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101-0310-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	204.26
614-0435-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	218.77
101-3070-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	172.86
613-0710-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		05/2009	46.08
101-0510-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	388.78
101-0520-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	204.83
101-0620-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	182.90
613-0710-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	2,527.98
101-0930-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	77.87
101-3070-510.20-30		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	813.49
101-3070-510.20-30		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	169.79
101-1820-520.21-00		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	2,564.05
568-0520-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	20.45
621-1510-570.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	270.76
101-2010-520.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	316.12
101-2030-520.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	902.13
686-2180-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	138.27
686-2185-572.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	335.38
623-2713-570.21-00		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	61.35
101-3011-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	446.86
101-3041-510.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	319.59
101-3110-520.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	334.29
291-3131-530.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	254.36
621-3410-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	280.18
621-3610-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	149.15
621-3802-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	387.96
265-4001-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	131.04
265-4002-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	82.83
265-4003-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	31.05
265-4032-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	22.30
265-4033-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	20.45
265-4031-540.21-00		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	47.68
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265-4128-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	48.94
265-4133-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	54.35
265-4136-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	20.45
265-4137-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	88.25
265-4161-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	92.94
265-4166-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	146.42
265-4181-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	181.64
265-4191-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	162.42
265-4195-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	124.42
265-4231-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	70.23
265-4260-540.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	138.24
101-1820-520.21-00		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	308.65
740-6289-560.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	126.48
601-7100-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	56.20
601-7202-571.21-02		08/13/2009	AUGUST 2009 PHONE SERVICE	08132009		09/2009	20.45

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601-7204-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
601-7205-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
601-7206-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0930-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4191-540.29-26		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0220-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4140-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4023-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-04		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
601-7208-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
601-7209-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4260-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4034-540.21-00		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-3070-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0212-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0430-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0110-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-1820-520.21-00		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-3051-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-3051-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0460-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0460-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0460-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0460-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
740-6229-560.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-3015-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-6030-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4163-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4171-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-04		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
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265-4139-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4135-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-0620-510.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
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686-1550-570.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-1820-520.21-00		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
265-4171-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-04		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
101-1820-520.21-00		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
601-7208-571.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-04		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
613-0710-510.21-04		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
268-4041-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
268-4041-540.21-02		08/13/2009		AUGUST 2009 PHONE SERVICE	08132009		09/2009
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110.82	
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12.82	
95.29	
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27.49	
51.28	
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City of Topeka							*ALL*		
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09/18/2009	665986	BRIAN DELFS		99					
540-0000-227.00-00		09/15/2009		REFUND FIRE PROCEEDS FOR	DELFS BRIAN		09/2009	10,050.38	
548-0000-471.00-00		09/15/2009		INTEREST ON PROCEEDS FOR	DELFS BRIAN		09/2009	10,050.00	
09/18/2009	665987	BRIDGESTONE FIRESTONE NORTH		1006114				727.25	
614-0435-510.99-99		08/24/2009		AUTO & TRUCK MAINT. ITEMS	5273	555096	09/2009	20.00	
614-0435-510.99-99		08/25/2009		AUTO & TRUCK MAINT. ITEMS	5316	555096	09/2009	707.25	
09/18/2009	665988	CW MILL EQUIPMENT INC		1005846				674.98	
614-0435-510.99-99		09/03/2009		AUTO & TRUCK MAINT. ITEMS	35748	555107	09/2009	674.98	
09/18/2009	665989	DALE WALDEN		44				33.50	
265-0000-444.20-03		09/09/2009		GENTLE YOGA	WALDEN DALE		09/2009	33.50	
09/18/2009	665990	DONNA CUMMINGS		44				50.00	
265-0000-227.40-00		09/08/2009		SHELTER HOUSE DEPOSIT	CUMMINGS DONNA		09/2009	50.00	
09/18/2009	665991	FRANCES HELMS		44				50.00	
265-0000-227.40-00		09/08/2009		SHELTER HOUSE DEPOSIT	HELMS FRANCES		09/2009	50.00	
09/18/2009	665992	FREE STATE CYCLE INC		1040399				101.20	
614-0435-510.99-99		07/16/2009		AUTO & TRUCK MAINT. ITEMS	4174171	555124	09/2009	101.20	
09/18/2009	665993	GREG DITCH		44				50.00	
265-0000-227.40-00		09/02/2009		DIAMOND DEPOSIT	DITCH GREG		09/2009	50.00	
09/18/2009	665994	CONFIDENTIAL-HIPAA REG		13				42.00	
530-0000-227.00-00		09/11/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009	42.00	
09/18/2009	665995	HEWLETT-PACKARD FINANCIAL SERV		1000097				7,555.06	
613-0710-510.28-01		07/18/2009		8/30-9/29/09	600208533	544369	09/2009	7,555.06	
09/18/2009	665996	CONFIDENTIAL-HIPAA REG		13				500.00	
530-0000-227.00-00		09/10/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009	500.00	
09/18/2009	665997	HUD		1004026				2,567.00	
755-0000-479.02-00		09/14/2009		3630 SE MASSACHUSETTS AVE	F36250		09/2009	2,567.00	
09/18/2009	665998	J G MEIER & SONS		1305914				240.00	
621-3610-571.56-00		09/11/2008		ROAD & HIGHWAY MATERIALS	541303 REISSUE		09/2009	80.00	
621-3610-571.56-00		09/10/2008		ROAD & HIGHWAY MATERIALS	580740 REISSUE		09/2009	160.00	
09/18/2009	665999	JAYHAWK AREA AGENCY ON AGING		1100431				3,525.00	
101-0910-510.37-02		09/04/2009		4TH QUARTER 2009	556002 FINAL	556002	09/2009	3,525.00	
09/18/2009	666000	JEFFREY SCHAFERSMAN		44				50.00	
265-0000-227.40-00		09/08/2009		SHELTER HOUSE DEPOSIT	SCHAFERSMAN JEF		09/2009	50.00	
09/18/2009	666001	CONFIDENTIAL-HIPAA REG		13				1,000.00	
530-0000-227.00-00		09/09/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009	1,000.00	

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999-7000-562.23-00	REG/HOOK-T BRICKEY				F36213	F36213	09/2009	700.00	
740-6233-560.34-12	REG/BOOK-K AKINS				F36213	F36213	09/2009	250.00	
265-4022-540.23-00	REG-MIKE THOMPSON 10/5-9				F36212	F36212	09/2009	200.00	
09/18/2009 666004	KANSAS DEPT OF REVENUE	1110407							
268-4046-540.32-01	MONTHLY RETAILERS SALES T			AUG 2009		F36197	09/2009	6,799.18	
265-4191-540.32-01	HELEN HOCKER THEATER			AUGUST 2009		F36205	09/2009	4,068.69	
265-4195-540.32-01	WARD MEADE			AUGUST 2009		F36205	09/2009	129.65	
265-4181-540.32-01	TRAIN/CAROUSEL ADMISSIONS			AUGUST 2009		F36205	09/2009	316.70	
265-4231-540.32-01	POOL CONCESSIONS			AUGUST 2009		F36205	09/2009	1,395.85	
265-4231-540.32-01	FELKER PARK CONCESSIONS			AUGUST 2009		F36205	09/2009	477.08	
265-4232-540.32-01	TRAIN/CAROUSEL CONCESSION			AUGUST 2009		F36205	09/2009	144.06	
09/18/2009 666003	KANSAS DEPT OF REVENUE	1110407							
265-4232-540.32-01	TRAIN/CAROUSEL CONCESSION			AUGUST 2009		F36205	09/2009	267.15	
09/18/2009 666006	KANSAS GAS SERVICE INC	1114963							
101-2010-520.20-02	FIRE/FLEET			100310191 JUL09			09/2009	.00	
101-2030-520.20-02	FIRE/FLEET			100310191 JUL09			09/2009	1,127.02	
614-0435-510.20-02	FIRE/FLEET			100310191 JUL09			09/2009	51.93	
101-1820-520.20-02	CODE COMPLIANCE			100310145 AUG09			09/2009	865.10	
265-4136-540.20-02	RECREATION CENTER			155014700 AUG09			09/2009	16.80	
686-2170-571.20-02	WATER POLLUTION CONTROL			100310145 JUL09			09/2009	54.08	
686-2185-572.20-02	WATER POLLUTION CONTROL			100310145 JUL09			09/2009	28.20	
09/18/2009 666005	KANSAS GAS SERVICE INC	1114963							
686-2185-572.20-02	WATER POLLUTION CONTROL			100310145 JUL09			09/2009	50.29	
09/18/2009 666007	KANSAS STATE TREASURER	1102503							
562-0000-227.00-00	MV REINSTATEMENT FEES COL			F36204			09/2009	62.62	
562-0000-227.01-00	JUDICIAL BRANCH SURCHARGE			F36204			09/2009	.00	
564-0000-227.00-00	JUDGES TRAINING FEES COLL			F36204			09/2009	28,017.68	
566-0000-227.00-00	LOCAL LAW TRAINING FEES C			F36204			09/2009	9,712.76	
566-0000-227.91-00	COMM PEACE OFFICER TRN FE			F36204			09/2009	320.00	
567-0000-227.00-00	KANSAS TRAUMA FUND FEES C			F36204			09/2009	601.00	
09/18/2009 666008	KAREN FOUST	88							
621-0000-221.10-10	OVERPAYMENT REFUND			FOUST KAREN			09/2009	14,364.42	
09/18/2009 666009	CONFIDENTIAL-HIPAA REG	13						2,117.50	
530-0000-227.00-00	MUNI COURT OVERPMT (BOND)			HIPPA REG			09/2009	902.00	
09/18/2009 666010	KICKAPOO SENIOR CITIZENS	44							
265-0000-444.26-05	KANSAS SENIOR OLYMPICS			KICKAPOO SENIOR			09/2009	106.05	
09/18/2009 666011	MACVICAR 21 APARTMENTS	5001566							
750-6565-560.28-90	DEPOSIT			SHELTER & CARE		F36231	09/2009	132.00	
904-6330-561.47-15	PRORATA SEPT HAP			SHELTER & CARE		F36231	09/2009	132.00	

PREPARED 09/21/2009, 9:46:18				A/P CHECKS BY PERIOD AND YEAR				PAGE 7	
PROGRAM: GM350LSFCL				FROM 09/14/2009 TO 09/20/2009				*ALL*	
City of Topeka									
CHECK DATE	CHECK NUMBER	VENDOR NAME	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	CHECK AMOUNT
ACCOUNT #									TRN AMOUNT
09/18/2009 666012	530-0000-227.00-00	CONFIDENTIAL-HIPAA REG	09/10/2009	13 MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009		127.00
09/18/2009 666013	265-0000-227.40-00	MARIA ZUNIGA	09/08/2009	44 SHELTER HOUSE DEPOSIT	ZUNIGA MARIA		09/2009		50.00
09/18/2009 666014	530-0000-227.00-00	CONFIDENTIAL-HIPAA REG	09/04/2009	13 MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009		64.00
09/18/2009 666015	265-0000-227.40-00	OMAR MEAR	06/08/2009	44 SHELTER HOUSE DEPOSIT	MEAR OMAR		09/2009		50.00
09/18/2009 666016	265-0000-444.26-01	PAM BESSER	09/01/2009	44 ICE CREAM SOCIAL-LUKE	BESSER PAM		09/2009		5.00
09/18/2009 666017	561-1081-520.29-40	POLICE IMPREST FUNDS	09/10/2009	1308573 POLICE EQUIPMENT & SUPPLY	555426 10	555426	09/2009		1,000.00
09/18/2009 666018	750-6565-560.28-90	RAK INVESTMENTS LLC	09/10/2009	5000795 DEPOSIT	SHELTER & CARE	F36242	09/2009		550.00
09/18/2009 666019	540-0000-227.00-00	RENEE J & WILLIAM J MAY	09/16/2009	99 REFUND FIRE PROCEEDS FOR	SHELTER & CARE	F36242	09/2009		200.00
09/18/2009 666020	530-0000-227.00-00	CONFIDENTIAL-HIPAA REG	09/04/2009	13 MUNI COURT OVERPMT (BOND)	MAY RENEE/WILLI		09/2009		14,625.24
09/18/2009 666021	265-0000-227.40-00	ROBERT HAMPTON	09/08/2009	44 SHELTER HOUSE DEPOSIT	MAY RENEE/WILLI		09/2009		14,625.00
09/18/2009 666022	530-0000-227.00-00	CONFIDENTIAL-HIPAA REG	09/09/2009	13 MUNI COURT OVERPMT (BOND)	HIPPA REG		09/2009		25.00
09/18/2009 666023	614-0435-510.99-99	SHAWNEE COUNTY TREASURER	09/11/2009	1191469 VEHICLE REGISTRATION	HAMPTON ROBERT		09/2009		25.00
09/18/2009 666024	750-6565-560.28-90	SHAWNEE LAKE APARTMENTS LP	09/09/2009	5006313 DEPOSIT			09/2009		50.00
09/18/2009 666025	265-0000-227.40-00	SHIRLEY GOODE	09/08/2009	44 SHELTER HOUSE DEPOSIT	SHELTER & CARE	F36230	09/2009		50.00
09/18/2009 666026	265-0000-227.40-00	SUNFLOWER STRIDE RUN CLUB	09/08/2009	44 SHELTER HOUSE DEPOSIT	SHELTER & CARE	F36230	09/2009		50.00
					GOODE SHIRLEY		09/2009		50.00
					SUNFLOWER STRID		09/2009		50.00

PREPARED 09/21/2009, 9:46:18				A/P CHECKS BY PERIOD AND YEAR				PAGE	8
PROGRAM: GM350LSFCL				FROM 09/14/2009 TO 09/20/2009				BANK CODE	
City of Topeka								*ALL*	
CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	TEN AMOUNT	CHECK AMOUNT
ACCOUNT #		TRN DATE							
09/18/2009 666027		SUNSHINE PROPERTY MANAGEMENT	88	SUNSHINE PROPER			09/2009	69.92	69.92
621-0000-221.10-10		09/10/2009		OVERPAYMENT REFUND				69.92	
09/18/2009 665984		BLOOM, TARA	5008449	SHELTER+CARE LANDLORDS			09/2009	255.00	255.00
904-6330-561.47-15		09/17/2009		SHELTER & CARE				255.00	
09/18/2009 666028		CONFIDENTIAL-HIPAA REG	13	MUNI COURT OVERPMT (BOND)			09/2009	37.00	37.00
530-0000-227.00-00		09/08/2009		HIPPA REG				37.00	
09/18/2009 666029		TOPEKA HIGH SCHOOL	44	SHELTER HOUSE DEPOSIT			09/2009	50.00	50.00
265-0000-227.40-00		09/10/2009		TOPEKA HIGH SCH				50.00	
09/18/2009 666030		CONFIDENTIAL-HIPAA REG	13	MUNI COURT OVERPMT (BOND)			09/2009	275.00	275.00
530-0000-227.00-00		08/18/2009		HIPPA REG				275.00	
09/18/2009 666031		VISION BANK	88	OVERPAYMENT REFUND			09/2009	403.38	403.38
621-0000-221.10-10		09/16/2009		VISION BANK				403.38	
09/18/2009 666032		CONFIDENTIAL-HIPAA REG	13	MUNI COURT OVERPMT (BOND)			09/2009	244.00	244.00
530-0000-227.00-00		09/08/2009		HIPPA REG				244.00	
09/18/2009 666033		WILLIE MCNAIR	44	SHELTER HOUSE DEPOSIT			09/2009	50.00	50.00
265-0000-227.40-00		09/08/2009		MCNAIR WILLIE				50.00	
NUMBER OF CHECKS-	53	DATE RANGE TOTAL *						104,316.92	*

Item #18

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Councilperson Jeff Preisner creating City of Topeka Code Chapter 2, Division 2, concerning Citizens Government Review Committee to review the form of government and repealing original Ordinance No. 15961.

WHEREAS, on September 13, 1988, the City Council passed and approved Ordinance No. 15961 establishing and forming a committee to review the form of government of the City of Topeka and to make recommendations to the Governing Body relative to the City's form of government; and

WHEREAS, the ordinance needs to be brought up to date and codified to ensure that the review committee meets as established.

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

Section 1. That Chapter 2, Administration, Article I, In General, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

DIVISION 1. SEAL AND CREST

Section 2. That Chapter 2, Administration, Article I, In General, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

DIVISION 2. CITIZENS GOVERNMENT REVIEW COMMITTEE

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2-10, which said section reads as follows:

Purpose.

It is the inherent right of the citizens of a jurisdiction to establish the form of government which shall govern them and to exercise control over that form of

29 government by amending and modifying it, from time to time, as they deem necessary
30 and convenient. Therefore, this ordinance is adopted by the City Council of the City of
31 Topeka to establish a process whereby a committee of citizens from Topeka,
32 representing as widely diverse backgrounds as possible, shall be impaneled to study
33 and review the form of government of the City of Topeka and make recommendations to
34 the City's Governing Body for amendment or modification.

35 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
36 by adding a section, to be numbered 2-11, which said section reads as follows:

37 **Composition; appointment of members.**

38 The committee shall be comprised of five (5) members appointed by the
39 Governing Body.

40 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
41 by adding a section, to be numbered 2-12, which said section reads as follows:

42 **Qualifications of members.**

43 The committee members shall be registered voters of the City of Topeka and the
44 committee shall be as representative as possible of the City.

45 Section 6. That The Code of the City of Topeka, Kansas, is hereby amended
46 by adding a section, to be numbered 2-13, which said section reads as follows:

47 **Manner of convening.**

48 The committee shall convene initially on or before July 1, 2015, and at least once
49 every ten (10) years thereafter, as directed by the City Council by way of an appropriate
50 resolution.

51 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended
52 by adding a section, to be numbered 2-14, which said section reads as follows:

53 **Duties; meetings.**

54 All meetings of the committee shall be open to the public and the committee shall
55 complete its work and submit its report and recommendations within six (6) months of
56 its appointment. Such report shall be delivered to the City's Governing Body, which may
57 act on said recommendations in a manner it deems appropriate. The committee's
58 report format should include, but not be limited to, areas of concern addressed, general
59 findings relative thereto, and specific recommendations for alleviating concerns or
60 problems.

61 Section 8. That The Code of the City of Topeka, Kansas, is hereby amended
62 by adding a section, to be numbered 2-15, which said section reads as follows:

63 **Staff support; additional assistance.**

64 City staff will be available, upon reasonable notice to the City Manager, to assist
65 the committee in its work, and to provide such information and materials as may be
66 requested by the committee. The committee may, at its pleasure, recruit the assistance
67 of other citizens, scholars in the field, or professional municipal managers for
68 participation on an *ad hoc* basis.

69 Section 9. That City of Topeka Ordinance No. 15961 is hereby repealed.

70 Section 10. This ordinance shall take effect and be in force from and after its
71 passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 13, 2009

+ Back Print

DATE: October 6, 2009
CONTACT PERSON: Terry Bertels
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 102 Parks and Recreation
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 102-52 concerning the composition of the Parks and Recreation Advisory Board and specifically repealing said original section. First Reading.

(Approval would amend current city code to reflect a change in the composition of the Parks and Recreation Advisory Board to allow representation from Washburn University.)

POLICY ISSUE:

Shall the composition of the Parks and Recreation Advisory Board be changed to allow for representation from Washburn University.

STAFF RECOMMENDATION:

Approve the Ordinance.

BACKGROUND:

Parks and Recreation has noted that the transition that Washburn University has made to a more traditional student body has necessitated more interaction between Washburn University and Parks and Recreation. We would like to embrace and engage WU students by providing for WU representation on our Advisory Board. We hope to create a quality of life in Topeka that might encourage WU students to view Topeka as a place they might like to live following graduation.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

Item #19

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 102-52 concerning the composition of the Parks and Recreation Advisory Board and specifically repealing said original section.

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

Section 1. That section 102-52, Composition, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Composition.

The park and recreation advisory board shall consist of nine members. Four members shall be appointed by the mayor, ~~two~~one members by the governing body of Unified School District No. 501, one member by the governing body of Unified School District No. 450, one member by the governing body of Unified School District No. 345, ~~and~~ one member by the governing body of the Unified School District No. 437, and one member from the governing body of Washburn University.

Section 2. That original section 102-52 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2009

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DATE: October 6, 2009

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2009

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CONTACT PERSON:

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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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JOURNAL #:

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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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ACTION OF COUNCIL:

JOURNAL #:

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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available