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City Council Agenda

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

August 24, 2010
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 accomodations please call 785-368-3940. A 48-hour advance notice is preferred.

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:
"None scheduled at this time."

2. PRESENTATIONS:
"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of August 17, 2010

B. APPLICATIONS:

C. Resolution - Jan Mitchell - Noise Exception ATTACHMENTS

A RESOLUTION introduced by Councilmember Bob Archer, granting Jan Mitchell an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions. *(Council District No. 7)*

This item was added at the meeting.

(Approval would grant a noise exception for the Empty Nesters Party at 3774 SW Clarion Park Drive between the hours of 8:00 p.m. and 11:00 p.m. on August 27, 2010.)

5. UNFINISHED BUSINESS:

A. Ordinance - The Office ATTACHMENTS

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office on August 28, 2010. Final Reading. *(Council District No. 1)*

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of SW 8th Street between Jackson and Kansas Avenue on August 28, 2010 between the hours of 3:00 p.m. and 11:59 p.m.)

B. Ordinance - Combined Utility Improvement Revenue Bonds, Series A, B and C ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $1,005,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Pay To Issuer) Series 2010-A, $9,360,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and $155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendments thereto. Final Reading.

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

(The ordinance would approve the issuance of three Taxable Combined Utility Revenue Bonds. 2010 Series A are Build America Bonds (BAB)that would provide permanent financing for improvements to the North Topeka Wastewater Treatment Plant authorized in Ordinance 19171 and the remaining financing not covered by Series B for renovation of the South Kansas River Pump Station authorized in Ordinance 19256. Series B represents the City's allocation of Recovery Zone Economic Development Bond (RZEDB) authority granted by the Kansas Department of Commerce for the renovation of the South Kansas River Pump Station. Series C will finance the costs of issuance (COI) that are greater than the BAB and RZEDB allowable 2% on the Series 2010-A and Series 2010-B bonds, and fund the debt service reserve to meet

bond document requirements. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

6. NEW BUSINESS:

A. Resolution - Combined Utility Improvement Revenue Bonds, Series 2010 A, Series 2010 B, and Series 2010 C

ATTACHMENTS

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of $1,005,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Pay to Issuer) Series 2010-A, $9,360,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and $155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C the issuance of which was authorized by the City pursuant to its Ordinance No. passed and approved August 24, 2010; 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.

(Approval would the issuance of three Taxable Combined Utility Revenue Bonds. 2010 Series A are Build America Bonds (BAB) that would provide permanent financing for improvements to the North Topeka Wastewater Treatment Plant authorized in Ordinance No. 19171 and the remaining financing not covered by Series B for renovation of the South Kansas River Pump Station authorized in Ordinance No. 19256. Series B represents the City's allocation of Recovery Zone Economic Development Bond (RZEDB) authority granted by the Kansas Department of Commerce for the renovation of the South Kansas River Pump Station. Series C will finance the costs of issuance (COI) that are greater than the BAB and RZEDB allowable 2% on the Series 2010-A and Series 2010-B bonds, and fund the debt service reserve to meet bond document requirements. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

B. Applications - Retail Cereal Malt Beverage License

APPROVAL of Retail Cereal Malt Beverage License Applications.

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

(Pursuant to K.S.A. 41-2702 application for license must be approved by the Governing Body prior to the issuance of the license.)

C. Election - Metropolitan Topeka Planning Organization (MTPO) Policy Board

ATTACHMENTS

Election of City Council representative to the Metropolitan Topeka Planning Organization (MTPO) Policy Board pursuant to City of Topeka Resolution No. 7453

(Councilmembers serve until their term of office on the City Council ends or until they resign, whichever comes first. Due to the resignation of Councilmember Sylvia Ortiz from the MTPO Policy Board, an election for her replacement is necessary.)

D. Ordinance - Weekly Expenditures - August 2-8, 2010

ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 2, 2010, through August 8, 2010, and enumerating said expenditures therein. First and Final Reading.

7. FIRST READINGS:

A. Charter Ordinance - Transient Guest Tax

ATTACHMENTS

A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner concerning the Transient Guest Tax, amending sections of the Charter Ordinance codified at A15-17, A15-20 and A15-25. First Reading.

Voting Requirement: Two-thirds majority vote of the Governing Body, including the Mayor.

(Approval would increase the amount of Transient Guest Tax that would be levied in the City of Topeka .)

B. **Ordinance - Echo Ridge Master PUD Plan (PUD10/6)** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located approximately 500 feet east of SE California Avenue lying between SE 13 th and SE 21st Streets from "M-1" Two Family Dwelling District TO PUD Planned Unit Development District ("M-1" use group). First Reading. *(PUD10/6) (Council District No. 3)*

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

(Approval would allow for up to 68 dwelling units of single-story duplex buildings with associated green space and a community building.)

C. **Ordinance - General Obligation Bonds Series 2010-A and Series 2010-B** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $1,635,000 aggregate principal amount of General Obligation Bonds, Series 2010-A, and $34,655,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2010-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., and K.S.A. 12-6a01 et seq., all as amended. First Reading.

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

(Approval would authorize the issuance of general obligation bonds. The proceeds of Series A would provide permanent financing for several improvement district projects that have been previously approved by the City Council. Special assessments on the affected property would pay the debt service. Series B are refunding bonds that would refinance several prior bond issues. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

D. **Ordinance - General Obligation Bonds Series 2010-C** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $4,590,000 aggregate principal amount of Taxable General Obligation Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive K.S.A. 12-110c, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. First Reading.

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

(The ordinance would approve issuing general obligation bonds to provide permanent financing for public improvements that have been previously authorized by the City Council. The bonds would be issued as Build America Bonds (BAB) to take advantage of this federal program's interest rebate. NOTE: The above quoted par bond amount may change slightly due to variances in the structure of the bond sale.)

E. **Ordinance - Unlawful possession or consumption of alcoholic liquor or cereal malt beverages** ATTACHMENTS

AN ORDINANCE introduced by Councilmember Karen Hiller amending City of Topeka Code Section 9.15.020, concerning the unlawful possession or consumption of alcoholic liquor or cereal malt beverages and specifically repealing said original section. First Reading.

(Approval would allow an exemption for possession or consumption of alcoholic liquor or cereal malt beverages at a special event held at any City building or facility as specifically authorized by a resolution approved by the city council setting forth the time and date for which the liquor and/or cereal malt beverages may be possessed or consumed.)

F. **Ordinance - Ride for Red** [ATTACHMENTS]

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for the Ride For Red event on September 11, 2010. First Reading. *(Council District No. 1)*

The item was added at the meeting.

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of SW 8th Street between Jackson and Kansas Avenue on September 11, 2010 between the hours of 1:00 p.m. and 11:59 p.m.)

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #1

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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

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DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #2

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

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DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #3

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #4

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #5

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

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DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #6

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #7

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 25, 2010

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Councilmember Bob Archer**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Jan Mitchell**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Approve.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Bob Archer, granting Jan Mitchell an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions. *(Council District No. 7)*

This item was added at the meeting.

(Approval would grant a noise exception for the Empty Nesters Party at 3774 SW Clarion Park Drive between the hours of 8:00 p.m. and 11:00 p.m. on August 27, 2010.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Resolution

Item #8

RESOLUTION NO. ________

A RESOLUTION introduced by Councilmember Bob Archer, granting Jan Mitchell an exception to the provisions of City of Topeka Code § 9.45.170 concerning noise prohibitions.

WHEREAS, City of Topeka Code § 9.45.170 makes it unlawful for any person to make, continue or cause to be 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 § 9.45.170 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 § 9.45.150; and

WHEREAS, Jan Mitchell has requested that she be granted an exception to the provisions of City of Topeka Code § 9.45.170 for the purposes, dates and times described herein; and

WHEREAS, upon review of the application, 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 § 9.45.150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Jan Mitchell is hereby granted an exception from the provisions of City of Topeka Code § 9.45.170 for a live band during her Empty Nesters Party to be located at 3774 SW Clarion Park Drive between the hours of 8:00 p.m. and 11:00 p.m on August 27, 2010.

ADOPTED and APPROVED by the City Council ____________________.

CITY OF TOPEKA, KANSAS

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2010

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Councilmember Karen Hiller**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**The Office**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 010 Alcoholic Beverages**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**8/17/10 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office on August 28, 2010. Final Reading. *(Council District No. 1)*

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of SW 8th Street between Jackson and Kansas Avenue on August 28, 2010 between the hours of 3:00 p.m. and 11:59 p.m.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Ordinance

Item #9

(Published in the Topeka Metro News ____)

ORDINANCE NO. _________________

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office on August 28, 2010.

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

Section 1. Authorization is given to barricade a portion of the sidewalk adjacent to 124 SW 8th Street on August 28, 2010, between the hours of 3:00 p.m. and 11:59 p.m. Attendance to the celebration is open to the public between these hours.

Section 2. The barricaded portion of the sidewalk adjacent to 124 SW 8th Street shall be temporarily removed from the City's right-of-way and the provisions of K.S.A. 41-719. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of the sidewalk adjacent to 124 SW 8th Street between the hours of 3:00 p.m. and 11:59 p.m. on August 28, 2010.

Section 3. Event attendees may buy, possess and consume alcoholic beverages in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of the sidewalk adjacent to 124 SW 8th Street between the hours of 3:00 p.m. and 11:59 p.m. on August 28, 2010.

Section 4. This Ordinance shall be null and void on August 29, 2010.

Section 5. 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 ____________________________.

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 12, 2010

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DATE:	**August 24, 2010**		
CONTACT PERSON:	**Jim Langford**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 012 Bond Ordinances**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**08-17-10 First Reading**	**JOURNAL #:**	**10**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $1,005,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Pay To Issuer) Series 2010-A, $9,360,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and $155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendments thereto. Final Reading.

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

(The ordinance would approve the issuance of three Taxable Combined Utility Revenue Bonds. 2010 Series A are Build America Bonds (BAB)that would provide permanent financing for improvements to the North Topeka Wastewater Treatment Plant authorized in Ordinance 19171 and the remaining financing not covered by Series B for renovation of the South Kansas River Pump Station authorized in Ordinance 19256. Series B represents the City's allocation of Recovery Zone Economic Development Bond (RZEDB) authority granted by the Kansas Department of Commerce for the renovation of the South Kansas River Pump Station. Series C will finance the costs of issuance (COI) that are greater than the BAB and RZEDB allowable 2% on the Series 2010-A and Series 2010-B bonds, and fund the debt service reserve to meet bond document requirements. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

POLICY ISSUE:

Providing permanent financing for major wastewater system improvements.

STAFF RECOMMENDATION:

The bonds will be sold August 24th and the results reported to the City Council that evening at the regular 6 pm meeting.

BACKGROUND:

Item #10

The revenue bonds provide permanent financing for two improvements to the City's stormwater, wastewater and water supply systems. Ordinance 19171, approved October 7, 2008, authorized a project budget of $1,000,000 and bonding authority for replacing the existing distributed control system equipment at the North Topeka Waste Water Treatment Plant. Ordinance 19256, approved May 12, 2009, authorized a project budget in the amount of $9,635,054 and bonding authority to rehabilitate the South Kansas River Pump Station and the Potwin Pump Station.

BUDGETARY IMPACT:

Series A will be issued as Build America Bonds. These are taxable bonds that were authorized as part of the American Recovery and Reinvestment Act (ARRA) to stimulate investment in local infrastructure. The incentive is the reimbursement to the bond issuer of 35 percent of the interest paid. Series B will be the Recovery Zone Economic Development Bonds, which were also part of the ARRA. The rebate on the interest paid will be 40 percent to the Combined Utility Fund. These two federal programs will reduce the estimated interest paid from $17.2 million to $9.6 million. A savings of $7.6 million over the course of the 30 bond payoff. Total debt service will include the $10.5 million principal plus the $9.6 million in interest for a total of $20.1 million.

SOURCE OF FUNDING:

Combined Utilities Fund.

ATTACHMENTS:

Ordinance

100810 5

(Published in The Topeka Metro News on August ___, 2010.)

ORDINANCE NO. ________

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF $1,005,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS (BUILD AMERICA BONDS – DIRECT PAY TO ISSUER) SERIES 2010-A, $9,360,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS) SERIES 2010-B, AND $155,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS, SERIES 2010-C OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-1201 ET SEQ., AND ALL AMENDMENTS THERETO.

WHEREAS, pursuant to K.S.A. 10-1201 et seq., as amended (the "Act"), the governing body of the **City of Topeka, Shawnee County, Kansas,** (the "City") by (1) its Ordinance No. 19171 adopted by two-thirds vote of the members thereof, and published as required by law, expressed its intent to improve the City's stormwater, wastewater and water supply systems (collectively, the "System") by replacing the existing distributed control system equipment at the North Topeka Waste Water Treatment Plant with modern cost effective supervised control and data acquisition equipment including the replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogramming the programmable logic controllers and human machine interfaces to standardize with the Oakland plant, and replacement of the computer system and any related appurtenances needed for a complete project together with all things necessary and incidental thereto (the "Waste Water Treatment Plant Improvements") and authorizing that notice of the City's intention to make the Waste Water Treatment Plant Improvements and finance the costs thereof be given in accordance with the requirements of the Act and (2) ; and (2) its Ordinance No. 19256 adopted by two-thirds vote of the members thereof, and published as required by law, expressed its intent to improve the System by rehabilitating the South Kansas River Pump Station and the Potwin Pump Station by making improvements including regulatory compliance upgrades, modifications of the wetwell, barscreen and electrical systems, investigation of cost effective "green" alternatives, addition of flow monitoring of incoming interceptors, demolition of the Potwin Pump Station, installation of a new interceptor to divert flow from the Quinton Interceptor to the South Kansas River Pump Station, installation of improved odor control and related appurtenances together with all things necessary and incidental thereto (the "Pump Station Improvements") (the Waste Water Treatment Plant Improvements and the Pump Station Improvements are collectively referred as the "Improvements") and authorizing that notice of the City's intention to make the Pump Station

Improvements and finance the costs thereof be given in accordance with the requirements of the Act

WHEREAS, pursuant to the Act, the City did cause to be published in its official newspaper, a paper of general circulation in the City, its Notice of Intention to complete the Waste Water Treatment Plant Improvements and finance the cost thereof by issuing revenue bonds of the City, in the maximum principal amount of $1,000,000 (less original issue discount), to pay all or part of the cost of the Waste Water Treatment Plant Improvements incurred or to be incurred by the City in connection with the Waste Water Treatment Plant Improvements; and

WHEREAS, a sufficient protest against the making of the Waste Water Treatment Plant Improvements and the issuance of revenue bonds of the City in the maximum principal amount of $1,000,000 to pay the cost thereof was not received by the City Clerk within fifteen (15) days of the date of the publication of the City's Notice of Intention; and

WHEREAS, pursuant to the Act, the City did cause to be published in its official newspaper, a paper of general circulation in the City, its Notice of Intention to complete the Pump Station Improvements and finance the cost thereof by issuing revenue bonds of the City, in the maximum principal amount of $9,635,054 (less original issue discount), to pay all or part of the cost of the Pump Station Improvements incurred or to be incurred by the City in connection with the Pump Station Improvements; and

WHEREAS, a sufficient protest against the making of the Pump Station Improvements and the issuance of revenue bonds of the City in the maximum principal amount of $9,635,054 to pay the cost thereof was not received by the City Clerk within fifteen (15) days of the date of the publication of the City's Notice of Intention; and

WHEREAS, it is necessary at this time that the City proceed forthwith to sell and deliver its (1) Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A, in the principal sum of $1,005,000 (the "Series 2010-A Bonds"), for the purpose of providing funds to (a) permanently finance a portion of the costs of making the Waste Water Treatment Plant Improvements (i.e., $_____________), (b) permanently finance a portion of the costs of making the Pump Station Improvements (i.e., $_____________), (c) fund a portion of the debt service reserve fund for the Series 2010-A Bonds and (d) pay a portion of the costs of issuing the Series 2010-A Bonds; (2) Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, in the principal sum of $9,360,000 (the "Series 2010-B Bonds"), for the purpose of providing funds to (a) permanently finance the balance of the costs of making the Pump Station Improvements (i.e., $_____________), (b) fund a portion of the debt service reserve fund for the Series 2010-B Bonds and (c) pay a portion of the costs of issuing the Series 2010-B Bonds; and (3) Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, in the principal sum of $155,000 (the "Series 2010-C Bonds") (the Series 2010-A Bonds, Series 2010-B Bonds and Series 2010-C Bonds are collectively referred as the "Bonds"), for the purpose of providing funds to pay a portion of the costs of issuing the Bonds, all under the authority of K.S.A. 10-1201 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended; and

WHEREAS, on March 25, 2003, the City combined its stormwater utility with the water and water pollution control utility creating a water, water pollution control and stormwater utility system (the "Combined Utility"); and

WHEREAS, the City on February 19, 2004, issued its Combined Utility Improvement and Refunding Revenue Bonds, Series 2004-A in the amount of $46,180,000 (the "Series 2004-A Bonds") which, in part, currently refunded the City's outstanding Series 1998A Water and Water Pollution Control Utility Refunding Revenue Bonds dated June 1, 1998; and

WHEREAS, the City on December 8, 2005, issued its Combined Utility Improvement Revenue Bonds, Series 2005-A in the amount of $14,875,000 (the "Series 2005-A Bonds"); and

WHEREAS, the City on October 18, 2006, issued its Combined Utility Refunding Revenue Bonds, Series 2006-A in the amount of $32,375,000 (the "Series 2006-A Bonds") which currently refunded all of the City's outstanding Series 1998B Water and Water Pollution Control Utility Revenue Bonds dated June 1, 1998; and

WHEREAS, the City on October 18, 2006, issued its Combined Utility Refunding Revenue Bonds, Series 2006-B Bonds in the amount of $22,600,000 (the "Series 2006-B Bonds") which advanced refunded the City's outstanding Series 2001-A Water and Water Pollution Control Utility Revenue Bonds maturing in the years 2009 through and including 2031; and

WHEREAS, the City on July 17, 2007, issued its Combined Utility Improvement and Refunding Revenue Bonds, Series 2007-B in the amount of $5,210,000 (the "Series 2007-B Bonds") which, in part, currently refunded the August 1, 2007, maturity of the City'outstanding (1) Series 2001-A Water and Water Pollution Control Utility Revenue Bonds, (2) Series 2004-A Combined Utility Improvement and Refunding Revenue Bonds, (3) Series 2005-A Combined Utility Improvement Revenue Bonds, and (4) Series 2006-B Combined Utility Refunding Revenue Bonds; and

WHEREAS, the City on July 17, 2007, issued its Taxable Combined Utility Improvement Revenue Bonds, Series 2007-C in the amount of $2,140,000 (the "Series 2007-C Bonds"); and

WHEREAS, the Bonds are parity obligations of the City's System and, as such shall have equal lien status with the outstanding Series 2004-A Bonds; the Series 2005-A Bonds, the Series 2006-A Bonds, the Series 2006-B Bonds, the Series 2007-B and the Series 2007-C Bonds; and

WHEREAS, the City has authorized certain loans in the maximum authorized amount of $___________ from the Kansas Department of Health and Environment revolving fund loan program (the "Permitted Loans") and pledged the revenues from the System to the payment of such Permitted Loans and any additional loans which would constitute Permitted Loans under the Resolution hereinafter provided for; and

WHEREAS, the lien of the Permitted Loans upon the revenues of the System is superior to the lien of the City's outstanding Series 2004-A Bonds, Series 2005-A Bonds, Series 2006-A Bonds, Series 2006-B Bonds, Series 2007-B Bonds, Series 2007-C Bonds and the Bonds hereby authorized and directed to be issued; and

WHEREAS, the City has received an allocation of $9,364,054 of Recovery Zone Economic Development Bond Authority pursuant to Section 1400U-1 of the Internal Revenue Code of 1986, as amended, (the "Code") to finance certain economic development activities including public infrastructure and the construction of public facilities in specifically designated areas of the City (the "RZEDB Authority"); and

WHEREAS, the City has by its Ordinance No. 19392 passed and approved March 16, 2010, and published as required by law, designated that part of the City as described in such Ordinance as a Recovery Zone because of the distress factors set forth in such Ordinance; and

WHEREAS, the RZEDB Authority allocated to the City will expire by September 30, 2010, if bonds of the City so designated and issued by the City by such date.

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

Section 1. That there is hereby authorized and directed to be issued (1) Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A, in the principal sum of $1,005,000 (the "Series 2010-A Bonds"), for the purpose of providing funds to (a) permanently finance a portion of the costs of making the Waste Water Treatment Plant Improvements, (b) permanently finance the costs of making the Pump Station Improvements, (c) fund a portion of the debt service reserve fund for the Series 2010-A Bonds and (d) pay a portion of the costs of issuing the Series 2010-A Bonds; (2) Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, in the principal sum of $9,360,000 (the "Series 2010-B Bonds"), for the purpose of providing funds to (a) permanently finance the balance of the costs of making the Pump Station Improvements, (b) fund a portion of the debt service reserve fund for the Series 2010-B Bonds and (c) pay a portion of the costs of issuing the Series 2010-B Bonds; and (3) Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, in the principal sum of $155,000 (the "Series 2010-C Bonds"), for the purpose of providing funds to pay a portion of the costs of issuing the Bonds, all as provided by Article 1 of Chapter 10, Kansas Statutes Annotated and Article 12 of Chapter 10 of the Kansas Statutes Annotated, all as amended. 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 and 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 from the revenues derived by the City from the rates, fees or charges collected by the City from the operation of the System, including all improvements, extensions and enlargements thereto hereafter constructed or acquired by the City and not from any other fund or source. The Bonds shall constitute a lien upon the revenues produced from the System 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. The City hereby elects to have Section 54AA of the Code apply to the 2010-A Bonds and 2010-B Bonds (together, the "Subsidy Bonds") so the Subsidy Bonds may be "build America bonds" under Code Section 54AA(d). The City is further making the irrevocable election to have Section 54AA(g) of the Code apply to the Subsidy Bonds so the Subsidy Bonds may be "qualified bonds" under Code Section 54AA(g) in order to receive the refundable credits allowed to issuers pursuant to Sections 54AA(g)(1) and 6431 of the Code with respect to "qualified bonds." In addition to the designation as "build America bonds," the City is designating the 2010-B Bonds, as provided in Code Section 1400U-2(b)(1)(B), as "recovery zone economic development bonds" for purposes of Code Section 1400U-2 in order to receive the refundable credits allowed to issuers pursuant to Code Sections 1400U-2(a) and 6431 with respect to the 2010-B Bonds.

Section 5. 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 6. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both its bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 7. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Council of the City of Topeka, Kansas, this 24th day of August, 2010.

CITY OF TOPEKA, KANSAS

ATTEST:

____
William W. Bunten, Mayor

____
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 August 24, 2010.

____
Brenda Younger, City Clerk

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 10, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Jim Langford**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of $1,005,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Pay to Issuer) Series 2010-A, $9,360,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and $155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C the issuance of which was authorized by the City pursuant to its Ordinance No. passed and approved August 24, 2010; 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.

(Approval would the issuance of three Taxable Combined Utility Revenue Bonds. 2010 Series A are Build America Bonds (BAB) that would provide permanent financing for improvements to the North Topeka Wastewater Treatment Plant authorized in Ordinance No. 19171 and the remaining financing not covered by Series B for renovation of the South Kansas River Pump Station authorized in Ordinance No. 19256. Series B represents the City's allocation of Recovery Zone Economic Development Bond (RZEDB) authority granted by the Kansas Department of Commerce for the renovation of the South Kansas River Pump Station. Series C will finance the costs of issuance (COI) that are greater than the BAB and RZEDB allowable 2% on the Series 2010-A and Series 2010-B bonds, and fund the debt service reserve to meet bond document requirements. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

POLICY ISSUE:

The resolution lays out the form and details of the bond transactions providing permanent financing for major wastewater system improvements approved in the accompanying ordinance.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

Item #11

The revenue bonds provide permanent financing for two improvements to the City’s stormwater, wastewater and water supply systems. Ordinance 19171, approved October 7, 2008, authorized a project budget of $1,000,000 and bonding authority for replacing the existing distributed control system equipment at the North Topeka Waste Water Treatment Plant. Ordinance 19256, approved May 12, 2009, authorized a project budget in the amount of $9,635,054 and bonding authority to rehabilitate the South Kansas River Pump Station and the Potwin Pump Station.

BUDGETARY IMPACT:

Series A will be issued as Build America Bonds. These are taxable bonds that were authorized as part of the American Recovery and Reinvestment Act (ARRA) to stimulate investment in local infrastructure. The incentive is the reimbursement to the bond issuer of 35 percent of the interest paid. Series B will be the Recovery Zone Economic Development Bonds, which were also part of the ARRA. The rebate on the interest paid will be 40 percent to the Combined Utility Fund. These two federal programs will reduce the estimated interest paid from $17.2 million to $9.6 million. A savings of $7.6 million over the course of the 30 bond payoff. Total debt service will include the $10.5 million principal plus the $9.6 million in interest for a total of $20.1 million.

SOURCE OF FUNDING:

Combined Utilities Fund.

ATTACHMENTS:

Resolution

090810 4

****

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

PASSED

AUGUST 24, 2010

____

$1,005,000
TAXABLE COMBINED UTILITY REVENUE BONDS
(BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER)
SERIES 2010-A

$9,360,000
TAXABLE COMBINED UTILITY REVENUE BONDS
(RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS)
SERIES 2010-B

$155,000
TAXABLE COMBINED UTILITY REVENUE BONDS
SERIES 2010-C

****

RESOLUTION

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RESOLUTION NO. _______

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. PRESCRIBING THE FORM AND DETAILS OF $1,005,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS (BUILD AMERICA BONDS – DIRECT PAY TO ISSUER) SERIES 2010-A, $9,360,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS) SERIES 2010-B, AND $155,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BONDS, SERIES 2010-C THE ISSUANCE OF WHICH WAS AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. ________ PASSED AND APPROVED AUGUST 24, 2010; 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 in accordance with the requirements of K.S.A. 10-1201 et seq., as amended, duly published in accordance with the requirements of law its notices of intention to issue combined utility revenue bonds of the City in the maximum principal amount of $10,635,054 to finance the costs of (1) waste water treatment plant improvements (i.e., $1,000,000) (the “Waste Water Treatment Plant Improvements and (2) pump station improvements (i.e. $9,635,054) (the “Pump Station Improvements”) (the Waste Water Treatment Plant Improvements and the Pump Station Improvements are collectively referred as to the “Improvements”) to the City’s water, water pollution control and stormwater utility system (the “System”); and

WHEREAS, the City has by its Ordinance No. ________ passed and approved August 24, 2010, (the "Ordinance") authorized the issuance of its (1) Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A, in the principal sum of $1,005,000 (the “Series 2010-A Bonds”), for the purpose of providing funds to (a) permanently finance a portion of the costs of making the Waste Water Treatment Plant Improvements (i.e., $_____________), (b) permanently finance a portion of the costs of making the Pump Station Improvements (i.e., $_________), (c) fund a portion of the debt service reserve fund for the Series 2010-A Bonds and (d) pay a portion of the costs of issuing the Series 2010-A Bonds; (2) Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, in the principal sum of $9,360,000 (the “Series 2010-B Bonds”), for the purpose of providing funds to (a) permanently finance the balance of the costs of making the Pump Station Improvements (i.e., $_____________), (b) fund a portion of the debt service reserve fund for the Series 2010-B Bonds and (c) pay a portion of the costs of issuing the Series 2010-B Bonds; and (3) Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, in the principal sum of $155,000 (the “Series 2010-C Bonds”) (the Series 2010-A Bonds, Series 2010-B Bonds and Series 2010-C Bonds are collectively referred as the “Bonds”), for the purpose of providing funds to pay a portion of the costs of issuing the

Bonds, all under the authority of K.S.A. 10-1201 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended; and

WHEREAS, on March 25, 2003, the City combined its stormwater utility with the water and water pollution control utility creating a water, water pollution control and stormwater utility system (the "Combined Utility"); and

WHEREAS, the City on February 19, 2004, issued its Combined Utility Improvement and Refunding Revenue Bonds, Series 2004-A in the amount of $46,180,000 (the Series 2004-A Bonds") which, in part, currently refunded the City's outstanding Series 1998A Water and Water Pollution Control Utility Refunding Revenue Bonds dated June 1, 1998; and

WHEREAS, the City on December 8, 2005, issued its Combined Utility Improvement Revenue Bonds, Series 2005-A in the amount of $14,875,000 (the "Series 2005-A Bonds"); and

WHEREAS, the City on October 18, 2006, issued its Combined Utility Refunding Revenue Bonds, Series 2006-A in the amount of $32,375,000 (the "Series 2006-A Bonds") which currently refunded all of the City's outstanding Series 1998B Water and Water Pollution Control Utility Revenue Bonds dated June 1, 1998; and

WHEREAS, the City on October 18, 2006, issued its Combined Utility Refunding Revenue Bonds, Series 2006-B in the amount of $22,600,000 (the "Series 2006-B Bonds") which advanced refunded the City's outstanding Series 2001-A Water and Water Pollution Control Utility Revenue Bonds maturing in the years 2009 through and including 2031; and

WHEREAS, the City on July 17, 2007, issued its Combined Utility Improvement and Refunding Revenue Bonds, Series 2007-B in the amount of $5,210,000 (the "Series 2007-B Bonds") which, in part, currently refunded the August 1, 2007, maturity of the City'outstanding (1) Series 2001-A Water and Water Pollution Control Utility Revenue Bonds, (2) Series 2004-A Combined Utility Improvement and Refunding Revenue Bonds, (3) Series 2005-A Combined Utility Improvement Revenue Bonds, and (4) Series 2006-B Combined Utility Refunding Revenue Bonds; and

WHEREAS, the City on July 17, 2007, issued its Taxable Combined Utility Improvement Revenue Bonds, Series 2007-C in the amount of $2,140,000 (the "Series 2007-C Bonds"); and

WHEREAS, the Bonds are parity obligations of the City's System and, as such shall have equal lien status with the outstanding Series 2004-A Bonds; the Series 2005-A Bonds, the Series 2006-A Bonds, the Series 2006-B Bonds, the Series 2007-B Bonds and the Series 2007-C; and

WHEREAS, the City has authorized certain loans in the maximum authorized amount of $__________ from the Kansas Department of Health and Environment revolving fund loan program (the "Permitted Loans") and pledged the revenues from the System to the payment of such Permitted Loans and any additional loans which would constitute Permitted Loans under the Resolution hereinafter provided for; and

WHEREAS, the lien of the Permitted Loans upon the revenues of the System is superior to the lien of the City's outstanding Series 2004-A Bonds, Series 2005-A Bonds, Series 2006-A Bonds, Series 2006-B Bonds, Series 2007-B Bonds, Series 2007-C Bonds and the Bonds hereby authorized and directed to be issued; and

WHEREAS, the City has received an allocation of $9,364,054 of Recovery Zone Economic Development Bond Authority pursuant to Section 1400U-1 of the Internal Revenue Code of 1986, as amended, (the "Code") to finance certain economic development activities including public infrastructure and the construction of public facilities in specifically designated areas of the City (the "RZEDB Authority"); and

WHEREAS, the City has by its Ordinance No. 19392 passed and approved March 16, 2010, and published as required by law, designated that part of the City as described in such Ordinance as a Recovery Zone because of the distress factors set forth in such Ordinance; and

WHEREAS, the RZEDB Authority allocated to the City will expire by September 30, 2010, if bonds of the City so designated are not issued by the City by such date; and

WHEREAS, the City has by its Ordinance elected to have Section 54AA apply to the Series 2010-A Bonds and the Series 2010-B Bonds (together, the "Subsidy Bonds") so that the Subsidy Bonds may be "build America bonds" under Section 54AA(d) of the Code. The City further irrevocably elected to have Section 54AA(g) of the Code apply to the Subsidy Bonds so the Subsidy Bonds may be "qualified bonds" under Code Section 54AA(g) in order to receive the refundable credits allowed to issuers pursuant to Sections 54AA(g)(1) and 6431 of the Code with respect to "qualified bonds"; and

WHEREAS, in addition to the designation of "build America bonds," the City by its Ordinance designated the Series 2010-B Bonds, as provided in Section 1400U-2(b)(1)(B) of the Code, as recovery zone economic development bonds" for purposes of Section 1400U-2 of the Code in order to receive the refundable credits allowed to issuers pursuant to Sections 1400U-2(a) and 6431 of the Code with respect to the Series 2010-B Bonds; and

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

ARTICLE I

DEFINITIONS

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

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

"Bond and Interest Fund" means the fund set aside by the City to consolidate and maintain individual principal and interest accounts used to record and accumulate monthly principal and interest payments for Outstanding utility revenue bonds.

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

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

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

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

"Bond Reserve Requirement" means an amount equal to Maximum Annual Debt Service attributable to the Bonds and any additional bonds issued on a parity with the Bonds; provided, however, that the Bond Reserve Requirement may not exceed the lessor of (a) 125% of the average annual debt service on the Bonds and any additional bonds issued on a parity with the Bonds, (b) 10% of the principal amount of the Bonds or any additional bonds issued on a parity with the Bonds which may be added to the Bond Reserve Requirement or (c) Maximum Annual Debt Service.

"Bonds" means the Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A; Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds), Series 2010-B; and Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C authorized and issued by the City pursuant to the Ordinance and this Resolution.

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

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

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

"City Engineer" means the person serving as the city engineer as defined in Section 2-148 of the Code of the City.

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

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

"Combined Utility" means the water, water pollution control and stormwater utilities of the City.

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

"Dated Date" means September 22, 2010.

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

"Defeasance Obligations" means any of the following obligations:

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

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

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

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

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

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

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

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

"**Director of Public Works"** means the person serving as the director of public works as defined in Section 2-147 of the Code of the City.

"Event of Default" means each 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 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.

"Expenses" means the sum of (i) ordinary expenses of maintenance, operation and repair, (ii) administrative expenses, (iii) reasonable pension fund contributions, (iv) insurance expense, (v) legal expense and (vi) payments on Permitted Loans; provided, however, Expenses shall not include payments in lieu of taxes, debt service payments on the Bonds and any other obligations of the Combined Utility on a parity with the Bonds, depreciation, amortization or other non-cash items.

“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 commencing on January 1 and ending on December 31 of each year.

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

“Gross Revenues” means all receipts and revenues derived by the City from the operation of the Combined Utility, including investment earnings and any refundable credits paid to the City by the federal government of the United States pursuant to Code Sections 54AA(g)(1) and 6431 with respect to the Series 2010-A Bonds and refundable credits paid to the City by the federal government of the United States pursuant to Code Sections 1400U-2(a) and 6431 with respect to the Series 2010-B Bonds, but excluding any grants, proceeds of bond issues and/or insurance proceeds.

“Improvements” mean any repairs, rehabilitation, improvements, or expansion of the System by the City including the Waste Water Treatment Plant Improvements and Pump Station Improvements that are required to serve existing and future customers of the Combined Utility in accordance with the legal authority described in this Resolution.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2011.

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

“Maximum Annual Debt Service” means, with respect to the Bonds and/or additional bonds issued on a parity with the Bonds, as of the date of the computation, the greatest amount required in the then current or any future fiscal year to pay the principal of and interest on such bonds.

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

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

“Net Revenues” means Gross Revenues of the Combined Utility minus the sum of (i) Expenses and (ii) any required deposits to the Rebate Fund as provided in **Section 505** hereof.

"Original Purchaser" means, with respect to the Bonds, ________________, _____________, _____________.

"Ordinance" means Ordinance No. __________ adopted and approved August 24, 2010, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

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

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

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

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

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

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

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

"Permitted Investments" means: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties in which the City is located; (f) obligations of the Federal National Mortgage Association, Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Government National Mortgage Association; (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 State 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.

"Permitted Loans" means any State revolving loans for public drinking water improvements, pollution control improvements, or for stormwater improvements.

"Person" means any natural person, 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, if any, from the Dated Date to the date of delivery of the Bonds.

"Pump Station Improvements" means rehabilitating the South Kansas River Pump Station and the Potwin Pump Station by making improvements including regulatory compliance upgrades, modifications of the wetwell, barscreen and electrical systems, investigation of cost effective "green" alternatives, addition of flow monitoring of incoming interceptors, demolition of the Potwin Pump Station, installation of a new interceptor to divert flow from the Quinton Interceptor to the South Kansas River Pump Station, installation of improved odor control and related appurtenances together with all things necessary and incidental thereto.

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

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

"Redemption Price" when used with respect to any Bond to be redeemed means 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.

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

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

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

"**Revenue Fund"** means the Combined Utility Fund for the City's water, water pollution control and stormwater utility revenue bonds.

"Sales Proceeds" means, with respect to the Bonds, or any additional bonds issued on a parity with the Bonds, as of the issuance of such bonds, the aggregate of the initial offering price of such bonds to the public (exclusive of accrued interest).

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

"Series 2010-A Bond Reserve Account" means the Bond Reserve Account for the Series 2010-A Bonds created herein.

"Series 2010-A Principal and Interest Account" means the Principal and Interest Account for the Series 2010-A Bonds created herein within the City's Bond and Interest Fund.

"Series 2010-A Rebate Fund" means the Rebate Fund for the Series 2010-A Bonds created herein.

"Series 2010-B Bond Reserve Account" means the Bond Reserve Account for the Series 2010-B Bonds created herein.

"Series 2010-B Principal and Interest Account" means the Principal and Interest Account for the Series 2010-B Bonds created herein within the City's Bond and Interest Fund.

"Series 2010-B Rebate Fund" means the Rebate Fund for the Series 2010-A Bonds created herein.

"Series 2010-C Principal and Interest Account" means the Principal and Interest Account for the Series 2010-C Bonds created herein within the City's Bond and Interest Fund.

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

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

"State" means the State of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas, and any successors or assigns thereto to the duties contemplated under this Resolution and the related agreement between the City of Topeka and the State Treasurer.

"Stated Maturity" means (i) with respect to any Bond principal payment, the date on which payment or principal is due and payable on any Bond, as specified on that Bond and in this Resolution, and (ii) with respect to any Interest Payment, each February 1 and August 1 of the year in which any Bond is Outstanding, beginning February 1, 2011.

"System" means the combined water, water pollution control and stormwater utility facilities of the City.

“Term Bonds” means the Bonds scheduled to mature in the year 20_____.

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

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

Waste Water Treatment Plant Improvements” means replacing the existing distributed control system equipment at the North Topeka Waste Water Treatment Plat with modern cost effective supervised control and data acquisition equipment including the replacement of the software and hardware required to automate and monitor the wastewater treatment facility, reprogramming the programmable logic controllers and human machine interfaces to standardize with the Oakland plant, and replacement of the computer system and any related appurtenances needed for a complete project together with all things necessary and incidental thereto.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued (1) Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A, in the principal sum of $1,005,000 (the "Series 2010-A Bonds"), for the purpose of providing funds to (a) permanently finance a portion of the costs of making the Waste Water Treatment Plant Improvements (i.e., $_____________), (b) permanently finance a portion of the costs of making the Pump Station Improvements (i.e., $________), (c) fund a portion of the debt service reserve fund for the Series 2010-A Bonds and (d) pay a portion of the costs of issuing the Series 2010-A Bonds; (2) Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, in the principal sum of $9,360,000 (the "Series 2010-B Bonds"), for the purpose of providing funds to (a) permanently finance the balance of the costs of making the Pump Station Improvements (i.e., $_____________), (b) fund a portion of the debt service reserve fund for the Series 2010-B Bonds and (c) pay a portion of the costs of issuing the Series 2010-B Bonds; and (3) Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, in the principal sum of $155,000 (the "Series 2010-C Bonds") (the Series 2010-A Bonds, Series 2010-B Bonds and Series 2010-C Bonds are collectively referred as the "Bonds"), for the purpose of providing funds to pay a portion of the costs of issuing the Bonds, all in accordance with K.S.A. 10-1201 *et seq.*, all as amended.

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 September 22, 2010, 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 2010-A

MATURITY (August 1)	PRINCIPAL AMOUNT	INTEREST RATE
	SERIAL BONDS	
2024	$________	_____%
2027	________	_____
2028	________	_____
	TERM BONDS	
20__	$________	____%

SERIES 2010-B BONDS

2029	$________	_____%
2030	________	_____
2031	________	_____
2032	________	_____
2033	________	_____
2034	________	_____
2035	________	_____
2036	________	_____
2037	________	_____
2038	________	_____
2039	________	_____
2040	________	_____

TERM BONDS

20__	$________	____%

SERIES 2010-C BONDS

2020	$________	_____%

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 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 or Redemption Price of and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

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

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

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

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

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

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

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

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

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

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

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

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

The Bonds shall have endorsed thereon a *Certificate of Authentication* substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the *Certificate of Authentication* on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such *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 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 Paying Agent) 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 August ____, 2010, 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, redemption premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

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

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

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

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional and Mandatory Redemption by City.

(a) Optional Redemption. The Bonds maturing prior to August 1, 2021, shall become due without the option of prior payment. The Bonds or portion thereof either maturing or subject to mandatory redemption and payment on or after August 1, 2021, may be called for redemption and payment prior to maturity on August 1, 2020, 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 100% of the principal amount thereof, plus accrued interest thereon, if any, 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 City shall redeem on August 1 in each year the following principal amounts of such Term Bonds:

TERM BONDS

Principal Amount	Year
$_________	20___
_________	20___

(leaving $_______ to mature August 1, 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 of 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 Defeasance Obligations 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 Date 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 principal and interest on the Bonds shall be payable from the Net Revenues derived by the City from the rates, fees and charges collected by the City from the operation of the Combined Utility, including all improvements, extensions and enlargements thereto hereafter constructed or acquired by the City and not paid for from any other fund or source. The Bonds shall constitute a lien upon the revenues produced from the operations of the City's Combined Utility. The Bonds and the interest thereon are payable solely from revenues derived from the rates, fees or charges collected by the City from the operation of the City's Combined Utility and not from any other funds or sources. The Bonds will not constitute a general obligation of the City, and no taxes can be levied by the City to pay either principal or interest thereon.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS
DEPOSIT AND APPLICATION OF MONEYS

Section 501. Ratification; Establishment of Funds and Accounts. The City hereby covenants and agrees that so long as the Bonds remain outstanding and unpaid, all of the revenues derived by the City from the operation of the Combined Utility, including all revenues from all improvements, extensions and enlargements of the System hereinafter constructed or acquired by the City, shall be paid to the Treasurer of the City and deposited in the City's Water, Water Pollution Control and Stormwater Utility Revenue Fund (the "Revenue Fund") heretofore established in the treasury of the City and said Revenue Fund shall only be used to pay the Expenses of the Combined Utility and to pay the principal of and the interest on the Bonds and any prior revenue or general obligation bonds or outstanding and unpaid, as provided by law.

The following funds and accounts presently existing in the treasury of the City are hereby ratified and affirmed:

(a) Water, Water Pollution Control, and Stormwater Utility Revenue Fund (the "Revenue Fund"); and

(b) Water, Water Pollution Control and Stormwater Utility Construction Fund (the "Construction Fund"); and

(c) Water, Water Pollution Control and Stormwater Utility Renewal and Replacement Account (the "Renewal and Replacement Account").

Contemporaneous with the issuance of the Bonds, there are hereby created and ordered to be established in the treasury of the City the following additional funds and accounts:

(a) Principal and Interest Account for Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A (the "Series 2010-A Principal and Interest Account"); and

(b) Principal and Interest Account for Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B (the "Series 2010-B Principal and Interest Account"); and

(c) Principal and Interest Account for Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C (the "Series 2010-C Principal and Interest Account"); and

(d) Reserve Account for Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer), Series 2010-A (the "Series 2010-A Bond Reserve Account"); and

(e) Reserve Account for Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds), Series 2010-B (the "Series 2010-B Bond Reserve Account"); and

(f) Rebate Fund for Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-A (the "Series 2010-A Rebate Fund"); and

(g) Rebate Fund for Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B (the "Series 2010-B Rebate Fund").

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

Section 502. Disposition of Bond Proceeds.

(a) Accrued interest, if any, on the Series 2010-A Bonds will be deposited into the Series 2010-A Principal and Interest Account established and created in **Section 501** of this Resolution;

(b) ($___________ of the proceeds of the Series 2010-A Bonds shall be deposited in the Construction Fund to pay costs of the Waster Water Treatment Plant Improvements, Pump Station Improvements and the costs, fees and expenses incurred in connection with the issuance of the Series 2010-A Bonds; and

(c) $___________ of the proceeds of the Series 2010-A Bonds shall be deposited in the Series 2010-A Bond Reserve Account established and created in **Section 501** of this Resolution.

(d) Accrued interest, if any, on the Series 2010-B Bonds will be deposited into the Series 2010-B Principal and Interest Account established and created in **Section 501** of this Resolution;

(e) $___________ of the proceeds of the Series 2010-B Bonds shall be deposited in the Construction Fund to pay both the costs of the Pump Station

Improvements and the costs, fees and expenses incurred in connection with the issuance of the Series 2010-B Bonds; and

(f) Accrued interest, if any, on the Series 2010-C Bonds will be deposited into the Series 2010-C Principal and Interest Account established and created in **Section 501** of this Resolution; and

(g) $___________ of the proceeds of the Series 2010-C Bonds shall be deposited in the Construction Fund to pay a portion of the costs, fees and expenses incurred in connection with the issuance of the Bonds.

Section 503. Application of Moneys in the Construction Fund. That moneys in the Construction Fund shall be used by the City for the sole purpose of paying the cost of improving the System as hereinbefore provided, in accordance with the plans and specifications therefore, heretofore approved by the City Engineer and on file in the office of the City Clerk, including any alterations in or amendments to said plans and specifications approved by the City Engineer, and for paying the costs and expenses incidental to the issuance of the Bonds.

Withdrawals of bond proceeds from the Construction Fund shall be made only when authorized by executed warrants therefore accompanied by a certificate executed by the Director of Public Works of the City that such payment is being made for a purpose within the scope of this Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for, or if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment out of the Construction Fund of all costs and expenses incidental to the issuance of the Bonds without a certificate from the Director of Public Works of the City.

Upon completion of the extensions, enlargements and improvements to the System as hereinbefore provided, any surplus remaining in the Construction Fund shall be deposited in the Revenue Fund.

Section 504. Application of Moneys in other Funds and Accounts. Gross Revenues shall be deposited in the Revenue Fund. The City shall pay from the Revenue Fund the Expenses of the Combined Utility and keeping the same in good repair and working order. After paying and providing for the payment of the Expenses and any required deposits to the Rebate Fund as provided in **Section 505** of this Resolution, the City further covenants and agrees that it will allocate, pay and credit the Net Revenues at the time in the Revenue Fund as follows in such amounts so at all times the City will have sufficient money to meet and pay the requirements of the Principal and Interest Account, Bond Reserve Account and any other obligations of the Combined Utility on a parity with the Bonds.

(a) There shall first be paid and credited to the Principal and Interest Account, accrued interest, if any, received by the City upon delivery of the Bonds, respectively, and to the extent necessary to meet at the maturity thereof the interest on and the principal of the Bonds the following amounts:

(1) Beginning on or before October 1, 2010, and continuing on the first day of each month thereafter an equal pro rata portion of the interest that will become due on the Bonds on February 1, 2011; and beginning on February 1, 2011, and continuing on the first day of each month thereafter an equal pro rata portion of the interest that will become due on the Bonds on the next succeeding Interest Payment Date.

(2) Beginning on October 1, 2010, and continuing on the first day of each month thereafter an equal pro rata portion of the principal of the Bonds that will become due on August 1, 2020, and continuing on the first day of each month thereafter an equal pro rata portion of the principal amount of the Bonds that will become due on the next succeeding principal payment or mandatory redemption date of the Bonds.

All amounts paid and credited to both the Principal and Interest Account shall be used and expended by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due and to pay related fees of the Paying Agent.

(b) Monies held in the Bond Reserve Account shall be used solely to prevent any default in the payment of the principal of or interest on the Bonds if at any time the monies in the Principal and Interest Account are insufficient to pay the principal of and/or interest on the Bonds. Unless all of the Bonds outstanding at any given time are called for redemption and payment or are refunded as is provided in this Resolution, no part of the Bond Reserve Account shall ever be used or expended by the City to call and redeem, in part, said Bonds for payment prior to their ultimate maturity. So long as the monies and investments in the Bond Reserve Account shall aggregate not less than the Bond Reserve Requirement no payments into said account shall be required, but if at any time the City shall be compelled to use and expend any part of said Bond Reserve Account for any purpose and/or the amount in said account shall be less than the Bond Reserve Requirement, then the City, after making all payments and credits at the time required to be made by it under the provisions of this Resolution, will make monthly payments or credits to the Bond Reserve Account in such amounts as are sufficient to replenish the account to its required balance within eighteen (18) months of the shortfall therein.

(c) After making all payments and credits from the Revenue Fund at the time required to be made under provisions of paragraphs (a) through (c) of this Section, all remaining monies in the Revenue Fund which shall not be required for the operation and maintenance of the System for the ensuing forty-five (45) day period shall be deposited into the Renewal and Replacement Account and may be used by the City for any one or more of the following purposes as determined by both the Director of Public Works and the Director of Financial Services of the City:

(1) to pay the cost of extraordinary repairs and maintenance of the System;
(2) for capital improvements to the System; and
(3) to pay Expenses of the Combined Utility if sufficient funds are not available in the Revenue Fund.

Section 505. Application of Moneys in the Rebate Fund.

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

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

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

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

Section 506. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with the requirements of K.S.A. 10-131, as amended. All such 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 Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of the Revenue Fund. 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 redemption value, whichever is lower.

Section 507. 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 of 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 his or their 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 Outstanding Bond Owners.

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 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 or provision for their payment and discharge has been made pursuant to Article III hereof, then the requirements contained in this Resolution and the pledge of security 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 legally qualified commercial bank or trust company 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, 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 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 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 it will comply with both the requirements of this Article VIII and the provisions and requirements of the Federal Tax Certificate. The Mayor and City Clerk are hereby authorized and direct to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the City. 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 and the Federal Tax Certificate.

(b) The City covenants and agrees that (1) it will use the proceeds of the Series 2010-A Bonds and Series 2010-B Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Series 2010-A Bonds and Series 2010-B Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Series 2010-A Bonds and Series 2010-B 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 Series 2010-A Bonds and Series 2010-B 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 Series 2010-A Bonds and Series 2010-B Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Series 2010-A Bonds and Series 2010-B Bonds to be a "private activity bond" within the meaning of Section 141(a) of the Code.

(d) The City has by the Ordinance which authorized the issuance of the Bonds elected to have Section 54AA of the Code apply to the Series 2010-A Bonds and Series 2010-B Bonds (together, the “Subsidy Bonds,” as hereinbefore defined) so the Subsidy Bonds may be “build America bonds” under Code Section 54AA(d). The City has further irrevocably elected to have Section 54AA(g) of the Code apply to the Subsidy Bonds so the

Subsidy Bonds may be "qualified bonds" under Code Section 54AA(g) in order to receive the refundable credits allowed to issuers pursuant to Sections 54AA(g)(1) and 6431 of the Code with respect to "qualified bonds" (the "BABs Interest Subsidy Payments"). The City covenants to comply with the requirements of the Code necessary to maintain the qualification of the Subsidy Bonds as "build America bonds" under Section 54AA(d) of the Code and as "qualified bonds" under Section 54AA(g). The City covenants to comply with the requirements of the Code necessary to maintain the qualification of the Series 2010-B Bonds as "build America bonds" as defined in Code Section 54AA(d) and as "recovery zone economic development bonds" as defined in Code Section 1400U-2(b).

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.

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. Particular Covenants of the City. That the City covenants with the Original Purchasers and Owners of the Bonds that, so long as the Bonds remain outstanding and unpaid:

(a) The City will faithfully perform at all times any and all covenants, agreements, undertakings and provisions contained in the Ordinance, this Resolution and the Bonds.

(b) The City will operate and maintain the System in an efficient manner and at reasonable cost and will keep the same in good repair and working order.

(c) The City will fix, establish, maintain and collect such rates, fees or charges for service furnished by and through the Combined Utility including all extensions, improvements and enlargements thereto thereafter constructed or acquired by the City, which rates, fees or charges shall be sufficient to pay the Expenses of the Combined Utility and to pay the principal of and interest on the Bonds and all other Combined Utility revenue bonds of the City hereafter issued and standing on a parity with the Bonds as and when the same become due, and to create and maintain reasonable reserves as hereinafter specified; provided, however, that such rates, fees and charges of the water, water pollution control and stormwater utilities shall not be set or otherwise established so that the rates, fees or charges of one such division subsidize the other. The City further covenants and agrees that it will at all times maintain and collect rates, fees or charges for the use of or services rendered by the Combined Utility which will be sufficient to enable the City to have in each fiscal year Net Revenues from the Combined Utility in an amount which will be not less than 125% of the amount required to be paid by the City in the next succeeding fiscal year on account of both principal of and interest on all Combined Utility revenue bonds of the City at that time outstanding. As soon as possible after the end of each fiscal year, the annual audit and report made for such year by the City's officers pursuant to provisions of this Resolution shall be presented to and considered by the City's Governing Body and if it shall appear that an increase in existing rates, fees or charges for the services of the Combined Utility is necessary in order to satisfy the obligations of the City under provisions of this Resolution, the Governing Body shall promptly make such increase and shall cause the same to be effective within ninety (90) days thereafter. If prior to the end of the then current fiscal year, any interim operating statements of the Combined Utility shall indicate that an increase in the existing rates, fees or charges is necessary to satisfy the obligations of the City under provisions of this Resolution, the Governing Body shall promptly make such increase and shall cause the same to be effective within ninety (90) days thereafter.

(d) None of the facilities or services afforded by the Combined Utility will be furnished to any user without a reasonable charge being made therefore.

(e) The City will not mortgage, pledge or otherwise encumber the System or any part thereof, or any extension, improvement or betterment thereof nor will it sell, lease or otherwise dispose of the System or any material part thereof. The City may, however, dispose of any property which has become obsolete and non-productive or otherwise unusable to the advantage of the City. Any cash proceeds derived from the City's sale of such property shall be used by the City to improve, extend or enlarge the System.

(f) The City will carry and maintain a reasonable amount of all risk insurance upon the properties forming part of the System insofar as they are of an insurable nature, the amount of such insurance being the amount as would normally be carried by a municipal corporation engaged in a similar type of utility enterprise. In the event of loss or damage, the City, with all reasonable dispatch, will use the proceeds of such insurance to reconstruct and replace the property damaged or destroyed or, if such reconstruction or replacement be unnecessary, then either to improve, extend or enlarge the System or to redeem or purchase in the open market the outstanding Bonds. The City in operating the Combined Utility will carry and maintain public liability and worker's compensation insurance in such amounts as would normally be maintained by a municipal corporation engaged in a similar type of utility enterprise and the proceeds derived from any of such policies shall be used in paying the claims on the account of which such proceeds were received; provided, however, the City may, in accordance with applicable law, self insure such obligations. The cost of all insurance referred to in this paragraph shall be paid as an operating cost out of the revenues of the Combined Utility.

(g) The City will install and maintain proper books, records and accounts separate from all other records and accounts of the City in which complete and correct entries will be made of all dealings and transactions of or in relation to the properties, business and affairs of the Combined Utility. Such accounts shall show the amount of revenue received from the Combined Utility, the application of such revenue and all financial transactions in connection therewith. Said books shall be kept by the City according to the standard accounting practices as applicable to the operation of the water, water pollution control and stormwater utility systems by municipalities.

(h) Annually at the end of each fiscal year the City will cause an audit to be made by a competent firm of independent auditors of the Combined Utility and shall cause a copy of such audit to be mailed to the Original Purchaser of the Bonds. Said audit shall include:

(1) a classified statement of the gross revenues received, of expenditures for operation and maintenance, of expenditures for all other purposes, and the amount of any capital expenditures made from such revenues made during the fiscal year;

(2) a balance sheet as of the end of each fiscal year, with an amount on hand at the end of such year in each of the accounts created or referred to in this Resolution;

(3) a statement showing gain or loss for such fiscal year;

(4) a statement of the Bonds redeemed, purchased or paid during the preceding fiscal year, and a statement of all interest paid during such year on the Bonds;

(5) a statement of the number of customers served by the Combined Utility at the beginning and also at the end of such fiscal year;

(6) a statement showing the amount and character of insurance carried by the City on the property constituting the System and showing the names of the insurers, expiration dates of the policies and the premium thereon;

(7) the opinion of the auditors as to whether or not the City is meeting the requirements of paragraph (c) of this Section by maintaining and collecting adequate rates, fees and charges for Combined Utility services furnished by the City; and

(8) such remarks and recommendations regarding the City's method of operation of the Combined Utility and its accounting practice as such auditors may deem appropriate. Such audit shall be completed as soon as practicable after the end of each fiscal year and a copy thereof filed with the office of the City Clerk where it shall be open to public inspection.

(i) The City shall semiannually conduct an internal rate review for the purpose of determining the sufficiency of the water, water pollution control and stormwater utility rates and charges of the City in view of the covenants herein and heretofore made.

(j) As long as the Bonds are Outstanding, any payments in lieu of taxes made to the City from the Net Revenues of the Combined Utility shall not exceed an amount based on the method currently in effect in the City, such method being based on the net value of the equity of the City in the System located within the corporate limits of the City. Further, such payment in lieu of taxes will not be made if the City is in default in paying the principal of or interest on the Bonds or any additional bonds issued in accordance with **Section 1002** hereof, or if such payment would cause the City to default in the payment of principal or interest on the Bonds or any such additional bonds.

Section 1002. Additional Bonds. That the City hereby covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, it will not issue any additional Combined Utility revenue bonds or any other obligations payable from the Net Revenues of the Combined Utility which are superior in lien, security or otherwise to the Bonds other than Permitted Loans. The City hereby covenants and agrees except as hereinafter provided, that so long as the Bonds remain outstanding and unpaid it will not issue any additional bonds or other obligations payable out of the revenues of the Combined Utility which stand on a parity or equality with the Bonds unless each of the following conditions are met:

(a) The City shall not be in default in making any of the payments at the time required to be made by it into the respective funds or accounts created or referred to in this Resolution, or in the performance of any covenant contained herein.

(b) The annual Net Revenues derived by the City from the operation of the Combined Utility for the fiscal year next preceding the issuance of additional bonds, shall equal or exceed 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, and any additional revenue bonds previously issued on a parity with the Bonds.

(c) In addition, projected annual Net Revenues expected to be derived by the City from the operation of the Combined Utility, for the fiscal year following the issuance of any additional bonds, shall equal or exceed 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, including any revenue bonds previously issued on a parity with the Bonds together with additional bonds proposed to be issued, based on a detailed investigation and report of an engineering firm or an independent public accountant as to the amount of annual Net Revenues expected in such fiscal year, and said amount as defined and certified by said engineer or accountant shall govern in determining the right of the City to issue additional parity bonds under this **Section 1002**. No investigation or report of an engineer or accountant shall be required pursuant to this Section 1002 (i) in the event any issuance of additional bonds shall not increase the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, including any additional revenue bonds previously issued on a parity with the Bonds together with additional bonds proposed to be issued or (ii) in the event that the annual Net Revenues derived by the City from the operation of the Combined Utility, for the fiscal year next preceding the issuance of any additional bonds, shall have been equal to 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, including any additional revenue bonds previously issued on a parity with the Bonds together with the additional revenue bonds proposed to be issued.

Additional Combined Utility revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the Bonds and shall enjoy complete equality of lien on and claim against the revenues of the Combined Utility with said Bonds, and the City shall make equal provision for paying said additional Combined Utility revenue bonds and the interest thereon out of the Revenue Fund and provide for the creation of a principal and interest account for the payment of such additional Combined Utility revenue bonds and a bond reserve account to be funded as herein required. Any increases in the Bond Reserve Requirement as a result of the issuance of such additional Combined Utility revenue bonds shall be fully funded concurrently with the issuance of such additional Combined Utility revenue bonds from the proceeds of such bonds or from other funds available for such purpose. In addition, if the City receives an opinion of Bond Counsel to the effect that the Bond Reserve Requirement for any additional Combined

Utility revenue bonds must be reduced in order that the amounts on deposit in such bond reserve fund may continue to be invested without yield restriction under the Code the amount held in such bond reserve fund shall be reduced in conformity with said opinion.

Nothing contained in this Section shall prohibit or restrict the right of the City to issue additional Combined Utility revenue bonds or other revenue obligations for the purpose of reconstructing, altering, repairing, improving or extending and enlarging the System and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the Net revenues of the Combined Utility, provided that at the time of the issuance of such additional revenue bonds or obligations the City shall not be in default of performance of any covenant or agreement contained in this Resolution and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds, so that if any time the City shall be in default in paying either interest on or principal of the Bonds or if the City shall be in default in making any payments required to be made by it under the provisions of this Resolution, the City shall make no payments of either principal of or interest on said junior or subordinate revenue bonds or obligations until said default or defaults be cured and no default shall exist on the part of the City under the covenants, agreements and conditions contained in this Resolution. In addition, any default on any junior and subordinate bonds shall not be deemed a default on the Bonds.

Section 1003. Additional Permitted Loans. The City hereby covenants and agrees that so long as, except as hereinafter provided, any of the Bonds remain outstanding and unpaid, it will not issue any additional Permitted Loans payable out of the revenues of the Combined Utility that are superior in lien and security to the Bonds unless each of the following conditions are met:

(a) The City shall not be in default in making any of the payments at the time required to be made in connection with any outstanding Permitted Loans or into the respective funds or accounts created or referred to in this Resolution, or in the performance of any covenant contained herein.

(b) The annual Net Revenues derived by the City from the operation of the Combined Utility, for the fiscal year next preceding the issuance of additional Permitted Loans, shall have been equal to 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal of and interest becoming due with respect to the Bonds, including any additional revenue bonds previously issued on a parity with the Bonds.

(c) In addition, projected annual Net Revenues (adjusted as provided in the last sentence of this **Subsection 1003(c)**) expected to be derived by the City from the operation of the Combined Utility, for the fiscal year following the issuance of any additional Permitted Loans, shall equal or exceed 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, including any additional revenue bonds previously issued on a parity with the Bonds, based on a detailed investigation and report of an engineering firm or an independent public accountant as to the amount of annual Net Revenues expected in such fiscal year, and said amount as defined and certified by said engineer or accountant shall govern in determining right of the City to issue additional Permitted Loans payable out of the revenues of the Combined Utility that are superior in lien and security to the Bonds under this **Section 1003**. No investigation or report of an engineer or accountant shall be required pursuant to this **Section 1003** in the event that the annual Net Revenues (adjusted as provided in the last sentence of this **Subsection 1003(c)**) derived by the City from the operation of the Combined Utility, for the fiscal year next preceding the issuance of any additional Permitted Loan, would have been equal to 125% of the maximum amount required to be paid out of the Net Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to the Bonds, including any additional revenue bonds previously issued on a parity with the Bonds. For purposes of determining Net Revenues as required for this **Subsection 1003(c)**, the maximum amount payable in any succeeding fiscal year on the additional Permitted Loan shall be treated as an Expense in the fiscal year for which the Net Revenues are being computed.

Section 1004. Authorization of Bond Sale. That the sale of the Bonds to _________, ___________, ____________, in accordance with their bid pursuant to the notice of bond sale dated August 24, 2010, is hereby ratified and confirmed.

Section 1005. 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 as provided in **Section 1001(h)** of this Resolution.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. 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 1006. 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.

Without notice to or the consent of any Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Owners.

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

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

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

Section 1007. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

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

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

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

Section 1008. Further Authority. The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1009. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 1010. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1011. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the Council of the City.

PASSED and approved by the City of Topeka, Kansas, on August 24, 2010.

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 governing body of the City of Topeka, Kansas, adopted by the governing body at a regularly scheduled meeting held on August 24, 2010, 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: August 24, 2010.

(SEAL)

____
Brenda Younger, City Clerk

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.

THIS BOND IS NOT AN OBLIGATION ON WHICH THE INTEREST IS EXCLUDABLE FROM GROSS INCOME UNDER SECTION 103 OF THE INTERNAL REVENUE CODE OF THE UNITED STATES OF AMERICA, AS AMENDED. THE HOLDER OF THIS BOND SHOULD NOT REGARD THE INTEREST HEREON AS BEING EXEMPT FROM FEDERAL INCOME TAXATION.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
TAXABLE COMBINED UTILITY IMPROVEMENT REVENUE BOND
[(BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER] [RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS]
SERIES 2010-[A][B][C]

No. R-_____ $_________

Rate of Interest:	Maturity Date:	Dated Date: September 22, 2010	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, 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 1 and August 1 of each year (the "Interest Payment Dates") commencing February 1, 2011, until said principal amount is paid.

The principal of and 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 registered 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 15th day of January or July next preceding 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 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 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 22nd day of September, 2010.

CITY OF TOPEKA, KANSAS

(manual)
Mayor

ATTEST: (manual)
(SEAL) City Clerk

****

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, Taxable Combined Utility Improvement Revenue Bonds [(Build America Bonds – Direct Payment to Issuer)][Recovery Zone Economic Development Bonds)] Series 2010-[A][B][C] 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 K.S.A. 10-101 to 125, inclusive, as amended by K.S.A. 10-620 to 10-632, inclusive, and Article 12 of Chapter 10 of the Kansas Statutes Annotated, 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 issued 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 or other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds or portions thereof either maturing or subject to mandatory redemption and payment on or after August 1, 2021, may be called for redemption and payment prior to maturity on August 1, 2020, 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 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

Each of the Bonds maturing on August 1, 20___, shall also be subject to mandatory redemption and payment prior to maturity beginning on August 1, 20___, and on each August 1 thereafter, pursuant to the redemption schedule set forth in the Resolution at the redemption Price of 100% (expressed as a percentage of the principal amount) plus accrued interest thereon to the Redemption Date.

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 registered 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 registered 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 principal and interest of this Bond is hereby made a lien upon the revenues derived from the combined Water, Water Pollution Control and Stormwater Utilities of the City and said principal and interest are to be paid solely and only from a special fund into which there shall be paid, from the revenues derived from the rates, fees or charges collected by said City from the operation of said combined Water, Water Pollution Control and Stormwater Utilities sums sufficient to make said payments when due, after deducting only reasonable operation and maintenance expenses. Said City shall not be obligated to pay said Bond with the interest thereon except from said special fund and neither this Bond nor this issue of which it forms a part is guaranteed or secured by any property of the City other than the revenues from said combined Water, Water Pollution Control and Stormwater Utilities, nor does this Bond constitute any indebtedness of said City which is payable in any manner from taxation and limit in any way the power of the City of issue bonds for any other purpose.

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 Resolution. 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.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

This Bond is transferable by the registered 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 September 22, 2010.

WITNESS my hand and official seal.

(manual signature)
(SEAL) City Clerk

****

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

(SEAL) By____________________________________
State Treasurer

****

EXHIBIT B

(DTC LETTERS OF REPRESENTATIONS)

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Brenda Younger**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Applications**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage License Applications.

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

(Pursuant to K.S.A. 41-2702 application for license must be approved by the Governing Body prior to the issuance of the license.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

Approve the licenses.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #12

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 4, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Norton N. Bonaparte Jr.**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Metropolitan Topeka Planning Organization (MTPO) Policy Board**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

Election of City Council representative to the Metropolitan Topeka Planning Organization (MTPO) Policy Board pursuant to City of Topeka Resolution No. 7453

(Councilmembers serve until their term of office on the City Council ends or until they resign, whichever comes first. Due to the resignation of Councilmember Sylvia Ortiz from the MTPO Policy Board, an election for her replacement is necessary.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Two Council representatives are chosen by the City Council to serve on the Metropolitan Topeka Planning Organization (MTPO) Policy Board. Members serve until their term of office on the City Council ends or until they resign, whichever comes first. Due to the resignation of Councilmember Sylvia Ortiz from the MTPO Policy Board, an election for her replacement is necessary.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Item #13

ATTACHMENTS:

Letter

Item #13

CITY OF TOPEKA

CITY COUNCIL
215 SE 7th Street, Room 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
Fax: (785) 368-3958
www.topeka.org

August 4, 2010

Mr. David Thurbon
Planning Director
City of Topeka
620 SE Madison
Topeka, KS 66607

Dear David,

Please accept this letter of resignation effective immediately from the Metropolitan Topeka Planning Organization (MTPO) Board.

It has been an honor serving on this Board and I have learned a lot about the planning process.

With a new job and 11 Neighborhood Improvements Associations' meetings to attend, I feel it is best to resign.

Sincerely,

Sylvia E. Ortiz

Sylvia E. Ortiz, Councilmember
District 3

cc: Shelly Buhler, MTPO Chair
Norton N. Bonaparte Jr., City Manager
Jackie Williams, City Attorney
Brenda Younger, City Clerk
City Council Members
Mayor Bill Bunten

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 11, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**JIM LANGFORD/KEJ**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**WEEKLY EXPENDITURES**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 2, 2010, through August 8, 2010, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

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

BUDGETARY IMPACT:

Approves expenditures for the period August 2, 2010 through August 8, 2010, in the amount of $2,778.844.76.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Weekly Expenditures

DETAIL REPORT CB55 WEEK ENDING 8/8/10

DETAIL REPORT AP WEEK ENDING 8/8/10

SUMMARY REPORT AP WEEK ENDING 8/8/10

Item #14

(Published in the Topeka Metro News ____)

ORDINANCE NO. _________________

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 2, 2010, through August 8, 2010, and enumerating said expenditures herein.

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

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

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

Section 3.	Total for 178 vendor checks written in this period	1,222,691.75
	Total vendor checks voided in this period (net)	(0.00)
	Total electronic transfers to vendors in this period	1,556,153.01
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	000,000.00
	Total for expenditures in this period	$2,778,844.76

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

Payment Listing

```
CB255 Date: 08/11/10           JOB SUBMISSION PARAMETERS
      Time: 08:32


User Name: HALL\ccox
Job Name : CB255
Step Nbr : 1



                Cash Code: 02     OPERATING ACCOUNT
      or  Cash Code Group:

         Transaction Code:
               Check Date: 080110  -  080610
                Check Nbr:             -
                  Company:    1

       Transaction Status: P   Paid
          Report Sequence: C   By Transaction Code
            Detail Option:     Summary
```

Payment Listing

Payment Listing
Cash Code 02 OPERATING ACCOUNT
By Transaction Code (Status: Paid)

Transaction Code SYS AP SYSTEM PAYMENT

Reference Number	Payment Nbr	Co.	Post Date	Pay Date	Void Date	Amount	Status	Payee Name	Pay Group	Proc Grp
WYATT HERM	677136	1	08/02/10	08/06/10		8850.00	Historical	HERMAN WYATT	COT	
WARREN RUS	677137	1	08/02/10	08/06/10		15000.00	Historical	RUSSELL WARREN	COT	
					Transaction Code SYS Total	23850.00				
					Cash Code 02 Total	23850.00				
					Report Total	23850.00				

*** REPORT COMPLETED ***

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
Electronic Payments					
6501	08/04/2010	AAA ALLIED GROUP INC	22		38.50
256336				38.50	
6502	08/04/2010	LARSON & BLUMREICH CHARTERED	2974		5,454.00
2007-28B-13	WCCOT2007008607			27.00	
2007-33C-9	WCCOT2007008799			1,413.00	
2007-40C-3	WCCOT2009009316			648.00	
2007-41C-1	WCCOT2008009042			1,728.00	
2007-42C-1	WCCOT2008008904			1,638.00	
6503	08/06/2010	LARSON & BLUMREICH CHARTERED	2974		36.00
2007-37C-5	WCCOT2006008477			36.00	
6504	08/06/2010	CAMPOS JR, VIDAL A	769		310.80
40374.6793	ADV-DERBY KS 8/8-13/10			310.80	
6505	08/06/2010	GIFFORD, DAVID S	1887		268.80
40385.4162	ADV- DERBY, KS 8/8/10-12/10			268.80	
6506	08/06/2010	PATRICK S LADD	6245		268.80
40382.5772	ADV- DERBY, KS 8/8/10-12/10			268.80	
6507	08/06/2010	A-1 PLUMBING & HEATING	19		6,850.00
03 100629 1				6,850.00	
6508	08/06/2010	A-1 RENTAL INC	20		330.00
11254				240.00	
11256				90.00	
6509	08/06/2010	AAA ALLIED GROUP INC	22		1,266.00
159 0710				650.00	
256727				38.50	
260570				38.50	
260581				38.50	
260613				38.50	
261162				38.50	
261269				38.50	
261275				38.50	
261463				38.50	
261502				38.50	
261550				38.50	
260616				38.50	
260617				38.50	
260620				38.50	
260621				38.50	
261129				38.50	
261137				38.50	
6510	08/06/2010	AMERIPRIDE	197		201.17
T688382				35.39	
T689451				17.75	
T689829				29.75	
T690742				35.39	
T691702				17.75	
T692060				29.75	
T692935				35.39	
6511	08/06/2010	ARMSTRONG CONSTRUCTION	255		3,435.00
359475				3,435.00	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
6512	08/06/2010	BARTLETT & WEST ENGINEERS	391		26,465.93
730024849				1,137.50	
730025053				15,878.43	
730025222				9,450.00	
6513	08/06/2010	BIG BROTHER BIG SISTERS INC	480		14,359.00
560193 FINAL				14,359.00	
6514	08/06/2010	BLUE CROSS BLUE SHIELD INC	528		148,891.27
W/E 8/3/10				148,891.27	
6515	08/06/2010	BURLINGAME CONCRETE CONSTRUCTI	711		12,422.25
5992				12,422.25	
6516	08/06/2010	CHIEF	919		363.99
342432				363.99	
6517	08/06/2010	COMMUNITY RESOURCES COUNCIL	1056		23,894.25
559746 3				23,894.25	
6518	08/06/2010	CONSTELLATION NEW ENERGY GAS D	1077		3,174.73
C229520				3,174.73	
6519	08/06/2010	COPY CENTER OF TOPEKA	1107		100.00
100194				100.00	
6520	08/06/2010	CORNERSTONE OF TOPEKA INC	1116		6,697.50
2072				6,000.00	
2074				375.00	
2076				322.50	
6521	08/06/2010	CRAIG LAWSON PAINTING	1159		4,523.00
1726 SW CLAY				4,523.00	
6522	08/06/2010	CREATIVE LANDSCAPING	1166		925.00
14255				185.00	
14306				185.00	
14361				185.00	
14413				185.00	
14470				185.00	
6523	08/06/2010	CROSS MIDWEST TIRE INC	1183		2,415.22
20137541				29.40	
20137543				29.40	
20138351				15.75	
20138099				109.50	
20138104				304.63	
20138187				73.95	
20138193				144.04	
20138200				374.04	
20138283				10.50	
20137810				109.50	
20137872				731.71	
20137897				31.50	
20137944				104.65	
20138048				159.50	
20138050				187.15	
6524	08/06/2010	DELTA DENTAL OF KANSAS INC	1323		25,120.34
WE 070810				8,918.54	
WE 071510				8,371.40	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
WE 072210				7,830.40	
6525	08/06/2010	DIAMOND INTERNATIONAL INC	1347		3,102.28
TI51402				28.63	
TI51408				151.05	
TI51505				50.93	
TI51526				26.09	
TI51619				27.37	
TI51677				11.01	
TI51683				465.64	
TW49063				2,115.65	
TW49258				225.91	
6526	08/06/2010	DIGITAL REPROGRAPHICS LLC	1358		524.03
30257				524.03	
6527	08/06/2010	DOWNTOWN TOPEKA INC	1408		4,106.46
559098 13				4,106.46	
6528	08/06/2010	EDWARDS CHEMICALS INC	1488		2,236.01
95610				214.50	
95870				393.25	
95871				429.00	
95872				143.00	
95873				234.01	
96116				393.25	
96117				429.00	
6529	08/06/2010	FOLEY EQUIPMENT COMPANY INC	1734		55.89
PCSL0823193				55.89	
6530	08/06/2010	GARDA CL SOUTHWEST INC	1839		600.00
158 238310				600.00	
6531	08/06/2010	GRIST TRUCKING LLC	2004		1,960.00
9642				1,960.00	
6532	08/06/2010	HEWLETT-PACKARD FINANCIAL SERV	2227		5,012.00
600250322				4,179.00	
600250323				833.00	
6533	08/06/2010	HOUSING & CREDIT COUNSELING IN	2312		30,266.66
2010 5A				4,583.33	
2010 5B				2,750.00	
2010 6A				4,583.33	
2010 6B				2,750.00	
559481 3				15,600.00	
6534	08/06/2010	ITG CONSULTING INC	2449		20,240.00
2820				4,290.00	
2821				5,570.00	
2823				5,210.00	
2842				5,170.00	
6535	08/06/2010	KAN EQUIPMENT INC	2621		1,248.62
6 160704				84.60	
6 161600				69.46	
6 161673				69.46	
6 161693				27.42	
6 161753				206.48	
6 161853				235.44	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
6 161925				213.80	
6 161926				87.36	
6 161966				7.36	
6 162146				53.94	
6 162280				193.30	
6536	08/06/2010	KANSAS GAS SERVICE INC	2707		3,437.32
100310109 JUNE 10				108.17	
1423661 82 JUL 10				450.03	
144745291 JUL 10				40.90	
1447455 45 JUL 10				250.68	
1447461 27 JUL 10				38.94	
144746273 JUNE 10				36.27	
1452105 18 JUL 10				242.59	
145210518 JUL10				21.09	
1646799 45JUL 10				903.52	
1447463 36 JUL 10				26.78	
144746336				53.54	
144746564 JUL 10				112.43	
1447470 64 JUL 10				55.42	
1447478 18 JUL 10				672.27	
145209500JUL 10				424.69	
6537	08/06/2010	LEVEL 4 ENGINEERING LLC	3043		2,303.75
1059				2,303.75	
6538	08/06/2010	LIGHTHOUSE CONTRACTING INC	3061		14,419.25
560014 2 FINAL				4,540.25	
560104 1				9,879.00	
6539	08/06/2010	LP S EXCAVATING INC	3125		11,016.10
559839				11,016.10	
6540	08/06/2010	MANGROVE	3186		467.40
34058				467.40	
6541	08/06/2010	MICHAEL & SONS INC	3377		4,531.12
257394				4,531.12	
6542	08/06/2010	MORNING STAR CONSTRUCTION INC	3524		2,447.00
560133				2,447.00	
6543	08/06/2010	O REILLY AUTO PARTS	3714		1,573.51
0152 155010				49.84	
0152 155054				174.00	
0152 155273				8.94	
0152 155322				145.96	
0152 157555				56.52	
0152 157936				119.82	
0152 157938				126.13	
0152 157988				3.43	
0152 157989				4.56	
0191 213431				9.99	
0152 155887				5.49	
0152 156165				105.39	
0152 156785				53.35	
0152 156826				301.85	
0152 157353				15.79	
0152 157356				392.45	
6544	08/06/2010	PIONEER JANITORIAL LLC	3943		892.75

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
CT 134				892.75	
6545	08/06/2010	PROFESSIONAL ENGINEERING	4018		6,697.50
608075				647.50	
608082				6,050.00	
6546	08/06/2010	ROCHESTER CEMETERY ASSOCIATION	4257		15,000.00
559429 3				15,000.00	
6547	08/06/2010	SELLERS EQUIPMENT INC	4470		2,721.94
IC213608				848.67	
IW209304				1,873.27	
6548	08/06/2010	SHAWNEE COUNTY MEDICAL SOCIETY	4515		40,000.00
559483 2				40,000.00	
6549	08/06/2010	SHAWNEE MISSION FORD INC	4524		18,475.00
70286				18,475.00	
6550	08/06/2010	SHAWNEE REGIONAL PREVENTION &	4525		21,250.00
559702 2				21,250.00	
6551	08/06/2010	TDC LEARNING CENTERS INC	4889		17,549.00
560210 1				17,549.00	
6552	08/06/2010	THE TOPEKA METRO NEWS	4941		46.00
L20429				25.00	
L20713				21.00	
6553	08/06/2010	TOPEKA PERFORMING ARTS CENTER	5040		20,833.00
559039 7				20,833.00	
6554	08/06/2010	TOPEKA TRANSMISSION SERVICE IN	5057		2,095.14
43763				2,095.14	
6555	08/06/2010	TRUCK PARTS & EQUIPMENT INC	5102		1,424.70
262614				644.41	
262636				18.17	
262839				141.51	
262916				250.92	
262967				8.46	
263163				7.30	
263219				333.09	
263239				6.24	
263260				14.60	
6556	08/06/2010	U S CAVALRY INC	5113		311.40
SI 1194952				185.43	
SI 1239677				125.97	
6557	08/06/2010	VETERINARY MEDICAL & SURGICAL	5222		788.46
46660				16.74	
46688				265.71	
46689				30.87	
46698				342.26	
47131				132.88	
6558	08/06/2010	VICTOR L PHILLIPS COMPANY INC	5225		2,642.77
WT29188				1,416.15	
WT29204				432.71	
WT29209				793.91	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
6559	08/06/2010	WALKER TOWEL & UNIFORM SERVICE	5266		88.45
1265141				12.45	
1265675				7.65	
1265676				23.90	
1267839				12.45	
1268401				8.10	
1268402				23.90	
6560	08/06/2010	WINGFOOT COMMERCIAL TIRE SYSTE	5494		1,161.54
123 1036196				150.50	
123 1036246				200.44	
123 1036250				216.70	
123 1036390				404.64	
123 1036392				189.26	
6561	08/06/2010	YWCA OF TOPEKA	5583		6,000.00
559761 3				6,000.00	
6562	08/06/2010	MARIAN CLINIC INC	3196		4,366.25
559177 2				4,366.25	
6563	08/06/2010	MEDTRAK SERVICES LLC	3330		91,036.21
86266				91,036.21	
6564	08/06/2010	VALEO BEHAVIORAL HEALTH CARE I	5187		1,734.67
558423 1				1,734.67	
6565	08/06/2010	ALBRIGHT, LARRY D	105		64.00
7/18/10ASBLA	Adult Softball			64.00	
6566	08/06/2010	ANDREWS, JAMES EDWARD	221		26.00
8/1/10ASBJA	Adult Softball			26.00	
6567	08/06/2010	BECK, LOREN	412		304.00
7/18/10ASBLB	Adult Softball			96.00	
7/25/10ASBLB	Adult Softball			128.00	
8/1/10ASBLB	Adult Softball			80.00	
6568	08/06/2010	CHAFFIN, BRADY	880		224.00
7/25/10ASBBC	Adult Softball			112.00	
8/1/10ASBBC	Adult Softball			112.00	
6569	08/06/2010	DEAN, ROBERT	1290		457.50
7/18/10ASBRD	Adult Softball			180.00	
7/25/10ASBRD	Adult Softball			135.00	
8/1/10ASBRD	Adult Softball			142.50	
6570	08/06/2010	SMITH, TOMMIE	4638		256.00
7/18/10ASBTS	Adult Softball			80.00	
7/25/10ASBTS	Adult Softball			80.00	
8/1/10ASBTS	Adult Softball			96.00	
6571	08/06/2010	WHYE, ROLAND A	5423		289.00
7/18/10ASBRW	Adult Softball			102.00	
7/25/10ASBRW	Adult Softball			85.00	
8/1/10ASBRW	Adult Softball			102.00	
6572	08/06/2010	UNITED WAY OF GREATER TOPEKA	5157		8,309.00
559485 3				8,309.00	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
6573	08/06/2010	ACE ELECTRIC JONES COMPANY INC	35		987.39
8641				591.16	
8642				396.23	
6574	08/06/2010	CAPITAL BELT & SUPPLY INC	776		282.75
38386				4.22	
38483				22.95	
38661				205.98	
38670				20.50	
38776				29.10	
6575	08/06/2010	CAPITAL CITY OIL CO INC	778		58,307.35
30408				55.00	
83430				27,647.43	
83675				30,125.63	
DA506				479.29	
6576	08/06/2010	CHAMPION BRANDS LLC	883		2,311.52
389190				128.34	
389191				680.82	
389192				1,502.36	
6577	08/06/2010	CLAYTON PAPER & DISTRIBUTION I	965		93.20
011901A				93.20	
6578	08/06/2010	FLU CON INC	1729		951.86
P 69677 0				63.11	
P 69712 0				116.09	
P 69750 0				290.09	
P 69779 0				128.63	
P 69818 0				5.75	
P 69821 0				63.27	
P 69893 0				3.69	
P 69930 0				86.81	
P 69972 0				108.59	
P 69999 0				85.83	
6579	08/06/2010	IBT	2377		97.49
5348966				57.96	
5350031				19.32	
5351964				0.15	
5353033				20.06	
6580	08/06/2010	LINDYSPRING WATER LLC	3071		93.95
174384				64.95	
540187				21.00	
551321				8.00	
6581	08/06/2010	SALISBURY SUPPLY COMPANY INC	4352		434.72
00949295				2.60	
948770				55.98	
949898				36.99	
950129				57.84	
950130				73.71	
950131				40.35	
951231				130.95	
951233				36.30	
6582	08/06/2010	SCHMIDTLEIN EXCAVATING INC	4406		830,182.23
10113 06				274,833.47	
10113 07				387,246.94	

Check No.	Check Date	Vendor Name and Number			Check Amount
10120 04				168,101.82	
6583	08/06/2010	WHITE STAR MACHINERY & SUPPLY	5408		7.32
06045249				7.32	
		Total for Electronic Payments			**1,556,153.01**
Check Payments					
677001	08/04/2010	AMERICAN MEDICAL RESPONSE	172		541.31
1101002729900	WCCOT2010009473			541.31	
677002	08/04/2010	ATHLETIC AND REHABILITATION CE	294		349.42
143687X182427	WCCOT2010009430			105.29	
144224X183289	WCCOT2010009430			100.02	
144550X183917	WCCOT2010009366			42.11	
144577X183932	WCCOT2010009430			102.00	
677003	08/04/2010	BACON JR, CLAIR EDWARD	331		52.95
62510331	Franchise Fee Refund Claim Yea			52.95	
677004	08/04/2010	BELL-JACKSON, ARTRIE L	431		138.34
71610431	Franchise Fee Refund Claim Yea			138.34	
677005	08/04/2010	BREATHE OXYGEN & MEDICAL SUPPL	600		14.86
B025011001101	WCCOT2010009430			14.86	
677006	08/04/2010	BROWN, ALMEDIA S	648		77.34
71610648	Franchise Fee Refund Claim Yea			77.34	
677007	08/04/2010	CATALYSTRX COMP	847		1,311.64
10173629934700	WCCOT2006008291			197.53	
101763289779000	WCCOT2010009447			18.22	
101763293525000	WCCOT2006008291			88.21	
101763302321000	WCCOT2006008291			35.61	
10176330630900	WCCOT2010009395			35.67	
10176331030800	39596.011			102.41	
101873769750000	WCCOT2010009447			32.38	
10187377764500	WCCOT2006008478			16.15	
101873789417000	WCCOT2007008607			282.54	
10187379669900	30106.014			242.27	
101763314572000	WCCOT2007008607			38.46	
10176331886900	WCCOT2010009430			15.84	
10176332304200	WCCOT2009009339			22.50	
101763326277000	WCCOT2009009339			22.50	
101873747212000	WCCOT2006008291			38.72	
10187375308800	WCCOT2010009366			122.63	
677008	08/04/2010	DOWD, TOLITA	1403		41.88
716101403	Franchise Fee Refund Claim Yea			41.88	
677009	08/04/2010	DRISKO FEE & PARKINS PC	1422		51.48
13309	WCCOT2010009366			51.48	
677010	08/04/2010	GOMEZ, LAURA G	1930		41.92
716101930	Franchise Fee Refund Claim Yea			41.92	
677011	08/04/2010	HARRIS, WANDA L	2110		79.86
625102110	Franchise Fee Refund Claim Yea			79.86	
677012	08/04/2010	HERITAGE MENTAL HEALTH CLINIC	2201		124.95
171807A	WCCOT2006008155			124.95	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
677013	08/04/2010	KANSAS ORTHOPEDIC & SPORTS MED	2729		193.85
6012567754		WCCOT2010009447		193.85	
677014	08/04/2010	KANSAS UNIVERSITY PHYSICIANS	2776		14.04
03I10664285		WCCOT2010009395		14.04	
677015	08/04/2010	KECK, CAROLYN V	2797		71.63
716102797		Franchise Fee Refund Claim Yea		71.63	
677016	08/04/2010	LOWER, LILLIE B	3120		46.98
625103120		Franchise Fee Refund Claim Yea		46.98	
677017	08/04/2010	MCCOY, JUANITA M	3274		73.22
716103274		Franchise Fee Refund Claim Yea		73.22	
677018	08/04/2010	MCCULLOUGH, JOYCE M	3281		42.15
625103281		Franchise Fee Refund Claim Yea		42.15	
677019	08/04/2010	MIDWEST REHABILITATION PA	3418		95.96
MWR71289X1115		WCCOT2006008291		95.96	
677020	08/04/2010	MONTGOMERY, MARY L	3499		58.50
716103499		Franchise Fee Refund Claim Yea		58.50	
677021	08/04/2010	MOORE, ORVILLE H	3513		62.80
625103513		Franchise Fee Refund Claim Yea		62.80	
677022	08/04/2010	ORTHOPEDIC OUTFITTERS OF NKS	3764		15.00
13309 JULY 9		WCCOT2010009366		15.00	
677023	08/04/2010	OWENS, HELEN MARIE	3785		92.75
716103785		Franchise Fee Refund Claim Yea		92.75	
677024	08/04/2010	PAIN & WELLNESS CLINIC	3804		907.65
SEVIGN0000		WCCOT2005007980		907.65	
677025	08/04/2010	PERRY, MAX E	3901		34.41
625103901		Franchise Fee Refund Claim Yea		34.41	
677026	08/04/2010	QUARLES, ESTHER M	4052		69.11
716104052		Franchise Fee Refund Claim Yea		69.11	
677027	08/04/2010	RADIOLOGY & NUCLEAR MEDICINE	4073		258.38
4051134100		WCCOT2010009461		23.89	
4051147413		WCCOT2010009469		13.34	
4051150407		WCCOT2009009161		125.02	
4051154477		WCCOT2010009481		58.90	
4051154773		WCCOT2010009473		13.34	
4051155316		WCCOT2010009485		10.55	
4051158182		WCCOT2010009486		13.34	
677028	08/04/2010	RAILEY, MARILYN ANN	4077		53.90
625104077		Franchise Fee Refund Claim Yea		53.90	
677029	08/04/2010	REASER, MILDRED M	4127		95.20
716104127		Franchise Fee Refund Claim Yea		95.20	
677030	08/04/2010	SAINT FRANCIS HEALTH CENTER	4338		2,638.42
3935710 001		WCCOT2010009486		32.30	
3824655 001		WCCOT2009009314		29.75	
3824655001		WCCOT2009009314		17.49	

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Check No.	Check Date	Vendor Name and Number			Check Amount
3913273002		WCCOT2010009462		200.03	
3925915001		WCCOT2010009469		42.10	
3933806001		WCCOT2010009469		13.84	
3935370 001		WCCOT2010009481		20.40	
393537001		WCCOT2010009481		13.84	
3935710001		WCCOT2010009486		224.21	
3936090001		WCCOT2010009482		249.90	
3932883 001		WCCOT2010009484		29.75	
3932883001A		WCCOT2010009484		17.49	
3933057001		WCCOT2009009382		81.49	
3933762 001		WCCOT2010009481		219.30	
3933762001		WCCOT2010009481		399.67	
3933806 001A		WCCOT2010009469		20.40	
3927741001		WCCOT2009009161		607.04	
3931743001		WCCOT2010009412		81.49	
3932263 001		WCCOT2010009485		20.40	
3932263001		WCCOT2010009485		43.17	
3932455 001		WCCOT2010009473		32.30	
3932455001		WCCOT2010009473		242.06	
677031	08/04/2010	SAINT FRANCIS HEALTH CENTER	4339		82.28
2327618		WCCOT2009009265		18.70	
2327618A		WCCOT2009009264		18.70	
2327618B		WCCOT2009009266		18.70	
3827584		WCCOT2010009412		13.09	
3827584A		WCCOT2009009382		13.09	
677032	08/04/2010	SHEA, JACKIE A	4526		61.00
625104526		Franchise Fee Refund Claim Yea		61.00	
677033	08/04/2010	SIMONS, THERESA M	4572		80.75
716104572		Franchise Fee Refund Claim Yea		80.75	
677034	08/04/2010	SIMS, TARA R	4575		97.38
716104575		Franchise Fee Refund Claim Yea		97.38	
677035	08/04/2010	SIPES, MARY	4583		51.65
716104583		Franchise Fee Refund Claim Yea		51.65	
677036	08/04/2010	SLATTERY, JASON M	4601		44.53
716104601		Franchise Fee Refund Claim Yea		44.53	
677037	08/04/2010	STANG, LINDA L	4719		86.55
625104719		Franchise Fee Refund Claim Yea		86.55	
677038	08/04/2010	STUDEBAKER, ELEANOR R	4799		71.31
716104799		Franchise Fee Refund Claim Yea		71.31	
677039	08/04/2010	TALLGRASS ORTHOPEDIC CLINIC AN	4869		43.76
100017095		WCCOT2010009443		43.76	
677040	08/04/2010	THURMAN, KASSANDRA D	4981		40.82
716104981		Franchise Fee Refund Claim Yea		40.82	
677041	08/04/2010	WHYTE, BOBBY	5424		67.38
625105424		Franchise Fee Refund Claim Yea		67.38	
677042	08/04/2010	WITT-ENGLISH, CONSTANCE J	5509		74.15
716105509		Franchise Fee Refund Claim Yea		74.15	
677043	08/04/2010	KSTAR EMERGENCY PHYSICIANS PLL	6545		233.44

Check No.	Check Date	Vendor Name and Number			Check Amount
1200390914001		WCCOT2010009450		233.44	
677044	08/04/2010	MORRIS, LENA N	6738		109.82
716106738		Franchise Fee Refund Claim Yea		109.82	
677045	08/04/2010	WEBER, SARAH L	6749		67.46
716106749		Franchise Fee Refund Claim Yea		67.46	
677046	08/04/2010	WILCOX, ROBERT V	6750		89.68
716106750		Franchise Fee Refund Claim Yea		89.68	
677047	08/04/2010	HEMPEL, JOYCE M	6752		32.56
625106752		Franchise Fee Refund Claim Yea		32.56	
677048	08/04/2010	DUSTIN, TERESA K	6753		112.78
716106753		Franchise Fee Refund Claim Yea		112.78	
677049	08/04/2010	LUGWIG, VELMA M	6754		53.50
625106754		Franchise Fee Refund Claim Yea		53.50	
677050	08/04/2010	SEQURA, YVONNE E	6755		84.40
716106755		Franchise Fee Refund Claim Yea		84.40	
677051	08/04/2010	VOGEL, ISLA MAE	6756		85.73
625106756		Franchise Fee Refund Claim Yea		85.73	
677052	08/04/2010	HENDERSON, JANICE D	6757		69.89
625106757		Franchise Fee Refund Claim Yea		69.89	
677053	08/04/2010	WALTER, MARY JAMES	6764		57.98
716106764		Franchise Fee Refund Claim Yea		57.98	
677054	08/04/2010	SCHLINK, JUDITH A	6765		77.34
716106765		Franchise Fee Refund Claim Yea		77.34	
677055	08/04/2010	MCCRAY, JOYCE & CHARLIE	6766		54.51
716106766		Franchise Fee Refund Claim Yea		54.51	
677056	08/04/2010	HINCK, MICHELLE E	6767		65.98
716106767		Franchise Fee Refund Claim Yea		65.98	
677057	08/06/2010	BENDER, BERNARD J	437		42.12
72010437		Franchise Fee Refund Claim Yea		42.12	
677058	08/06/2010	BOYD, DAVID L	6782		48.37
720106782		Franchise Fee Refund Claim Yea		48.37	
677059	08/06/2010	BRAMLETT, JAMES T	6783		71.93
720106783		Franchise Fee Refund Claim Yea		71.93	
677060	08/06/2010	BUGG, HARRY T	694		99.06
72010694		Franchise Fee Refund Claim Yea		99.06	
677061	08/06/2010	CAMERON, ALICE L	760		129.54
72010760		Franchise Fee Refund Claim Yea		129.54	
677062	08/06/2010	CRAIG, VIRGINIA G	1162		58.92
720101162		Franchise Fee Refund Claim Yea		58.92	
677063	08/06/2010	DANIEL, GEORGIA R	6799		65.79
720106521		Franchise Fee Refund Claim Yea		65.79	

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Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
677064	08/06/2010	EASTERLING, BETTY J	1472		51.43
720101472		Franchise Fee Refund Claim Yea		51.43	
677065	08/06/2010	GOLDIE N LOGAN	6469		71.57
720106469		Franchise Fee Refund Claim Yea		71.57	
677066	08/06/2010	HOLLIE, LA VERNA M	2280		37.19
720102280		Franchise Fee Refund Claim Yea		37.19	
677067	08/06/2010	MACE, ALLSIE M	6784		54.87
720106784		Franchise Fee Refund Claim Yea		54.87	
677068	08/06/2010	MILLER, BETTY C	3431		98.23
720103431		Franchise Fee Refund Claim Yea		98.23	
677069	08/06/2010	PAWLEY, ANNA G	3851		63.72
720103851		Franchise Fee Refund Claim Yea		63.72	
677070	08/06/2010	PRATCHER, MAURICE	6786		97.76
720106786		Franchise Fee Refund Claim Yea		97.76	
677071	08/06/2010	ROBBINS, PATRICIA A	4233		60.25
720104233		Franchise Fee Refund Claim Yea		60.25	
677072	08/06/2010	RODRIGUEZ, ANNA	4265		56.30
720104265		Franchise Fee Refund Claim Yea		56.30	
677073	08/06/2010	ROTHE, CHARLES E	4298		70.76
720104298		Franchise Fee Refund Claim Yea		70.76	
677074	08/06/2010	WHETSTONE, SHARON A	5400		144.20
720105400		Franchise Fee Refund Claim Yea		144.20	
677075	08/06/2010	WILLIAMS, DORIS J	5452		73.90
720105452		Franchise Fee Refund Claim Yea		73.90	
677076	08/06/2010	WILLIAMS, JEROME	5456		74.48
720105456		Franchise Fee Refund Claim Yea		74.48	
677077	08/06/2010	ACTION SIGNS TO GO	43		50.00
41792				50.00	
677078	08/06/2010	ALAN EGGENBERGER HORSESHOEING	104		344.00
14760				344.00	
677079	08/06/2010	AMERICAN MESSAGING SERVICES	5814		295.93
F1050996KG				295.93	
677080	08/06/2010	AT&T LONG DISTANCE	287		1,193.12
801980401				1,193.12	
677081	08/06/2010	BERRYS ARCTIC ICE LLC	465		153.00
103593				90.00	
119079				63.00	
677082	08/06/2010	BINSWANGER GLASS INC	493		445.06
59324143				200.00	
59324174				25.00	
59324210				195.06	
59324315				25.00	

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Check No.	Check Date	Vendor Name and Number			Check Amount
677083	08/06/2010	BOZARTH CHEVROLET	578		1,025.27
571437				97.79	
571505				185.75	
571612				560.15	
571614				133.55	
571827				48.03	
677084	08/06/2010	BRIDGESTONE FIRESTONE NORTH	617		302.25
13122				18.00	
13247				128.25	
13288				20.00	
13500				58.00	
13806				78.00	
677085	08/06/2010	BROWNS SUPER SERVICE INC	670		375.00
77179				200.00	
78522				175.00	
677086	08/06/2010	BUYDIG.COM	733		3,147.50
WX207023				3,147.50	
677087	08/06/2010	CARVER'S SERVICE ETC	837		432.00
20087				432.00	
677088	08/06/2010	CERTIFIED LABORATORIES	875		371.70
635058				371.70	
677089	08/06/2010	CONRAD FIRE EQUIPMENT INC	1073		45,317.46
466240				9.16	
466424				68.78	
466442				451.54	
466478				777.33	
466496				45,165.65	
466496CR	cr freight Inv 466496			-1,190.65	
466591				35.65	
677090	08/06/2010	DEBACKERS INC	1292		2,210.00
118030				2,210.00	
677091	08/06/2010	DOORSTEP INC	1385		2,900.00
2010 DSP 1				2,900.00	
677092	08/06/2010	DURHAM SCHOOL SERVICES LP	1449		15,604.50
8025276				309.00	
8025277				309.00	
8025279				8,343.00	
8025280				4,171.50	
8025281				2,472.00	
677093	08/06/2010	ELECTRONICS SUPPLY CO INC	1505		111.50
1320871				111.50	
677094	08/06/2010	ESPOSITO, JOHN	1566		1,823.58
PARKS0632010				402.00	
ROW 0622010				691.20	
VL06142010				730.38	
677095	08/06/2010	FACTORY MOTOR PARTS COMPANY	5676		1,179.03
2 2773045				61.03	
8 460360				287.52	

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Check No.	Check Date	Vendor Name and Number			Check Amount
8 460440				50.01	
8 460500				51.58	
8 460567				105.89	
2 2776036				140.73	
59 078497				36.92	
8 459168				150.55	
8 459408				96.87	
8 459787				124.92	
8 460202				73.01	
677096	08/06/2010	FEDEX	1632		27.72
7 157 62219				27.72	
677097	08/06/2010	FILTER CARE OF MO LTD	1660		130.45
31442				130.45	
677098	08/06/2010	FLEET TESTING SERVICES INC	1711		1,465.00
FTS60929				1,215.00	
FTS60930				250.00	
677099	08/06/2010	FREEDOM LAWN SERVICE	1776		360.00
10052				200.00	
10053				160.00	
677100	08/06/2010	GALLS INC	1829		439.98
510717113				439.98	
677101	08/06/2010	GENUINE PARTS COMPANY	1873		154.74
736819				21.63	
737399				133.11	
677102	08/06/2010	HERITAGE TRACTOR INC	2202		379.18
03 82934				280.90	
03 83101				14.79	
03 83213				17.64	
03 83516				65.85	
677103	08/06/2010	J B TURNER & SONS ROOFING	2458		51,075.00
560043 1				51,075.00	
677104	08/06/2010	KANSAS AUTOMOTIVE INC	2639		2,318.13
2309441				7.88	
2309572				26.65	
2309740				7.72	
2309751				2.50	
2309753				362.09	
2309817				7.83	
2312939				48.74	
2312964				36.91	
2313095				38.05	
2313097				66.14	
2313159				3.00	
2312695				20.06	
2312699				56.02	
2312719				2.90	
2312808				59.81	
2312900				7.14	
2312935				176.50	
2312508				9.14	
2312581				36.99	
2312603				44.19	

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Check No.	Check Date	Vendor Name and Number			Check Amount
2312606				26.80	
2312657				8.12	
2312688				1.35	
2312440				21.63	
2312476				11.10	
2312492				27.75	
2312498				23.40	
2312501				5.88	
2312504				10.39	
2312052				121.98	
2312163				28.53	
2312164				12.38	
2312223				2.05	
2312225				21.51	
2312407				2.45	
2311735				71.06	
2311761				10.04	
2311807				1.98	
2311938				7.74	
2312033				6.34	
2312034				7.65	
2311082				33.90	
2311184				5.44	
2311308				5.80	
2311366				9.26	
2311628				1.24	
2311732				28.97	
2310862				8.84	
2310917				8.49	
2310961				233.63	
2310974				9.20	
2311014				36.92	
2311078				24.37	
2310513				41.96	
2310635				5.06	
2310647				10.39	
2310736				2.82	
2310744				3.04	
2310832				31.29	
2309998				11.16	
2310005				130.16	
2310207				25.98	
2310291				15.03	
2310390				4.60	
2310444				5.39	
2309846				45.42	
2309876				6.36	
2309880				12.69	
2309886				46.23	
2309907				1.82	
2309966				62.28	
677105	08/06/2010	KANSAS CITY FREIGHTLINER SALES	2654		67.88
1213433				67.88	
677106	08/06/2010	KANSAS SECURED TITLE/SHAWNEE C	2747		100.00
SN024965				100.00	
677107	08/06/2010	KENDALL CONSTRUCTION INC	2827		10,685.00
071510 02				10,685.00	

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Check No.	Check Date	Vendor Name and Number			Check Amount
677108	08/06/2010	L & H MOBILE ELECTRONICS LLC	2930		493.80
B 59811				397.90	
B 59945				47.95	
B59935				47.95	
677109	08/06/2010	LAIRD NOLLER FORD INC	2939		6,044.66
1063951				55.91	
1063969				608.10	
1064001				145.99	
8032032				4,425.99	
1064234				123.20	
1064403				51.82	
1064518				57.84	
1064581				139.11	
1064688				58.50	
1064746				79.96	
1064037				9.14	
1064045				17.29	
1064050				35.80	
1064098				57.88	
1064108				48.35	
1064158				129.78	
677110	08/06/2010	LEE'S TRUCK INC	3021		86.01
19358				86.01	
677111	08/06/2010	LEWIS AUTO SALVAGE INC	3046		40.00
01481113				40.00	
677112	08/06/2010	MIGHTY OF NE KANSAS	3422		107.20
024933				53.60	
025122				53.60	
677113	08/06/2010	MIKE'S FRAME SHOP INC	3423		789.08
11993				789.08	
677114	08/06/2010	NEALE PAINTING & SPECIAL COATI	6592		34,250.00
1540				34,250.00	
677115	08/06/2010	OLATHE FORD SALES	3735		24,081.05
82415				24,081.05	
677116	08/06/2010	MURPHY TRACTOR & EQUIPMENT COM	5769		4,337.80
03 328797				383.55	
03 328881				1,919.00	
03 328897				49.50	
03 328910				173.79	
03 328915				604.46	
328888				1,207.50	
677117	08/06/2010	R L MYERS CONSTRUCTION CO	4068		2,118.00
49438				2,118.00	
677118	08/06/2010	RJ SPORTS	6520		19,500.00
73				19,500.00	
677119	08/06/2010	ROY V UHL COMPANY INC	4303		800.00
560234				800.00	
677120	08/06/2010	SCHONSTEDT INSTRUMENT	4412		3,688.12
98688				3,688.12	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
677121	08/06/2010	SHAWNEE AUTO TRIM	4494		400.00
10768				400.00	
677122	08/06/2010	SHAWNEE COUNTY DEPARTMENT OF	4502		7,951.68
559191 5				7,951.68	
677123	08/06/2010	SHAWNEE COUNTY SHERIFF'S OFFIC	4520		16,500.00
559976 2				16,500.00	
677124	08/06/2010	SHAWNEE COUNTY TREASURER	4521		73.50
2917442				22.50	
51A0094364				25.50	
51A0094365				25.50	
677125	08/06/2010	STANDARD BATTERY INC	4718		541.78
R19358				126.18	
R19416				226.08	
R19435				189.52	
677126	08/06/2010	SUPERIOR SIGNALS INC	6761		1,484.00
248267				165.00	
248299				1,124.60	
249162				194.40	
677127	08/06/2010	THE SALVATION ARMY INC	4938		10,700.00
072110				10,700.00	
677128	08/06/2010	TOPEKA GENERATOR EXCHANGE	5030		198.95
33366				198.95	
677129	08/06/2010	TOPEKA LULAC SENIOR CENTER	5036		4,449.99
559378 2				4,449.99	
677130	08/06/2010	TOPEKA POWERSPORTS INC	5042		46.25
117469				46.25	
677131	08/06/2010	UMB BANK NA	5127		242,802.83
PCARD07292010				42,352.01	
PCARD07302010				61,005.37	
PCARD08022010				54,743.38	
PCARD08032010				61,005.37	
PCARD08042010				23,696.70	
677132	08/06/2010	WESTAR ENERGY	5376		27.94
4279170904 7/15				27.94	
677133	08/06/2010	WOOD VALLEY RACQUET CLUB & FIT	5523		2,916.67
559222 7				2,916.67	
677134	08/06/2010	BREATHING AIR SERVICES INC	601		207.95
445				207.95	
677135	08/06/2010	THE COMPTECH GROUP LLC	4920		2,474.77
565 WCCOT201000946 WCCOT2010009462				28.57	
565 WCCOT201000946 WCCOT2010009468				28.51	
565 WCCOT201000946 WCCOT2010009469				20.18	
565 WCCOT201000944 WCCOT2010009449				21.90	
565 WCCOT201000945 WCCOT2010009450				46.21	
565 WCCOT201000945 WCCOT2010009451				20.63	
565 WCCOT201000945 WCCOT2010009452				12.45	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
565 WCCOT201000945	WCCOT2010009453			1.24	
565 WCCOT201000946	WCCOT2010009461			21.92	
565 WCCOT201000944	WCCOT2010009442			37.21	
565 WCCOT201000944	WCCOT2010009443			42.78	
565 WCCOT201000944	WCCOT2010009445			45.86	
565 WCCOT201000944	WCCOT2010009446			13.30	
565 WCCOT201000944	WCCOT2010009447-			124.93	
565 WCCOT201000944	WCCOT2010009448			37.02	
565 WCCOT201000942	WCCOT2010009420			1.10	
565 WCCOT201000942	WCCOT2010009422			24.31	
565 WCCOT201000942	WCCOT2010009424			11.27	
565 WCCOT201000943	WCCOT2010009430			404.36	
565 WCCOT201000943	WCCOT2010009432			1.28	
565 WCCOT201000943	WCCOT2010009438			2.81	
565 WCCOT201000940	WCCOT2010009403			16.43	
565 WCCOT201000940	WCCOT2010009404			5.38	
565 WCCOT201000940	WCCOT2010009405			10.90	
565 WCCOT201000941	WCCOT2010009410			1.28	
565 WCCOT201000941	WCCOT2010009412			1.10	
565 WCCOT201000941	WCCOT2010009418			9.16	
565 WCCOT201000936	WCCOT2010009366			102.64	
565 WCCOT201000937	WCCOT2010009375			29.28	
565 WCCOT201000938	WCCOT2010009389			6.90	
565 WCCOT201000939	WCCOT2010009393			7.28	
565 WCCOT201000939	WCCOT2010009395			525.55	
565 WCCOT201000939	WCCOT2010009399			1.52	
565 WCCOT200900930	WCCOT2009009300			26.85	
565 WCCOT200900931	WCCOT2009009314			97.58	
565 WCCOT200900931	WCCOT2009009316			24.27	
565 WCCOT200900932	WCCOT2009009326			115.63	
565 WCCOT200900933	WCCOT2009009339			104.95	
565 WCCOT200900946	WCCOT2009009465			2.20	
565 WCCOT200800904	WCCOT2008009043			8.43	
565 WCCOT200900914	WCCOT2009009140			7.88	
565 WCCOT200900916	WCCOT2009009161			1.10	
565 WCCOT200900919	WCCOT2009009199			2.39	
565 WCCOT200900928	WCCOT2009009286			7.20	
565 WCCOT200900928	WCCOT2009009289			114.18	
565 WCCOT200500762	WCCOT2005007622-			1.10	
565 WCCOT200500784	WCCOT2005007846			3.06	
565 WCCOT200500798	WCCOT2005007980			184.72	
565 WCCOT200600815	WCCOT2006008155			8.22	
565 WCCOT200800890	WCCOT2008008900			3.73	
565 WCCOT200800902	WCCOT2008009020			96.02	
677138	08/06/2010	ARMSTRONG, CHARLES	256		323.00
7/18/10ASBCA	Adult Softball			102.00	
7/25/10ASBCA	Adult Softball			68.00	
8/1/10ASBCA	Adult Softball			153.00	
677139	08/06/2010	BERGQUIST JR, ROBERT L (ROB)	456		30.00
8/1/10ASBRB	Adult Softball			30.00	
677140	08/06/2010	BROWNE JR, THOMAS P	664		255.00
7/18/10ASBTB	Adult Softball			85.00	
7/25/10ASBTB	Adult Softball			102.00	
8/1/10ASBTB	Adult Softball			68.00	
677141	08/06/2010	BRYAN CLEMENTS	6138		96.00
7/18/10ASBBC	Adult Softball			96.00	

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Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
677142	08/06/2010	BRYANT, RANDY	685		400.00
7/18/10ASBRB	Adult Softball			128.00	
7/25/10ASBRB	Adult Softball			80.00	
8/1/10ASBRB2	Adult Softball			192.00	
677143	08/06/2010	CLOUSE, PHILLIP J	981		340.00
7/18/10ASBJC	Adult Softball			102.00	
7/25/10ASBJC	Adult Softball			136.00	
8/1/10ASBJC	Adult Softball			102.00	
677144	08/06/2010	DITCH, GREG	1363		204.00
7/18/10ASBGD	Adult Softball			68.00	
7/25/10ASBGD	Adult Softball			68.00	
8/1/10ASBGD	Adult Softball			68.00	
677145	08/06/2010	DUNKIN, SARA	6603		96.00
7/18/10AVBSD	Adult Volleyball			64.00	
7/25/10AVBSD	Adult Volleyball			32.00	
677146	08/06/2010	EZELL, HARRY	1597		648.00
7/18/10ASBHE	Adult Softball			255.00	
7/25/10ASBHE	Adult Softball			119.00	
7/25/10AVBHE	Adult Volleyball			36.00	
8/1/10ASBHE	Adult Softball			238.00	
677147	08/06/2010	HARRIS, WARREN S	2111		272.00
7/18/10ASBWH	Adult Softball			64.00	
7/25/10ASBWH	Adult Softball			112.00	
8/1/10ASBWH	Adult Softball			96.00	
677148	08/06/2010	HENDERSON, WADDIE L	2186		238.00
7/18/10ASBWH2	Adult Softball			85.00	
7/25/10ASBWH(2)	Adult Softball			119.00	
8/1/10ASBWH2	Adult Softball			34.00	
677149	08/06/2010	HERVEY WRIGHT	5998		560.00
7/18/10ASBHW	Adult Softball			176.00	
7/25/10ASBHW	Adult Softball			192.00	
8/1/10ASBHW	Adult Softball			192.00	
677150	08/06/2010	HUNT, RON	6013		238.00
7/18/10ASBRH	Adult Softball			68.00	
7/25/10ASBRH	Adult Softball			68.00	
8/1/10ASBRH	Adult Softball			102.00	
677151	08/06/2010	JONES, ANTWAUN	2580		338.00
7/18/10ASBAJ	Adult Softball			117.00	
7/25/10ASBAJ	Adult Softball			169.00	
8/1/10ASBAJ	Adult Softball			52.00	
677152	08/06/2010	CARY SR, KANONAE S	6803		182.00
8/1/10ASBKC	Adult Softball			182.00	
677153	08/06/2010	SMITH, CARL E	4616		57.19
7/18/10SBCS2				15.96	
7/25/10SBCS2				13.30	
8/1/10SBCS2				27.93	
677154	08/06/2010	SMITH, CARL E	4616		93.31
7/18/10SBCS3				26.04	
7/25/10SBCS3				21.70	

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Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
8/1/10SBCS3				45.57	
677155	08/06/2010	KENNEDY, BRIAN	2832		391.00
7/18/10ASBBK	Adult Softball			136.00	
7/25/10ASBBK	Adult Softball			136.00	
8/1/10ASBBK	Adult Softball			119.00	
677156	08/06/2010	KLINE, MARC	2887		289.00
7/18/10ASBMK	Adult Softball			68.00	
7/25/10ASBMK	Adult Softball			102.00	
8/1/10ASBMK	Adult Softball			119.00	
677157	08/06/2010	LEWIS, JOHN	6172		128.00
7/18/10ASBJL	Adult Softball			32.00	
7/25/10ASBJL	Adult Softball			64.00	
8/1/10ASBJL	Adult Softball			32.00	
677158	08/06/2010	LUNA, NARCISO	3138		136.00
7/25/10ASBNL	Adult Softball			34.00	
8/1/10ASBNL	Adult Softball			102.00	
677159	08/06/2010	LUTTERMAN, ERIC	3144		459.00
7/18/10ASBEL	Adult Softball			119.00	
7/25/10ASBEL	Adult Softball			187.00	
8/1/10ASBEL	Adult Softball			153.00	
677160	08/06/2010	PERRY, MICHAEL	6147		261.00
7/18/10SBMP				103.00	
7/25/10SBMP				87.00	
8/1/10SBMP				71.00	
677161	08/06/2010	MOCK, CLYDE	3485		340.00
7/18/10ASBCM	Adult Softball			68.00	
7/25/10ASBCM	Adult Softball			153.00	
8/1/10ASBCM	Adult Softball			119.00	
677162	08/06/2010	NILGES, GREGORY R	3687		75.00
7/18/10ASBGN	Adult Softball			75.00	
677163	08/06/2010	PAUL WOBUS	6165		337.00
7/18/10ASBPW	Adult Softball			68.00	
7/18/10AVBPW	Adult Volleyball			48.00	
7/25/10ASBPW	Adult Softball			153.00	
8/1/10ASBPW	Adult Softball			68.00	
677164	08/06/2010	PLACHECKI, THOMAS E	3951		170.00
7/18/10ASBTP	Adult Softball			51.00	
7/25/10ASBTP	Adult Softball			51.00	
8/1/10ASBTP	Adult Softball			68.00	
677165	08/06/2010	QUARLES II, NORMAN W	4051		450.00
7/18/10ASBNQ	Adult Softball			195.00	
7/25/10ASBNQ	Adult Softball			195.00	
8/1/10ASBNQ	Adult Softball			60.00	
677166	08/06/2010	RABE, CHRISTIAN M	6595		286.00
7/18/10ASBCR	Adult Softball			104.00	
7/25/10ASBCR	Adult Softball			104.00	
8/1/10ASBCR	Adult Softball			78.00	
677167	08/06/2010	REGINALD MOORE	5992		408.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number			Check Amount
7/18/10ASBRM	Adult Softball			136.00	
7/25/10ASBRM	Adult Softball			136.00	
8/1/10ASBRM	Adult Softball			136.00	
677168	08/06/2010	SMITH, CARL E	4616		150.50
7/18/10SBCS				42.00	
7/25/10SBCS				35.00	
8/1/10SBCS				73.50	
677169	08/06/2010	SMITH, ERNEST E	6156		1,020.00
7/18/10ASBES	Adult Softball			238.00	
7/25/10ASBES	Adult Softball			391.00	
8/1/10ASBES	Adult Softball			391.00	
677170	08/06/2010	TERRY SPANGLER	5951		304.00
7/18/10ASBTS2	Adult Softball			96.00	
7/25/10ASBTS(2)	Adult Softball			112.00	
8/1/10ASBTS2	Adult Softball			96.00	
677171	08/06/2010	THEIS, KENNY	4947		228.00
7/18/10ASBKT	Adult Softball			96.00	
7/18/10AVBKT	Adult Volleyball			36.00	
7/25/10ASBKT	Adult Softball			32.00	
8/1/10ASBKT	Adult Softball			64.00	
677172	08/06/2010	WINKENWADER, BLAKE	5496		120.00
7/25/10ASBBW	Adult Softball			120.00	
677173	08/06/2010	WINKENWADER, SHANE	5499		210.00
7/18/10ASBSW	Adult Softball			150.00	
8/1/10ASBSW	Adult Softball			60.00	
677174	08/06/2010	GRAINGER	1964		742.98
9285411345				496.98	
9285411352				98.40	
9301482007				147.60	
677175	08/06/2010	KIMBALL MIDWEST	2854		285.75
1569181				132.25	
1579228				153.50	
677176	08/06/2010	NEAL & SONS CONSTRUCTION INC	3643		1,839.20
48459				1,839.20	
677177	08/06/2010	SHAWNEE COUNTY REFUSE DEPT	4517		642,971.29
20100084504				98,589.97	
20100084518				544,381.32	
677178	08/06/2010	TOPEKA BATTERY INC	5014		156.60
NT178314				156.60	
			Total for Check Payments		**1,198,841.75**
			TOTAL OF PAYMENTS		**2,754,994.76**

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Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number		Check Amount
Electronic Payments				
6501	08/04/2010	AAA ALLIED GROUP INC	22	38.50
6502	08/04/2010	LARSON & BLUMREICH CHARTERED	2974	5,454.00
6503	08/06/2010	LARSON & BLUMREICH CHARTERED	2974	36.00
6504	08/06/2010	CAMPOS JR, VIDAL A	769	310.80
6505	08/06/2010	GIFFORD, DAVID S	1887	268.80
6506	08/06/2010	PATRICK S LADD	6245	268.80
6507	08/06/2010	A-1 PLUMBING & HEATING	19	6,850.00
6508	08/06/2010	A-1 RENTAL INC	20	330.00
6509	08/06/2010	AAA ALLIED GROUP INC	22	1,266.00
6510	08/06/2010	AMERIPRIDE	197	201.17
6511	08/06/2010	ARMSTRONG CONSTRUCTION	255	3,435.00
6512	08/06/2010	BARTLETT & WEST ENGINEERS	391	26,465.93
6513	08/06/2010	BIG BROTHER BIG SISTERS INC	480	14,359.00
6514	08/06/2010	BLUE CROSS BLUE SHIELD INC	528	148,891.27
6515	08/06/2010	BURLINGAME CONCRETE CONSTRUCTI	711	12,422.25
6516	08/06/2010	CHIEF	919	363.99
6517	08/06/2010	COMMUNITY RESOURCES COUNCIL	1056	23,894.25
6518	08/06/2010	CONSTELLATION NEW ENERGY GAS D	1077	3,174.73
6519	08/06/2010	COPY CENTER OF TOPEKA	1107	100.00
6520	08/06/2010	CORNERSTONE OF TOPEKA INC	1116	6,697.50
6521	08/06/2010	CRAIG LAWSON PAINTING	1159	4,523.00
6522	08/06/2010	CREATIVE LANDSCAPING	1166	925.00
6523	08/06/2010	CROSS MIDWEST TIRE INC	1183	2,415.22
6524	08/06/2010	DELTA DENTAL OF KANSAS INC	1323	25,120.34
6525	08/06/2010	DIAMOND INTERNATIONAL INC	1347	3,102.28
6526	08/06/2010	DIGITAL REPROGRAPHICS LLC	1358	524.03
6527	08/06/2010	DOWNTOWN TOPEKA INC	1408	4,106.46
6528	08/06/2010	EDWARDS CHEMICALS INC	1488	2,236.01
6529	08/06/2010	FOLEY EQUIPMENT COMPANY INC	1734	55.89
6530	08/06/2010	GARDA CL SOUTHWEST INC	1839	600.00
6531	08/06/2010	GRIST TRUCKING LLC	2004	1,960.00
6532	08/06/2010	HEWLETT-PACKARD FINANCIAL SERV	2227	5,012.00
6533	08/06/2010	HOUSING & CREDIT COUNSELING IN	2312	30,266.66
6534	08/06/2010	ITG CONSULTING INC	2449	20,240.00
6535	08/06/2010	KAN EQUIPMENT INC	2621	1,248.62
6536	08/06/2010	KANSAS GAS SERVICE INC	2707	3,437.32
6537	08/06/2010	LEVEL 4 ENGINEERING LLC	3043	2,303.75
6538	08/06/2010	LIGHTHOUSE CONTRACTING INC	3061	14,419.25
6539	08/06/2010	LP S EXCAVATING INC	3125	11,016.10
6540	08/06/2010	MANGROVE	3186	467.40
6541	08/06/2010	MICHAEL & SONS INC	3377	4,531.12
6542	08/06/2010	MORNING STAR CONSTRUCTION INC	3524	2,447.00
6543	08/06/2010	O REILLY AUTO PARTS	3714	1,573.51
6544	08/06/2010	PIONEER JANITORIAL LLC	3943	892.75
6545	08/06/2010	PROFESSIONAL ENGINEERING	4018	6,697.50
6546	08/06/2010	ROCHESTER CEMETERY ASSOCIATION	4257	15,000.00
6547	08/06/2010	SELLERS EQUIPMENT INC	4470	2,721.94
6548	08/06/2010	SHAWNEE COUNTY MEDICAL SOCIETY	4515	40,000.00
6549	08/06/2010	SHAWNEE MISSION FORD INC	4524	18,475.00
6550	08/06/2010	SHAWNEE REGIONAL PREVENTION &	4525	21,250.00
6551	08/06/2010	TDC LEARNING CENTERS INC	4889	17,549.00
6552	08/06/2010	THE TOPEKA METRO NEWS	4941	46.00
6553	08/06/2010	TOPEKA PERFORMING ARTS CENTER	5040	20,833.00
6554	08/06/2010	TOPEKA TRANSMISSION SERVICE IN	5057	2,095.14
6555	08/06/2010	TRUCK PARTS & EQUIPMENT INC	5102	1,424.70
6556	08/06/2010	U S CAVALRY INC	5113	311.40
6557	08/06/2010	VETERINARY MEDICAL & SURGICAL	5222	788.46
6558	08/06/2010	VICTOR L PHILLIPS COMPANY INC	5225	2,642.77
6559	08/06/2010	WALKER TOWEL & UNIFORM SERVICE	5266	88.45

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Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number		Check Amount
6560	08/06/2010	WINGFOOT COMMERCIAL TIRE SYSTE	5494	1,161.54
6561	08/06/2010	YWCA OF TOPEKA	5583	6,000.00
6562	08/06/2010	MARIAN CLINIC INC	3196	4,366.25
6563	08/06/2010	MEDTRAK SERVICES LLC	3330	91,036.21
6564	08/06/2010	VALEO BEHAVIORAL HEALTH CARE I	5187	1,734.67
6565	08/06/2010	ALBRIGHT, LARRY D	105	64.00
6566	08/06/2010	ANDREWS, JAMES EDWARD	221	26.00
6567	08/06/2010	BECK, LOREN	412	304.00
6568	08/06/2010	CHAFFIN, BRADY	880	224.00
6569	08/06/2010	DEAN, ROBERT	1290	457.50
6570	08/06/2010	SMITH, TOMMIE	4638	256.00
6571	08/06/2010	WHYE, ROLAND A	5423	289.00
6572	08/06/2010	UNITED WAY OF GREATER TOPEKA	5157	8,309.00
6573	08/06/2010	ACE ELECTRIC JONES COMPANY INC	35	987.39
6574	08/06/2010	CAPITAL BELT & SUPPLY INC	776	282.75
6575	08/06/2010	CAPITAL CITY OIL CO INC	778	58,307.35
6576	08/06/2010	CHAMPION BRANDS LLC	883	2,311.52
6577	08/06/2010	CLAYTON PAPER & DISTRIBUTION I	965	93.20
6578	08/06/2010	FLU CON INC	1729	951.86
6579	08/06/2010	IBT	2377	97.49
6580	08/06/2010	LINDYSPRING WATER LLC	3071	93.95
6581	08/06/2010	SALISBURY SUPPLY COMPANY INC	4352	434.72
6582	08/06/2010	SCHMIDTLEIN EXCAVATING INC	4406	830,182.23
6583	08/06/2010	WHITE STAR MACHINERY & SUPPLY	5408	7.32
		Total for Electronic Payments		**1,556,153.01**
Check Payments				
677001	08/04/2010	AMERICAN MEDICAL RESPONSE	172	541.31
677002	08/04/2010	ATHLETIC AND REHABILITATION CE	294	349.42
677003	08/04/2010	BACON JR, CLAIR EDWARD	331	52.95
677004	08/04/2010	BELL-JACKSON, ARTRIE L	431	138.34
677005	08/04/2010	BREATHE OXYGEN & MEDICAL SUPPL	600	14.86
677006	08/04/2010	BROWN, ALMEDIA S	648	77.34
677007	08/04/2010	CATALYSTRX COMP	847	1,311.64
677008	08/04/2010	DOWD, TOLITA	1403	41.88
677009	08/04/2010	DRISKO FEE & PARKINS PC	1422	51.48
677010	08/04/2010	GOMEZ, LAURA G	1930	41.92
677011	08/04/2010	HARRIS, WANDA L	2110	79.86
677012	08/04/2010	HERITAGE MENTAL HEALTH CLINIC	2201	124.95
677013	08/04/2010	KANSAS ORTHOPEDIC & SPORTS MED	2729	193.85
677014	08/04/2010	KANSAS UNIVERSITY PHYSICIANS	2776	14.04
677015	08/04/2010	KECK, CAROLYN V	2797	71.63
677016	08/04/2010	LOWER, LILLIE B	3120	46.98
677017	08/04/2010	MCCOY, JUANITA M	3274	73.22
677018	08/04/2010	MCCULLOUGH, JOYCE M	3281	42.15
677019	08/04/2010	MIDWEST REHABILITATION PA	3418	95.96
677020	08/04/2010	MONTGOMERY, MARY L	3499	58.50
677021	08/04/2010	MOORE, ORVILLE H	3513	62.80
677022	08/04/2010	ORTHOPEDIC OUTFITTERS OF NKS	3764	15.00
677023	08/04/2010	OWENS, HELEN MARIE	3785	92.75
677024	08/04/2010	PAIN & WELLNESS CLINIC	3804	907.65
677025	08/04/2010	PERRY, MAX E	3901	34.41
677026	08/04/2010	QUARLES, ESTHER M	4052	69.11
677027	08/04/2010	RADIOLOGY & NUCLEAR MEDICINE	4073	258.38
677028	08/04/2010	RAILEY, MARILYN ANN	4077	53.90
677029	08/04/2010	REASER, MILDRED M	4127	95.20
677030	08/04/2010	SAINT FRANCIS HEALTH CENTER	4338	2,638.42
677031	08/04/2010	SAINT FRANCIS HEALTH CENTER	4339	82.28
677032	08/04/2010	SHEA, JACKIE A	4526	61.00
677033	08/04/2010	SIMONS, THERESA M	4572	80.75
677034	08/04/2010	SIMS, TARA R	4575	97.38

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number		Check Amount
677035	08/04/2010	SIPES, MARY	4583	51.65
677036	08/04/2010	SLATTERY, JASON M	4601	44.53
677037	08/04/2010	STANG, LINDA L	4719	86.55
677038	08/04/2010	STUDEBAKER, ELEANOR R	4799	71.31
677039	08/04/2010	TALLGRASS ORTHOPEDIC CLINIC AN	4869	43.76
677040	08/04/2010	THURMAN, KASSANDRA D	4981	40.82
677041	08/04/2010	WHYTE, BOBBY	5424	67.38
677042	08/04/2010	WITT-ENGLISH, CONSTANCE J	5509	74.15
677043	08/04/2010	KSTAR EMERGENCY PHYSICIANS PLL	6545	233.44
677044	08/04/2010	MORRIS, LENA N	6738	109.82
677045	08/04/2010	WEBER, SARAH L	6749	67.46
677046	08/04/2010	WILCOX, ROBERT V	6750	89.68
677047	08/04/2010	HEMPEL, JOYCE M	6752	32.56
677048	08/04/2010	DUSTIN, TERESA K	6753	112.78
677049	08/04/2010	LUGWIG, VELMA M	6754	53.50
677050	08/04/2010	SEQURA, YVONNE E	6755	84.40
677051	08/04/2010	VOGEL, ISLA MAE	6756	85.73
677052	08/04/2010	HENDERSON, JANICE D	6757	69.89
677053	08/04/2010	WALTER, MARY JAMES	6764	57.98
677054	08/04/2010	SCHLINK, JUDITH A	6765	77.34
677055	08/04/2010	MCCRAY, JOYCE & CHARLIE	6766	54.51
677056	08/04/2010	HINCK, MICHELLE E	6767	65.98
677057	08/06/2010	BENDER, BERNARD J	437	42.12
677058	08/06/2010	BOYD, DAVID L	6782	48.37
677059	08/06/2010	BRAMLETT, JAMES T	6783	71.93
677060	08/06/2010	BUGG, HARRY T	694	99.06
677061	08/06/2010	CAMERON, ALICE L	760	129.54
677062	08/06/2010	CRAIG, VIRGINIA G	1162	58.92
677063	08/06/2010	DANIEL, GEORGIA R	6799	65.79
677064	08/06/2010	EASTERLING, BETTY J	1472	51.43
677065	08/06/2010	GOLDIE N LOGAN	6469	71.57
677066	08/06/2010	HOLLIE, LA VERNA M	2280	37.19
677067	08/06/2010	MACE, ALLSIE M	6784	54.87
677068	08/06/2010	MILLER, BETTY C	3431	98.23
677069	08/06/2010	PAWLEY, ANNA G	3851	63.72
677070	08/06/2010	PRATCHER, MAURICE	6786	97.76
677071	08/06/2010	ROBBINS, PATRICIA A	4233	60.25
677072	08/06/2010	RODRIGUEZ, ANNA	4265	56.30
677073	08/06/2010	ROTHE, CHARLES E	4298	70.76
677074	08/06/2010	WHETSTONE, SHARON A	5400	144.20
677075	08/06/2010	WILLIAMS, DORIS J	5452	73.90
677076	08/06/2010	WILLIAMS, JEROME	5456	74.48
677077	08/06/2010	ACTION SIGNS TO GO	43	50.00
677078	08/06/2010	ALAN EGGENBERGER HORSESHOEING	104	344.00
677079	08/06/2010	AMERICAN MESSAGING SERVICES	5814	295.93
677080	08/06/2010	AT&T LONG DISTANCE	287	1,193.12
677081	08/06/2010	BERRYS ARCTIC ICE LLC	465	153.00
677082	08/06/2010	BINSWANGER GLASS INC	493	445.06
677083	08/06/2010	BOZARTH CHEVROLET	578	1,025.27
677084	08/06/2010	BRIDGESTONE FIRESTONE NORTH	617	302.25
677085	08/06/2010	BROWNS SUPER SERVICE INC	670	375.00
677086	08/06/2010	BUYDIG.COM	733	3,147.50
677087	08/06/2010	CARVER'S SERVICE ETC	837	432.00
677088	08/06/2010	CERTIFIED LABORATORIES	875	371.70
677089	08/06/2010	CONRAD FIRE EQUIPMENT INC	1073	45,317.46
677090	08/06/2010	DEBACKERS INC	1292	2,210.00
677091	08/06/2010	DOORSTEP INC	1385	2,900.00
677092	08/06/2010	DURHAM SCHOOL SERVICES LP	1449	15,604.50
677093	08/06/2010	ELECTRONICS SUPPLY CO INC	1505	111.50
677094	08/06/2010	ESPOSITO, JOHN	1566	1,823.58

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number		Check Amount
677095	08/06/2010	FACTORY MOTOR PARTS COMPANY	5676	1,179.03
677096	08/06/2010	FEDEX	1632	27.72
677097	08/06/2010	FILTER CARE OF MO LTD	1660	130.45
677098	08/06/2010	FLEET TESTING SERVICES INC	1711	1,465.00
677099	08/06/2010	FREEDOM LAWN SERVICE	1776	360.00
677100	08/06/2010	GALLS INC	1829	439.98
677101	08/06/2010	GENUINE PARTS COMPANY	1873	154.74
677102	08/06/2010	HERITAGE TRACTOR INC	2202	379.18
677103	08/06/2010	J B TURNER & SONS ROOFING	2458	51,075.00
677104	08/06/2010	KANSAS AUTOMOTIVE INC	2639	2,318.13
677105	08/06/2010	KANSAS CITY FREIGHTLINER SALES	2654	67.88
677106	08/06/2010	KANSAS SECURED TITLE/SHAWNEE C	2747	100.00
677107	08/06/2010	KENDALL CONSTRUCTION INC	2827	10,685.00
677108	08/06/2010	L & H MOBILE ELECTRONICS LLC	2930	493.80
677109	08/06/2010	LAIRD NOLLER FORD INC	2939	6,044.66
677110	08/06/2010	LEE'S TRUCK INC	3021	86.01
677111	08/06/2010	LEWIS AUTO SALVAGE INC	3046	40.00
677112	08/06/2010	MIGHTY OF NE KANSAS	3422	107.20
677113	08/06/2010	MIKE'S FRAME SHOP INC	3423	789.08
677114	08/06/2010	NEALE PAINTING & SPECIAL COATI	6592	34,250.00
677115	08/06/2010	OLATHE FORD SALES	3735	24,081.05
677116	08/06/2010	MURPHY TRACTOR & EQUIPMENT COM	5769	4,337.80
677117	08/06/2010	R L MYERS CONSTRUCTION CO	4068	2,118.00
677118	08/06/2010	RJ SPORTS	6520	19,500.00
677119	08/06/2010	ROY V UHL COMPANY INC	4303	800.00
677120	08/06/2010	SCHONSTEDT INSTRUMENT	4412	3,688.12
677121	08/06/2010	SHAWNEE AUTO TRIM	4494	400.00
677122	08/06/2010	SHAWNEE COUNTY DEPARTMENT OF	4502	7,951.68
677123	08/06/2010	SHAWNEE COUNTY SHERIFF'S OFFIC	4520	16,500.00
677124	08/06/2010	SHAWNEE COUNTY TREASURER	4521	73.50
677125	08/06/2010	STANDARD BATTERY INC	4718	541.78
677126	08/06/2010	SUPERIOR SIGNALS INC	6761	1,484.00
677127	08/06/2010	THE SALVATION ARMY INC	4938	10,700.00
677128	08/06/2010	TOPEKA GENERATOR EXCHANGE	5030	198.95
677129	08/06/2010	TOPEKA LULAC SENIOR CENTER	5036	4,449.99
677130	08/06/2010	TOPEKA POWERSPORTS INC	5042	46.25
677131	08/06/2010	UMB BANK NA	5127	242,802.83
677132	08/06/2010	WESTAR ENERGY	5376	27.94
677133	08/06/2010	WOOD VALLEY RACQUET CLUB & FIT	5523	2,916.67
677134	08/06/2010	BREATHING AIR SERVICES INC	601	207.95
677135	08/06/2010	THE COMPTECH GROUP LLC	4920	2,474.77
677138	08/06/2010	ARMSTRONG, CHARLES	256	323.00
677139	08/06/2010	BERGQUIST JR, ROBERT L (ROB)	456	30.00
677140	08/06/2010	BROWNE JR, THOMAS P	664	255.00
677141	08/06/2010	BRYAN CLEMENTS	6138	96.00
677142	08/06/2010	BRYANT, RANDY	685	400.00
677143	08/06/2010	CLOUSE, PHILLIP J	981	340.00
677144	08/06/2010	DITCH, GREG	1363	204.00
677145	08/06/2010	DUNKIN, SARA	6603	96.00
677146	08/06/2010	EZELL, HARRY	1597	648.00
677147	08/06/2010	HARRIS, WARREN S	2111	272.00
677148	08/06/2010	HENDERSON, WADDIE L	2186	238.00
677149	08/06/2010	HERVEY WRIGHT	5998	560.00
677150	08/06/2010	HUNT, RON	6013	238.00
677151	08/06/2010	JONES, ANTWAUN	2580	338.00
677152	08/06/2010	CARY SR, KANONAE S	6803	182.00
677153	08/06/2010	SMITH, CARL E	4616	57.19
677154	08/06/2010	SMITH, CARL E	4616	93.31
677155	08/06/2010	KENNEDY, BRIAN	2832	391.00
677156	08/06/2010	KLINE, MARC	2887	289.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 8/2/2010 and 8/7/2010

Check No.	Check Date	Vendor Name and Number		Check Amount
677157	08/06/2010	LEWIS, JOHN	6172	128.00
677158	08/06/2010	LUNA, NARCISO	3138	136.00
677159	08/06/2010	LUTTERMAN, ERIC	3144	459.00
677160	08/06/2010	PERRY, MICHAEL	6147	261.00
677161	08/06/2010	MOCK, CLYDE	3485	340.00
677162	08/06/2010	NILGES, GREGORY R	3687	75.00
677163	08/06/2010	PAUL WOBUS	6165	337.00
677164	08/06/2010	PLACHECKI, THOMAS E	3951	170.00
677165	08/06/2010	QUARLES II, NORMAN W	4051	450.00
677166	08/06/2010	RABE, CHRISTIAN M	6595	286.00
677167	08/06/2010	REGINALD MOORE	5992	408.00
677168	08/06/2010	SMITH, CARL E	4616	150.50
677169	08/06/2010	SMITH, ERNEST E	6156	1,020.00
677170	08/06/2010	TERRY SPANGLER	5951	304.00
677171	08/06/2010	THEIS, KENNY	4947	228.00
677172	08/06/2010	WINKENWADER, BLAKE	5496	120.00
677173	08/06/2010	WINKENWADER, SHANE	5499	210.00
677174	08/06/2010	GRAINGER	1964	742.98
677175	08/06/2010	KIMBALL MIDWEST	2854	285.75
677176	08/06/2010	NEAL & SONS CONSTRUCTION INC	3643	1,839.20
677177	08/06/2010	SHAWNEE COUNTY REFUSE DEPT	4517	642,971.29
677178	08/06/2010	TOPEKA BATTERY INC	5014	156.60
			Total for Check Payments	**1,198,841.75**
			TOTAL OF PAYMENTS	**2,754,994.76**

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 4, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Councilmember Jeff Preisner**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Transient Guest Tax**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 159 Charter**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner concerning the Transient Guest Tax, amending sections of the Charter Ordinance codified at A15-17, A15-20 and A15-25. First Reading.

Voting Requirement: **Two-thirds majority vote of the Governing Body, including the Mayor.**

(Approval would increase the amount of Transient Guest Tax that would be levied in the City of Topeka .)

POLICY ISSUE:

Whether or not to adopt the Charter Ordinance

STAFF RECOMMENDATION:

BACKGROUND:

The Charter Ordinance provides, effective January 1, 2011 and continuing through December 31, 2015, a transient guest tax of seven and one-half percent (7 1/2%) shall be levied in the City of Topeka; effective January 1, 2016 and thereafter, a transient guest tax of six and one-half percent (6 1/2%) shall be levied in the City of Topeka.

BUDGETARY IMPACT:

A 1 1/2 percent increase in the tax rate would generate an estiamated additional $450,00 to $500,000 in transient guest tax revenue annually. Actual collections for 2008 and 2009 based on the current 6.0 percent rate were $2,070,271 and $1,719,807 respectfully.

SOURCE OF FUNDING:

Transient guest tax

Item #15

ATTACHMENTS:

Charter Ordinance

(Published in the Topeka Metro News ___________________ and _________________).

CHARTER ORDINANCE NO. __________

A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner, concerning the Transient Guest Tax, amending sections of the Charter Ordinance codified at A15-17, A15-20 and A15-25.

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

Section 1. Charter Ordinance No. 88, § 1 as codified at § A15-17 of the Code of the City of Topeka is hereby amended to read as follows:

Levied – Amount.

a. ~~Beginning with the effective date of this Charter Ordinance as provided in section 3 herein~~Effective January 1, 2011, and continuing through December 31, 2015, a transient guest tax of ~~six~~seven and one half percent (7.5%) shall be levied in the City of Topeka, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel, or tourist court.

b. Effective January 1, 2016, a transient guest tax of ~~five~~six and one half percent (6.5%) shall be levied in the City of Topeka, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel, or tourist court.

Section 2. Charter Ordinance No. 69, § 6 as codified at § A15-20 of the Code of the City of Topeka is hereby amended to read as follows:

When tax due and payable – Reporting and recordkeeping requirements.

The tax levied ~~and collected~~ pursuant to section ~~3 of this ordinance [section A15-17]~~A15-17 shall be collected by the business beginning upon the effective date of the levy and shall become due and payable by the business monthly, on or before the last day of the month immediately succeeding the month in which it is collected, ~~with the first payment due and payable on or before the last day of January, 1987, subject to the conditions and provisions of section 13 herein [not set out in this division],~~ but any person filing an annual or quarterly return under the Kansas Retailer's Sales Tax Act, as prescribed in K.S.A. 79-3607, may, with the approval of the secretary of revenue and upon such conditions as the secretary of revenue may prescribe, pay the tax required by this ~~ordinance [division]~~division on the same basis and at the same time he or she pays said retailer's sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

Section 3. Charter Ordinance No. 69, § 11 as codified at § A15-25 of the Code of the City of Topeka is hereby amended to read as follows:

Purposes for which moneys in fund may be used.

The moneys on deposit in the transient guest tax fund, subject to lawful budget appropriations, may be used for the following purposes:

(1) To contract with any agency, organization or group of firms to promote conventions and tourism within the city and its environs;

(2) To provide for the operation, maintenance, expansion or development of city facilities connected with conventions and tourism;

(3) To defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department or park and recreation department functions;

(4) To create innovative projects and activities promoting conventions and tourism;

(5) To promote the general economic welfare of the city and its environs, including the attraction of industry.

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

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

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

Section 7. Charter Ordinance No. 88, §1 (TMC A15-17), Charter Ordinance No. 69, §6 (TMC A15-20) and Charter Ordinance No. 69, § 11 (TMC A15-25) are hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on ____________________.

CITY OF TOPEKA, KANSAS

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. _____ was passed on the _____ day of _____________, 2010, as shown by the minutes, Book _____ Page _____, by a vote of _____ for and _____ against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the _____ day of _________, 2010, and on the _____ day of __________, 2010, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the _____ day of _________, 2010.

____
Brenda Younger, City Clerk

<u>CERTIFICATE</u>

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

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of ___ typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. _______ of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the _____ day of ______________, 2010.

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 30, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**David Thurbon/Bill Hoover**	**DOCUMENT #:**	**PUD10/6**
SECOND PARTY/SUBJECT:	**Topeka Housing Authority**	**PROJECT #:**	**N/A**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located approximately 500 feet east of SE California Avenue lying between SE 13 th and SE 21st Streets from "M-1" Two Family Dwelling District TO PUD Planned Unit Development District ("M-1" use group). First Reading. *(PUD10/6) (Council District No. 3)*

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

(Approval would allow for up to 68 dwelling units of single-story duplex buildings with associated green space and a community building.)

POLICY ISSUE:

Request is consistent with the land use policies and principles of the Topeka Land Use and Growth Management Plan-2025.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **6-0-0** at their **May 17, 2010** meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See staff report
- In a June 22, 2010 meeting with planning staff, the applicants expressed their intention to reduce the net density allowed in the PUD by six dwelling units and relocate the community center in order to allow for additional green space. The Planning Director indicated this change could be approved by minor amendment without proceeding back to the Planning Commission after this original PUD plan that is before the Governing Body tonight has been approved and recorded with the County Register of Deeds.
- The attached a document/sketch from the applicant indicates what the minor amendment will encompass. The changes primarily will occur in the block west of SE Market Street.

Item #16

- Governing Body options:
- **Adopt** the recommendation of the Planning Commission by Ordinance;
- **Override** the Planning Commission's recommendation by a two-thirds majority (7 votes) of the Governing Body membership; or,
- **Return** such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

staff report

aerial

zoning map

application

PUD plan-Pg 1

PUD plan- Pg 2

Ordinance

Planning Commission Minutes 5-17-10

Proposed minor amendment changes

(Published in the Topeka Metro News
____)

ORDINANCE NO. ________________________

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located approximately 500 feet east of SE California Avenue lying between SE 13th and SE 21st Streets from "M-1" Two Family Dwelling District **TO** PUD Planned Unit Development District ("M-1" use group). **(PUD10/6) (Council District No. 3)**

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

Section 1. The "District Map" referred to and made a part of the Zoning Ordinances by TMC 18.50.050, be, and the same is hereby amended, by reclassifying the follow described property:

> **The East 795 feet of Lot 1, California Acres Shopping Center Subdivision, plus the west 96 feet of the east half of the north half of the north half of the southwest quarter of the southwest quarter Section 4, Township 12 south, Range 16 east of the 6th P.M., Shawnee County, Kansas.**

from "M-1" Two Family Dwelling District **TO** "PUD" Planned Unit Development District ("M-1" use group). **Subject to:**

1. **Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Echo Ridge.**

Section 2. The Master PUD Plan of for Echo Ridge shall be filed of record with the Shawnee County Register of Deeds in accordance with TMC 18.190.060(b). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

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

<u>Section 4</u>. This Ordinance Number shall be fixed upon the “District Map”.

<u>Section 5</u>. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Topeka, __________________, 2010.

____
William W. Bunten, Mayor

ATTEST:

____
Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified __X__

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD10/6 (Echo Ridge PUD) **By: Topeka Housing Authority**

PROPOSAL: Zone change from "M-1" Two-Family Dwelling District **TO** "PUD" Planned Unit Development District (M-1 use group)

LOCATION: On property located approximately 500 feet east of SE California Avenue lying between SE 13th and SE 21st streets.

PRESENT USE: Vacant 12.68 acre vacant tract (unplatted)

PROPOSED USE: A 68 dwelling unit (5.4 DUs/acre) public housing development comprising single-story duplexes (1, 2, or 3 bedroom apartments). Attached single-car garages will be provided for the 1,137 and 1,363 sq. ft. two- and- three bedroom units (Buildings A & C). The 781 sq. ft. one-bedroom units (Building B) will have cutback parking provided off of SE Echo Ridge Circle.

CHARACTER OF NEIGHBORHOOD: The majority of the surrounding properties in the neighborhood are low-density single-family residences in an area that lacks some basic urban infrastructure, such as: sidewalks, curbs, and gutters. There is sporadic commercial to the west along SE California; including a restaurant, gas station, cellular tower, Topeka Housing Authority offices and 4,800 sq. ft. maintenance building, and tavern. Housing conditions are favorable along SE 21st Street. Some of the single-family residences north of this property, along SE 13th Street, are beginning to deteriorate in condition. A 20 dwelling unit single-story, duplex tax credit community is under construction directly to the north of this property.

ZONING CLASSIFICATIONS AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North	"M-3"- Multiple Family Dwelling District "PUD" Planned Unit Development (M-1 use)	Single-family residence Duplex Housing– 20 DUs at 7.13 DU/acre (under construction)
South:	"R-1" Single-Family Dwelling District	Church and large lot single-family residential
East:	"R-1" Single Family Dwelling District	Large lot single-family residential
West:	"PUD" Planned Unit Development (C-4 uses)	Topeka Housing Authority, gas station, restaurant, cellular tower, Topeka Housing Authority maintenance building, tavern

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATIONS: This property has remained vacant since being re-zoned to "G" Commercial with Shopping Center Unit Plan in 1959, as a Resolution of Intent. That shopping center never materialized and the property has remained vacant ever since. The City of Topeka initiated the rezoning of the property to "R-1" Single-Family Dwelling District in 2005. In November 2009, the property was rezoned to "M-1" Two-Family Dwelling District.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: This property is to the west of low density single-family residential uses that front on surrounding rural type roads without sidewalks, curbs, and gutters (i.e. SE Golden and SE 13th). It is also to the south of a 20 dwelling unit duplex housing development (under construction). The current "M-1" zoning classification would allow for duplexes, but the present M-1 zoning classification does not allow for site development plan review. The PUD zoning is needed to ensure site and architectural compatibility with the surrounding neighborhood, to allow for the narrower private street, and to allow for shared parking with THA property to the west.

CONFORMANCE TO COMPREHENSIVE PLAN: As proposed, the project would permit 68 DUs (5.4 DUs/acre). This residential density is still within the realm of a medium density urban development. The Land Use and Growth Management Plan – 2025 allows for some medium density residential to be used carefully as infill development in older neighborhoods. Considering the significant amount of time this property has remained vacant and the need for new reinvestment in the area, slightly higher density development (5.4 DUs/acre) would be suitable for this property.

EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: The surrounding neighborhood of the subject property is classified as an *"Out-Patient*" area by the City of Topeka's 2007 Neighborhood Health Map. Planning principles indicate that concentrating subsidized multiple-family housing units in an area that is primarily low-income and with a lack of basic infrastructure has the potential to push the neighborhood into more unfavorable conditions. However, allowing 68 additional duplex units in addition to the 20 duplex units already under construction should not constitute over concentrating the area with multi-family residential uses. New housing construction could potentially lead to further investment in this area and should have positive impacts on surrounding properties and the overall neighborhood. In addition, the subject proposal tries to incorporate some LEED (i.e. Leadership in Energy and Environmental Design) standards into the development. LEED is a green building rating certification system that addresses environmentally sustainable principles in construction projects; including site development, water savings, energy efficiency, materials selection and indoor environmental quality. This PUD tries to incorporate some of these principles in its site design by narrowing the typical street pavement width, emphasizing pedestrian connectivity within the development, using shared parking, and providing pervious pavement surfacing for some parking areas and driveways.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO HARDSHIP IMPOSED UPON THE INDIVDUAL LANDOWNER: The proposed reclassification should not impinge upon public health, safety, and welfare of the neighborhood; as it would allow for an increased opportunity to develop a property that has been always been vacant and would also provide needed quality, affordable housing construction in this neighborhood. The PUD allows for a similar residential density as previously proposed under the M-1 zoning, but will also ensure compatibility with the neighborhood through site plan review. Therefore, the reclassification appears to present no hardship upon individual landowners.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to the surrounding area and will be extended to this property at developer expense. SE Market Street will be extended as a public street to connect SE 13th Street to SE 21st Street. As a private street, SE Echo Ridge Circle will provide internal circulation.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: The parking requirement is 1.5 spaces per residential unit and 1 per 300 sq. ft. of floor area for the community building. The normal required parking is being reduced from 2 spaces per unit due to the pedestrian-oriented nature of the project, the property's proximity to a bus route along SE California, their intent to use shared parking with the Topeka Housing Authority's property to the west, and the fact that this development is planned for affordable housing where not every resident will likely own an automobile. The PUD plan indicates 1.5 spaces per dwelling unit will be required for a total of 102 spaces. However, the plan indicates Buildings A & C will have a garage and one driveway space. Building B will have two parking stalls per unit. Therefore, a total of 136 off-street parking spaces are actually provided for the residential uses. The community center parking lot will only provide parking for ½ its required number of stalls at the rate of 1 space per 300 sq. ft. (i.e. Reducing the total number from 17 spaces to 9 spaces). Parking will also be provided by on-street parking along SE Market (public street) and by shared parking within the Topeka Housing Authority property to the west. The PUD plan depicts a future pedestrian connection to the west. However, the Topeka Housing Authority will also have to amend their Master PUD plan for California Acres (Case #59/21C) to allow for shared parking prior to any building permit approvals on this property.

Minimum Lot Area: **Compliant –** (12.62 acres) – The minimum lot area per dwelling unit as required in the "M-1" District for two-family dwelling buildings is 4,500 sq. ft. per unit. The overall density proposed (5.4 DUs/acre) still meets this minimum lot area.

Setbacks: **Compliant** – (No existing structures) – Setbacks will be consistent with the setbacks required in the "M-1" District with 25-feet front yard setbacks measured from back-of-curb to the front of the duplex building. The perimeter boundary building setback is 25-feet.

Platting: **Non-Compliant –** unplatted (A preliminary plat for Echo Ridge Subdivision (P10/9) is heard in conjunction with this proposal.)

CONCERNS OF STAFF AND REVIEWING AGENCIES: As required by City of Topeka Development Services and Fire Departments, parking along SE Echo Ridge Circle shall only be permitted along one side of the street with signage posted accordingly. Signage shall also be erected at intersections stating, "All City of Topeka Ordinances shall be enforced upon this property."

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: N/A
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

STAFF RECOMMENDATIONS: Based upon the above findings and analysis, the planning staff recommends **APPROVAL** of this proposal, subject to the following conditions:

1. *Use and development of the property in accordance with the Master Planned Unit Development Plan for Echo Ridge.*

2. *Clarifying Note #3 under* ***Landscaping Notes****: What green space is this referring to? Green space areas should be labeled on the PUD plan. (Does this note include signage and playground equipment? It is presumed signage for the development will be located in flag area off of SE 13th Street, as indicated by Note #1 under* ***Signage****.)*

3. *Depicting the "Drainage Detention Facility Areas" on Lot 2, Block A and Lot 1, Block C. Removing the old labeling of "proposed parking lot" and "Area 5" from this plan.*

4. *Indicating the area in the middle of Lot 1, Block B as a "playground area".*

5. *Moving* ***Project Performance Objectives*** *Section to the beginning of the PUD notes.*

6. *Revising Note #3 "Community Center" under* ***Project Performance Objectives*** *to state: "To create a community center and associated parking lot for use by the Topeka Housing Authority and/or the owner(s), residents, and other entities approved by the Topeka Housing Authority and/or the owners. . ."*

7. *Revising note stating: "This Master Planned Unit Development Plan has been reviewed and approved in accordance. . ." to "Section 48-24.****06****".*

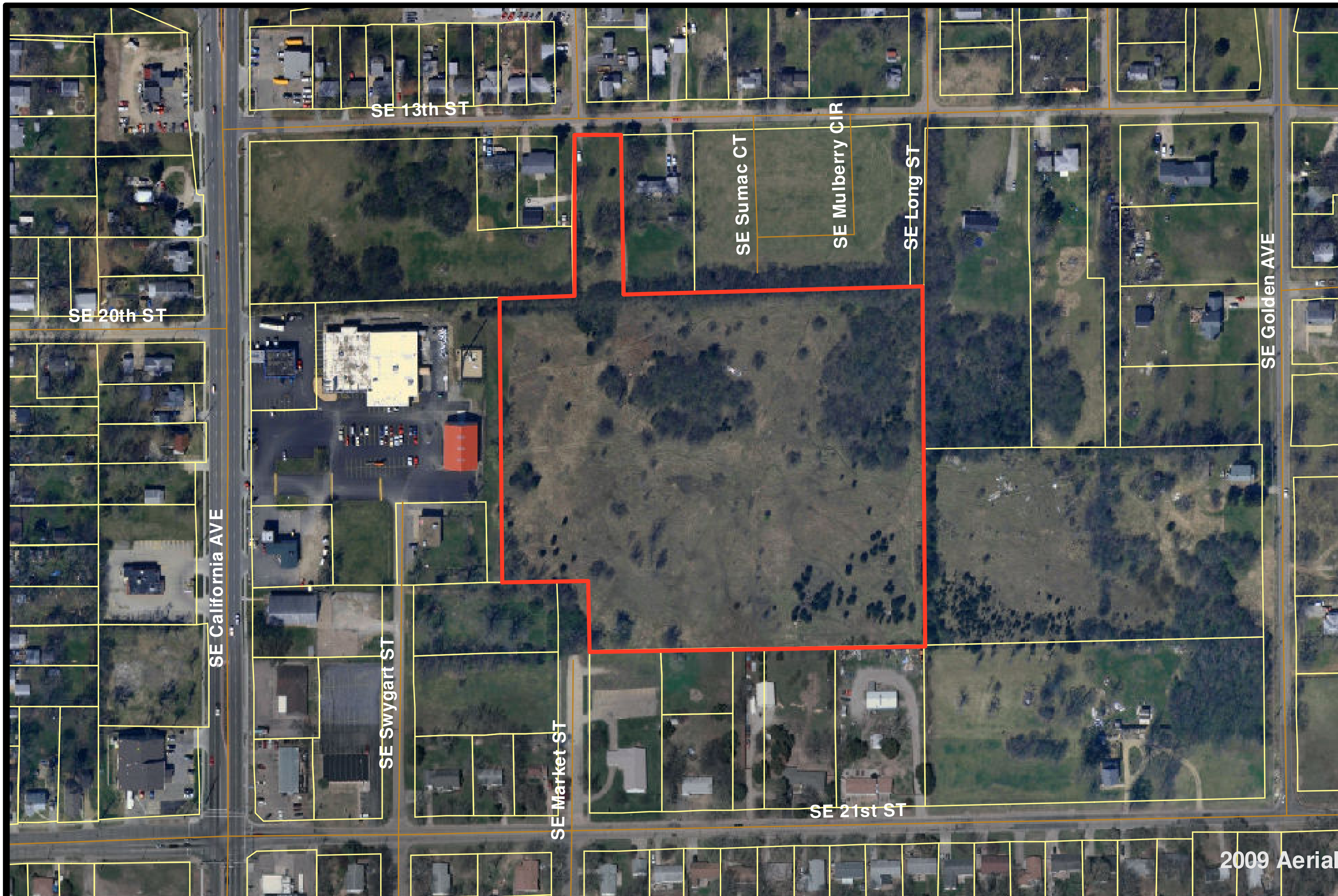
8. *Removing "Existing Zoning" note on the Master PUD Plan.*

9. *Showing a separate 15' water easement adjacent to 27' U.E./A.E., which can be located within the building setback.*

10. *Revising all "Multi-Family Dwellings" to "Two-Family Dwellings" under* ***Project Information*** *notes.*

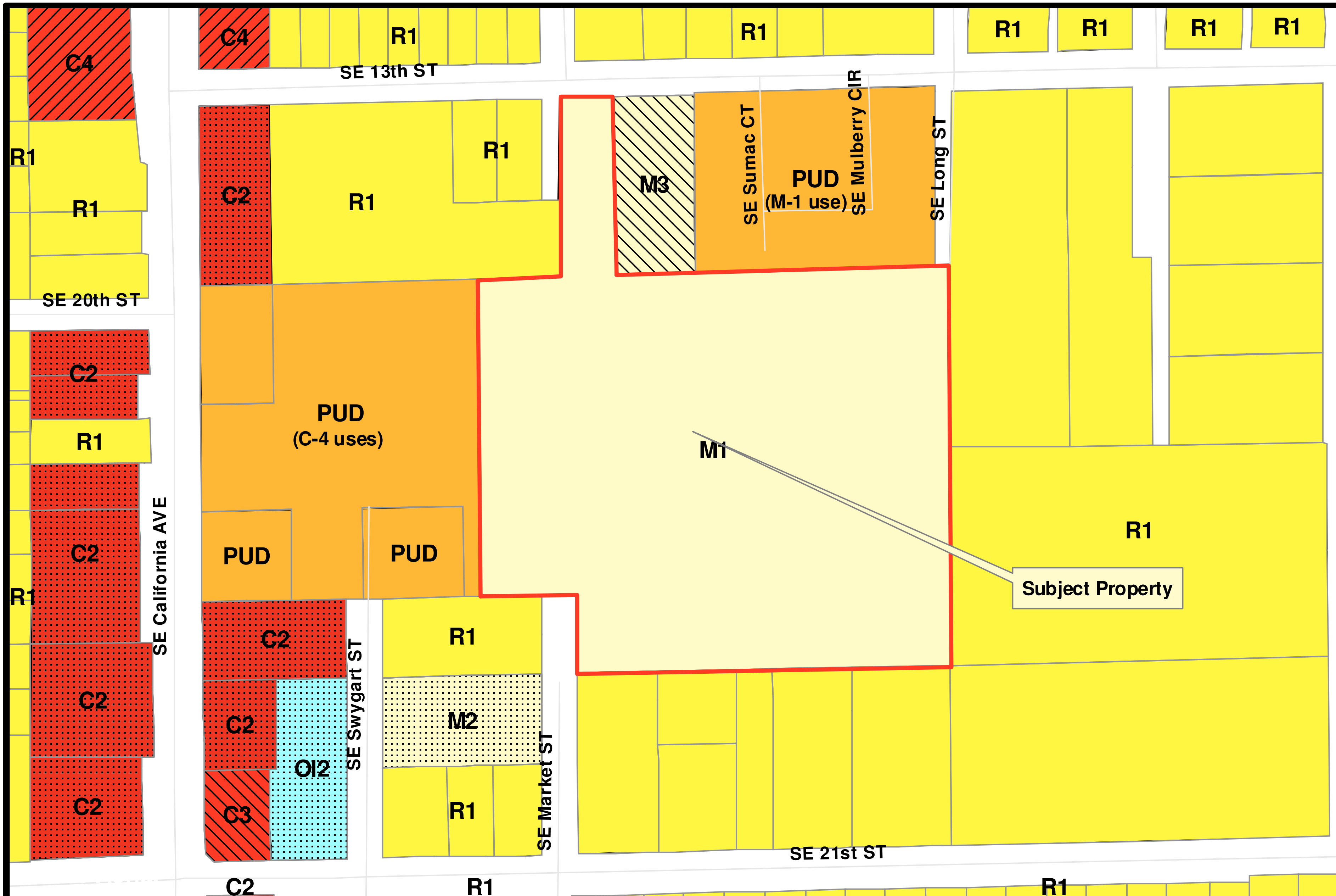
11. *Revising "This" under* ***Signage*** *notes to "These".*

Prepared by:
Annie Driver, Planner



PUD10/6 by: Topeka Housing Authority (Echo Ridge)

City of Topeka Planning Department



PUD10/6 by:Topeka Housing Authority (Echo Ridge)

City of Topeka Planning Department

ECHO RIDGE
MASTER PLANNED UNIT DEVELOPMENT PLAN

BOOK _____ PAGE _____
DATE _____ TIME _____

RECORDED with the Shawnee County Register of Deeds:

____
Marilyn L. Nichols – Register of Deeds

PROJECT PERFORMANCE OBJECTIVES:

1. OVERALL:
To create an innovative, economical, and affordable infill residential housing development consisting of up to thirty–four (34), single–story, duplex buildings for up to 68 dwelling units along with a community center/leasing office, and incorporating significant open space areas and natural features into the development. The development will also incorporate enviromentally sustainable elements and best management practices regarding storm water runoff practices.

2. TYPE A , B AND C STRUCTURES:
To create an economical mix of one–two and three bedroom multi–family housing units, ranging from 780 to 1650 square feet of living area. The residential structures will be single–story duplex units constructed of wood framing members. One single stall garage per unit (two per structure), 10'x20' min., will be provided within the structure. Greenspace will be maximized within these areas in order to maintain a more eco–friendly and community environment.

3. COMMUNITY CENTER:
To create a community center and associated parking lot for use by the Topeka Housing Authority and/or the owner(s), residents, and other entities approved by the Topeka Housing Authority and/or the owner(s).. The Community Center will consist of between 2500 and 5000 square feet and will provide educational opportunities for sustainable design and healthy living.

GENERAL NOTES:

1. Pursuant to Topeka Municipal Code 18.190.060(b), the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within sixty (60) days upon approval of City Council. Failure by the applicant to record the plan within the prescribed time period or provide the Planning Department fifteen (15) copies of the recorded plan within ninety (90) days of the date of action by City Council shall deem the zoning petition null and void.

2. All applicable use group regulations shall apply, unless stated otherwise.

3. No building permits shall be issued untill the property is platted.

4. No building permits shall be issued until individual site development plans have been reviewed by City staff and approved by the Planning Director to address the following: Building footprint and location, setbacks, landscaping, internal pedestrian walkways, external lighting, drainage, pull–off parking and internal circulation, fencing, signage, suggested CPTED measures, building materials and architectural features, etc.

5. Building layouts and pedestrian walkways on the PUD Plan are for conceptual purposes only and may be reconfigured or re–oriented during the site plan review stage, subject to City staff review and Planning Director approval.

6. Prior to issuance of any building permits, a minor amendment to the Topeka Housing Authority's California Acres Master PUD Plan (Case #Z59/21C) shall be approved designating a visitor parking area for the Echo Ridge development on that Master PUD Plan and showing a pedestrian walkway connection from SE California through that property over to its east boundary line.

CIRCULATION, PARKING AND TRAFFIC:

1. Public Streets: Market Street shall be a public street and shall be two–lane. Storm water will be collected in a curb inlet system and discharged into planned detention/retention areas with metered release into City system. Some use of BMP systems may also be provided within the system.

2. Private Streets: All other streets shall be private streets and shall be two–way and 27 feet back of curb to back of curb, constructed to urban street design standards. Storm water will be collected within the outer curbed areas, collected in curb inlets and enclosed storm sewer system and released into planned detention/retention areas with a metered release into the City's system. Some use of BMPs and swales will occur along the back sides of the structures. All stormwater that approaches City right of way will be collected in an underground collection system and connected to the City curb inlet system (Reference Echo Ridge Subdivision Drainage Report on file with the City of Topeka Engineering Department). Streets will be posted with sign names, which shall have the approval of the City of Topeka Engineer.

3. Pedestrian access shall be provided between all buildings and shall connect to the outer limits of the property along SE Market Street with specific locations to be determined at site plan review.

4. A 40 foot sight triangle, measured from the face of curb extended, shall be maintained at all entrances. No obstructions greater than (30) inches above grade of any adjacent street or entrance may be placed within this area. (Reference City of Topeka Code for Fence Construction).

5. Parking for Type A and C Structures: All units will have a single stall garage and shared driveway. The driveway will be a minimum of twenty–four feet (24') in width and will extend a minimum of twenty feet (20') beyond the back of sidewalk. Total parking for the area shall be at the rate of one and one half stalls per residential unit (min.) and shall include the garage as one stall and the driveway as one stall. Additional parking may be provided along the inside curb of SE Echo Ridge Circle. All pull off parking locations will be as approved by City of Topeka Engineer.

6. Parking for Type B Structures: Parking for these structures will be provided as cutback parking along the interior of SE Echo Ridge Circle and centrally located to the units. Each stall shall be a minimum of 9' in width and 20' in depth, measured from the back of curb. Additional parking will be provided along the inside curb of SE Echo Ridge Circle.

7. Parking for the Community Center: Visitor parking will be provided by pull off parking into the Community Center's parking lot. Total for the area shall be at the rate of one stall per 300 sq.ft. of floor area. The parking lot will provide one half (1/2) of the required stalls including the required number of ADA stalls. The remainder will be provided within the existing Topeka Housing Authority parking lot to the west. The walkway connection to the Topeka Housing Authority parking lot to the west will provide additional parking spaces for special gatherings and events. Additional parking may be provided at locations approved by the City of Topeka Engineer.

7. Portions of the private sidewalks, private streets, residential driveways, and community center parking lots may be approved to use permeable pavement surfacing. The actual pavement materials used shall be subject to final approval by the CIty of Topeka Public Works and Fire Departments at the site plan review stage prior to issuance of any building permits.

8. Signage shall be erected along SE Echo Rige Circle stating "No Parking" along the outside curb.

9. Signage shall be erected at both intersections of SE Market St. and SE Echo Ridge Circle, facing eastbound traffic, stating "All City of Topeka Ordinances Shall Be Enforced On This Property".

SIGNAGE NOTES:

1. A maximum of two (2) monument ground signs only shall be permitted at locations to be determined at the site plan review stage. Signage shall be a maximum 5' high and 40 sq. ft. per sign face. These monument signs shall include 30" of landscaping around the base of the signs to be determined at site plan review.

BUILDING AND STRUCTURAL NOTES:

1. The minimum distance between all principle buildings shall be 10 feet.

2. Typical setback from the street right–of–way along SE Market St. shall be 25 feet. Typical setback from the street (back of curb) on SE Echo Ridge Circle shall be 26' to allow for a 6' sidewalk width and 20 feet driveway. There shall be no less than 10 feet separation between structures. There will be a minimum of 25' setback from all outer lot lines or right of way lines.

3. A 120 sq. ft. geothermal pump station shall be permitted on the property. The location of which shall be determined at site developement plan review.

LANDSCAPING NOTES:

1. The care, maintenance, and ownership of common open space, parking areas, utilities, private streets, drainage easements, green space easements, playground equipment, fencing, community center and landscaping shall be the responsibility of the Topeka Housing Authority and/or the owner(s). All landscaping shall be installed pursuant to phasing schedule and properly maintained. If any portion of the landscaped material dies, it shall be replaced by the next planting season.

2. This development shall conform to the Landscape Regulations adopted by the Topeka City Council, Ordinance No. 17846, dated June 19, 2002. Season permitting, all landscaping shall be installed prior to occupancy of the structures. If season proves to be prohibitive, landscaping shall be installed as soon as the weather allows per specific landscaping material planting requirements. The perimeter areas will be landscaped with one or more of the following: Sod, shrubs, earth berm that range between 36 inches to 48 inches in height, and ornamental trees of height and spacing with sufficient density to create an effective screening buffer. The interior will be landscaped with one or more of the following: Sod, shrubs, and ornamental trees.

3. Greenspace located on the east side of SE Market St. at the Northerly end of the property are reserved for landscaping amenities and natural features, but may also include walking pathways, park benches and one monument sign (location to be determined at site plan review).

UTILITY NOTES:

1. All utilities shall be installed underground pursuant to the City's right–of–way management standards.

2. Sanitary sewer service shall be by the City of Topeka.

3. Water service shall be by the City of Topeka.

4. All infrastructure improvements shall be to City of Topeka standards.

5. Illumination shall be confined to the subject site and is not to exceed 3 foot–candles as measured at the lot line. The majority of the site lighting will be achieved by building–mounted lighting sources. Additional lighting for the remainder of the site shall generally be achieved by residential style yard lighting. No source of illumination shall be visible from adjacent property lines.

ANTICIPATED DEVELOPMENT PHASING SCHEDULE:

1. Construction of all units in single phase is anticipated with Completion in 2011.

VARIANCES:

1. The Topeka Planning Commission hereby grants a variance to Topeka Municipal Code 18.240.030(a) and (b) to reduce the required off–street parking for residential uses and the community center, as stated herein.

CERTIFICATION OF MASTER PUD PLAN APPROVAL:

_______________________________ _______________
David F. Thurbon, AICP, Planning Director — Date
Secretary, Topeka Planning Commission.

Be it remembered that on this ________ day of ______________________, A.D., 2010, before me, the undersigned, a notary public in and for said County and State came David F. Thurbon, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In Witness Whereof, I hereby set my hand and affix my notarial seal the day and year last written above.

_______________________________ _______________________________
Commission Expires: — Notary Public

This Planned Unit Development (PUD) Master Plan has been reviewed and approved in accordance with the provisions of Chapter 18.190 of the Topeka Municipal Code, and may be amended only as prescribed in Section 18.190.070 of said Chapter and as set forth on this document or as may subsequently be approved and recorded.

OWNER'S CERTIFICATE: Topeka Housing Authority, Shawnee County, Kansas, agrees to comply with the conditions and restrictions as set forth on the Master PUD Plan.

In Testimony Whereof:

The Owner of the below described property, Topeka Housing Authority, Shawnee County, Kansas, has signed these presents this _________day of ______________________, 2010.

____
John Johnston, President and CEO
Topeka Housing Authority,
Shawnee County, Kansas

Be it remembered that on this _________day of _____________________ A.D. 2010, before me, a notary public in and for said County and State came John Johnston, President and CEO, Topeka Housing Authority, Shawnee County, Kansas, owner of the below described property.

I hereby set my hand and affix my notarial seal the day and year last written above.

_______________________________ _______________________________
Commission Expires: — Notary Public

LEGAL DESCRIPTION (PUD)

The East 795 feet of Lot 1 of California Acres Shopping Center Subdivision, plus the west 96 feet of the East Half of the North half of the North half of the Southwest quarter of the Southwest quarter Section 4, Township 12 South, Range 16 East of the 6th P.M. Shawnee County, Kansas.

PROPERTY OWNERS

Topeka Housing Authority
2010 SE California Ave.
Topeka, Shawnee County, Kansas
66607

PROJECT INFORMATION NOTES:

USE GROUP CATEGORY: "M–1" MULTIPLE–FAMILY DWELLING DISTRICT.

TOTAL DENSITY: 12.68 acres less 1.16 acres of R/W=11.52 Acres
68 Units/11.52 Acres = 5.9 units per acre

TOTAL STRUCTURES: Up to Thirty–Four (34) Structures, Sixty–Eight (68) Units

Type A Structures: Duplex Structures, Two–Bedroom, Two–Family Dwellings
Up to Twenty (20) Buildings @ 2,826 S.F. (Gross Floor Area, including garages)
Two Single Stall attached garages per Duplex.

Type B Structures: Duplex Structures, One Bedroom, Two–Family Dwellings
Eight (8) Buildings @ 1,562 S.F. (Gross Floor Area)
Two Detached Parking Stall Per Unit.

Type C Structures: Duplex Structures, Three Bedroom Two–Family Dwellings
Six (6) Buildings @ 3,231 S.F. (Gross Floor Area, including garages)
Two Single Stall attached garages per Duplex.

Community Center: Community Center and Parking Lot
One (1) Building @ 5000 S.F. (Gross Floor Area)

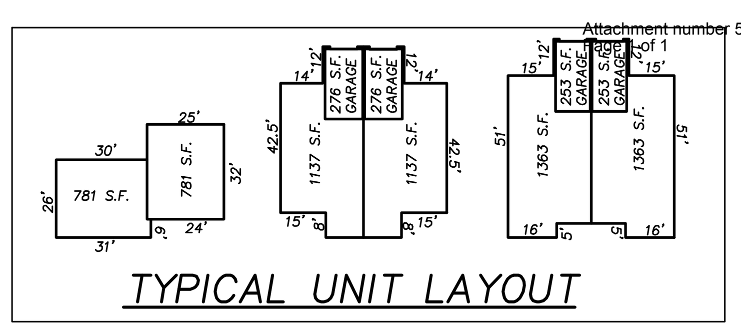
MAXIMUM BUILDING HEIGHT: 45 FEET

PARCEL SIZE: 552,340.80 Square Feet (12.68 Acres)

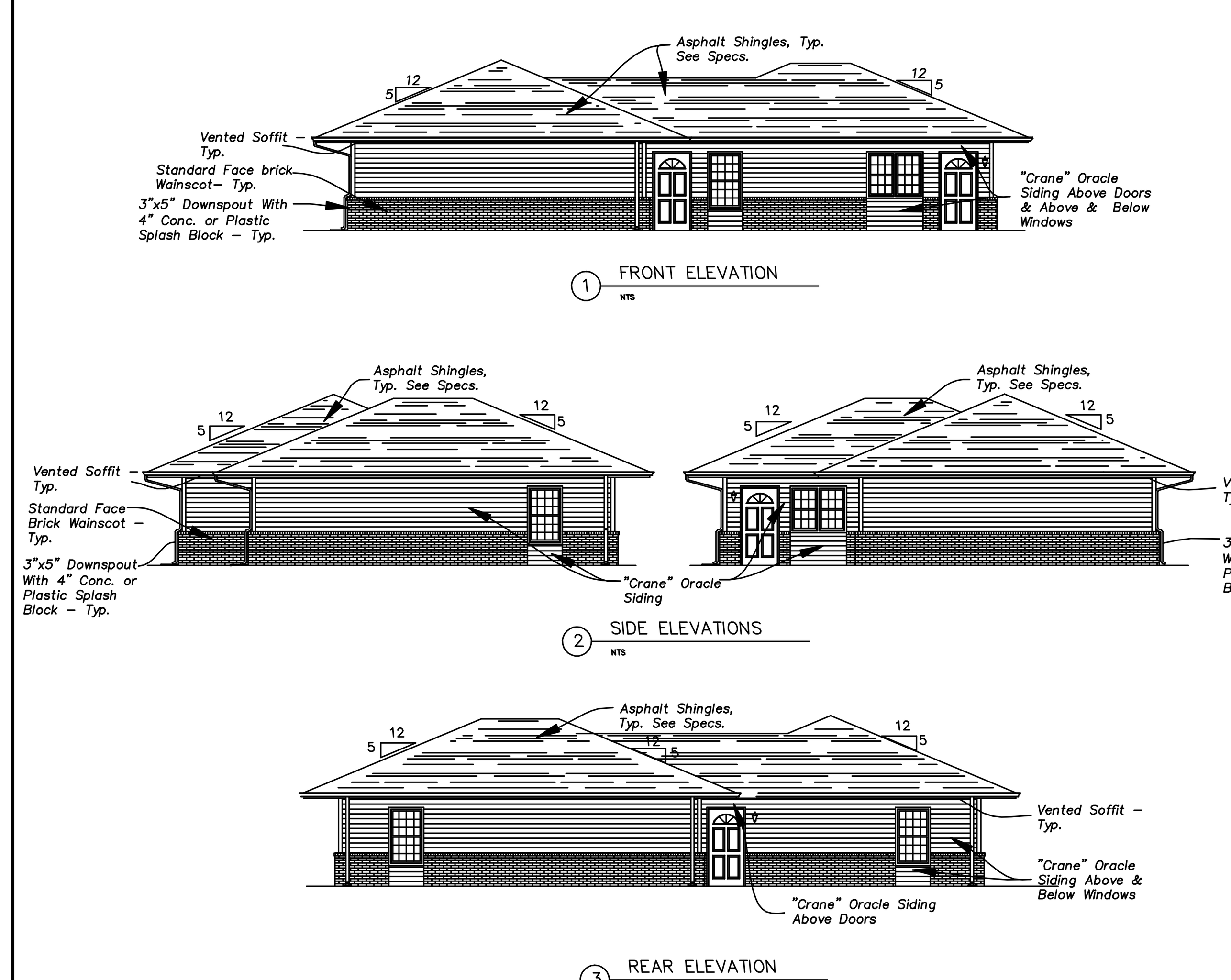
PARKING REQUIRED: Residential: 1.5 Space Per Dwelling (one attached garage per unit to count in spaces provided) = 102 Spaces
Community Center: 1 Space Per–300 S.F. = 17 spaces (based on 5000 S.F.)

DATE:

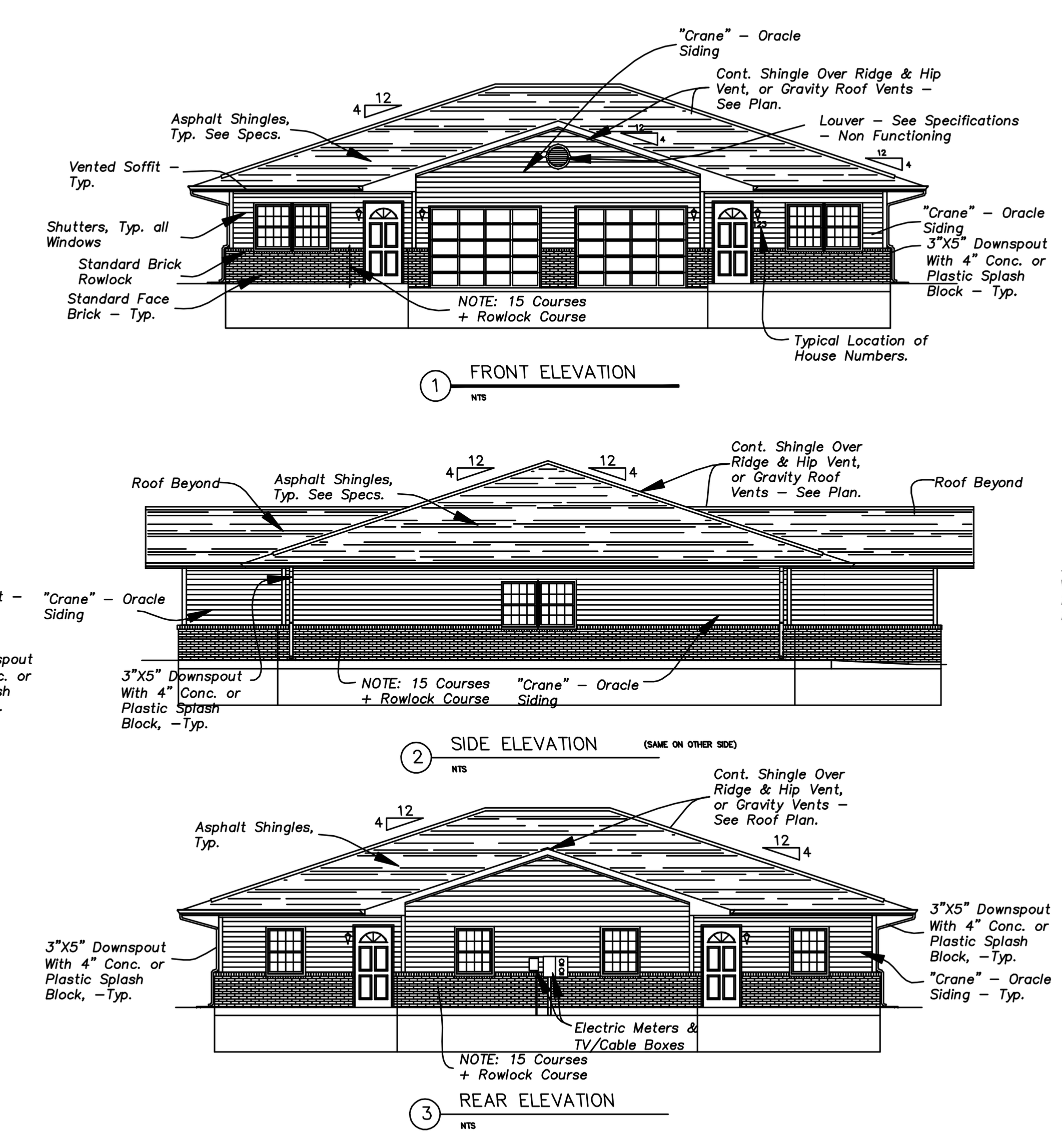
April 30, 2010



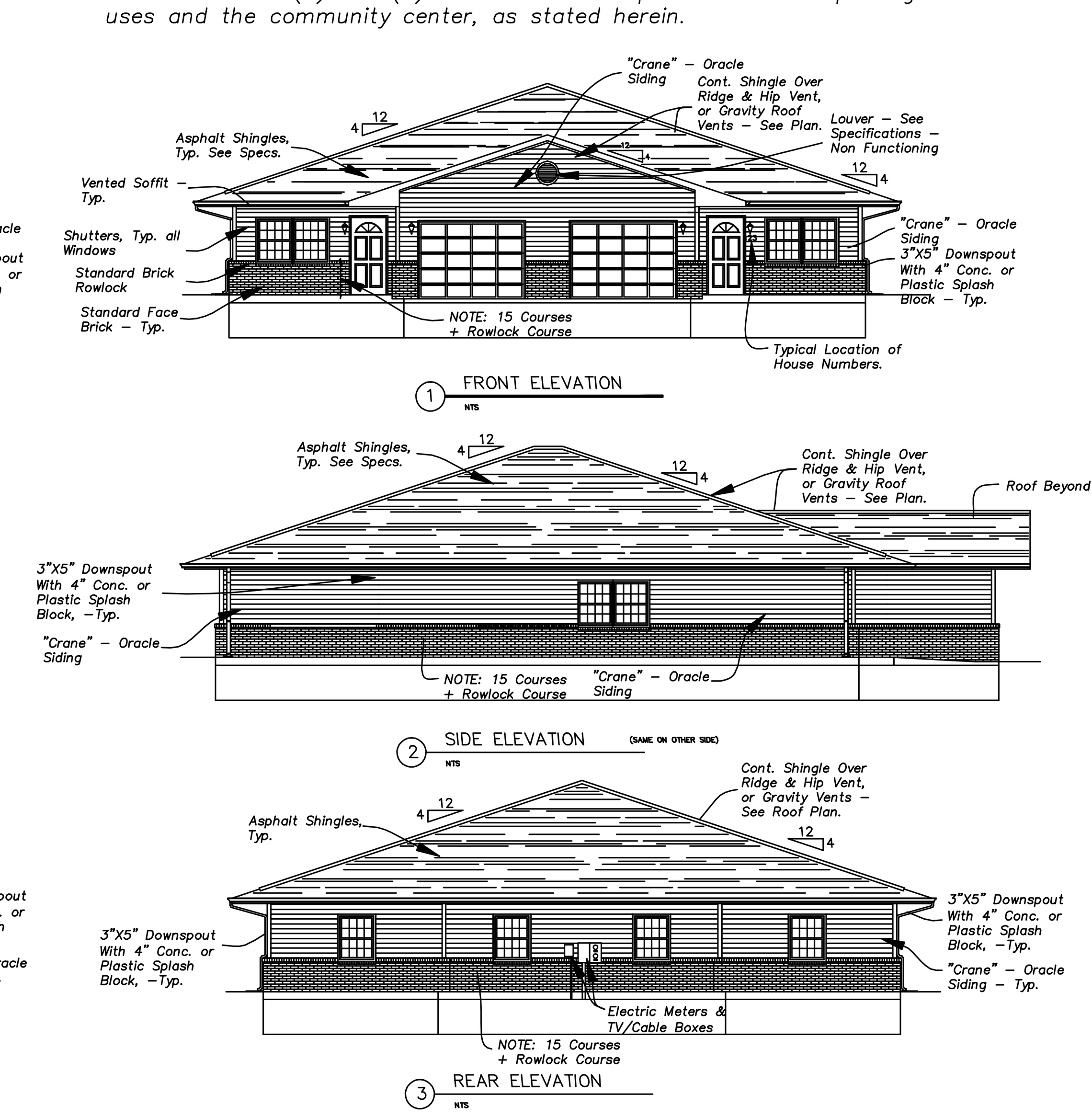
TYPICAL UNIT LAYOUT



TYPICAL ONE–BEDROOM ELEVATIONS
TYPE B STRUCTURES



TYPICAL TWO–BEDROOM ELEVATIONS
TYPE A STRUCTURES



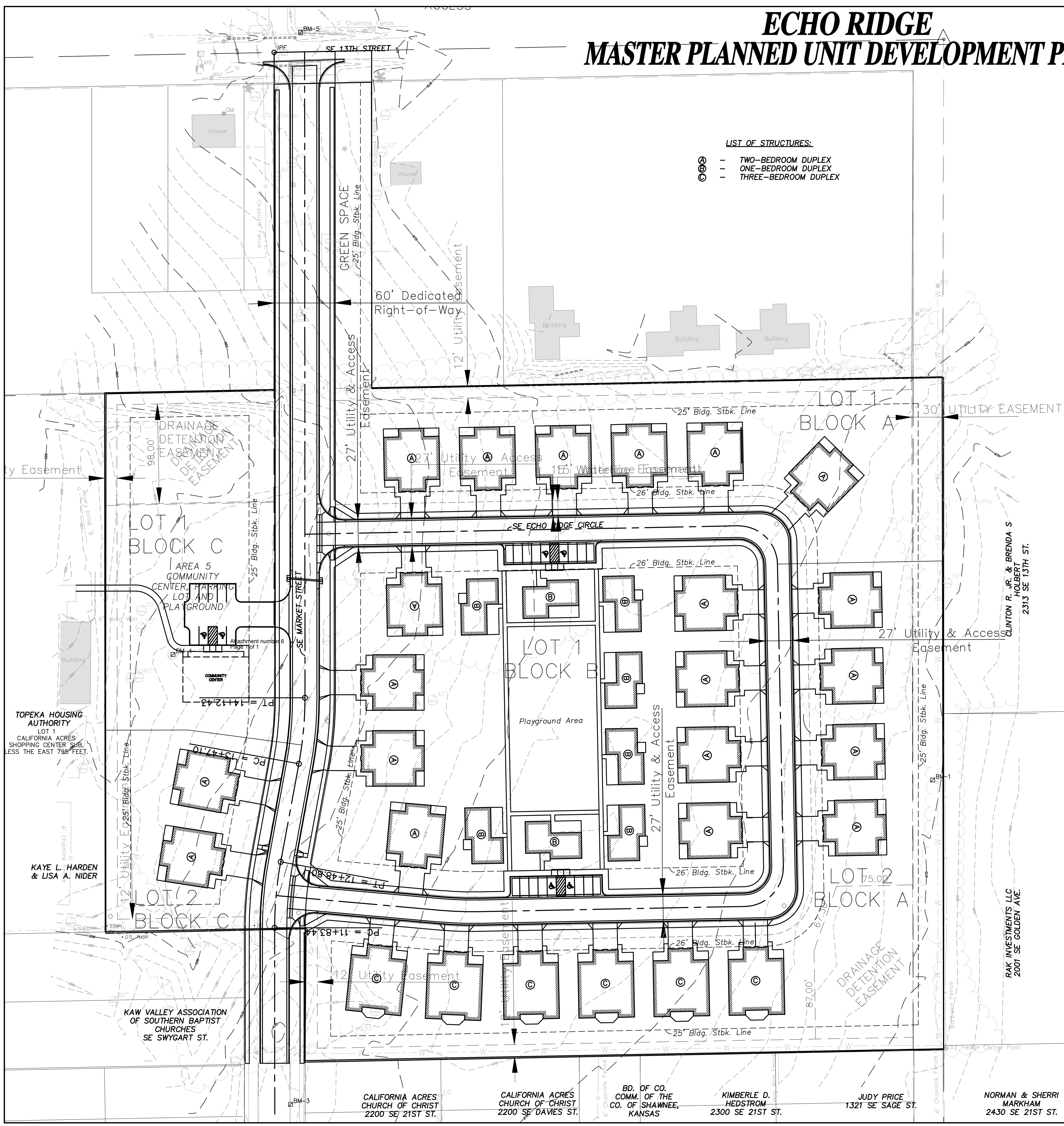
TYPICAL THREE–BEDROOM ELEVATIONS
TYPE C STRUCTURES

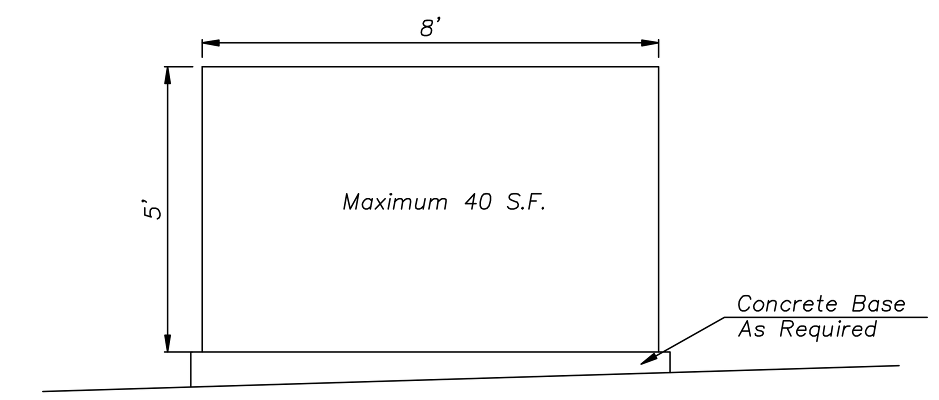
CFS Cook, Flatt & Strobel ENGINEERS, P.A.

Case #PUD10/6
Sheet 1 of 2

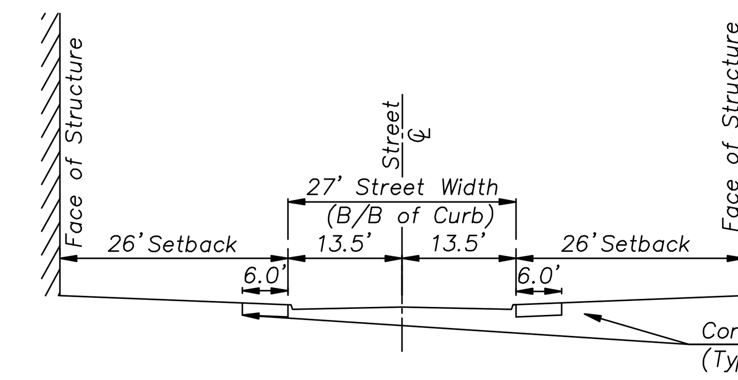
ECHO RIDGE
MASTER PLANNED UNIT DEVELOPMENT PLAN

BOOK _____ PAGE _____
DATE _____ TIME _____

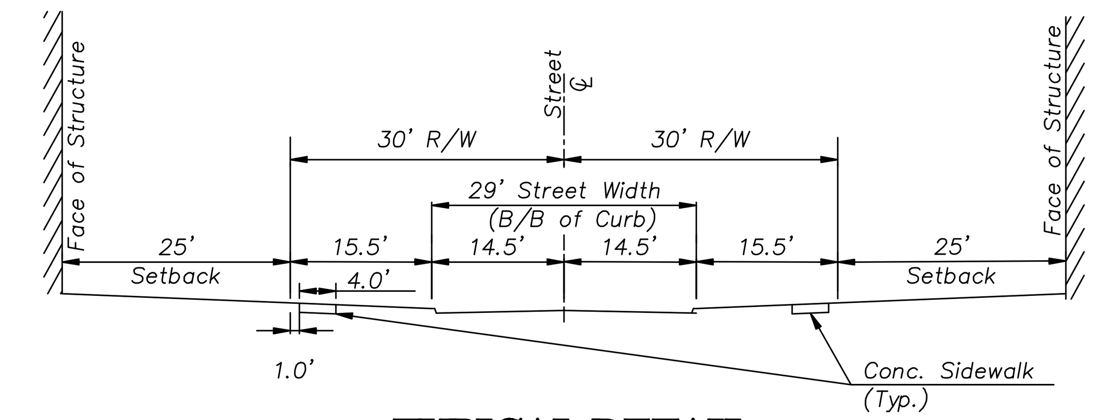




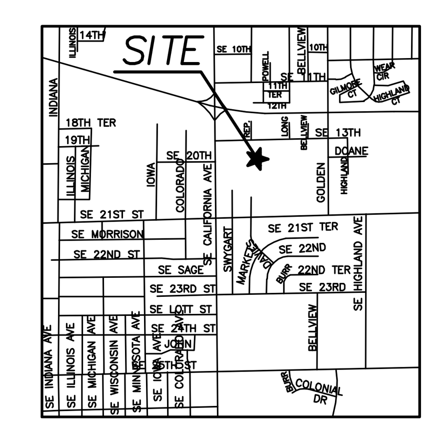
TYPICAL DETAIL
MONUMENT SIGN



TYPICAL DETAIL
PRIVATE STREET SETBACK



TYPICAL DETAIL
PUBLIC STREET SETBACK



VICINITY MAP

LEGEND

- Railroad Spike Found
- Iron Pin Found
- Iron Pin Set
- Telephone Pedestal
- Sanitary Sewer Manhole
- Water Meter
- Water Valve
- Power Pole
- Gas Valve
- Traffic Flow
- Light Pole
- Traffic Signal Box
- Tree
- Existing Fire Hydrant
- Water Line
- Gas Line
- Telephone Line
- Underground Electric
- Sanitary Sewer Line

SCALE: 1"=50'
50 0 50
CONTOUR INTERVAL 1'

Cook, Flatt & Strobel ENGINEERS, P.A.

Case #PUD10\6
Sheet 2 of 2

PUD 10/16

Zoning Application Form

(including PUDs and CUPs)

City of Topeka Planning Department
620 SE Madison, 3rd Floor (Unit #11)
Topeka, KS 66607-1118
Phone 785-368-3728 Fax 785-368-2535
www.topeka.org/planning

Applicant Information

Property Owner(s): Topeka Housing Authority

Street Address: 2010 SE California Ave.

City: Topeka State: KS Zip: 66607 E-mail: JJohnston@THA.gov

Work phone: (785) 357-8842 x120 Home phone: ____ Fax: ____

Authorized Owner Representative (if any): Mr. John Johnston, President & CEO

Street Address: 2010 SE California Ave.

City: Topeka State: KS Zip: 66607 E-mail: JJohnston@THA.gov

Work phone: (785) 357-8842 x120 Home phone: ____ Fax: ____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) – if different from above

Cook, Flatt & Strobel Engineers, P.A.

Street Address: 2930 SW Woodside Dr.

City: Topeka State: KS Zip: 66614 E-mail: kbeck@cfse.com

Work phone: (785) 272-4706 Home phone: ____ Fax: (785) 272-4726

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and any agent listed in this application to represent the owner(s). I (we) allow posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all submitted information is complete and accurate. I (we) hereby acknowledge that all zoning application procedures have been reviewed and understood as part of this submittal.

Owner 1 Name: John Johnston

Owner 1 Signature: ____ **Date:** 03/25/10

Owner 2 Name: ____

Owner 2 Signature: ____ **Date:** ____

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: Between 13th St. and 21st St., Market St. and Long St.

Legal Description of Property*: *lot(s)* 1 *block* ____ *subdivsion* California Acres Shopping Center Subdivision

lot(s) ____ *block* ____ *subdivsion* ____

**if unplatted, attach metes and bounds description*

Total Area (acres/square feet): 12.62 acres

Type of Application:

1. *Re-zoning from:* M-1 *to:* PUD
2. *Planned Unit Development (PUD) zoning use group(s):* M-1a
3. *Conditional Use Permit (CUP) proposed use:* ____

Existing Use(s) on the property: Vacant Land

How long has the existing use been active on the property? Unknown

Proposed Use(s), if known (please describe to ensure conformity to the proposed zoning):

Low income housing consisting of tri-plex buildings that include attached garages. The development will also include a clubhouse/community center that will serve for gatherings and educational purposes. The development will incorporate sustainable design techniques.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes **If Yes, when?** 2/26/2010

FOR OFFICE USE ONLY

Date submitted: 3/5/10

Application no.: PUD10/16

Filing fee: 1580⁰⁰ **Receipt no.:** 120280

Date notice sent: 3/26/10

Date advertised: 3/29/10

Date of hearing: 4/19/10

Council district: #3

NIA/NA: ~~Jefferson Square NIA~~

Items Missing? Yes___No___**List any incomplete items:**

aD
3/12/10 → Not in a organized NIA

Applicant Justification

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning or proposed conditional use is appropriate. Please attach additional sheets if necessary.

1. How is the land more suitable for the uses allowed under your proposed zoning vs. the uses allowed under the current zoning?

The current zoning includes single family and duplex units. The proposed zoning includes those units plus tri-plex and quad-plex units.

2. What effect would the proposed zoning have on the character of the neighborhood and surrounding properties?

The surrounding neighborhood consists of single family residential to the north and south with commercial to the west and undeveloped to the east. There is a new PUD (M-1 usage) with duplex units currently under construction adjacent to the northeast corner of the property. Additionally, there is a lot with M-2 zoning along the north property line as well as a lot to the southwest, along Market St., with M-2 zoning. Therefore, the proposed zoning is in line with the surrounding properties. Additionally, the planned increased green space within the development will reduce any effects the zoning may create.

3. If known, how does the proposed zoning conform to the City's Comprehensive Plan?

A draft of the 2030 Regional Land Use Plan Map indicates the area between the commercial district along California Ave. and Golden Ave. and between I-70 and 21st Street to be residential, low density. However, there is an area located directly south of 21st Street that is planned to be medium to high density residential. That area is currently zoned R-1 for low density residential.

Real Property Tax Status

As part of the official application for a zoning amendment, the Zoning Regulations of the City of Topeka require:

"Proof that all real property taxes are paid to date and are current for the subject property. In the event real property taxes including any special assessments are delinquent, the application shall not be scheduled for public hearing until such time all taxes are paid or satisfactory escrow arrangements for the payment of such taxes or special assessment have been made and presented to the City Attorney's Office for approval."

There are two ways to provide proof with this application:

1. Submit a copy of the property's tax status found on-line at the Shawnee County Appraiser's web-site (http://www.co.shawnee.ks.us/Ap/). Click on "residential search" or "commercial search", input the address, and follow the links to the property's tax information. Print off the Shawnee County Treasurer's page indicating the amount of any unpaid property tax.

OR

2. Complete the information below at the Shawnee County Register of Deeds and the Shawnee County Treasurer for verification of real property tax/special assessment status. Both offices must sign the form below for it to be complete. The Register of Deeds and Treasurer of Shawnee County, Kansas, are located in the Shawnee County Courthouse, 200 S.E. 7th Street, Topeka, Kansas, Rooms 108 and 101, respectively

Applicant

Property Address: Between 13th St. and 21st St., Market St. and Long St.

Owner of Record Name(s): Topeka Housing Authority

Legal Description: The east 795 feet of Lot 1 of California Acres Shopping Center Subdivision, plus the west 96 feet of the East half of the North half of the North half of the Southwest quarter of the Southwest quarter of Section 4, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas.

Shawnee County Register of Deeds

Property Identification Number (PIN):__________

X__________
Shawnee County Register of Deeds

____
Date

Shawnee County Treasurer

As of this date, I hereby certify that the real property tax liabilities and special assessments applicable to the property described and identified above, to be of the following status:

Paid in Full______ Current______ Delinquent______ In Dispute______ Exempt______

X__________
Shawnee County Treasurer

____
Date

Taxes current as of 3/5/10
[signature], Planning

Infrastructure Availability (optional)

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

a. Location and size of water main serving site:

There is an existing 12 Inch water line along the south and east property lines

b. Does the current system have adequate capacity?

Yes

2. Sanitary Sewer

a. Location and size of sewer main serving site:

There is an existing 8" gravity line in the southeast corner of the property. There is also an 8" gravity line that is accessible approximately 200' south of the southwest corner via the Long Street right of way.

b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes

3. Storm Drainage

a. How will storm water run-off be handled on site?

The Stormwater Runoff will be handled with an array of methods including BMP usage, pervious pavement usage and stormwater retention/detention areas. The stormwater release rate will be equal to or below the existing release rate.

b. Does the current storm sewer system have adequate capacity for proposed use?

Yes

4. Traffic Circulation

a. What are the site's existing and proposed access points?

Access will be on Market Street from 21st Street and the new proposed Market Street connection to 13th Street. Within the development, a planned private "loop" will provide access to Market Street

b. Are any street or traffic control improvements proposed?

An extension of existing Market Street from the south, north across the site and connecting to 13th Street. Also a looped private street system within the development. There is a small section of Market St. that is planned to be a two-way divided street within the development.

**Minutes of the
Topeka Planning Commission
Monday, May 17, 2010**

Rich Beardmore left the room.

Echo Ridge development. Annie Driver summarized the staff report.

Discussion below is for both the rezoning and the plat.

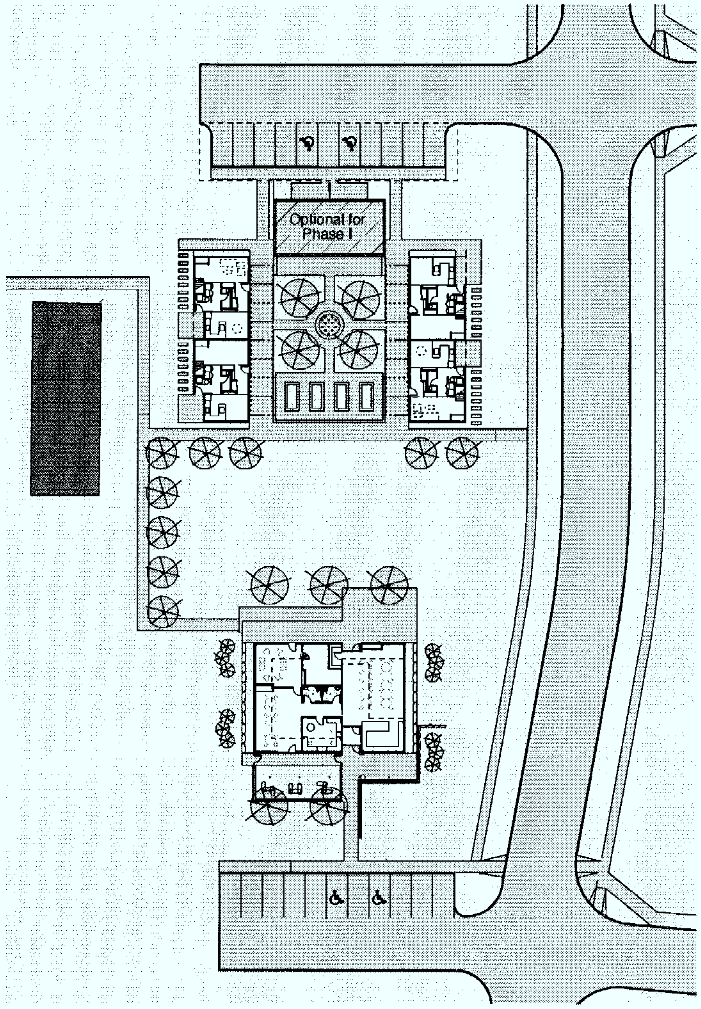
PUD10/6 Echo Ridge by Topeka Housing Authority requesting to amend the District Zoning Classification from “M-1” Two-Family Dwelling District **TO** “PUD” Planned Unit Development (“M-1a” use group) on property located approximately 500 feet east of SE California Avenue lying between SE 13th and SE 21st Streets. **(Driver)**

Discussion by members:
Mike Lackey asked why the variance request for utility easement from 16’ to 12’? Mrs. Driver replied they don’t need the full width.

Proponents:
Kevin Beck, Cook, Flatt & Strobel Engineers, spoke in favor of the proposal. He said this is a development of duplexes. The project is being funded by a grant that has more of a green concept. Pervious concrete will be used and landscaping will help with water retention and drain-off.

Exparte communications - none

Mark Boyd moved approval as written by staff, seconded by Lee Williams. **APPROVAL. (6-0-0)**



Duplex Features
- Planted roof system
- Every room capitalizes on cross-ventilation from west to east
- Each unit has an insulated, louvered exhaust fan at top of stair tower
- Smaller footprint, less foundation and roof area
- Extensive solar shading facing the courtyard, reducing heat gain in units and on surface of sidewalk
- Energy Star appliances and lighting
- Recycled content and locally sourced materials used
- Gound source heat pump
- Community emphasis with family courtyard
- The courtyard features a raised garden for each 2-story unit, allowing and encourage locally grown food

Site Features
- Lower maintenance native plantings
- Best Management Practices: attractive rain gardens, detention basins reduce stormwater quantity and improve quality
- Centrally located green space between Community Center and duplexes
- Professional landscape design creates welcoming exterior space

Community Center Features
- Benef cial solar orientation
- Deep overhangs provide shade and protected exterior area for gatherings
- Water saving features such as green roof, rain barrels and rain gardens
- Insulated concrete frame walls and roof provide high insulative value
- Mechanical room houses equipment for ground source heat pumps for entire development.
- Energy star appliances and lighting
- Recycled content and locally sourced materials used
- Kitchen designed for teaching life skills to community related to cooking
- Kitchen garden extends lessons learned in kitchen outdoors
- Protected children-only play area
- Heavy duty exterior materials: limestone and pre-f nished metal siding
- Photovoltaic panels provide approximately 10% of power requirements
- Natural daylighting, including two daylight "towers" that also mark main entrances at night.

SITE PLAN

0" 25' 50' 100'

Echo Ridge PUD
project #1025

el dorado inc

510 aveneida cesar e chavez kansas city missouri 64108 p 816 474 3838 f 816 474 0836 www.eldoradoarchitects.com

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 10, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Jim Langford**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**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 $1,635,000 aggregate principal amount of General Obligation Bonds, Series 2010-A, and $34,655,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2010-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., and K.S.A. 12-6a01 et seq., all as amended. First Reading.

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

(Approval would authorize the issuance of general obligation bonds. The proceeds of Series A would provide permanent financing for several improvement district projects that have been previously approved by the City Council. Special assessments on the affected property would pay the debt service. Series B are refunding bonds that would refinance several prior bond issues. NOTE: The above quoted par bond amounts may change slightly due to variances in the structure of the bond sale.)

POLICY ISSUE:

Issuing bonds to provide permanent funding for certain public improvements and refunding of prior bond issues.

STAFF RECOMMENDATION:

Approve the ordinance. The bond sale will be held August 31, 2010 and results reported to the City Council that evening.

BACKGROUND:

Series A will provide permanent financing for six benefit district improvements. Assessments will be made against the properties for payment of debt service. Series B will refund five prior general obligation bond issues, three of which are advanced refundings meaning that they are being refinanced before the 5-year call date established at the time of original issuance.

Item #17

BUDGETARY IMPACT:

For Series A, annual debt service is estimated to run from $110,000 to $115,000 over the 20 year term of financing. Again, this should be paid from special assessments.

It is estimated that Series B will provide approximately $2.5 million of debt service savings based on an interest rate of about 3.35 percent. These savings are a net present value benefit of 7.37%, which is well over both the 3% and 5% thresholds established in the Debt Management Policy for regular and advanced refundings.

SOURCE OF FUNDING:

Debt service will be paid from the Bond and Interest Fund. Series A debt will be financed from special assessments. Series B debt will be financed from property tax and other available sources.

ATTACHMENTS:

Ordinance

090810 4

(Published in The Topeka Metro News on September 6, 2010.)

ORDINANCE NO. _________

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF $1,635,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2010-A, AND $34,655,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010-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., AND K.S.A. 12-6a01 ET SEQ., ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Topeka, Kansas, (the "City") has caused the following improvements (the "Benefit District Improvements") to be made in the City, to-wit:

(a) Water System Improvement Project No. 28627-00;
(b) Sanitary Sewer Improvement Project No. 40874-03;
(c) Sanitary Sewer Improvement Project No. 40949-01;
(d) Sanitary Sewer Improvement Project No. 40951-00;
(e) Street Improvement Project No. 60611-04; and
(f) Street Improvement Project No. 60632-00.

WHEREAS, all legal requirements pertaining to the Benefit District Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Benefit District Improvements, including the payment of a portion of the City's outstanding Series 2009-B Temporary Notes dated October 28, 2009, which are due and payable November 1, 2010, and related expenses are at least $__________ (the "Benefit District Improvement Costs"), of which approximately $___________ will be paid from other funds lawfully available to the City, with $__________ of said Benefit District Improvement Costs to be paid by the owners of the property within the City benefited by the Benefit District Improvements ($__________ of which has been paid into the City Treasury on account of the Benefit District Improvements) leaving $___________ to be paid for by the issuance of general obligation bonds; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $5,635,000 principal amount of General Obligation Bonds, Series 2005-A, dated February 17, 2005, (the "Series 2005-A Bonds") pursuant to its Ordinance adopted January 18, 2005, (the "Series 2005-A Bond Ordinance") in accordance with the requirements of 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 (Section A12-1 of the Code of the City). The terms and conditions of the Series 2005-A Bonds was set forth in a Resolution adopted on January 18, 2005 (the "Series 2005-A Bond Resolution); and

WHEREAS, as of September 1, 2010, there remains outstanding of the Series 2005-A Bonds the principal amount of $4,560,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
2011	$230,000	3.30%
2012	240,000	3.45
2013	250,000	3.65
2014	255,000	3.75
2015	265,000	3.90
2016	275,000	4.00
2017	285,000	4.10
2018	300,000	4.10
2019	310,000	4.10
2020	320,000	4.15
2021	335,000	4.15
2022	350,000	4.25
2023	365,000	4.30
2024	380,000	4.35
2025	400,000	4.40

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $9,410,000 principal amount of General Obligation Bonds, Series 2005-B, dated November 29, 2005, (the "Series 2005-B Bonds") pursuant to its Ordinance adopted October 25, 2005, (the "Series 2005-B Bond Ordinance") 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., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinances Nos. 68 and 89 of the City. The terms and conditions of the Series 2005-B Bonds were set forth in a Resolution adopted on October 25, 2005 (the "Series 2005-B Bond Resolution); and

WHEREAS, as of September 1, 2010, there remains outstanding of the Series 2005-B Bonds the principal amount of $9,310,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

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SERIAL BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
2011	$50,000	3.50%
2012	50,000	3.50
2013	50,000	3.65
2014	50,000	3.75
2015	265,000	4.00
2016	725,000	4.00
2017	755,000	4.00
2018	785,000	4.00
2019	815,000	4.10
2020	850,000	4.75
2021	890,000	5.00
2022	935,000	5.00
2023	985,000	5.00

TERM BONDS

2025	2,105,000	4.375%

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $13,670,000 principal amount of General Obligation Bonds, Series 2006-A, dated November 28, 2006, (the "Series 2006-A Bonds") pursuant to its Ordinance adopted November 7, 2006, (the "Series 2006-A Bond Ordinance") in accordance with the requirements of K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City. The terms and conditions of the Series 2006-A Bonds were set forth in a Resolution adopted on November 7, 2006, (the "Series 2006-A Bond Resolution); and

WHEREAS, as of September 1, 2010, there remains outstanding of the Series 2006-A Bonds the principal amount of $11,595,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

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SERIAL BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
2011	$530,000	4.000%
2012	550,000	4.000
2013	575,000	4.000
2014	595,000	4.000
2015	620,000	4.000
2016	645,000	4.000
2017	670,000	4.000
2018	700,000	4.000
2019	725,000	4.000
2020	755,000	4.000
2021	785,000	4.125
2022	820,000	4.125
2023	850,000	4.125
2024	885,000	4.250
2025	925,000	4.250
2026	965,000	4.250

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $7,570,000 principal amount of General Obligation Bonds, Series 2006-B, dated November 28, 2006, (the "Series 2006-B Bonds") pursuant to its Ordinance adopted November 7, 2006, (the "Series 2006-B Bond Ordinance") in accordance with the requirements of 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. The terms and conditions of the Series 2006-B Bonds were set forth in a Resolution adopted on November 7, 2006, (the "Series 2006-B Bond Resolution); and

WHEREAS, as of September 1, 2010, there remains outstanding of the Series 2006-B Bonds the principal amount of $7,130,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

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SERIAL BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
2011	$160,000	4.000%
2012	165,000	4.000
2013	170,000	4.000
2014	180,000	4.000
2015	185,000	4.000
2016	195,000	4.000
2017	200,000	4.000
2018	210,000	4.000
2019	215,000	4.000
2020	225,000	4.000
2021	235,000	4.125
2022	245,000	4.125
2023	255,000	4.125
2024	265,000	4.250
2025	275,000	4.250
2026	290,000	4.250
2027	300,000	4.250
2028	315,000	4.250
2029	325,000	4.375
2030	340,000	4.375
2031	355,000	4.375
2032	370,000	4.375
2033	390,000	4.375
2034	405,000	4.375

TERM BONDS

2036	860,000	4.375

; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $24,570,000 principal amount of General Obligation Improvement and Refunding Bonds, Series 2008-A, dated October 29, 2008, (the "Series 2008-A Bonds") pursuant to its Ordinance adopted October 7, 2008, (the "Series 2008-A Bond Ordinance") in accordance with the requirements of K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City. The terms and conditions of the Series 2008-A Bonds were set forth in a Resolution adopted on October 7, 2008 (the "Series 2008-A Bond Resolution); and

WHEREAS, as of September 1, 2010, there remains outstanding of the Series 2008-A Bonds the principal amount of $24,095,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

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

; and

WHEREAS, pursuant to Section 203 of the Series 2005-A Bond Resolution, the Series 2005-B Bond Resolution, the Series 2006-A Bond Resolution, the Series 2006-B Bond Resolution and the Series 2008-A 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 2005-A Bonds, Series 2005-B Bonds, Series 2006-A Bonds, Series 2006-B Bonds and the Series 2008-A Bonds; and

WHEREAS, pursuant to Section 301 of the Series 2005-A Bond Resolution and the Series 2005-B Bond Resolution the Series 2005-A Bonds and Series 2005-B Bonds maturing on August 15, 2011, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2010, 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 2006-A Bond Resolution and the Series 2006-B Bond Resolution the Series 2006-A Bonds and Series 2006-B Bonds maturing on August 15, 2012, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2011, 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 2008-A Bond Resolution the Series 2008-A Bonds maturing on August 15, 2014, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2013, and thereafter in whole or in part on any date, at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment; and

WHEREAS, the City has determined and hereby determines that it is in the best interest of the City and the patrons and taxpayers thereof that (1) the Series 2005-A Bonds maturing on August 15, 2011, through and including August 15, 2025 (i.e., $4,560,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on October 1, 2010, (2) the Series 2005-B Bonds maturing on August 15, 2011, through and including August 15, 2025 (i.e., $9,310,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on October 1, 2010, (3) the Series 2006-A Bonds maturing on August 15, 2012, and August 15, 2013, (i.e., $1,125,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2011, (4) $135,000 of the August 15, 2012, maturity and $10,000 of the August 15, 2013, maturity of the Series 2006-B Bonds (i.e., $145,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2011, and (5) that the non-refunding portion of the Series 2008-A Bonds allocated on a pro-rata basis to construction purposes maturing on August 15, 2012, August 15, 2013 and August 15, 2019, through and including August 15, 2030 (i.e.,$16,565,000) (collectively the "Refunded Bonds") be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2013, and that general obligation refunding bonds be issued in the principal amount of $34,655,000 to be used together with other legally available and unencumbered funds of the City for such purpose; and

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

WHEREAS, the proceeds derived from the sale of the general obligation refunding bonds herein authorized to advance refund the Series 2006-A Bonds, the Series 2006-B Bonds and the non-refunding portion of the City's Series 2008-A Bonds shall, subject to the provisions of an escrow trust agreement authorized herein, be placed in an escrow trust account to be established as herein authorized for the purpose of paying and redeeming the Series 2006-A Bonds, the Series 2006-B Bonds and the Series 2008-A Bonds as to both principal and interest as the same mature and otherwise become due, all as more particularly described herein; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell (1) its General Obligation Bonds, Series 2010-A in the aggregate principal amount of One Million Six Hundred Thirty-five Thousand Dollars ($1,635,000) for the purpose of paying the cost of the Benefit District Improvements and (ii) its General Obligation Refunding Bonds, Series 2010-B in the aggregate principal amount of Thirty-four Million Six Hundred Fifty-five Thousand Dollars ($34,655,000) for the purpose of paying the costs of refunding the City's Refunded Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY 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 2010-A of the City in the aggregate principal amount of One Million Six Hundred Thirty-five Thousand Dollars ($1,635,000) (the "Series 2010-A Bonds") for the purpose of paying the Benefit District Improvement Costs as provided by K.S.A. 12-6a01 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto; and (2) General Obligation Refunding Bonds, Series 2010-B in the aggregate principal amount of Thirty-four Million Six Hundred Fifty-five Thousand Dollars ($34,655,000) (the "Series 2010-B Bonds") for the purpose of paying the costs of refunding the City's Refunded Bonds as provided by K.S.A. 10-427 et seq. and Article 1 of Chapter 10, Kansas Statutes 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 governing body of the City of Topeka, Kansas, this 31st day of August, 2010.

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 governing body of the City on August 31, 2010.

(SEAL)

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 10, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Jim Langford**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**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 $4,590,000 aggregate principal amount of Taxable General Obligation Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive K.S.A. 12-110c, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. First Reading.

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

(The ordinance would approve issuing general obligation bonds to provide permanent financing for public improvements that have been previously authorized by the City Council. The bonds would be issued as Build America Bonds (BAB) to take advantage of this federal program's interest rebate. NOTE: The above quoted par bond amount may change slightly due to variances in the structure of the bond sale.)

POLICY ISSUE:

Whether to approve permanent financing for previously approved capital improvement projects. The bonds will be sold on August 31st and results reported to City Council that evening.

STAFF RECOMMENDATION:

Approve the ordinance.

BACKGROUND:

The bonds provide permanent financing for the 14 public improvement projects listed in the ordinance. They are being issued as taxable BAB which is part of the American Recovery and Reinvestment Act (ARRA). The City will receive an estimated total subsidy of 35% of the interest paid. Based upon a 5.59 interest rate, about $1.2 million of the $3.4 million in total interest paid over 20 years will be paid back to the City of Topeka.

BUDGETARY IMPACT:

Annual debt service totaling approximately $6.8 million over 20 years, net the interest rebate.

Item #18

SOURCE OF FUNDING:

Debt service will be paid from the Bond and Interest Fund from property tax revenue and other available sources.

ATTACHMENTS:

Bond Ordinance

(Published in The Topeka Metro News on September 6, 2010.)

ORDINANCE NO. _________

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF $4,590,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE GENERAL OBLIGATION BONDS (BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER) SERIES 2010-C OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-110c, 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. 12-110c , 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) Bridge Improvement Project No. 12064-00
(b) Fire Equipment Improvement Project No. 17034-02;
(c) Trafficway Improvement Project No. 14128-02;
(d) Trafficway Improvement Project No. 14133-00;
(e) Trafficway Improvement Project No. 14136-00;
(f) Park Improvement Project No. 30287-00;
(g) Park Improvement Project No. 30288-01;
(h) Park Improvement Project No. 30291-00;
(i) Park Improvement Project No. 30295-00;
(j) Park Improvement Project No. 30297-00;
(k) Park Improvement Project No. 60653-00;
(l) Park Improvement Project No. 30300-00;
(m) Public Building Improvement Project No. 13174-00; and
(n) Street Improvement Project No. 24126-00.

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 2009-B Temporary Notes dated October 28, 2009, which are due and payable November 1, 2010, and related expenses are at least $__________ (the "Internal Improvement Costs"), of which approximately $___________ will be paid from other funds lawfully available to the City leaving $___________ to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its Taxable General Obligation Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-C in the aggregate principal amount of Four Million Five Hundred Ninety Thousand Dollars ($4,590,000) for the purpose permanently financing the Internal Improvements.

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

Section 1. That there is hereby authorized and directed to be issued Taxable General Obligation Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-C in the aggregate principal amount of Four Million Five Hundred Ninety Dollars ($4,590,000) (the "Bonds") for the purpose of paying Internal Improvement Costs as provided by K.S.A. 12-110c, 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) and Article 1 of Chapter 10, Kansas Statutes 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. The City hereby elects to have Section 54AA of the Code apply to the Series 2010-C Bonds so that they may be "build America bonds" under Section 54AA(d) of the Internal Revenue Code of 1986, as amended (the "Code"). The City is further making the irrevocable election to have Section 54AA(g) of the Code apply to the Series 2010-C Bonds so that they may be "qualified bonds" under Code Section 54AA(g) in order to receive the refundable credits allowed to issuers pursuant to Sections 54AA(g)(1) and 6431 of the Code with respect to "qualified bonds."

Section 5. 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 6. 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 7. 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 governing body of the City of Topeka, Kansas, this 31st day of August, 2010.

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 governing body of the City on August 31, 2010.

(SEAL)

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 9, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Councilmember Karen Hiller**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**unlawful possession or consumption of alcoholic liquor or cereal malt beverage**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 010 Alcoholic Beverages**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Karen Hiller amending City of Topeka Code Section 9.15.020, concerning the unlawful possession or consumption of alcoholic liquor or cereal malt beverages and specifically repealing said original section. First Reading.

(Approval would allow an exemption for possession or consumption of alcoholic liquor or cereal malt beverages at a special event held at any City building or facility as specifically authorized by a resolution approved by the city council setting forth the time and date for which the liquor and/or cereal malt beverages may be possessed or consumed.)

POLICY ISSUE:

Whether or not to approve the ordinance.

STAFF RECOMMENDATION:

BACKGROUND:

Approval would allow an exemption for possession or consumption of alcoholic liquor or cereal malt beverages at a special event held at any City building or facility as specifically authorized by a resolution approved by the city council setting forth the time and date for which the liquor and/or cereal malt beverages may be possessed or consumed.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

Item #19

ATTACHMENTS:

Ordinance

(Published in the Topeka Metro News ____)

ORDINANCE NO. _____________

AN ORDINANCE introduced by Councilmember Karen Hiller amending City of Topeka Code § 9.15.020, concerning the unlawful possession or consumption of alcoholic liquor or cereal malt beverages and specifically repealing said original section.

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

Section 1. That section 9.15.020, Unlawful possession or consumption of alcoholic liquor or cereal malt beverages of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Unlawful possession or consumption of alcoholic liquor or cereal malt beverages.

(a) On Public Roads or Unenclosed Private Property Accessible to Public. No person shall drink, or have in his possession in an open container, any alcoholic liquor or cereal malt beverage on public streets, alleys, roads, highways or unenclosed private property that is accessible to the general public, including but not limited to parking lots, within the city or inside vehicles while on such places within the city.

(b) Private Property – Exceptions. No person shall drink or consume, or have in his possession in an open container, any alcoholic liquor or cereal malt beverage on private property, except:

(1) On premises where the sale of liquor by the individual drink is authorized by the state Club and Drinking Establishment Act by issuance of a license by the state Director of Alcoholic Beverage Control;

(2) Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is

made for the serving or mixing of any drinks containing alcoholic liquor nor for any substance mixed with any alcoholic liquor, and if no sale of alcoholic liquor takes place in violation of K.S.A. 41-803 and amendments thereto;

(3) In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of drinks containing alcoholic liquor nor for any substance mixed with any alcoholic liquor, and if no sale of alcoholic liquor takes place in violation of K.S.A. 41-803 and amendments thereto;

(4) In a private dining room of a hotel, motel or restaurant if the dining room is rented or made available on a special occasion to an individual or organization for a private party, and if no sale of alcoholic liquor takes place in violation of K.S.A. 41-803 and amendments thereto; or

(5) On the premises of a microbrewery or farm winery, if authorized by the Kansas Liquor Control Act (K.S.A. 41-101 et seq.) by issuance of a license by the state Director of Alcoholic Beverage Control.

(c) In a Private Room of a Place of Business – Exception. No person shall consume cereal malt beverages in any private room or closed booth in a place of business operating pursuant to K.S.A. Chapter 41, Article 27 (K.S.A. 41-2701 et seq.) unless the licensed premises are also currently licensed as a club pursuant to K.S.A. Chapter 41, Article 26 (K.S.A. 41-2601 et seq.).

(d) On Public or Municipal Property – Exceptions. No person shall drink or consume, or have in his possession in an open container, any alcoholic liquor or cereal malt beverage on public or municipal property, except:

(1) Those premises owned by the city and under the control of the airport authority which have been properly leased to private persons, and properly licensed under applicable state and local laws for the sale and dispensing of alcoholic liquor and cereal malt beverages;

(2) Real property leased by the city to others under the provisions of K.S.A. 12-1740 through 12-1749 inclusive, and amendments thereto, the Industrial Revenue Bond Law, if such property is actually being used for hotel or motel purposes or purposes incidental thereto;

(3) Any state-owned or state-operated building or structure and upon the surrounding premises which are furnished to and occupied by any state officer or employee as a residence;

(4) Cereal malt beverages or alcoholic liquor at the Performing Arts Center of Topeka, Topeka Zoological Park, Ward Meade Home and Gardens, Helen Hocker Performing Arts Center, Heartland Park Topeka, Topeka Public Golf Course, Stormont-Vail Regional Medical Center, and property leased to the Kansas International Museum as per City of Topeka Contract No. 26119, provided prior written authorization for such possession or consumption is obtained from the ~~director of parks and recreation~~city manager or his or her designee;

(5) Specified property designated as authorized by K.S.A. 41-719(d); ~~or~~

(6) The National Guard Armory; or

(7) At a special event held at any City building or facility as specifically authorized by a resolution approved by the city council setting forth the time and date for which the alcoholic liquor and/or cereal malt beverages may be possessed and consumed.

Section 2. That original § 9.15.020 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.

Section 4. All ordinances, resolutions or rules, or portions thereof, inconsistent with the provisions of this ordinance are hereby rescinded or repealed.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body ______________________.

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 19, 2010

Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:	**Councilmember Karen Hiller**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**American Red Cross/ Topeka Harley Davidson**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 010 Alcoholic Beverages**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**8/24/10 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for the Ride For Red event on September 11, 2010. First Reading. *(Council District No. 1)*

The item was added at the meeting.

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of SW 8th Street between Jackson and Kansas Avenue on September 11, 2010 between the hours of 1:00 p.m. and 11:59 p.m.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Item #20

Ordinance

(Published in the Topeka Metro News ____)

ORDINANCE NO. _________________

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for "Ride for the Red" on September 11, 2010.

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

Section 1. Authorization is given to barricade a portion of 8th Street between Jackson Street and Kansas Avenue on September 11, 2010, between the hours of 1:00 p.m. and 11:59 p.m. Attendance to the celebration is open to the public between these hours.

Section 2. The barricaded portion of 8th Street between Jackson Street and Kansas Avenue shall be temporarily removed from the City's right-of-way and the provisions of K.S.A. 41-719. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of 8th Street between Jackson Street and Kansas Avenue between the hours of 1:00 p.m. and 11:59 p.m. on September 11, 2010.

Section 3. Event attendees may buy, possess and consume alcoholic beverages in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of 8th Street between Jackson Street and Kansas Avenue between the hours of 1:00 p.m. and 11:59 p.m. on September 11, 2010.

Section 4. This Ordinance shall be null and void on September 12, 2010.

Section 5. 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 ____________________________.

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 3, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #21

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #22

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

← Back Print

DATE:	**August 24, 2010**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #23

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2010

Back Print

DATE:	**August 24, 2010**		
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