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City Council Agenda

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

November 16, 2010
6:00 PM

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		

City Manager: Norton N. Bonaparte, Jr.

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

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

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

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

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

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

2. **PRESENTATIONS:**
"Holiday Crime Prevention"

3. **ROLL CALL:**

4. **CONSENT AGENDA:**

A. **MINUTES** of the regular meeting of November 9, 2010

B. **APPLICATIONS:**

5. **UNFINISHED BUSINESS:**

A. **Ordinance - Issuance of General Obligation Bonds Series 2010 (College Hill Redevelopment)**

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of Full Faith and Credit Tax Increment Refunding Bonds, Series 2010 (College Hill Redevelopment) in the maximum principal amount of \$5,765,000 of the City of Topeka, Kansas, for the purpose of advance refunding for certain outstanding full faith and credit tax increment bonds and making certain covenants with respect thereto. Final Reading.

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

(Approval would authorize issuance of general obligation bonds. This is an advanced refunding of the original Tax Increment Financing (TIF) bonds issued for the College Hill Redevelopment. NOTE: The above quoted par bond amount may change slightly due to variances in the structure of the bond sale.)

B. **Resolution - Kanza Fire Commerce Park - Condemnation Proceedings**

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park, Project No. T-861003.00 (HTE 862620). *(Deferred from the meeting of November 9, 2010.)*

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

(Approval would authorize the Engineering Division to cause a survey to be made of those private lands which are necessary to be appropriated for the improvements. The improvements would provide water service for future growth south of Topeka.)

C. **Ordinance - Dog and Cat Permit Fees**

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 6.20.120 and Section 6.30.100 concerning permit fees for cats and dogs and specifically repealing said original sections. Final Reading. *(Placed on the Council agenda per City Council Rule 7.1(f)(ii))*

(Approval will increase cat and dog permit fees.)

6. **NEW BUSINESS:**

A. **Notice of Public Hearing - 2010 Operating Budget Amendment**

 [ATTACHMENTS](#)

AUTHORIZING a public hearing on December 7, 2010, for the purpose of hearing and answering objections of taxpayers to the proposed amendments to the 2010 Operating Budget.

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

(The amendments would increase the expenditure authority for the Retirement Reserve Fund to accommodate the expense of additional retirements and establish an expenditure authority for the Tax Increment Financing Fund to pay expenses related to the Eastgate TIF. The notice of public hearing will be published in the November 22, 2010 edition of the Topeka Metro News.)

B. Resolution - 2011 Council Meeting Schedule

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Jeff Preisner cancelling the Council meetings for March 1, 2011, April 5, 2011, July 5, 2011, September 6, 2011, November 22, 2011, and December 27, 2011 and establishing a Council meeting for March 29, 2011 and November 29, 2011.

(Approval would provide notice that Council meetings will not be held in observance of certain established City holidays, Primary Election Day, and General Election Day. It also establishes a meeting date for the 5th Tuesdays in March and November of 2011.)

C. 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.)

D. Ordinance - Weekly Expenditures - October 25-31, 2010

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 25, 2010, through October 31, 2010, and enumerating said expenditures therein. First and Final Reading.

7. ZONING:

A. Ordinance - R and J Properties-Barrington, L.L.C. (Z10/6)

 [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 a portion of the property located at 5601 SW Barrington Court South from "PUD" Planned Unit Development District (C-4 use group) TO "O&I-2" Office and Institutional District. Final Reading. (Z10/6) (Council District No. 7)

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

(Approval would allow for the owner to construct a detached garage that is accessory and subordinate to the office building on the same property.)

B. Resolution - Deffenbaugh Industries, Inc. (CU10/6)

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.170.030(c)(2) Topeka Municipal Code, the applicant requests a Conditional Use Permit to allow for a refuse processing facility including a transfer station for solid waste and recycled materials for properties zoned "I-2" Heavy Industrial District and located at 711 NE US Highway 24, in the City of Topeka, Kansas. (CU10/6) (Council District No. 2)

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

(Approval would allow for a transfer station for solid wastes and recycled materials.)

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

October 1, 2010

+ Back Print

DATE: November 16, 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



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ATTACHMENTS:

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PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

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ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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PAGE #:

DOCUMENT DESCRIPTION:

"Holiday Crime Prevention"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 3, 2010

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

DATE:	November 16, 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:	11-09-10 First Reading.	JOURNAL #:	10
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of Full Faith and Credit Tax Increment Refunding Bonds, Series 2010 (College Hill Redevelopment) in the maximum principal amount of \$5,765,000 of the City of Topeka, Kansas, for the purpose of advance refunding for certain outstanding full faith and credit tax increment bonds and making certain covenants with respect thereto. Final Reading.

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

(Approval would authorize issuance of general obligation bonds. This is an advanced refunding of the original Tax Increment Financing (TIF) bonds issued for the College Hill Redevelopment. 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 the refunding of the bonds to achieve savings.

STAFF RECOMMENDATION:

Pass the ordinance.

BACKGROUND:

In July of 2006 the City of Topeka issued TIF bonds to finance the infrastructure costs of the College Hill Redevelopment project at 4.59 percent interest.

BUDGETARY IMPACT:

The 2006 TIF bonds were sold based on the full faith and credit of the City of Topeka. The debt service was to be paid from the incremental increase in property and sales taxes generated by the redevelopment project. The tax increment has not, as of yet, provided the revenue to pay the debt service. In 2009 the City supplemented the College Hill debt service payment by \$271,871.

Item #8

The current bond market and recent experience suggests the City would realize significant savings that will reduce the

demand on general property tax revenue to make up the shortfall in TIF revenue for debt service. The refunding will be in the same time frame as the original bonds. The savings for the refunding are to be shifted towards the beginning years to further ease the demand for general property tax. This strategy also hopes that the redevelopment will take hold and become profitable in future years as the economy improves, which will increase the incremental tax revenue.

SOURCE OF FUNDING:

The savings in debt service payments will be from general property tax revenue in the Bond and Interest Fund.

ATTACHMENTS:

[Ordinance](#)

241010 3

[Published in The Topeka Metro News on November ___, 2010]

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF FULL FAITH AND CREDIT TAX INCREMENT REFUNDING BONDS, SERIES 2010 (COLLEGE HILL REDEVELOPMENT) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,765,000 OF THE CITY OF TOPEKA, KANSAS, FOR THE PURPOSE OF ADVANCE REFUNDING CERTAIN OUTSTANDING FULL FAITH AND CREDIT TAX INCREMENT BONDS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Topeka, Kansas, (the “City”) is a municipal corporation duly organized and existing under the laws of the State of Kansas with full and lawful power and authority under K.S.A. 12-1770 et seq., as amended, (the “Act”) to issue full faith and credit tax increment bonds to finance the undertaking of certain redevelopment projects under the authority of the Act and to issue bonds to refund all or part of such full faith and credit tax increment bonds pursuant to the provisions of K.S.A. 10-427 et seq. and amendments thereto; and

WHEREAS, pursuant to the Act, Ordinance No. 18671 of the City passed and approved July 11, 2006, and published as required by law, (the “Series 2006-A Ordinance”), and a Bond Trust Indenture dated as of July 1, 2006, (the “Series 2006-A Indenture”) between the City and U. S. Bank National Association, St. Louis, Missouri (the “Trustee”), the City issued it Full Faith and Credit Tax Increment Bonds, Series 2006-A (College Hill Redevelopment), dated July 27, 2006, in the aggregate principal amount of \$5,840,000 (the “Series 2006-A Bonds”) of which \$5,455,000 principal amount is currently outstanding as follows:

SERIAL BONDS

Stated Maturity*	Principal Amount	Annual Rate of Interest	Stated Maturity	Principal Amount	Annual Rate of Interest
August 15, 2011	\$220,000	5.750%	August 15, 2018	\$355,000	4.400%
August 15, 2012	240,000	5.500%	August 15, 2019	375,000	4.400%
August 15, 2013	255,000	5.500%	August 15, 2020	400,000	4.500%
August 15, 2014	275,000	5.500%	August 15, 2021	425,000	4.500%
August 15, 2015	295,000	4.125%	August 15, 2022	450,000	4.500%
August 15, 2016	315,000	4.250%	August 15, 2023	475,000	4.500%
August 15, 2017	335,000	4.300%			

TERM BONDS

Stated Maturity	Principal Amount	Annual Rate of Interest
August 15, 2025	\$1,040,000	4.50%

; and

1 **WHEREAS**, pursuant to Section 702 of the Series 2006-A Indenture, the City from time
2 to time may issue bonds secured by the Series 2006-A Indenture to refund any portion of the
3 Series 2006-A Bonds, and the refunding bonds so issued shall enjoy complete equality of pledge
4 with any of the Series 2006-A Bonds that are not refunded upon the funds and accounts pledged
5 under the Series 2006-A Indenture; and
6

7 **WHEREAS**, pursuant to Section 1011 of the Series 2006-A Indenture, the U. S. Bank
8 National Association, St. Louis, Missouri, was designated to act as Co-Paying Agent with U.S.
9 Bank National Association, Topeka, Kansas, as the City's principal Paying Agent and Bond
10 Registrar for the payment of the principal of and interest on the Series 2006-A Bonds; and
11

12 **WHEREAS**, the Series 2006-A Bonds maturing on or after August 15, 2012, may be
13 called for redemption and payment prior to maturity on August 15, 2011 or thereafter in whole or
14 in part on any dated (selection or maturities and the amount of Bonds of each maturity to be
15 redeemed to be determined by the Trustee in such equitable manner as it may determine) at the
16 Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued
17 interest thereon to the Redemption Date; and
18

19 **WHEREAS**, the City has determined and hereby determines that it is in the best interest
20 of the City and the patrons and taxpayers thereof that the Series 2006-A Bonds maturing on and
21 after August 15, 2011, be paid and redeemed as the same mature and otherwise become subject
22 to redemption and payment on August 15, 2012, and that full faith and credit tax increment
23 refunding bonds be issued in the principal amount of \$5,765,000 to be utilized together with
24 other legally available and unencumbered funds of the City for such purpose; and
25

26 **WHEREAS**, pursuant to Section 301 of the Series 2006-A Indenture, the City deems it
27 necessary and advisable to call the Series 2006-A Bonds maturing on and after August 15, 2012,
28 for redemption and payment on August 15, 2011 (the "Redemption Date"); and
29

30 **WHEREAS**, such redemption and refunding would help the City achieve interest cost
31 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and
32 result in a general restructuring of the debt service obligation of the City; and
33

34 **WHEREAS**, the proceeds derived from the sale of the full faith and credit tax increment
35 refunding bonds herein authorized shall, subject to the provisions of an escrow trust agreement
36 authorized herein, be placed in an escrow trust account to be established in the Trust Indenture
37 dated as of December 14, 2010, (the "Indenture") and authorized for the purpose of paying and
38 redeeming the Series 2006-A Bonds as to both principal and interest as the same mature and
39 otherwise become due, all as more particularly described herein; and
40

41 **WHEREAS**, the City has determined that it is necessary and desirable, to adopt this
42 Ordinance in order to issue its Full Faith and Credit Tax Increment Refunding Bonds, Series
43 2010 (College Hill Redevelopment) (the "Bonds"), in the maximum aggregate principal amount
44 of \$5,765,000 to advance refund all of the City's outstanding Series 2006-A Bonds (i.e.,
45 \$5,455,000) and pay the costs of issuing the Bonds.
46
47

1 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE**
2 **CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, AS FOLLOWS:**
3

4 **Section 1. Authorization of the Bonds.** The City is hereby authorized to issue and sell
5 the Bonds in the original aggregate principal amount of not to exceed \$5,765,000, the proceeds
6 of which will be used to advance refund all of the City's outstanding Series 2006-A Bonds and
7 pay certain issuance costs related to the Bonds. The Bonds shall be issued and secured pursuant
8 to the herein authorized Indenture and shall bear such dates, shall be in such denominations, shall
9 be in such forms, shall mature on the dates and in the principal amounts, shall bear interest at
10 rates not to exceed 6% per annum and shall be subject to redemption on the dates and in the
11 principal amounts as provided in the Indenture, and shall have such other terms and provisions,
12 shall be issued, executed, authenticated and delivered in such manner and shall be subject to such
13 provisions, covenants and agreements, as are set forth in the Indenture.
14

15 **Section 2. Security for the Bonds.** The Bonds and the interest thereon shall be payable
16 (except to the extent paid out of Bond proceeds or the income from the temporary investment
17 thereof and under certain circumstances from insurance proceeds and condemnation awards)
18 first from the Incremental Tax Revenues and other payments derived by the City under the
19 Redevelopment Agreement (except for fees and expenses payable to the City, the City's right to
20 indemnification as set forth in the Redevelopment Agreement and as otherwise expressly set
21 forth therein) and a pledge of the City's full faith and credit to use its ad valorem taxing authority
22 for the payment thereof in the event the Incremental Tax Revenues are not sufficient. In
23 accordance with the City's pledge of its full faith and credit to the payment of the Bonds, the
24 City hereby covenants and agrees to levy ad valorem taxes, which may be levied without
25 limitation upon all the taxable property, real and personal, within the territorial limits of the City,
26 as necessary to pay the principal of and interest on the Bonds as the same become due at maturity
27 or upon earlier redemption. The Bonds and interest thereon shall not be deemed to constitute a
28 debt or liability of the State of Kansas within the meaning of any state constitutional provision or
29 statutory limitation and shall not constitute a pledge of the full faith and credit of the State of
30 Kansas but shall be payable solely from the funds provided for in the Indenture. The issuance of
31 the Bonds shall not, directly, indirectly or contingently, obligate the State of Kansas to levy any
32 form of taxation therefor or to make any appropriation for their payment.
33

34 **Section 3. Authorization and Approval of Documents.** The following documents are
35 hereby approved in substantially the forms presented to and reviewed by the City at this meeting
36 (copies of which documents shall be filed in the records of the City), and the City is hereby
37 authorized to execute and deliver each of such documents to which the City is a party (the "City
38 Documents") with such changes therein as shall be approved by the officer or officers of the City
39 executing such documents, such officers' signatures thereon being conclusive evidence of their
40 approval and the City's approval thereof:
41

42 (a) Bond Trust Indenture dated as of the date stated therein (the "Indenture"),
43 between the City and U.S. Bank National Association, St. Louis, Missouri, as trustee (the
44 "Trustee");
45

46 (b) Escrow Trust Agreement dated as of the date stated therein (the "Escrow

Trust Agreement”);

(c) Continuing Disclosure Agreement dated as of the date stated therein (the "Continuing Disclosure Agreement"); and

(d) Tax Compliance Agreement dated as of the date stated therein (the "Tax Compliance Agreement") between the City and the Trustee.

Section 5. Approval of Use of Official Statement. The City hereby approves the use of the Preliminary Official Statement, from which a final Official Statement shall be drafted (collectively, the "Official Statement"), in connection with the sale of the Bonds, in substantially the form presented to the City (a copy of which Official Statement shall be filed in the official records of the City) with such changes therein as shall be deemed necessary by Nichols and Wolfe Chartered, bond counsel.

The Official Statement and the distribution thereof by the Original Purchaser are hereby approved for use in connection with the sales of the Bonds. The City has not participated in the preparation of the Official Statement and has not verified the accuracy of the information therein, other than information respecting the City. Accordingly, the approval of the Official Statement does not constitute approval by the City of all information contained therein or a representation by the City as to the completeness or accuracy of the information contained therein. For the purpose of enabling the Official Statement to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the City hereby deems the information regarding the City contained in the Official Statement to be "final" as of its date, except for the omission of such information as is permitted by the Rule, and the appropriate officials 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 officials in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirements of such Rule.

Section 6. Execution of Bonds and Documents. The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor of the City is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the City Documents and such other documents, certificates and instruments as may be necessary.

Section 7. Tax Covenants. The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including *Sections 103 and 141 through 150*, necessary to maintain the exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with

1 other applicable future law, in order to ensure that the interest on the Bonds will remain excluded
2 from federal gross income, to the extent any such actions can be taken by the City.
3

4 **Section 8. Further Authority.** The City shall, and the officers, employees and agents of
5 the City are hereby authorized and directed to, take such action, expend such funds and execute
6 such other documents, certificates and instruments as may be necessary or desirable to carry out
7 and comply with the intent of this Ordinance, and to carry out, comply with and perform the
8 duties of the City with respect to the Bonds and the City Documents, including, but not limited
9 to, agreements with respect to the investment of funds held under the Indenture.
10

11 **Section 9. Governing Law.** This Ordinance and the Bonds shall be governed by and
12 construed in accordance with the applicable laws of the State.
13

14 **Section 10. Effective Date.** This Ordinance shall take effect and be in full force from
15 and after its passage by the governing body of the City and publication in the official City
16 newspaper.
17

18 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)
19
20
21
22
23

PASSED and approved by the City Council on November 16, 2010.

CITY OF TOPEKA, KANSAS

(SEAL)

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ adopted and approved by the City Council on November 16, 2010.

Brenda Younger, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 10, 2010

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DATE: November 16, 2010

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Water Project for Kanza Fire Commerce Park **PROJECT #:** T-861003.00

CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations

CIP PROJECT: No

ACTION OF COUNCIL: Deferred one week. **JOURNAL #:** 11/09/10

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park, Project No. T-861003.00 (HTE 862620). *(Deferred from the meeting of November 9, 2010.)*

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

(Approval would authorize the Engineering Division to cause a survey to be made of those private lands which are necessary to be appropriated for the improvements. The improvements would provide water service for future growth south of Topeka.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Resolution.

BACKGROUND:

Negotiations are in progress to acquire the property for a future water tower site to serve the Kanza Fire Commerce Park. The site is located on SW 65th St. between Westview and Morrill Road. If negotiations are successful, the condemnation proceedings will be terminated.

BUDGETARY IMPACT:

To be determined by Condemnation Appraisers.

SOURCE OF FUNDING:

Project Budget (approved by Council on 9/28/10) = \$3,126,000.00

Item #9

\$2,641,000.00 Growth Organization of Topeka/Shawnee County
* \$ 485,000.00 U.S. Environmental Protection Agency Grant Award

*No U.S. Environmental Protection Agency funds will be used for the acquisition of property or easements.

ATTACHMENTS:

[Resolution](#)

[Appraisal and Maps](#)

[Background Information](#)

(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park, Project No. T-861003.00 (HTE #862620)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn outside the corporate limits of the City of Topeka certain private property interests including a fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park and such other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of those private lands which are necessary to be appropriated for the improvements, and such other public purposes as are authorized by law, and the City Engineer, or her designee, is authorized and directed to file the report of the survey, including a description of those private lands and interests to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

26 ADOPTED and APPROVED by Governing Body _____.

27 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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33 ATTEST:

34

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36

37 _____
Brenda Younger, City Clerk

TAGGART & ASSOCIATES, INC.

ADDENDUM TO DATA BOOK

Comparable land sales:

Sale	Location	Sale Date	Sale Price	Size of Tract	Price/ Sq.Ft.
1	1603 SW 72 nd St.	6/10	\$ 5,500	7,000 sq.ft. +/-	79¢
2	SW 72 nd Place	2/07	\$ 7,500	8,556 sq.ft. +/-	88¢
3	7102 Wheatfield Lane	5/08	\$ 6,500	7,134 sq.ft. +/-	91¢
4	1815 SW 72 nd Terr.	3/07	\$13,500	10,246 sq.ft. +/-	\$1.32
SMALL ACREAGE SALES					
A	6826 Lewelling Rd	3/04	\$31,000	3.69ac (160,736.4 sq.ft.)	19¢
B	6800 Lewelling Rd	5/01	\$17,900	2.89ac (125,888.4 sq.ft.)	14¢
C	6750 Lewelling Rd	5/01	\$18,000	2.9ac (126,324 sq.ft.)	14¢
D	3045 SW 65 th St	9/09	\$23,500	6 ac (261,360 sq.ft.)	9¢

The median sales price is 90¢ per square foot and the mean is 98¢ per square foot. I concluded the land value at \$1.00 per square foot for the duplex easements.

The small acreage sales indicated 16¢ per square foot for the sites in the three acre range. Comparable sale D is an offering just west of the subject. It is on an asphalt surface road and is not as good a location as the subject. The subject has enough road frontage for two building sites, or an adjustment of +20% indicating a value of 11¢ per square foot for the tower site.

SHORT FORM APPRAISAL REPORT

Partial Take
Whole Take ☒
Other

Federal Number: N/A
Project: T-281027.00
County: Shawnee
Tract No: 1

Location and Address: SW 65th Street
Legal Description: See Attached Warranty Deed
Owner's Name and Address: Margaret Weems
PO Box 1
Burlingame, KS 66619
785-654-3500

Tenant's or Lessee's: N/A
Present Use: Vacant Land
Highest and Best Use: *Before* – Residential/*After* – Residential (total)

Zoning: RR1 Residential

Subject Property Sales Record (last 5 yrs. required). If none, check (X)

Grantor/Grantee	Date	Book/Page	Price	Verified By
-----------------	------	-----------	-------	-------------

Purpose of the Appraisal: The purpose of the appraisal is to estimate the compensation due the owner for, or as a result of, the acquisition of a part or all of his/her real property, or interest therein, for a highway or related purpose.

VALUATION SUMMARY

Area of Whole Property: 7.14 acres, or 311,018.4 sq.ft.

Areas to be Acquired:

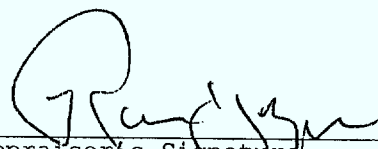
7.14 acres, or 311,018.4 sq.ft. @ 11¢ per sq.ft.	\$34,212.00
--	-------------

Other Acquisition Items: None	\$.00
-------------------------------	--------

Cost to Cure (List and show value): None	\$.00
--	--------

Estimated Just Compensation	\$34,212.00
Or say	\$34,225.00

10/7/10
Date of Signature


Appraiser's Signature

NARRATIVE TO SHORT FORM APPRAISAL REPORT

Tract No. 1
Project No. T-281027.00

INSPECTION DATA

The appraiser offered the property owner the opportunity to accompany the appraiser on a personal inspection of the subject tract. Inspected without the owner on August 7, 2010. Talked with owner several times.

This is a total taking for a water tower site. The subject tract inspection and appraisal took into consideration the items listed in KSA 26-513.

PROPERTY DESCRIPTION

Located on the south side of SW 65th Street. It is a rectangular lot with 608' +/- frontage and 520' +/- of depth. The site is topographically sloping downward from the center in all directions. Water and electricity are available with gravel streets and dirt ditches.

HISTORY OF THE SUBJECT PROPERTY

Present owner has owned property for a number of years. Did not indicate any plans to develop. Ownership is in the name of Leo L. and Margaret Isaacs. Margaret Isaacs is now Margaret Weems.

PROJECT INFLUENCE

Positive influence in development of area south of Montara Subdivision.

HIGHEST AND BEST USE ANALYSIS

For private use it is residential due to developed properties on either side of the subject.

VALUATION

See Data Book for concluded land value at 11¢ per sq.ft. This is a total taking.

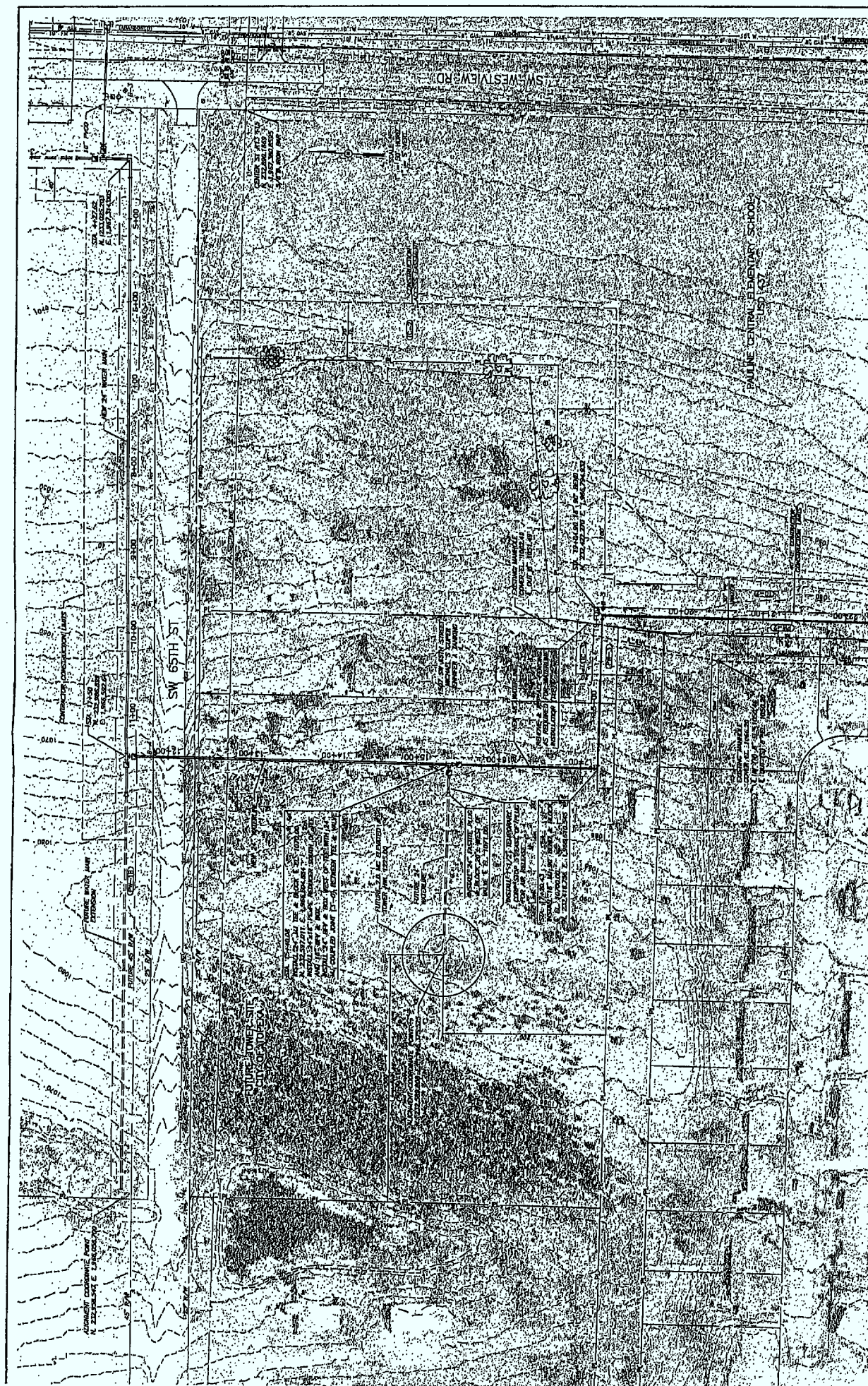
Areas to be Acquired:

7.14 acres, or 311,018.4 sq.ft. x 11¢ per sq.ft.	\$34,212.00
--	-------------

Other Acquisition Items:	\$.00
--------------------------	--------

Cost to Cure (<i>List and show value</i>): None	\$.00
---	--------

Estimated Just Compensation	\$34,212.00
Or say	\$34,225.00



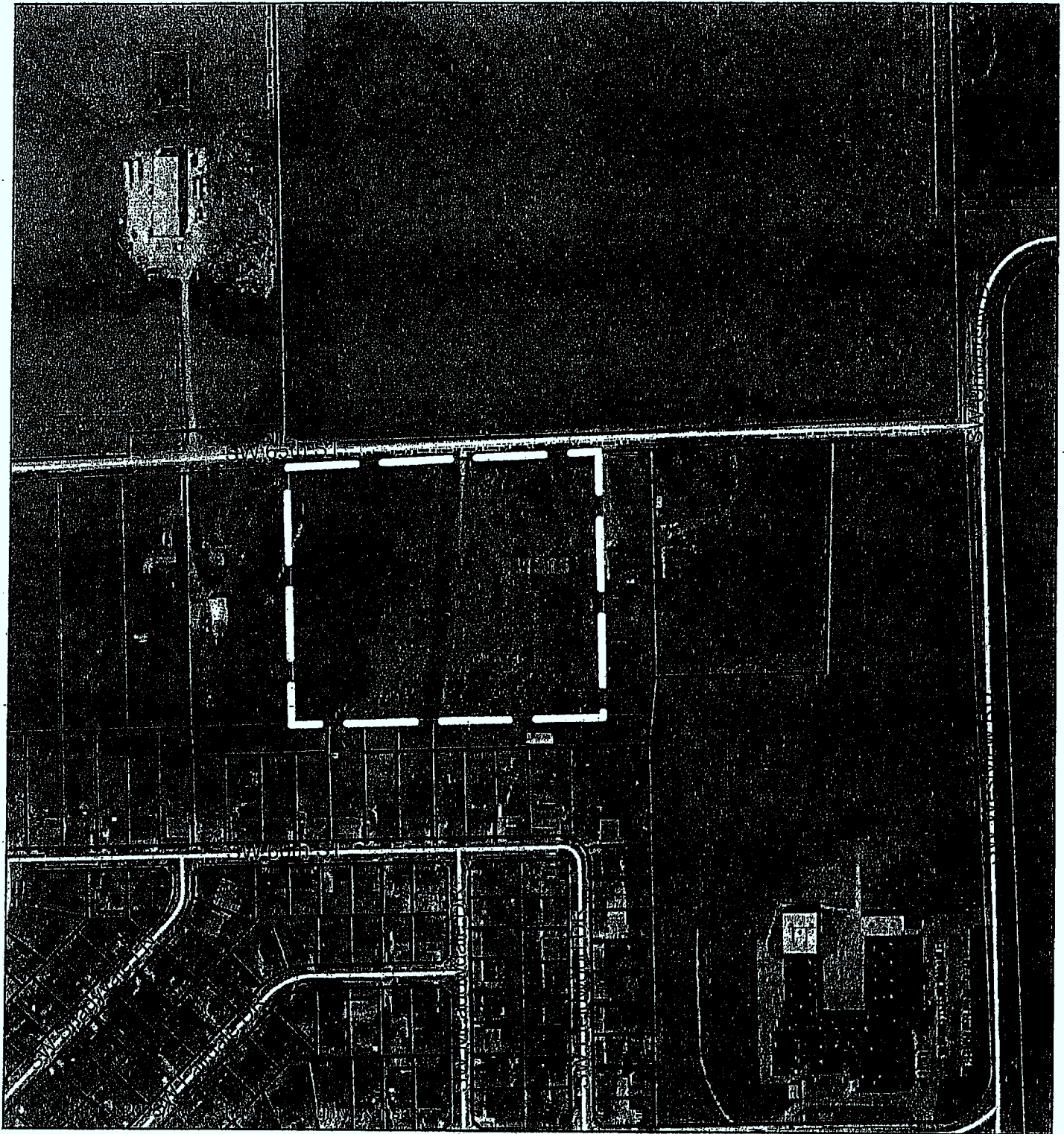
WATER SYSTEM IMPROVEMENTS
PLAN
STA. 11+50 TO STA. 19+04.90

CITY OF TOPEKA
WATER SYSTEM IMPROVEMENTS
PROJECT No. T 261027.00
SANITARY SEWER EXTENSION
PROJECT No. T 401024.00

BARTLETT & WEST
 10000 160th Avenue N.E. - Bellevue, WA 98008-3000
 Phone: 206/465-1000 • Fax: 206/465-1000

TROPEKA
Public Works
ENGINEERING
FOR THE REGION • TROPEKA, NE MICHIGAN

[illegible]



MAP/DATA DISCLAIMER

All maps and/or data created and produced by Shawnee County are created with information deemed reliable. Shawnee County makes no assertions as to the correctness of such information; however, and by accessing this map and/or data you absolve Shawnee County from any liability related to its use for any purpose. All maps and/or data created by Shawnee County are subject to change according to updated information received without any prior notice and are not intended to serve as any sort of legal form of conveyance or boundary survey.



Shawnee County Web Mapping Service

Parcel Information (If Selected)

PIN:	1910103001004000
Owner:	ISAACS, LEO LAND MARGARET N
Address:	SW 65TH ST
City/ST/Zip:	Topeka KS 66619
Book/Page:	1813/243

Legend

	Roads		Parcels
	Railroads		Subdivisions
	Water		Parks

250 Feet

4669

WARRANTY DEED (Statutory) - Joint Tenancy

Osage County Abstract & Title Co.

Entered in Transfer Record in my office this 00337
day of FEB 9 1973 A.D. 19

County Clerk

Register of Deeds,
STATE OF KANSAS) SS
SHAWNEE COUNTY)
RECEIVED FOR RECORD

FEB 9 3 08 PM '73

REGISTER OF DEEDS
JEAN O'BRIENMall Tax Statement to:
Leo L. or Margaret N. Isaacs

R/R

Shawnee, KS 66537

Fees \$

THE GRANTOR Margaret N. Isaacs, formerly Margaret N. Segelquist, and
Leo L. Isaacs, husband & Wifeof the County of Osage State of Kans hereby CONVEYS AND WARRANTS toMargaret N. Isaacs and Leo L. Isaacs, husband & Wifeas joint tenants with full rights of survivorship and not as tenants in common, of the County of Osage
State of Kansas the following described real estate, situate in the County of Shawnee State
of Kansas; to-wit:

A tract of land in the Northwest Quarter and the Southwest Quarter of Sec. 1 Township 13 South, Range 15, East of the 6th P.M. in Shawnee County, Kans. described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 1; thence North 1 deg 12' 26" West, 26 feet to a point in center line of public road; thence North 87 deg 22' 32" East along center line of said road 1225 feet to point of beginning; thence South 1 deg 23' 01" East, 572.90 feet to a line 805 feet North of the South line of the North half of said Southwest quarter section; thence North 88 deg 42' 12" East, 708.12 feet; thence North 1 deg 23' 01" West, 589.35 feet; thence South 87 deg 22' 32" West, 708.68 feet to the place of beginning, less the South 55 feet, also except the West 100 feet thereof.

for the sum of one dollar and other valuable considerations

Dated this 9th day of February A.D. 1973

Margaret N. Isaacs
Margaret N. Isaacs
Formerly Margaret N. Segelquist
Leo L. Isaacs
Leo L. Isaacs

STATE OF KANSAS) COUNTY OF Osage
BE IT REMEMBERED that on this 9th day of February A.D. 1973 before me the undersigned a
Notary Public in and for the County and State aforesaid, came

Margaret N. Isaacs known to me to be the same person(s) who executed the within instrument of writing and such
person(s) acknowledged the execution of the same.

WITNESSETH MY HAND AND SEAL OF OFFICE this 9th day of February 1973.

Notary Public
Shawnee, Kansas

Notary Public
Shawnee, Kansas

1813-240

Background for South Topeka Water Tower Site

The new 2 MG elevated tower proposed to be constructed south of 65th street is a part of the overall master plan for serving the area generally south of I-470 and 45th street west of Topeka Blvd to north. This new elevated tower has been sized to serve the developing commercial areas along the South Topeka Blvd business corridor including Central Crossing Commerce Park, Heartland Park, Kanza Fire Commerce Park, Forbes Field , and the Montara Subdivision and commercial areas. The need for the tower and distribution system improvement was identified in the Water Distribution Master Plan prepared for the Water Division by Bartlett & West Engineers in 2002.

The new tower will be an integral part of the of the new South West Pressure Zone(HGL 1225) that will include the west part of Topeka, now West Zone, along with the existing Sherwood and Indian Hills towers, and a New 2.0 MG tower on Indian Hills road. This expanded pressure zone will be supplied from the booster pump stations at 10th and Wanamaker (6.5 MGD Capacity), Recently expanded 37th and Fairlawn (15.0 MDG capacity), and From the Kirklawn Tower pump station.

The new 2.0 MG tower with its higher operating elevation of 1225.0 located south of 65th street on the vacant lot will allow for providing service to south Topeka (Montara 500,000 Gal tower HGL is 1205) and have the capacity for meeting large fire flow requirements of existing and future industries. Typically a large industrial facility may have a two hour fire flow requirement of 2500 to 3500 GPM. The existing Montara tower does not have sufficient capacity to meet both the residential demands, industrial fire flows and reserve capacity. Presently the elevated storage serving the South Topeka Business Corridor does not have the sufficient capacities to meet large fire flow demands that would be required for large commercial or industrial customers. This could be a factor in the industries selection process when looking to relocate to Topeka or another city.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 5, 2010

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

DATE: November 16, 2010

CONTACT PERSON: Dennis Taylor **DOCUMENT #:**

SECOND PARTY/SUBJECT: Various Fees **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 018 Animals

CIP PROJECT: No

ACTION OF COUNCIL: 6-22-10 First Reading. 6-29-10 Referred to PHS Committee and Place on 07-20-10 Council Agenda 7-20-10 referred to PHS Committee **JOURNAL #:** 10

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 6.20.120 and Section 6.30.100 concerning permit fees for cats and dogs and specifically repealing said original sections. **Final Reading.** *(Placed on the Council agenda per City Council Rule 7.1(f)(ii))*

(Approval will increase cat and dog permit fees.)

POLICY ISSUE:

Whether or not council wants to increase cat and dog permit fees.

STAFF RECOMMENDATION:

Approve.

BACKGROUND:

Current fees for unspayed/non neutered cats and dogs is \$8.00; this ordinance will increase these fees to \$20.00. Current fees for spayed/neutered cats and dogs is \$5.00; this ordinance will increase these fees to \$12.00. Current fees for any kennel or pet shop to keep dogs and for any pet shop to keep cats is \$40 each; this ordinance will increase both of those fees to \$100.

BUDGETARY IMPACT:

Additional revenue for the City.

SOURCE OF FUNDING:

Increased license fees.

Item #10

ATTACHMENTS:

[Ordinance](#)

[Committee Referral Sheet](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 6.20.120 and § 6.30.100, concerning permit fees for cats and dogs and specifically repealing said original sections.

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

Section 1. That section 6.20.120, Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

(a) The fees for permits required by this chapter for each permit year are as follows:

- | | | |
|-----|---|----------------------------------|
| (1) | For each unspayed or nonneutered dog | \$8.00 <u>20.00</u> |
| (2) | For each spayed or neutered dog | \$5.00 <u>12.00</u> |
| (3) | For any kennel or pet shop covering all dogs kept during the year | \$40.00 <u>100.00</u> |

(b) No fee shall be required of any humane society or veterinary hospital.

Section 2 That section 6.30.100, Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

(a) The fees for the permit required by this article, for each permit year, are as follows:

- | | | |
|-----|--|----------------------------------|
| (1) | For each nonneutered cat | \$8.00 <u>20.00</u> |
| (2) | For each neutered cat | \$5.00 <u>12.00</u> |
| (3) | For any pet shop, covering all cats kept during the year | \$40.00 <u>100.00</u> |

(b) No fee under this article shall be required of any humane society or veterinary hospital.

~~(c) No fee under this article shall be required of any pet shop with a valid cat permit.~~

Section 3. That original § 6.20.120 and § 6.30.100 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

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

Section 5. All ordinances, resolutions or rules, or portions thereof, inconsistent with the provisions of this ordinance are hereby rescinded or repealed.

Section 6. 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 City Council _____.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk

8A

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee:	Public Health & Safety
Referred by City Council at Council meeting:	07/20/2010
Date referred from Committee:	08/26/2010
Title:	Ordinance concerning permit fees for cats and dogs
Committee Action	Councilmember Harmon made a motion for "No Recommendation" for the purpose of the full Council to remand back to Public Health & Safety Committee. (Ortiz second)
Comments:	Motion approved 3-0 N/A
Amendments:	NA
Members of Committee:	Sylvia Ortiz-Chair, Karen Hiller, Richard Harmon
Agenda Date Requested:	09/14/2010



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 3, 2010

+ Back Print

DATE: November 16, 2010
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 018 Public Hearings / 006 Budget
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AUTHORIZING a public hearing on December 7, 2010, for the purpose of hearing and answering objections of taxpayers to the proposed amendments to the 2010 Operating Budget.

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

(The amendments would increase the expenditure authority for the Retirement Reserve Fund to accommodate the expense of additional retirements and establish an expenditure authority for the Tax Increment Financing Fund to pay expenses related to the Eastgate TIF. The notice of public hearing will be published in the November 22, 2010 edition of the Topeka Metro News.)

POLICY ISSUE:

Whether to set a public hearing for the purpose of amending the 2010 Operating Budget.

STAFF RECOMMENDATION:

Set the public hearing.

BACKGROUND:

The Retirement Reserve Fund was established to pay the cost of accrued vacation and sick leave for employees who retire from City employment. The expenditure limit must be increased to accommodate the additional cost of the City's 2010 Retirement Incentive Program. 45 employees took advantage of the incentive program. The increase in expenditure limit will be funded by larger than budgeted fund balance carry over of \$277,910.

The Tax Increment Financing (TIF) Fund did not have budgeted expenditures for 2010. An expenditure limit of \$12,442, financed by property tax increments from the Eastgate TIF Re-Development District, needs to be established to pay administrative costs and any authorized expenses that the developer turns in for reimbursement.

BUDGETARY IMPACT:

The amendments will increase the expenditure limit for the Retirement Reserve Fund by \$277,910, from \$70,000 to \$977,910. It will establish an expenditure limit of \$12,442 for the TIF Fund.

SOURCE OF FUNDING:

The Retirement Reserve Fund increase is from unbudgeted fund balance. The TIF Fund is from the incremental taxes generated by the re-development district.

ATTACHMENTS:

[Notice of Public Hearing](#)

NOTICE OF BUDGET HEARING AMENDING THE 2010 BUDGET

The governing body of the CITY OF TOPEKA, KANSAS will meet on the 7th day of December, 2010 at 6:00 pm,
at the CITY COUNCIL CHAMBERS at 214 E. Eighth Street, for the purpose of hearing and answering
objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at OFFICE OF THE CITY MANAGER, CITY HALL and will be available at this hearing.

BUDGET SUMMARY

The amendments would increase the expenditure limit for the Retirement Reserve Fund and establish an expenditure
limitation for the Tax Increment Financing (TIF) Fund. The additional expenditures would be paid for by previously unbudgeted revenue.

Fund	Adopted Budget 2010			Proposed Amendment 2010
	Actual Tax Rate	Amount of Ad Valorem Tax	Expenditures	Expenditures
Retirement Reserve	--	\$ -	\$ 700,000	\$ 977,910
Tax Increment Financing (TIF)	--	\$ -	\$ -	\$ 12,442
	--	\$ -	\$ -	\$ -

By Order of the governing Body:

City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 27, 2010

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

DATE: November 16, 2010

CONTACT PERSON: Councilmember Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: 2011 Council Meeting Schedule **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jeff Preisner cancelling the Council meetings for March 1, 2011, April 5, 2011, July 5, 2011, September 6, 2011, November 22, 2011, and December 27, 2011 and establishing a Council meeting for March 29, 2011 and November 29, 2011.

(Approval would provide notice that Council meetings will not be held in observance of certain established City holidays, Primary Election Day, and General Election Day. It also establishes a meeting date for the 5th Tuesdays in March and November of 2011.)

POLICY ISSUE:

Whether or not to cancel/hold the aforementioned Council meetings.

STAFF RECOMMENDATION:

BACKGROUND:

Traditionally City Council meetings are canceled in observance of established City holidays, Primary Election Day, and General Election Day. This Resolution provides notice of those cancellation dates as well as establishes a meeting date for the 5th Tuesdays in March and November of 2011.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

ATTACHMENTS:

Item #12

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Jeff Preisner, canceling the Council meetings for March 1, 2011, April 5, 2011, July 5, 2011, September 6, 2011, November 22, 2011, and December 27, 2011 and establishing a Council meeting for March 29, 2011, and November 29, 2011.

WHEREAS, City of Topeka Code Section 2.15.020 authorizes a Council meeting to be canceled by the City Council.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Topeka, Kansas that the Council meetings scheduled for March 1, 2011 (Primary Election Day), April 5, 2011 (General Election Day), July 5, 2011, September 6, 2011, November 22, 2011 and December 27, 2011 are hereby cancelled.

BE IT FURTHER RESOLVED, that a Council meeting is established for March 29, 2011 (5th Tuesday in March) and November 29, 2011 (5th Tuesday in November).

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

October 1, 2010

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

DATE: November 16, 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



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 5, 2010

+ Back Print

DATE: November 16, 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 October 25, 2010, through October 31, 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 October 25, 2010 through October 31, 2010, in the amount of \$2,344,333.91.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Ordinance](#)

[DETAIL REPORT CB55 WEEK ENDING 10/31/10](#)

[Detail Report for Week Ending 10/31/2010](#)

(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 October 25, 2010, through October 31, 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.

<u>Section 3.</u>	Total of 225 vendor checks written this period	440,087.17
	Total vendor payments voided in this period (net)	(247.04)
	Total of 158 electronic transfers to vendors this period	1,904,493.78
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	<u>000,000.00</u>
	Total for expenditures in this period	<u>\$2,344,333.91</u>

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

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

Payment Listing

CB255 Date: 11/01/10
Time: 11:28

JOB SUBMISSION PARAMETERS

User Name: HALL\chartman
Job Name : CB255CH
Step Nbr : 1

Cash Code: 02 OPERATING ACCOUNT
or Cash Code Group:

Transaction Code: SYS AP SYSTEM PAYMENT
Check Date: 102510 - 103110
Check Nbr: -
Company: 1

Transaction Status: All
Report Sequence: C By Transaction Code
Detail Option: Summary

Payment Listing

CB255 Date 11/01/10
Time 11:28

Page 1

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

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
TICHENOR S	679673	1	10/21/10	10/29/10		12.34	Historical	RON TICHENOR SR	COT	
ERICKSON D	679674	1	10/21/10	10/29/10		12.35	Historical	DENVER ERICKSON	COT	
BOYD DOROT	679675	1	10/20/10	10/29/10		35.73	Historical	DOROTHY A BOYD	COT	
SCHWARTZ T	679676	1	10/27/10	10/29/10		1156.00	Historical	THOMAS SCHWARTZ	COT	
MARINE SUS	679677	1	10/18/10	10/29/10		30.00	Historical	SUSANNAH L MARINE	COT	
AVALOS-PAT	679678	1	10/20/10	10/29/10		662.00	Historical	MARISELA AVALOS-PATL	COT	
BYRD CHANC	679679	1	10/18/10	10/29/10		83.00	Historical	CHANCE P BYRD	COT	
JAMES DENI	679680	1	10/18/10	10/29/10		141.00	Historical	DENISE DEANNA JAMES	COT	
MASQUAT JU	679681	1	10/18/10	10/29/10		925.00	Historical	JULIA K MASQUAT	COT	
VROOMAN MI	679682	1	10/18/10	10/29/10		23.50	Historical	MICHAEL J VROOMAN	COT	
CLARY LORI	679683	1	10/20/10	10/29/10		30.00	Historical	LORI CLARY	COT	
HAAG KARLA	679684	1	10/18/10	10/29/10		10.00	Historical	KARLA HAAG	COT	
WELCH CHRI	679685	1	10/20/10	10/29/10		30.00	Historical	CHRIS WELCH	COT	
DELAO PATI	679686	1	10/18/10	10/29/10		50.00	Historical	PATIMA DELAO	COT	
MYLES CARL	679687	1	10/18/10	10/29/10		50.00	Historical	CARL MYLES	COT	
SAWYER SHA	679688	1	10/18/10	10/29/10		50.00	Historical	SHAYNE SAWYER	COT	
THWAITES J	679689	1	10/18/10	10/29/10		50.00	Historical	JENNIFER THWAITES	COT	

Transaction Code SYS Total 3350.92

Cash Code 02 Total 3350.92

Report Total 3350.92

*** REPORT COMPLETED ***

COUNCIL REPORT OF VENDOR PAYMENTS

Between 10/25/2010 and 10/31/2010

Attachment number 3

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
Electronic Payments			
8113	10/29/2010	ANGUIANO, JOHN P	229
11171	11171		400.00
8114	10/29/2010	BRACKEN JR, MORGAN H	582
11172 1	11172		170.30
8115	10/29/2010	BYRON L ENDSLEY	6289
11193	11193		400.00
8116	10/29/2010	COBB, MATTHEW P	991
11173 1	11173		350.00
8117	10/29/2010	CRAIG A GIFFORD	6276
11191 1	11191		176.50
8118	10/29/2010	CROSS, JENNIFER A	1184
11174 1	11174		202.94
8119	10/29/2010	DANIELSON, MATT A	1247
10216 2	10216		15.00
8120	10/29/2010	DAVIES, DANIEL M	1263
11175 1	11175		220.00
8121	10/29/2010	DEUTSCH, JASON E	1339
10217 2	10217		228.39
8122	10/29/2010	EVAN W EVANS	6285
11192 1	11192		389.97
8123	10/29/2010	FALLEY, LAWRENCE J	1613
10218 2	10218		37.62
8124	10/29/2010	FEYH, LANCE E	6273
11188 1	11188		299.07
8125	10/29/2010	GUY C GARDNER	6239
11186 1	11186		321.60
8126	10/29/2010	HARWOOD, JASON	2121
10221 2	10221		114.10
8127	10/29/2010	HAYDEN, RYAN B	2133
10222 2	10222		120.00
8128	10/29/2010	HENLEY, MARK E	2193
11176	11176		400.00
8129	10/29/2010	IAMS, KERRIE	2374
11177 1	11177		110.00
8130	10/29/2010	IRELAND, TIMOTHY	2440
11178 1	11178		40.00
8131	10/29/2010	JEANNERETT, RONALD	6290
11194	11194		400.00
8132	10/29/2010	JOHNSON, CRAIG A	2556
40406.7281		ADV-GREEN BAY WI 9/19-22/10	-109.65
40463.6663		RCN-GREEN BAY WI 9/19-22 IAEI	133.95
8133	10/29/2010	KARR, NICOLE M	2783
11179	11179		400.00
8134	10/29/2010	KENNETH A EATON	6293
10274 2	10274		30.00
8135	10/29/2010	KINNETT, JOSEPH	2874
10454 1	10454		249.96
8136	10/29/2010	KIRBY P LESTER	6278
10268 2	10268		204.00
8137	10/29/2010	KRISTEN A HREN	6210
11185 1	11185		25.00

8138 10265 2	10/29/2010 10265	LOUIS A CORTEZ	6237	57.50	57.50	Attachment number 3 Page 2 of 19
8139 11196	10/29/2010 11196	MARGARET FOX	6346	400.00	400.00	
8140 10254 2	10/29/2010 10254	MCLAUGHLIN, PATRICK M	3311	134.00	134.00	
8141 11197	10/29/2010 11197	MICHAEL W ISAMAN	6347	400.00	400.00	
8142 40457.5247	10/29/2010	MICHELE SMITH EE-FOOD FOR EE PICNIC SUPPLIES	6213	120.02	120.02	
8143 11181 1	10/29/2010 11181	MINK, GRANT H	3462	298.26	298.26	
8144 11232	10/29/2010 11232	PATRICK A SALMON	6255	400.00	400.00	
8145 11182	10/29/2010 11182	PING, DONNA	3936	400.00	400.00	
8146 11183 1	10/29/2010 11183	PING, DOUGLAS D	3937	50.00	50.00	
8147 40406.5366	10/29/2010	RIDDER, CHARLES EE-MILEAGE 4/1-6/30/10	4208	54.00	54.00	
8148 11190 1	10/29/2010 11190	ROBERT D FORMAN	6274	290.07	290.07	
8149 11195	10/29/2010 11195	RONALD D HOLLAR	6300	400.00	400.00	
8150 40458.3608	10/29/2010	RUSSELL, JACQUELYN M EE-SUPPLIES FOR EE PICNIC	4309	293.90	293.90	
8151 10255 2	10/29/2010 10255	SALAMANCA, RUBEN	4344	25.00	25.00	
8152 40381.5793	10/29/2010	SCHMUTZLER, AMY OVERLAND PARK KS 7/19-21/10	4408	45.75	45.75	
8153 11227 1	10/29/2010 11227	SIPP, THOMAS A	4584	271.00	271.00	
8154 10256 2	10/29/2010 10256	SLOAN, JEFFREY D	4608	20.00	20.00	
8155 40430 4634 40456.3613	10/29/2010	TRAHOON, STACY R ADV-MINNEAPOLIS MN 9/19-23 RCN-MINNEAPOLIS MN 9/19-23/10	6942	-340.80 524.80	184.00	
8156 11271 1	10/29/2010 11271	BLOCK, STEVEN	7073	308.00	308.00	
8157 11234 1	10/29/2010 11234	STEVEN R PURNEY	6306	25.00	25.00	
8158 40471.6005	10/29/2010	TOLBERT, MARC J HUTCHINSON KS 10/10-15/10	5002	50.60	50.60	
8159 40438.5503 40456.6500	10/29/2010	VEGA-RETANA, RACHELLE ADV - ATLANTA GA 9/26-30/10 RCN - ATLANTA GA 9/26-30/10	5213	-244.00 288.00	44.00	
8160 11230 1	10/29/2010 11230	WEMPE, WILLIAM A	5364	371.20	371.20	
8161 40471.5967 40471.6100	10/29/2010	WILLARD, TROY HUTCHINSON KS 10/10-15/10 HUTCHINSON KS 9/12-17/10	5444	62.35 50.60	112.95	
8162 11231	10/29/2010 11231	WILSON II, JAMES R	5477	400.00	400.00	
8163 11216 1	10/29/2010 11216	WILSON, WARREN L	5488	190.29	190.29	
8164	10/29/2010	WING, TIMOTHY L	5493		250.00	

11217 1	11217		250.00		Attachment number 3 Page 3 of 19
8165 64301	10/29/2010 558826	A 1 LOCK & KEY LLC	13	4.00	
8166	10/29/2010	AAA ALLIED GROUP INC	22	770.00	
260591	558457			38.50	
260747	558457			38.50	
261594	558457			38.50	
261598	558632			38.50	
261599	558632			38.50	
261647	558632			38.50	
262257	558632			38.50	
262259	558632			38.50	
262169	558457			38.50	
262170	558457			38.50	
262171	558632			38.50	
262172	558632			38.50	
262204	558457			38.50	
262256	558457			38.50	
261767	558457			38.50	
261870	558632			38.50	
261925	558457			38.50	
262164	558457			38.50	
262165	558457			38.50	
262167	558457			38.50	
8167	10/29/2010	AMERIPRIDE	197	400.16	
T715228	10127			66.55	
T719534	558591			17.75	
T719936	558591			29.75	
T720524	10127			124.38	
T720525	10127			61.24	
T720526	10127			52.63	
T720527	10127			12.86	
T720859	558591			35.00	
8168 A6427 OCT 10	10/29/2010 10301	ANSWER TOPEKA	237	94.50	
8169 2011	10/29/2010 10339	ARMSTRONG CONSTRUCTION	255	8,583.00	
8170 59325800	10/29/2010 558465	BINSWANGER GLASS INC	493	75.00	
8171 NOV 2010 ADMIN W/E 10/26/10	10/29/2010 558554 DE	BLUE CROSS BLUE SHIELD INC	528	86,564.22 358,554.65	445,118.87
8172 653938 1	10/29/2010 558466	BOETTCHER SUPPLY INC	543	11.84	11.84
8173 10 471	10/29/2010 11131	BROCKINGTON & ASSOCIATES	6925	5,987.44	5,987.44
8174 34564	10/29/2010 560227	CAPITAL INVESTIGATIVE SERVICES	783	176.00	176.00
8175 2916906	10/29/2010 10927	CARGILL SALT DIVISION	5873	9,550.18	9,550.18
8176 358929	10/29/2010 11049	CHIEF	919	814.25	814.25
8177 36423 36488	10/29/2010 11218 11218	CODE PUBLISHING COMPANY	999	493.35 193.05	686.40
8178 W33	10/29/2010 10495	COMITER, CARLA J	1043	450.00	450.00
8179 559746 FINAL	10/29/2010 559746	COMMUNITY RESOURCES COUNCIL	1056	23,894.25	23,894.25
8180 130377	10/29/2010 558831	CONTINENTAL ANALYTICAL SERVICE	1081	160.00	160.00
8181 101659 101679	10/29/2010 559164 559164	COPY CENTER OF TOPEKA	1107	63.00 149.45	212.45

8182	10/29/2010	CORNERSTONE OF TOPEKA INC	1116	1,841.92	Attachment number 3 Page 4 of 19
2553	560195		1,211.55		
2572	559583		171.54		
2573	559583		188.33		
2574	559583		150.50		
2575	559583		120.00		
8183	10/29/2010	CROSS MIDWEST TIRE INC	1183	1,970.96	
20141947	558477		31.94		
20142117	558477		15.75		
20142209	558477		117.90		
20142341	558477		15.75		
20142365	558477		15.75		
20142368	558477		1,560.42		
20142369	558477		168.30		
20142375	558477		29.40		
20142380	558477		15.75		
8184	10/29/2010	DANKO EMERGENCY EQUIPMENT COMP	1248	88.74	
30260	11023		88.74		
8185	10/29/2010	DELL COMPUTER	1319	1,730.31	
XF3W1NTC1	11118		76.25		
XF3W1PX62	11118		32.67		
XF3WKF463	11118		794.48		
XF3WX39K6	11088		826.91		
8186	10/29/2010	DELTA DENTAL OF KANSAS INC	1323	15,433.52	
W/E 10/14/10	558705		15,433.52		
8187	10/29/2010	DIAMOND INTERNATIONAL INC	1347	5,204.57	
T155036	558481		-50.24		
TI54864	558481		239.60		
TI54865	558481		31.54		
TI54926	558481		109.50		
TI54965	558481		50.24		
TW49729	558481		830.77		
TW49817	558481		2,429.25		
TW49923	558481		1,563.91		
8188	10/29/2010	DOWNTOWN TOPEKA INC	1408	5,765.28	
559098 17	559098		5,765.28		
8189	10/29/2010	ED ROEHR SAFETY PRODUCTS	1484	174.65	
331315	560048		-5.70		
331860	560048		-81.90		
335677	560048		262.25		
8190	10/29/2010	EMBROIDERY PLUS	1522	15.00	
28428	10176		15.00		
8191	10/29/2010	EPCO CARBON DIOXIDE PRODUCTS	1551	2,689.38	
74032	560178		1,313.87		
75374	560178		1,375.51		
8192	10/29/2010	GRIST TRUCKING LLC	2004	6,000.00	
9999	10008		6,000.00		
8193	10/29/2010	H D INDUSTRIES	2030	788.45	
17052	558496		788.45		
8194	10/29/2010	HELPING HANDS HUMANE SOCIETY I	2183	22,749.97	
558634 16	558634		22,749.97		
8195	10/29/2010	HERNLY ASSOCIATES INC	2214	1,390.00	
9622	11013		695.00		
9623	11014		695.00		
8196	10/29/2010	HEWLETT-PACKARD FINANCIAL SERV	2227	5,012.00	
600264826	548189		4,179.00		
600264827	547063		833.00		
8197	10/29/2010	HOUSING & CREDIT COUNSELING IN	2312	15,600.00	
559481 FINAL	559481		15,600.00		
8198	10/29/2010	IREY, MARVIN W	2443	28,007.00	
10629 2	10629		28,007.00		
8199	10/29/2010	ISS FACILITY SERVICES INC	2447	1,399.35	
14632	10409		1,399.35		
8200	10/29/2010	ITG CONSULTING INC	2449	2,740.00	

2886	558732		2,740.00	
8201	10/29/2010	J W LAWN SERVICE	2468	3,650.15
77809	559518		1,684.64	
77812	559518		1,389.47	
77813	559518		576.04	
8202	10/29/2010	JAYHAWK FILE EXPRESS LLC	2502	457.00
N546940	DE	WO #N015209 DATED 9/22/10	23.00	
N546941	DE	WO #01488/N015212 9/3-22/10	46.00	
N546942	DE	WO #N014887 9/3/10	61.00	
N546943	DE	WO #N014820 9/1/10	157.00	
N546944	DE	WO #N015009/N015202 9/10-22/10	170.00	
8203	10/29/2010	KAN EQUIPMENT INC	2621	967.99
6 164743	558504		181.23	
6 164968	558574		254.58	
6 164969	558504		233.05	
6 164980	558504		57.78	
6 165070	558504		95.41	
6 165077	558574		60.80	
6 165177	558504		49.36	
6 165234	558574		35.78	
8204	10/29/2010	KANSAS BUREAU OF INVESTIGATION	2647	5,211.52
559331 7	559331		5,211.52	
8205	10/29/2010	KANSAS CHILDRENS SERVICE	2651	11,000.00
559482 FINAL	559482		11,000.00	
8206	10/29/2010	KANSAS GAS SERVICE INC	2707	211.83
510242813100310	DE		107.95	
510472499144746	DE		60.51	
510560309144746	DE		43.37	
8207	10/29/2010	KEEP AMERICA BEAUTIFUL INC	2805	3,000.00
559310 FINAL	559310		3,000.00	
8208	10/29/2010	KEY STAFFING INC	2849	2,650.00
3011415	559609		500.00	
3011492	559609		500.00	
3011570	558895		500.00	
3011571	559609		500.00	
3011653	10065		650.00	
8209	10/29/2010	LAWYERS TITLE OF TOPEKA INC	3002	3,212.50
25748	DE	Land for Existing Water Tower	3,212.50	
8210	10/29/2010	LIBERTY FRUIT COMPANY INC	3057	834.30
447092	10683		220.50	
454667	10683		364.80	
459094	10683		249.00	
8211	10/29/2010	MAINSTREAM LAWN SPRINKLERS INC	7047	525.00
17381	11028		525.00	
8212	10/29/2010	MISSISSIPPI LIME CO INC	3471	5,701.40
926053	560180		2,859.40	
926218	560180		2,842.00	
8213	10/29/2010	MORNING STAR CONSTRUCTION INC	3524	3,955.00
11122	11122	2335 SE Adams	3,955.00	
8214	10/29/2010	NEENAN COMPANY	3649	85.42
S1715299 001	558449		85.42	
8215	10/29/2010	O REILLY AUTO PARTS	3714	134.55
0152 178493	558519		44.24	
0152 180634	558519		-6.56	
0152 180917	558519		96.87	
8216	10/29/2010	OMB POLICE SUPPLY	3746	75.58
P018483400020	10473		75.58	
8217	10/29/2010	PASSOW REMODELING LLC	3837	8,028.86
10910	10910	818 SE 37th St	6,317.00	
10910 FINAL	10910		1,711.86	
8218	10/29/2010	PIONEER JANITORIAL LLC	3943	892.75
CT 137	558612		892.75	
8219	10/29/2010	PROFESSIONAL ENGINEERING	4018	31,598.00

608151	542201		19,298.00		Attachment number 3 Page 6 of 19
608197	558121		1,602.50		
608199	10098		3,720.00		
608225	557033		6,977.50		
8220	10/29/2010	RAY O HERRON COMPANY	4118	2,224.30	
1022766 IN	10844		849.75		
1022770 IN	10831		1,374.55		
8221	10/29/2010	ROCHESTER CEMETERY ASSOCIATION	4257	15,000.00	
559429 FINAL	559429		15,000.00		
8222	10/29/2010	SELLERS EQUIPMENT INC	4470	1,145.49	
IC14130	558583		1,145.49		
8223	10/29/2010	SHAWNEE COUNTY MEDICAL SOCIETY	4515	20,000.00	
559483 FINAL	559483		20,000.00		
8224	10/29/2010	SIEMENS WATER TECHNOLOGIES COR	4555	5,946.28	
8415085	10896		5,946.28		
8225	10/29/2010	SOUTHERN UNIFORM & EQUIPMENT	4672	2,067.99	
59808	559980		2,067.99		
8226	10/29/2010	SPRING CITY ELECTRICAL MFG CO	6553	64,701.00	
610591C	560080		64,701.00		
8227	10/29/2010	STAPLES CONTRACT & COMMERCIAL	4725	808.96	
104543587	10810		111.26		
104717798	10956		10.04		
104953942	11060		3.47		
104954303	11111		375.96		
104986823	11145		70.65		
105030176	11189		237.58		
8228	10/29/2010	THERMO FISHER SCIENTIFIC LLC	4949	282.60	
6324740	558866		282.60		
8229	10/29/2010	TOPEKA PERFORMING ARTS CENTER	5040	20,833.00	
559039 10	559039		20,833.00		
8230	10/29/2010	TOPEKA TRANSMISSION SERVICE IN	5057	2,323.73	
44764	558530		2,323.73		
8231	10/29/2010	TRUCK PARTS & EQUIPMENT INC	5102	1,013.67	
269727	558531		35.13		
269768	558531		5.25		
270067	558531		43.45		
270119	558586		140.38		
270281	558531		605.68		
270485	558531		67.14		
270543	558531		74.21		
270547	558531		42.43		
8232	10/29/2010	UMB BANK NA	5127	44,363.57	
PCARD10222010			44,363.57		
8233	10/29/2010	UNIVERSAL SYSTEMS INC	5161	2,813.64	
349039	558784		2,813.64		
8234	10/29/2010	VANDERBILT'S NO 6	5199	559.94	
116234	558681		59.97		
116929	11203		130.00		
117094	11244		129.99		
117660	11244		129.99		
118095	11244		109.99		
8235	10/29/2010	VICTOR L PHILLIPS COMPANY INC	5225	1,498.14	
IT06298	558533		119.28		
WT29433	558533		1,378.86		
8236	10/29/2010	WALKER TOWEL & UNIFORM SERVICE	5266	256.99	
1299066	558927		16.04		
1300691	558927		95.95		
1301232	558620		12.45		
1301807	558620		7.65		
1301808	558620		23.90		
1301810	558927		15.80		
1302372	10125		8.00		
1302362	10125		16.90		
1302363	10125		2.40		
1302364	10125		27.70		

1302365	10125		3.60	
1302366	10125		15.00	
1302367	10125		11.60	
8237	10/29/2010	WINGFOOT COMMERCIAL TIRE	5494	947.25
123 1037244	558589		947.25	
8238	10/29/2010	MEDTRAK SERVICES LLC	3330	89,572.53
91365	558706		89,572.53	
8239	10/29/2010	BECK, PAUL	415	60.00
10/24/10AVBPB		Adult Volleyball	60.00	
8240	10/29/2010	CLARK, GEORGIA	955	195.00
10043 1	10043		195.00	
8241	10/29/2010	DEAN, ROBERT	1290	72.00
10/24/10ABBRD		Adult Basketball	72.00	
8242	10/29/2010	DEGENNARO, NICOLE	1306	195.00
10598 1	10598		195.00	
8243	10/29/2010	EXCELLERANT INC	6990	135.00
10912	10912		135.00	
8244	10/29/2010	FRIESS, PAULA	1797	161.00
10594 1	10594		161.00	
8245	10/29/2010	HANSON, GREGORY A	2087	48.00
10/24/10ABBGH		Adult Basketball	48.00	
8246	10/29/2010	JARBOE-PAXSON, NICOLE	2495	764.40
10044 1	10044		378.00	
10048 1	10048		126.00	
10572 1	10572		210.00	
10575 1	10575		50.40	
8247	10/29/2010	JONES, ANTWAUN	2580	66.00
10/24/10AVBAJ		Adult Volleyball	66.00	
8248	10/29/2010	KENNEDY, BRIAN	2832	96.00
10/24/10AVBBK		Adult Volleyball	96.00	
8249	10/29/2010	SMITH, LAURA ANN	6599	84.00
10051 1	10051		84.00	
8250	10/29/2010	SMITH, MIMI	4632	665.00
10582 1	10582		133.00	
10583 1	10583		266.00	
10593 1	10593		133.00	
10612 1	10612		133.00	
8251	10/29/2010	TRUHE, WILLIAM J	5103	150.00
10610 1	10610		140.00	
10611 1	10611		10.00	
8252	10/29/2010	WALKER, ANDREW	5267	125.00
559030 1	559030		125.00	
8253	10/29/2010	ACE ELECTRIC JONES COMPANY INC	35	1,056.30
8781	11226		1,056.30	
8254	10/29/2010	BETTIS ASPHALT & CONSTRUCTION	470	287,859.75
1009 055	10100		284,819.10	
1010 037	10407		3,040.65	
8255	10/29/2010	C-HAWKK CONSTRUCTION INC	911	30,869.50
14042	11269		2,222.75	
14043	11268		3,247.95	
14044	11237		1,831.00	
14045	11270		3,115.35	
14047	10772		480.50	
14048	10772		1,824.00	
14090	558436		32.40	
14091	558436		217.75	
14084	558436		73.50	
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14086	558436		660.00	
14087	558436		14.50	
14088	558436		16.80	
14089	558436		259.00	
14078	10772		1,838.25	

14079	10772	602.00
14080	10386	1,130.50
14081	558436	144.00
14082	558436	377.00
14083	558436	2,431.00
14070	558436	364.80
14071	10772	705.50
14072	10772	599.50
14073	10772	168.00
14076	10772	1,868.80
14077	10772	1,142.25
14049	10772	300.00
14050	10772	282.00
14051	10772	1,749.90
14067	558436	1,116.00
14068	558436	2,028.00
14069	558436	9.00

8256	10/29/2010	CAPITAL BELT & SUPPLY INC	776	205.98
40698	11212		205.98	
8257	10/29/2010	CAPITAL CITY OIL CO INC	778	27,871.89
32036	558556		498.10	
87487	558621		26,219.09	
DD 557	558621		1,154.70	
8258	10/29/2010	CHAMPION BRANDS LLC	883	1,483.06
393794	558559		1,503.06	
67567 CR	558559		-20.00	
8259	10/29/2010	CLAYTON PAPER & DISTRIBUTION I	965	82.20
016890A	10829		82.20	
8260	10/29/2010	FLU CON INC	1729	419.95
I 71775 0	558489		165.20	
P 71010 0	558489		34.47	
P 71669 0	558489		92.18	
P 71695 0	558489		81.95	
P 71777 0	558489		46.15	
8261	10/29/2010	HD SUPPLY WATERWORKS LTD	2146	10,709.58
1786269	10183		9,137.28	
1850550	10427		1,572.30	
8262	10/29/2010	JOHNSON CONTROLS INC	2546	7,026.00
00028902645	559424		7,026.00	
8263	10/29/2010	LINDYSPRING WATER LLC	3071	48.65
555373	559403		5.95	
555374	559403		15.75	
555692	559403		5.95	
555694	559403		21.00	
8264	10/29/2010	LINWELD INC	3073	457.98
R590109	11164		153.83	
R590110	11164		50.15	
TO29324	11164		254.00	
8265	10/29/2010	NEPTUNE TECHNOLOGY GROUP INC	3658	15,638.50
N261426	10697		2,680.00	
N262047	11283		12,958.50	
8266	10/29/2010	SALISBURY SUPPLY COMPANY INC	4352	775.39
00963782	558861		36.60	
00963783	558861		7.23	
00964061	558861		5.47	
00964434	558861		52.68	
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00964901	558861		6.00	
00966423	558861		71.94	
00965118	558861		16.50	
00965119	558861		69.16	
00965120	558861		89.54	
00965576	558861		23.75	
00966016	558521		343.24	
00966198	558861		48.30	
8267	10/29/2010	SCHMIDTLEIN EXCAVATING INC	4406	509,852.05
100810	559826		38,750.00	
10113 13	559422		471,102.05	

8268 31667	10/29/2010 10162	TOPEKA ELECTRIC MOTOR REPAIR I	5025	90.00	90.00	Attachment number 3 Page 9 of 19
8269 60751	10/29/2010 10996	TRAFFIC SIGNAL CONTROLS	5079	21,992.00	21,992.00	
8270 06050204	10/29/2010 558535	WHITE STAR MACHINERY & SUPPLY	5408	173.94	173.94	

Total for Electronic Payments 1,904,493.78

Check Payments

679509 000000063100924 000000063101008 000000063101022	10/27/2010	BUTLER & ASSOCIATES PA Garnishment - Pct of Net Garnishment - Pct of Net Garnishment - Pct of Net	730	76.63 118.84 62.36	257.83
679510 000000063100924 000000063101008 000000063101022	10/27/2010	BUTLER & ASSOCIATES PA Garnishment - Pct of Net Garnishment - Pct of Net Garnishment - Pct of Net	730	76.63 118.84 62.36	257.83
679511 000000063101022	10/27/2010	BUTLER & ASSOCIATES PA Garnishment - Pct of Net	730	62.36	62.36
679512 000000655101008 000000655101022	10/27/2010	BUTLER & ASSOCIATES PA Garnishment - Pct of Net Garnishment - Pct of Net	730	420.65 539.84	960.49
679513 000000318101022	10/27/2010	BUTLER & ASSOCIATES PA Garnishment - Pct of Net	730	25.06	25.06
679514 000000318101008 000000318101022	10/27/2010	NEWMAN REYNOLDS & RIFFEL Garnishment - Pct of Net Garnishment - Pct of Net	3671	37.81 25.06	62.87
679515 000000185101008	10/27/2010	VALENTINE & ZIMMERMAN PA Garnishment - Pct of Net	5186	309.71	309.71
679516 000000318101008 000000318101022	10/27/2010	VALENTINE & ZIMMERMAN PA Garnishment - Pct of Net Garnishment - Pct of Net	5186	37.81 25.07	62.88
679517 000001780101008	10/27/2010	VALENTINE & ZIMMERMAN PA Garnishment - Pct of Net	5186	26.13	26.13
679518 000000867101008 000000867101022 000086710100816	10/27/2010	KANSAS DEPARTMENT OF REVENUE Garnishment - Pct of Net Garnishment - Pct of Net	6574	373.97 339.13 -373.97	339.13
679519 000000558101022	10/27/2010	KANSAS DEPARTMENT OF REVENUE Garnishment - Pct of Net	6574	359.62	359.62
679520 11051	10/27/2010 11051	SHAWNEE COUNTY REGISTER DEEDS	4519	12.00	12.00
679521 558739 21	10/27/2010 558739	SHAWNEE COUNTY REGISTER DEEDS	4519	58.50	58.50
679522 000000015101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	423.82	423.82
679523 000000023101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	207.23	207.23
679524 000000074101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	331.26	331.26
679525 000000083101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	42.94	42.94
679526 000000086101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	149.08	149.08
679527 000000086101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	163.43	163.43
679528 000000096101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	230.84	230.84
679529 000000114101022	10/27/2010	KANSAS PAYMENT CENTER Child Support - Amt	2732	196.68	196.68

679530	10/27/2010	KANSAS PAYMENT CENTER	2732	510.16
000000119101022		Child Support - Amt		510.16
679531	10/27/2010	KANSAS PAYMENT CENTER	2732	481.53
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679532	10/27/2010	KANSAS PAYMENT CENTER	2732	114.50
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679533	10/27/2010	KANSAS PAYMENT CENTER	2732	149.82
000000172101022		Child Support - Amt		149.82
679534	10/27/2010	KANSAS PAYMENT CENTER	2732	256.24
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679535	10/27/2010	KANSAS PAYMENT CENTER	2732	257.16
000000191101022		Child Support - Amt		257.16
679536	10/27/2010	KANSAS PAYMENT CENTER	2732	177.75
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679537	10/27/2010	KANSAS PAYMENT CENTER	2732	383.08
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679538	10/27/2010	KANSAS PAYMENT CENTER	2732	53.08
000000242101022		Child Support - Amt		53.08
679539	10/27/2010	KANSAS PAYMENT CENTER	2732	131.08
000000242101022		Child Support - Amt		131.08
679540	10/27/2010	KANSAS PAYMENT CENTER	2732	172.67
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679541	10/27/2010	KANSAS PAYMENT CENTER	2732	288.09
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679551	10/27/2010	KANSAS PAYMENT CENTER	2732	361.85
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679552	10/27/2010	KANSAS PAYMENT CENTER	2732	198.98
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679553	10/27/2010	KANSAS PAYMENT CENTER	2732	184.62
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679559	10/27/2010	KANSAS PAYMENT CENTER	2732	285.32	
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679560	10/27/2010	KANSAS PAYMENT CENTER	2732	74.10	
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679561	10/27/2010	KANSAS PAYMENT CENTER	2732	267.69	
000000641101022		Child Support - Amt	267.69		
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679563	10/27/2010	KANSAS PAYMENT CENTER	2732	16.15	
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679564	10/27/2010	KANSAS PAYMENT CENTER	2732	184.67	
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679565	10/27/2010	KANSAS PAYMENT CENTER	2732	121.88	
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679569	10/27/2010	KANSAS PAYMENT CENTER	2732	86.31	
000000774101022		Child Support - Amt	86.31		
679570	10/27/2010	KANSAS PAYMENT CENTER	2732	122.77	
000000791101022		Child Support - Amt	122.77		
679571	10/27/2010	KANSAS PAYMENT CENTER	2732	153.69	
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679573	10/27/2010	KANSAS PAYMENT CENTER	2732	115.42	
000000818101022		Child Support - Amt	115.42		
679574	10/27/2010	KANSAS PAYMENT CENTER	2732	446.45	
000000827101022		Child Support - Amt	446.45		
679575	10/27/2010	KANSAS PAYMENT CENTER	2732	46.15	
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679576	10/27/2010	KANSAS PAYMENT CENTER	2732	314.31	
000000863101022		Child Support - Amt	314.31		
679577	10/27/2010	KANSAS PAYMENT CENTER	2732	238.15	
000000866101022		Child Support - Amt	238.15		
679578	10/27/2010	KANSAS PAYMENT CENTER	2732	84.92	
000000924101022		Child Support - Amt	84.92		
679579	10/27/2010	KANSAS PAYMENT CENTER	2732	102.69	
000000924101022		Child Support - Amt	102.69		
679580	10/27/2010	KANSAS PAYMENT CENTER	2732	287.08	
000000938101022		Child Support - Amt	287.08		
679581	10/27/2010	KANSAS PAYMENT CENTER	2732	304.15	
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679582	10/27/2010	KANSAS PAYMENT CENTER	2732	115.42	
000000972101022		Child Support - Amt	115.42		
679583	10/27/2010	KANSAS PAYMENT CENTER	2732	351.80	
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679584	10/27/2010	KANSAS PAYMENT CENTER	2732	144.51	
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679585	10/27/2010	KANSAS PAYMENT CENTER	2732	135.69	Attachment number 3 Page 12 of 19
000001022101022		Child Support - Amt		135.69	
679586	10/27/2010	KANSAS PAYMENT CENTER	2732	759.00	
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679588	10/27/2010	KANSAS PAYMENT CENTER	2732	182.83	
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000001056101022		Child Support - Amt		155.54	
679590	10/27/2010	KANSAS PAYMENT CENTER	2732	32.00	
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679591	10/27/2010	KANSAS PAYMENT CENTER	2732	138.50	
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000001093101022		Child Support - Amt		153.69	
679593	10/27/2010	KANSAS PAYMENT CENTER	2732	279.78	
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679594	10/27/2010	KANSAS PAYMENT CENTER	2732	335.64	
000001181101022		Child Support - Amt		335.64	
679595	10/27/2010	KANSAS PAYMENT CENTER	2732	158.54	
000001181101022		Child Support - Amt		158.54	
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000001189101022		Child Support - Amt		55.85	
679597	10/27/2010	KANSAS PAYMENT CENTER	2732	113.11	
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000001193101022		Child Support - Amt		140.31	
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679601	10/27/2010	KANSAS PAYMENT CENTER	2732	20.31	
000001768101022		Child Support - Amt		20.31	
679602	10/27/2010	KANSAS PAYMENT CENTER	2732	69.69	
000001847101022		Child Support - Amt		69.69	
679603	10/27/2010	KANSAS PAYMENT CENTER	2732	92.31	
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679604	10/27/2010	KANSAS PAYMENT CENTER	2732	191.54	
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679605	10/27/2010	KANSAS PAYMENT CENTER	2732	29.08	
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679606	10/27/2010	KANSAS PAYMENT CENTER	2732	97.85	
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679608	10/27/2010	KANSAS PAYMENT CENTER	2732	41.54	
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679610	10/27/2010	KANSAS PAYMENT CENTER	2732	27.69	
000001919101022		Child Support - Amt		27.69	
679611	10/29/2010	ESTATE OF MARIAN JEAN	3163	0.00	
2008 FRANCHISE DE		2008 FRANCHISE FEE		0.00	
679612	10/29/2010	WATERWORTH, JOSEPH G	5327	62.04	

FRANCHISE	FEE	DE		62.04	
679613	10/29/2010	ACTION SIGNS TO GO	43		360.00
42438	558458			175.00	
42441	558458			185.00	
679614	10/29/2010	ASSOCIATION OF METROPOLITAN	277		3,176.35
11150	11150			3,176.35	
679615	10/29/2010	AT&T GLOBAL SERVICES	286		414.85
SW098762	558783			414.85	
679616	10/29/2010	ATHAN'S SERVICES INC	291		768.14
7870	11163			768.14	
679617	10/29/2010	BDF ENTERPRISES LTD	1660		174.55
32291	558568			174.55	
679618	10/29/2010	BIRCH COMMUNICATIONS	5899		5.44
8575972	DE			5.44	
679619	10/29/2010	BLACKBURN NURSERY & LAWN	506		36.92
001EC0103535	10984			16.02	
001EC0110874	10984			7.57	
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001RO0088774	10984			4.50	
001RO0088785	10984			8.15	
679620	10/29/2010	BRIDGESTONE FIRESTONE NORTH	617		1,460.08
16294	558469			54.25	
16311	558469			315.75	
16464	558469			1,057.08	
16596	558469			33.00	
679621	10/29/2010	BROWNS SUPER SERVICE INC	670		68.00
80707	558471			68.00	
679622	10/29/2010	CAPPS BIKE SHOP	795		1,510.00
10805	10805			1,510.00	
679623	10/29/2010	CARSTAR WALT'S NORTH	822		3,824.00
006045	10973			3,824.00	
679624	10/29/2010	CONRAD FIRE EQUIPMENT INC	1073		507.17
467760	558475			438.63	
467772	558475			34.08	
467788	558475			34.46	
679625	10/29/2010	COYOTE CANYON	1153		187.91
69827	558832			39.56	
69835	558832			39.56	
69837	558832			39.56	
69840	558832			29.67	
69850	558832			39.56	
679626	10/29/2010	CURRENT ELECTRICAL CO	1207		189,946.80
10063 2	10063			189,946.80	
679627	10/29/2010	DENNYS RESTAURANT INC	1329		176.31
209103	10476			31.81	
209336	10476			33.66	
211141	10476			31.12	
211242	10476			42.38	
211483	10476			37.34	
679628	10/29/2010	DENNYS RESTAURANT INC	1329		66.89
214831	10476			34.86	
328460	10476			32.03	
679629	10/29/2010	ESPOSITO, JOHN	1566		348.80
SUD5102010	559774			348.80	
679630	10/29/2010	FACTORY MOTOR PARTS COMPANY	5676		1,349.45
8 467704	558486			91.44	
8 467855	558486			54.71	
8 468080	558486			49.03	
8 468123	558486			51.04	
8 468806	558486			48.44	
8 468137	558486			22.44	
8 468157	558486			653.14	
8 468529	558486			167.44	
8 468577	558486			84.03	

8 468801	558486		84.03		Attachment number 3
8 468804	558486		43.71		Page 14 of 19
679631	10/29/2010	FIRST CONSTRUCTION LLC	1682	37,220.93	
10467 1	10467		37,220.93		
679632	10/29/2010	GOLDEN CORRAL	1921	43.74	
214001	558854		43.74		
679633	10/29/2010	HERRMAN'S EXCAVATING INC	2218	12,128.00	
10463	10463		12,128.00		
679634	10/29/2010	HOYT'S TRUCK CENTER INC	2321	818.73	
68263	558499		818.73		
679635	10/29/2010	INFORMATION NETWORK OF KANSAS	2395	54.64	
228736	10307		54.64		
679636	10/29/2010	JACOBSON ASBESTOS COMPANY	2487	600.00	
10 23	10002		600.00		
679637	10/29/2010	KALOS	5726	170.00	
50433	559083		170.00		
679638	10/29/2010	KANSAS AUTOMOTIVE INC	2639	1,218.14	
2334795	558505		11.32		
2334806	558505		6.33		
2334813	558505		15.65		
2334833	558602		22.20		
2334848	558505		6.34		
2337899	558505		3.37		
2338084	558505		34.57		
5335239	558575		106.70		
2337428	558505		18.45		
2337553	558505		13.47		
2337664	558505		59.48		
2337707	558505		3.43		
2337711	558505		12.50		
2337719	558505		1.14		
2337189	558505		3.49		
2337214	558505		6.84		
2337240	558505		11.60		
2337247	558505		76.21		
2337251	558602		3.22		
2337427	558505		12.79		
2336752	558575		15.23		
2336926	558505		15.77		
2336968	558505		15.77		
2337123	558505		3.43		
2337140	558505		2.26		
2337153	558505		1.85		
2336308	558505		2.80		
2336340	558505		41.03		
2336351	558505		2.70		
2336454	558505		7.60		
2336553	558505		42.15		
2336673	558505		2.90		
2336047	558505		1.59		
2336070	558505		2.70		
2336108	558575		86.37		
2336144	558505		3.00		
2336164	558505		12.26		
2336247	558603		15.92		
2335669	558505		9.22		
2335749	558505		12.32		
2335768	558505		13.82		
2335981	558575		21.36		
2336021	558575		28.48		
2336028	558505		12.00		
2335273	558505		30.06		
2335300	558505		5.49		
2335314	558505		115.74		
2335458	558505		3.12		
2335608	558505		36.08		
2335617	558505		13.47		
2335007	558575		84.63		
2335029	558505		19.28		
2335060	558505		3.96		
2335075	558505		7.79		
2335177	558603		31.86		
2335205	558505		9.22		

2334885 558505
 2334899 558505
 2334900 558603
 2334944 558505
 2334960 558602
 2335004 558505

4.02
 3.84
 30.84
 4.39
 6.18
 6.54

679639 W6000	10/29/2010 11280	KANSAS DEPT OF HEALTH & ENVIR	5784	395.00	395.00
679640 RUSSELL JACQUI	10/29/2010 10824	KANSAS HUMAN RIGHTS COMMISSION	2715	75.00	75.00
679641 10456	10/29/2010 10456	KANSAS PROFESSIONAL GRANT membership-pantos rachel	6834	25.00	25.00
679642 SEPTEMBER 2010	10/29/2010 DE	KANSAS STATE TREASURER	2757	28,739.59	28,739.59
679643 10769 SINGER JC	10/29/2010 10769	KANSAS UNIVERSITY RIGHT OF WAY TRAINING 10/15	2775	35.00	35.00
679644 747433 833143 833146	10/29/2010 11228 11228 11228	KROGER-DILLON CUSTOMER CHARGES	2918	23.69 33.07 -2.72	54.04
679645 1068952 1069133 1069413 1069456 8034618 1069524 1069615 1069626 1069701 1069702 1069782	10/29/2010 558510 558510 558510 558510 558510 558510 558577 558510 558510 558510 558510	LAIRD NOLLER FORD INC	2939	-300.00 51.92 31.20 81.89 2,115.79 175.53 155.46 55.91 46.67 10.84 20.28	2,445.49
679646 19805	10/29/2010 558512	LEE'S TRUCK INC	3021	102.46	102.46
679647 65864 7402	10/29/2010 10881 10907	LOWER HEATING & A/C INC	3119	4,368.00 3,904.00	8,272.00
679648 0402135 IN	10/29/2010 11116	MESA LABORATORIES	3360	55.27	55.27
679649 1167253	10/29/2010 558448	MIDWAY WHOLESALE TOPEKA	3405	120.38	120.38
679650 026221	10/29/2010 558578	MIGHTY OF NE KANSAS	3422	42.88	42.88
679651 L0040006	10/29/2010 10496	MWH LABORATORIES	3593	930.00	930.00
679652 039141010	10/29/2010 558736	NATIONAL VISION INC	3634	150.00	150.00
679653 P018242000012	10/29/2010 559189	OMB POLICE SUPPLY	3746	75.58	75.58
679654 9683 9684	10/29/2010 10733 10733	OZARK INTEGRATED PEST SERVICE	3791	230.00 35.00	265.00
679655 21045200 21045214 21045727	10/29/2010 558615 558615 558615	SCHENDEL SERVICES INC	4390	45.34 45.34 45.34	136.02
679656 1562	10/29/2010 11047	SHAWNEE COUNTY DEPT OF PUBLIC	4504	2,912.00	2,912.00
679657 559567 5	10/29/2010 559567	SHAWNEE COUNTY HEALTH AGENCY	4512	159.00	159.00
679658 11107	10/29/2010 11107	SHAWNEE COUNTY REGISTER DEEDS	4519	13.20	13.20

679659	10/29/2010	SHAWNEE COUNTY TREASURER	4521		51.00
1302881 01	558616			25.50	
1302881 01	558616			-25.50	
51B0111519	558616			25.50	
51B0111520	558616			25.50	
679660	10/29/2010	STANDARD BATTERY INC	4718		218.85
K81096	558525			68.95	
R019727	558584			149.90	
679661	10/29/2010	THE LAUNDRY CHUTE	4931		96.15
1977 10	10950			96.15	
679662	10/29/2010	TOPEKA FOUNDRY & IRON WORKS IN	5029		1,480.00
5731 10HB	560130			1,480.00	
679663	10/29/2010	TOPEKA HARLEY DAVIDSON	5031		68.00
500636	558529			68.00	
679664	10/29/2010	TOPEKA INDEPENDENT LIVING	5772		60.00
192	10879			60.00	
679665	10/29/2010	US FOODSERVICE KANSAS CITY	6572		552.89
4365870	10684			552.89	
679666	10/29/2010	UTOPIA PRODUCTS INC	6944		1,641.44
58742	10716			1,641.44	
679667	10/29/2010	VILLAGE CLEANERS	5230		117.15
0854	559011			6.40	
1116	559011			7.76	
1253	559011			10.25	
1444	559011			3.20	
3606	559011			16.25	
3859	559011			2.00	
4008	559011			5.14	
4108	559011			5.05	
4444	559011			3.88	
4764	559011			1.94	
2351	559011			1.94	
2623	559011			5.82	
2856	559011			3.88	
2857	559011			6.40	
3044	559011			3.10	
3179	559011			5.82	
1571	559011			3.20	
1652	559011			3.20	
1653	559011			1.94	
1859	559011			9.70	
2252	559011			3.88	
2350	559011			6.40	
679668	10/29/2010	WESTAR ENERGY	5376		42,184.87
0165524685-10/18	DE			251.37	
0306303686-10/18	DE			7,076.39	
9391107126-10/19	DE			12,743.15	
9673824013-10/18	DE			22,113.96	
679669	10/29/2010	WHELEN ENGINEERING COMPANY INC	5399		5,613.60
888959	10114			5,613.60	
679670	10/29/2010	SUMMIT WOODS APARTMENTS	4813		985.00
FAR040210		HPRP RENT ASSISTANCE		300.00	
JOH040210		HPRP RENT ASSISTANCE		685.00	
679671	10/29/2010	PEOPLES BENEFIT GROUP LLC	3884		4,350.00
34	558456			4,350.00	
679672	10/29/2010	SAINT FRANCIS HEALTH CENTER	4339		4,300.45
558468 7	558468			4,300.45	
679690	10/29/2010	BRIDGES, WELLS F	616		149.50
10589 1	10589			149.50	
679691	10/29/2010	CLOUSE, PHILLIP J	981		84.00
10/24/10AVBPC		Adult Volleyball		84.00	
679692	10/29/2010	WALKER, DAMON	6927		24.00
10/24/10AVBDW		Adult Volleyball		24.00	
679693	10/29/2010	DAUGHERTY, KATHY	1257		98.00

10336 1	10336			98.00		
679694	10/29/2010	HILL, DEWEY O	6947		32.00	
10/24/10AVBDH		Adult Volleyball		32.00		
679695	10/29/2010	DORITY, SHELBY L	1387		72.00	
10/24/10AVBSD		Adult Volleyball		72.00		
679696	10/29/2010	EZELL, HARRY	1597		144.00	
10/24/10AVBHE		Adult Volleyball		144.00		
679697	10/29/2010	HUNT, RON	6013		36.00	
10/24/10AVBRH		Adult Volleyball		36.00		
679698	10/29/2010	POWELL, JOHNNIE G	6928		81.00	
10/24/10AVBJP		Adult Volleyball		81.00		
679699	10/29/2010	LEWIS, KYLE N	3053		0.00	
10/24/10AVBKL				0.00		
10/24/10AVBNL		Adult Volleyball		0.00		
679700	10/29/2010	LUNA, NARCISO	3138		0.00	
10/24/10ABBNL		Adult Basketball		0.00		
10/24/10AVBEL		Adult Volleyball		0.00		
679701	10/29/2010	PERRY, MICHAEL	6147		26.00	
10/24/10ABBMP				26.00		
679702	10/29/2010	PATTERSON, RICHARD A	3845		45.00	
10/24/10AVBRP		Adult Volleyball		45.00		
679703	10/29/2010	PAUL WOBUS	6165		48.00	
10/24/10AVBPW		Adult Volleyball		48.00		
679704	10/29/2010	QUARLES II, NORMAN W	4051		99.00	
10/24/10AVBNQ		Adult Volleyball		99.00		
679705	10/29/2010	ROSS, THOMAS L	4296		32.00	
10/24/10AVBTR		Adult Volleyball		32.00		
679706	10/29/2010	SMILEY, RONALD P	4610		108.00	
10756 1	10756			108.00		
679707	10/29/2010	SMITH, ERNEST E	6156		204.00	
10/24/10AVBES		Adult Volleyball		204.00		
679708	10/29/2010	THEIS, KENNY	4947		96.00	
10/24/10AVBKT		Adult Volleyball		96.00		
679709	10/29/2010	DEAN, TRAVIS	6951		32.00	
10/24/10AVBTD		Adult Volleyball		32.00		
679710	10/29/2010	WARD, ALISHA N	6998		32.00	
10/24/10AVBAW		Adult Volleyball		32.00		
679711	10/29/2010	WRIGHT, DENNIS	5547		96.00	
10/24/10AVBDW2		Adult Volleyball		96.00		
679712	10/29/2010	CHARLES D JONES & COMPANY	903		22.74	
5035164 00	11282			22.74		
679713	10/29/2010	FASTENAL COMPANY	1619		1,771.73	
KSTOP140670	11162			1,154.48		
KSTOP141185	11162			26.76		
KSTOP142016	11162			84.18		
KSTOP142040	558595			12.74		
KSTOP142130	11162			475.58		
KSTOP142146	11162			17.99		
679714	10/29/2010	GRAINGER	1964		1,334.59	
9338787220	558879			74.51		
9339000409	558879			74.10		
9339000417	558879			74.16		
9339000425	558879			151.45		
9339000433	558879			30.29		
9339000441	558879			127.72		
9352900105	558879			143.10		
9354480502	558879			287.55		
9361490049	558879			361.61		
9369927240	558879			10.10		
679715	10/29/2010	INDUSTRIAL FABRICS CORPORATION	2387		17,554.00	

386582	10399		17,554.00		Attachment number 3 Page 18 of 19
679716	10/29/2010	KANSAS CORRECTIONAL INDUSTRIES	2662		3,271.18
110803	10951			3,271.18	
679717	10/29/2010	KIMBALL MIDWEST	2854		509.08
1687196	558576			509.08	
679718	10/29/2010	MCCRAY LUMBER COMPANY	3280		349.53
164470	558440			213.78	
164475	558440			29.00	
164592	558440			61.39	
164691	558440			45.36	
679719	10/29/2010	MEIERS READY MIX	3338		4,850.17
299922	10406			1,030.00	
299977	10406			1,030.00	
299980	558447			1,030.00	
300087	11152			193.77	
300164	11152			141.34	
300189	11152			573.30	
300210	11152			546.00	
300259	11152			305.76	
679720	10/29/2010	MID-STATES MATERIALS LLC	3401		2,799.55
23874	558857			727.70	
23994	558857			957.64	
24243	558857			263.09	
24300	558857			851.12	
679721	10/29/2010	MINE SAFETY APPLIANCES INC	3460		8,185.18
94802164	556564			8,185.18	
679722	10/29/2010	NEAL & SONS CONSTRUCTION INC	3643		2,891.70
96307	10571			2,891.70	
679723	10/29/2010	NORTHEAST KANSAS HYDRAULICS IN	3705		1,209.81
25377	558517			490.00	
25394	558517			719.81	
679724	10/29/2010	OLDCASTLE PRECAST INC	3739		796.00
120018469	558450			680.00	
120018510	558450			116.00	
679725	10/29/2010	PUMP & POWER EQUIPMENT INC	4039		2,417.40
203026	10893			2,417.40	
679726	10/29/2010	TFM COMM INC	4914		342.55
90466	558925			342.55	
679727	10/29/2010	SULLIVAN, COBY	7078		52.27
CR 2006 0018611	AR RAMOS			52.27	
679728	10/29/2010	DALEY, KATHRINE	7079		25.00
CR 2006 0008703	NB BRANION			25.00	
679729	10/29/2010	KMART	6861		100.00
CR 2010 0012989	ALVAREZ-HERNAN			100.00	
679730	10/29/2010	DAGOBERTO, MARIN	7077		50.00
CR 2010 0009738	J RODRIGUEZ			50.00	
679731	10/29/2010	RICE, SHELLEY	7080		100.00
CR 2010 0008262	JP ORTIZ			100.00	
679732	10/29/2010	ACKER, TAMMIE	7076		40.00
CR 2008 0014706	AR RAZZANO			40.00	
679733	10/29/2010	VALDERY, WILLIE	7081		586.00
CR 2009 0018679	PD PATTERSON			586.00	
679734	10/29/2010	ESTATE OF MARIAN JEAN	3163		76.04
2008 FRANCHISE	DE	2008 FRANCHISE FEE		76.04	
679735	10/29/2010	LEWIS, KYLE N	3053		36.00
10/24/10AVBKL				36.00	
679736	10/29/2010	LUNA, NARCISO	3138		87.00
10/24/10ABBNL		Adult Basketball		51.00	
10/24/10AVBNL		ADULT VOLLEYBALL		36.00	
679737	10/29/2010	PERRY, MICHAEL	6147		125.00

10/10/10AVBMP2				25.00		Attachment number 3
10/17/10AVBMP2				25.00		Page 19 of 19
10/24/10ABBMP2				25.00		
10/3/10AVBMP2				25.00		
9/26/10AVBMP2				25.00		
679738	10/29/2010	UNITED STATES TREASURY	5156		92.31	
000001128101022		Tax Payment Agreement		92.31		
Total for Check Payments					436,489.21	
TOTAL OF PAYMENTS					2,340,982.99	



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 1, 2010

+ Back Print

DATE:	November 16, 2010		
CONTACT PERSON:	David Thurbon/Bill Hoover	DOCUMENT #:	Z10/6
SECOND PARTY/SUBJECT:	RJ Properties - Barrington LLC	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	11-09-10 Final Reading	JOURNAL #:	10
		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 a portion of the property located at 5601 SW Barrington Court South from “PUD” Planned Unit Development District (C-4 use group) TO “O&I-2” Office and Institutional District. Final Reading. (Z10/6) (Council District No. 7)

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

(Approval would allow for the owner to construct a detached garage that is accessory and subordinate to the office building on the same property.)

POLICY ISSUE:

Consistent with the Topeka Land Use and Growth Management - 2025

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **8-0-0** at their October 18, 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.
- 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 **Item #15** Governing Body’s failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[staff report](#)

[aerial map](#)

[zoning map](#)

[vicinity](#)

[zoning application](#)

[Planning Commission Minutes](#)

(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 a portion of the property located at 5601 SW Barrington Court South from “PUD” Planned Unit Development District (C-4 use group) **TO** “O&I-2” Office and Institutional District. **(Z10/6) (Council District No. 7)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by classifying the following described property:

A PART OF LOT 2, BLOCK “A”, BARRINGTON SUBDIVISION, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH CORNER OF SAID LOT 2; THENCE SOUTHERLY ON AZ 181 DEGREES 46 MINUTES 10 SECONDS 41.00 FEET COINCIDENT WITH THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING; THENCE EASTERLY ON AZ 91 DEGREES 53 MINUTES 14 SECONDS, 28.55 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE 145.13 FEET AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 3449.55 FEET, AND A CHORD AZ OF 145 DEGREES 20 MINUTES 14 SECONDS, AND A CHORD LENGTH OF 145.12 FEET, COINCIDENT WITH THE EAST LINE OF SAID LOT 2; THENCE WESTERLY ON AZ 89 DEGREES 10 MINUTES 36 SECONDS, 114.85 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE NORTHERLY ON AZ 1 DEGREES 46 MINUTES 10 SECONDS, 122.01 FEET COINCIDENT WITH THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

from “PUD” Planned Unit Development District (C-4 use group) **TO** “O&I-2” Office and Institutional District.

Section 2. This Ordinance Number shall be fixed upon the “District Map”.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

ATTEST:

Brenda Younger, City Clerk

William W. Bunten, Mayor

To Be Codified _____
Not To Be Codified _____X_____

October 18, 2010
Agenda Item # E-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: **Z10/6**

by: **R&J Properties – Barrington L.L.C.**

PROPOSAL: Zone change from “PUD” Planned Unit Development District (C-4 use group) TO “O&I-2” Office & Institutional District.

LOCATION: The triangular-shaped rear tract of the property located at 5601 SW Barrington Court, containing approximately 0.2 acres.

PRESENT USE: This subject tract contains part of a parking lot for the applicant’s adjoining office building. The rest of the tract is vacant and abuts the Interstate highway.

PROPOSED USE: A detached garage that is accessory and subordinate to the principal use of the office, which is a permitted accessory use in the “O&I” District.

CHARACTER OF NEIGHBORHOOD: This subject property lies within an established transitional area with offices to the south and duplexes to the north. The Barrington Village shopping center is located at the corner of SW 29th and SW Arrowhead. This property is alongside the western side of Interstate-470. The 100-year flood plain covers much of the western side of the Interstate; including the southeastern corner of this property.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“M-3” Multiple-Family Dwelling District	Duplexes
South:	“O&I-2” Office and Institutional District; “PUD” Planned Unit Development (C-4 use)	Office building Vacant (drainage easement)
East:	Highway right-of-way	Interstate-470
West:	“O&I-2” Office and Institutional District	Office building (<i>applicant’s office building</i>)

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: Historically, the subject tract has been treated as having office zoning since the building was constructed in 1988. The property was originally included in a “Planned Business Center” (PBC) zoning district in 1965 for a motel, gas station, drive-in theater, and skating rink. This entire “PBC” encompassed that area lying west of I-470, between SW 27th and SW 29th Streets and approximately 200 ft. east of SW Arrowhead Road. This original plan for the

October 18, 2010
Agenda Item # E-1

“Westport Village Planned Business Center” never fully materialized. Subsequently, this entire area was rezoned to commercial, office, and multiple-family zoning districts by several zoning actions in the mid-1980s. The leftover “PBC” zoning from that plan converted to a PUD (C-4 use group) in 1992 with the zoning code update, which explains how the subject tract still remains zoned PUD. The subject 0.2 acre-tract of land was platted in 1983, as a part of Lot 2, Block A, Barrington Subdivision. All of Lot 2 was designated as a drainage easement at that time (shown on the aerial photo by the green hash markings on the west side of I-470). In 1987, the Barrington Subdivision #3 plat, as well as corresponding rezoning action, for this area included the owner’s building site at 5601 SW Barrington Court, but excluded the subject tract. This is the rear of his property boundary and still exists as a drainage easement today. Since the subsequent adoption of the Stream Buffer Regulations in 2002, this tract would also fall under the Type I stream buffer easement requirement for new development.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is no longer suitable as presently restricted for a Planned Unit Development (C-4 uses), as the original intention of the Planned Business Center was never realized and the rest of this original PUD was replatted and rezoned. One of the reasons the PUD zoning for this area still exists today is due to the fact that it was platted as a drainage easement and therefore, is unbuildable for permanent structures. However, this tract has essentially functioned as “O&I-2” zoning with its adjoining property since 1988 when this property owner’s office building was constructed and this is also its rear yard. In addition, considering the property’s present location in a stream buffer, there appears to be no particular reason why it is suitable as presently restricted for commercial uses.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 indicates this area is planned for *Urban/Suburban Low Density Residential*. The transitioning of zoning and land uses in this area meets the guidelines established by the neighborhood model in the Comprehensive Plan, as it provides for a stepping down of zoning and land uses from commercial at the arterial intersection, to office uses, to two-family residential uses.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions for commercial uses will have no detrimental effect upon nearby properties as the property has essentially been treated as an “O&I-2” zoning for more than 20 years since the office building was constructed. This zoning action is primarily intended to remove the outdated commercial PUD zoning on the property.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Denial of the proposal would leave the rear half of this property zoned for the old commercial PUD. This could potentially compromise the public health, safety and welfare of the area by leaving the existing commercial zoning on a tract of land that abuts the Interstate highway, (i.e. billboards are a permitted “C-4” use). There appears to be no hardship imposed upon the individual landowner by rezoning the tract to “O&I-2”, which would enable him to construct the desired garage as an accessory use to his office building. Whereas, this tract’s current zoning designation does not permit a detached accessory structure for a garage at all.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area.

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COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant** – (The entire property at 5601 SW Barrington Court contains 32,670 sq. ft.) – The minimum lot area in the “O&I-2” District is 7,500 sq. ft.

Setbacks: **Compliant** - The detached garage will meet all setbacks for accessory buildings in the “O&I” District, as stipulated by Chapter 18.210 TMC Accessory Use Regulations of the Comprehensive Zoning Regulations.

Platting: **Compliant**- A minor plat (P10/21) has been submitted in conjunction with this application. The plat is necessary in order to vacate the portion of the drainage easement not covered by the 100-year flood plain and provide notes pertaining to the variance approval from Water Pollution Control to the stream buffer ordinance. The plat note will state, “Pursuant with TMC 17.10.080(2)(3), Water Pollution Control hereby grants a variance to allow the proposed accessory garage structure to encroach into the Type I stream buffer easement over property that was paved prior to the adoption of the stream buffer ordinance, but not extending past said existing pavement.” This plat will also resolve previous platting actions by combining these lots into one lot and eliminate the possibility of the owner selling the landlocked parcel.

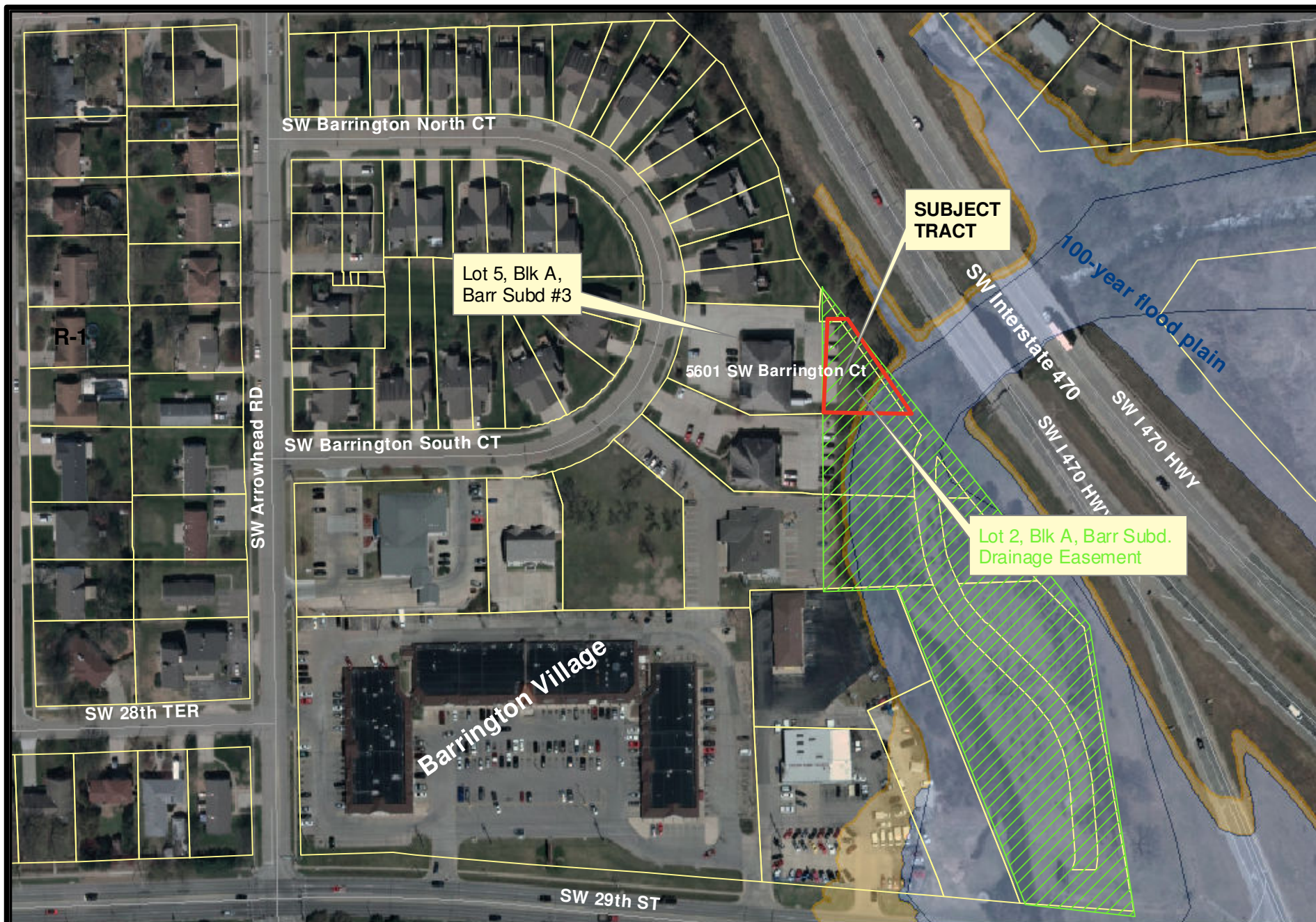
CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. All issues or concerns that were expressed by reviewing staff relative to code compliance or provisions of public service have been resolved or will be addressed at the platting and building permit stage.

ADDITIONAL FACTORS:

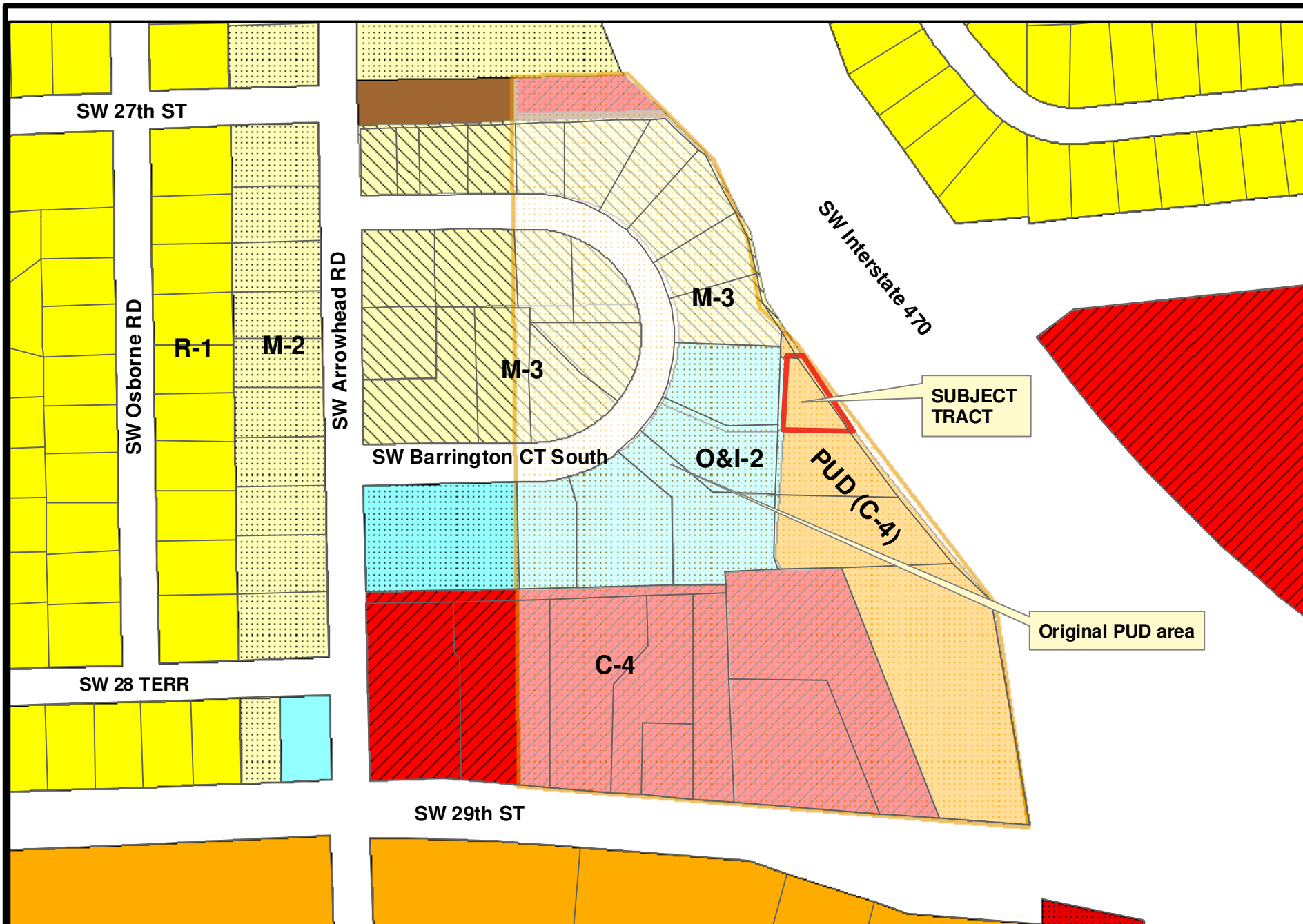
1. Neighborhood Improvement Association: N/A
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: There are no National Register properties within 500 ft.

STAFF RECOMMENDATION: Based upon the above findings and analysis, staff recommends **APPROVAL** of this proposal.

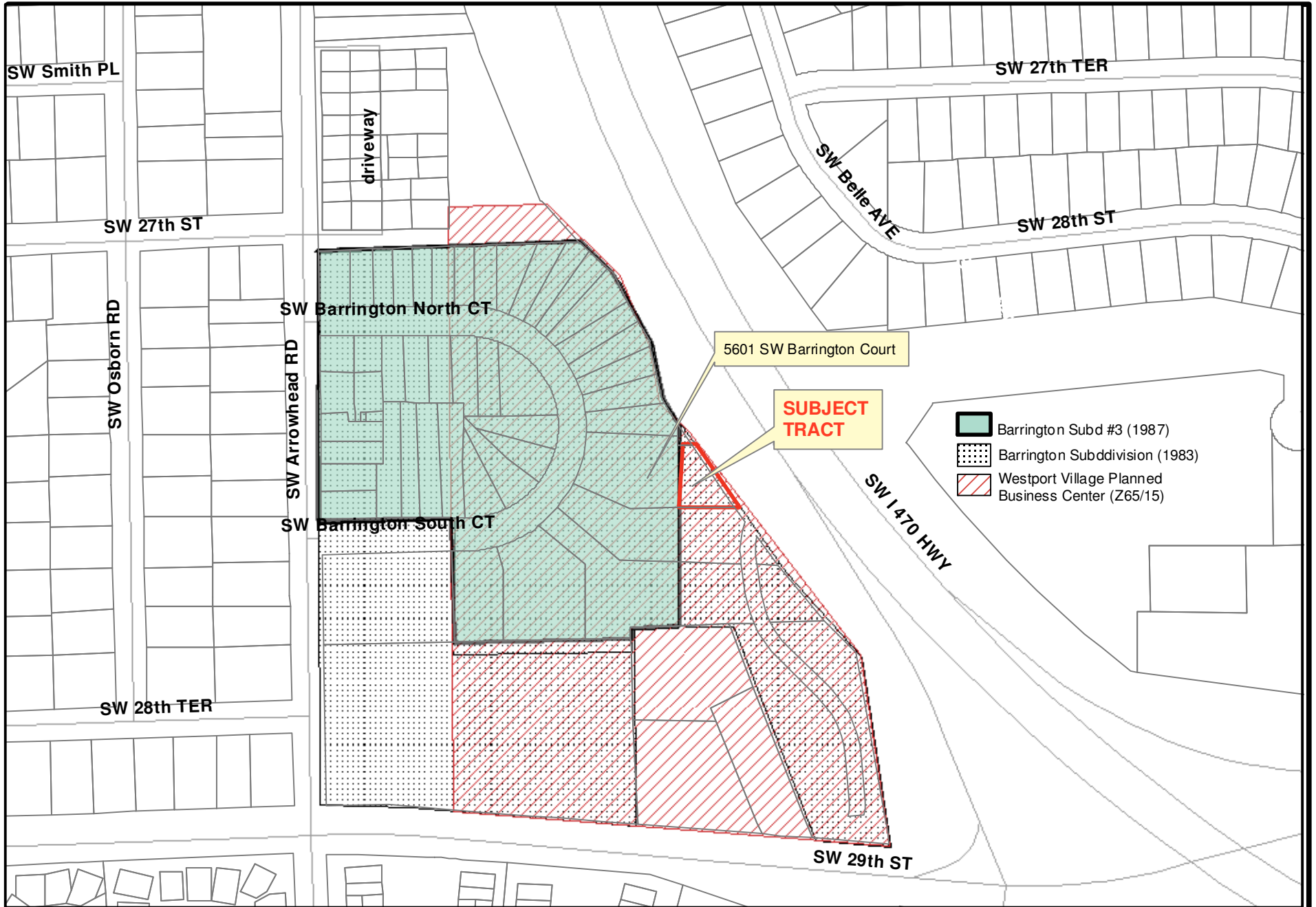
Prepared by:
Annie Driver, Planner II



Z10/6 by: R&J Properties- Barrington L.L.C.



Z10/6 by: R&J Properties- Barrington L.L.C.



Z10/6 by: R&J Properties- Barrington L.L.C.



Zoning Application Form

(including PUDs and CUPs)

Attachment number 6
Page 1 of 5

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): R & J Properties-Barrington LLC

By Ronald R. Hein, Managing Member

Street Address: 5845 SW 29th Street

City: Topeka State: KS Zip: 66614 E-mail: _____

Work phone: _____ Home phone: _____ Fax: _____

Authorized Owner Representative (if any): _____

Street Address: _____

City: _____ State: _____ Zip: _____ E-mail: _____

Work phone: _____ Home phone: _____ Fax: _____

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

Bartlett & West, Inc., By John Ladson, P.E.

Street Address: 1200 SW Executive Drive

City: Topeka State: KS Zip: 66615-3850 E-mail: john.ladson@bartwest.com

Work phone: 785-272-2252 ext 3309 Home phone: 785-806-2806 cell Fax: 785-273-8735

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: Ronald R. Hein, Managing Member, R & J Properties-Barrington LLC

Owner 1 Signature: [Signature] Date: 7/2/10

Owner 2 Name: _____

Owner 2 Signature: _____ Date: _____

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: a portion of 5601 SW Barrington South Court, Topeka, Kansas, 66614

Legal Description of Property*: lot(s) part 2 block A subdivision Barrington Subdivision

lot(s) _____ block _____ subdivision _____

**if unplatted, attach metes and bounds description*

Total Area (acres/square feet): 0.20 Acres

Type of Application:

1. Re-zoning from: PUD (C-4) to: O&I-2
2. Planned Unit Development (PUD) zoning use group(s): _____
3. Conditional Use Permit (CUP) proposed use: _____

Existing Use(s) on the property: Office

How long has the existing use been active on the property? 23 years

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

Office use with accessory garage building. for adjacent office bldg re-z.
on same property

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes **If Yes, when?** 8/3/2010

FOR OFFICE USE ONLY

Date submitted: 9/3/10

Date notice sent: 9/24/10

Application no.: 21014

Date advertised: 9/27/10

Filing fee: \$450⁰⁰ **Receipt no.:** 12085
(previous applied for PUD)

Date of hearing: 10/18/10

Council district: #7

NIA/NA: none.

Items Missing? Yes ___ No ___ **List any incomplete items:**

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 proposed zoning change is being under taken to facilitate additional storage needs for the tenants of the existing office use.

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

No effects.

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

It conforms.

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/Api/>). 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: a portion of 5601 SW Barrington South Court, Topeka, Kansas, 66614

Owner of Record Name(s): R & J Properties-Barrington LLC

By Ronald R. Hein, Managing Member

Legal Description: See attached Legal

Shawnee County Register of Deeds

Property Identification Number (PIN): 1420904007044090

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 9/31/10
Shawnee County - City of Topeka
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:

8" water main in the westerly right of way of SW Barrington South Court.

- b. Does the current system have adequate capacity?

No Change.

2. Sanitary Sewer

- a. Location and size of sewer main serving site:

Existing 8" Sanitary Sewer line on the east side of Lot 5 in utility easement.

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

No Change.

3. Storm Drainage

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

No Change.

- 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?

No Change. Access from existing entrance at SW Barrington South Court.

- b. Are any street or traffic control improvements proposed?

No Change.

**Minutes of the
Topeka Planning Commission
Monday, October 18, 2010**

Z10/6 by R&J Properties – Barrington L.L.C. requesting to amend the District Zoning Classification from “PUD” Planned Unit Development (C-4 use group) **TO** “O&I-2” Office and Institutional District on a portion of the property located at 5601 SW Barrington South Court. **(Driver)** Annie Driver summarized the staff report.

Proponents:

Angela Sharp, Bartlett & West Engineers, spoke in favor of the proposal. She was available for questions.

No one spoke in opposition of the proposal. John Federico moved approval as written by staff, seconded by Rich Beardmore. **APPROVAL. (8-0-0)**



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 27, 2010

+ Back Print

DATE: November 16, 2010

CONTACT PERSON: David Thurbon/Bill Hoover **DOCUMENT #:**

SECOND PARTY/SUBJECT: Deffenbaugh Industries, Inc. **PROJECT #:** CU10/6

CATEGORY/SUBCATEGORY 020 Resolutions / 001 Special Permits

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.170.030 (c)(2) Topeka Municipal Code, the applicant requests a Conditional Use Permit to allow for a refuse processing facility including a transfer station for solid waste and recycled materials for properties zoned "I-2" Heavy Industrial District and located at 711 NE US Highway 24, in the City of Topeka, Kansas. (CU10/6) (Council District No. 2)

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

(Approval would allow for a transfer station for solid wastes and recycled materials.)

POLICY ISSUE:

The policy concerns whether the proposed Conditional Use Permit is in conformance with the Comprehensive Plan and land use development policies. See attached staff report for a detailed discussion.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be conditionally **APPROVED** by a vote of **8-0-0** at their **October 18, 2010** meeting, as referenced in their attached minutes and the attached Planning Commission Outcome Letter. The Planning Department recommended that this request be conditionally **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See Staff Report.
- Governing Body options:
- **Adopt** the recommendation of the Planning Commission by Resolution (6 votes);
- **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:

[Planninc Commission Outcome Letter](#)

[CUP Site Plan](#)

[Zoning Map](#)

[Aerial](#)

[Resolution](#)

[Application](#)

[Staff Report](#)

[Planning Commission Minutes 10-18-10](#)

RESOLUTION _____

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 18.170.030 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to establish a refuse processing facility to include a transfer station for solid waste and recycled materials on property currently zoned "I-2" Heavy Industrial District and located at 711 NE US Highway 24 in the City of Topeka, Kansas. **(CU10/6) (Council District No. 2)**

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.170.030(c)(2), approving a Conditional Use Permit to establish a refuse processing facility to include a transfer station for solid waste and recycled materials on property currently zoned "I-2" Heavy Industrial District and located at 711 NE US Highway 24 in the City of Topeka, Kansas, and legally described as

A plat of a tract of land in the Kaw Half Breed Reserve No. 5, Township 11 South, Range 16 East of the 6th P.M., including a replat of Lots 4, 5, and 6, Block "a", SOUTHALL INDUSTRIAL SUBDIVISION, all in the City of Topeka, Shawnee County, Kansas, more particularly described as follows:

Beginning at a point on the South right-of-way line of U.S. Highway No. 24 which is 525.71 feet East of the West line of the Laurent tract (recorded in Book 12, Page 507, in the office of the Shawnee County Register of Deeds) extended North to said right-of-way line; thence North 88 degrees 23 minutes 07 seconds East, along said right-of-way line, 170.87 feet (171.00 feet described)); thence South 0 degrees 41 minutes 32 seconds East 450.00 feet; thence North 88 degrees 23 minutes 07 seconds East, parallel with the South right-of-way line of said U.S. Highway No. 24, a distance of 124.59 feet (125.00 feet described) to a point on the West line of Lot 6, Block "A", SOUTHALL INDUSTRIAL SUBDIVISION; thence North 0 degrees 39 minutes 25 seconds West, along said West line, a distance 50.00 feet to the Northwest corner of said Lot 6; thence North 88 degrees 23 minutes 07 seconds East, along the North line of said Lot 6, a distance of 145.00 feet to a point on the West line of Lot 5, Block "A", SOUTHALL INDUSTRIAL SUBDIVISION; thence North 0 degrees 37 minutes 52 seconds West (North 0 degrees 39 minutes 25 seconds East, along said right-of-way line, 247.55 feet; thence Southwesterly, continuing along said right-of-way line, on a curve to the right having a radius of 265.00 feet, a chord length of 304.69 feet, and a chord bearing of South 34 degrees 26 minutes 05 seconds West, for a distance of 324.61 feet; thence continuing along said right-of-way line, South 69 degrees 31 minutes 35 seconds West 241.12 feet; thence continuing along said right-of-way line, South 0 degrees 39 minutes 25 seconds East 22.00 feet; thence continuing along said right-of-way line, South 69 degrees 31 minutes 35 seconds West 34.22 feet; thence North 0 degrees 39 minutes 47 seconds West 915.47 feet (915.74 described) to the Point of Beginning. Contains 8.48 acres, more or less.

be, and the same is hereby approved, **subject to:**

- 1. Use and development of the site in accordance with the approved Conditional Use Permit site plan for Deffenbaugh Industries, Inc.**

ADOPTED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2010.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

October 18, 2010
Agenda Item #E-2a

CONDITIONAL USE PERMIT REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: CU10/6

by: Deffenbaugh Industries Inc.

PROPOSAL: Deffenbaugh Industries Inc. as contracted purchaser on four parcels and property owner of a fifth parcel comprising a total of 8.48 acres, is requesting a Conditional Use Permit (CUP). This CUP would establish a refuse processing facility including a transfer station for solid waste and recycled materials on property currently zoned "I-2" Heavy Industrial District.

LOCATION: The subject property is located at 711 NE US Highway 24; more specifically on the south side of the US Highway 24 frontage road, about 600 feet east of NE Meriden Road.

PRESENT USE: The parcel that extends northward and fronts on the frontage road currently acts as a storage facility for Deffenbaugh Industries Inc. and numerous refuse trucks and containers are stored there when they are not picking up refuse. Currently, Deffenbaugh's truck drivers take the refuse trucks when full to their landfill in Kansas City. Approximately one-half of the remaining land has outdoor storage and the other half of remaining land is undeveloped.

PROPOSED USE: In accordance with Section 18.170.030(c)(2) TMC, the applicant requests a CUP to allow for a refuse processing facility including a transfer station for solid waste and recycled materials, within the "I-2" Heavy Industrial District.

CHARACTER OF NEIGHBORHOOD: The subject property is not located within a neighborhood association or a Neighborhood Improvement Association (NIA). This neighborhood is comprised of a variety of heavy industrial uses and undeveloped land. The undeveloped parcels in this neighborhood have "I-2" Heavy Industrial zoning, so they can also be expected to be developed for heavy industrial land uses.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"I-2" Heavy Industrial District "I-1" Light Industrial District	Warehouse, distribution, storage and vacant ROW, then retail, warehouse and storage
South:	"I-2" Heavy Industrial District	Warehouse, distribution and storage
East:	"I-2" Heavy Industrial District	Bait shop, warehouse, distribution and storage
West:	"I-2" Heavy Industrial District	Truck service/repair and storage facilities

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ADDITIONAL DATA: Since the original submittal, the applicant's engineering firm (Aquaterra Environmental Solutions, Inc.) has submitted additional information regarding the paving of on-site areas used for vehicular use and outdoor storage. Per this additional data, the soils are predominantly Eudora-Bixmarckgrove silt loams and do not lend themselves well for roadways. Aquaterra suggested a 12 to 36-month delay in paving some of the on-site areas in order to improve sub-grade stability and pavement durability. This would be accomplished by initially utilizing gravel and compacting it, then having it more thoroughly compacted by their heavy trucks driving over the gravel, adding more gravel when needed, and periodically re-grading it with an on-site loader.

Staff has reviewed their additional data, and has agreed to support giving the applicants 18 months from the time of Certificate of Occupancy being granted, for the applicants to pave to City standards the on-site circular roadway, ramp approach located east of the solid waste transfer building and all areas used for employee, truck, and trailer parking. Areas used for outdoor storage of roll-off containers and other non-vehicular items could remain as gravel with an initial treatment and periodic re-treatment of calcium chloride or an alternative method as approved by the City Engineer and periodic re-grading. The areas to be paved within 18 months of the date of Certificate of Occupancy shall also have an initial treatment and periodic re-treatment of calcium chloride or alternative method as approved by the City Engineer and periodic re-grading.

GUIDELINES FOR EVALUATION: In considering an application for a Conditional Use Permit, the Planning Commission and governing body will give consideration to the following criteria in order to protect the integrity and character of the zoning district in which the proposed use is located; and to minimize adverse effects on surrounding properties and the neighborhood, all Conditional Use Permit applications shall be evaluated in accordance with the guidelines established in Section 18.215.030 of the TMC.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The 2025 Future Land Use Map designates this area as "Commercial/Office". However, it is primarily developed with industrial uses and all abutting properties are zoned "I-2" Heavy Industrial. This area is not located within a Neighborhood Plan or NIA. The Topeka Land Use & Growth Management Plan – 2025, suggests numerous land use planning techniques be utilized for industrial projects and this CUP utilizes these, including: locating in close proximity to a freeway access (freeway access is 100' to the east), the site will minimize traffic through residential neighborhoods, and the site will minimize any negative impacts on adjacent and nearby properties by appropriate screening/buffering (site will meet the current landscaping requirements).
2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** All abutting properties and most nearby developed properties are being used for heavy industrial land uses. The revised CUP site plan, as conditioned by staff should fit in well with the surrounding uses and its proposed significant landscaping in an area of limited landscaping should provide a good example for future projects that develop in this neighborhood.

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3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** This proposal will be in harmony with the other nearby properties that have industrial zoning and industrial land uses.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The site's present classification is consistent with the established pattern of zoning and land use in the area and is therefore viewed as being suitable for the uses to which it has been restricted.
5. **The length of time the property has remained vacant as zoned:** The eastern portion of the lands for this proposed CUP have not yet been developed while the western portion of the site is currently being utilized for heavy industrial land uses.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** Based on the applicant's revised site plan, as requested to be modified by reviewing staff members, the Planning staff believes this CUP will have minimal affects on any surrounding properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The new facilities with significant landscaping should have a moderate and positive affect on the value of nearby properties.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** This proposal will moderately increase traffic in close proximity to the site but it will substantially drop the number of trucks traveling to Kansas City and back each work day. Hence, approval of this CUP will have an overall positive impact on traffic. The site has ample room for parking based on their CUP site plan.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed use should have no negative effects of any consequence, regarding these issues. The transfer of refuse materials will occur within buildings, which will minimize any potential environmental harm. The approval of this CUP will also promote the recycling of plastics, metals, and newspapers; which will extend the life of our landfill and assist the City of Topeka in meeting their recently passed Energy Efficiency and Conservation Strategy Resolution.
10. **The economic impact of the proposed use on the community:** The applicant has advised us that once the operation gets up to full speed they estimate this expansion would generate nine or ten new jobs in Topeka.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is no particular public gain in respect to health, safety and welfare by denying the requested application. However if the application is denied, the applicant would continue

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having each refuse truck run to Kansas City and back to dump its refuse while one tractor-trailer can take as much in one trip as eight to ten refuse trucks can.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete**

Minimum Lot Area: **Compliant.**

Setbacks: **Compliant**

Platting: **Compliant with approval of accompanying platting petition.**

CONCERNS OF STAFF AND REVIEWING AGENCIES: All essential public utilities, services and facilities are presently available to the site and will not be overburdened by this proposal. This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to compliance with the TMC or the provisions of public services except as herein noted.

ADDITIONAL FACTORS:

1. Neighborhood Association: Not applicable.
2. Capitol Plaza Area: Not applicable.
3. Flood Hazard Area: Not applicable.
4. Airport Hazard Area: Not applicable.
5. Historic Properties: Not applicable.

STAFF RECOMMENDATION:

Based upon the above findings and analysis, Planning Staff recommends **APPROVAL** of this proposal subject to the following updated conditions:

1. The applicant shall apply and have a site plan approved through the City of Topeka Development Services, prior to commencing any construction, and this site plan shall designate the applicable area within the Stream Buffer Type III and shall meet all requirements of Type III streams.
2. The applicant shall revise the CUP site plan dated October 13, 2010, in order to re-designate "storage/laydown/parking areas" to show which areas will be used solely for outdoor storage of roll-off containers and other non-vehicular uses and label those as "Storage/roll-off areas" and those areas for vehicular use including the parking/parking aisles of employee vehicles, trucks, and trailers and label those as "Parking areas". "Storage/roll-off areas" shall have a note on the CUP site plan indicating those areas can remain as gravel with an initial treatment and periodic re-treatment of calcium chloride or another method as approved the City's engineer. "Parking areas" and the area labeled "Proposed gravel road" shall have a note on the

October 18, 2010
Agenda Item #E-2a

CUP site plan indicating those areas can remain as gravel for up to 18 months with an initial treatment and periodic re-treatment of calcium chloride and then shall be paved, per City of Topeka's regulations, before the 18-month period ends.

3. This CUP is only for refuse processing and no disposal or sanitary landfill land uses shall occur on-site.
4. No outdoor open storage of refuse materials shall occur. Construction debris materials may be stored outside but not exceeding a height of fifteen feet and not within twenty-five feet of the NE US Highway 24 ROW or any neighboring property zoned other than industrial.
5. The applicant shall wash down the floor of the transfer facility building at least once daily.
6. The applicant shall not process, transfer, or recycle on-site any solid wastes that are considered "hazardous materials", with these defined as anything the Department of Transportation would require a "Hazardous Materials" placard to be placed on a commercial tractor-trailer transporting such item.
7. This CUP is conditional upon approval of a Final Plat.

Prepared by: Bill Hoover, AICP
Planner III



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

David Thurbon, Director
Email: dthurbon@topeka.org
Fax: 785-368-2535
www.topeka.org

October 21, 2010

Lathrop & Gage LLP
Lewis Heaven Jr.
10851 Mastin Blvd Ste 1000
Overland Park KS 662101669

Dear Mr. Heaven:

In compliance with the Comprehensive Zoning Regulations for the City of Topeka, the City of Topeka Planning Commission held a public hearing on **Monday, October 18, 2010** pertaining to: **CU10/6 Deffenbaugh Industries, Inc.** At that time, the Commission recommended: **APPROVAL (8-0-0), subject to:**

1. Use and development of the site in accordance with the Conditional Use Permit site development plan approved by the Planning Commission.
2. The applicant shall apply and have a site plan approved through the City of Topeka Development Services, prior to commencing any construction, and this site plan shall designate the applicable area within the Stream Buffer Type III and shall meet all requirements of Type III streams.
3. The applicant shall revise the CUP site plan dated October 13, 2010, in order to re-designate "storage/lay-down/parking areas" to show which areas will be used solely for outdoor storage of roll-off containers and other non-vehicular uses and label those as "Storage/roll-off areas" and those areas for vehicular use including the parking/parking aisles of employee vehicles, trucks, and trailers and label those as "Parking areas". "Storage/roll-off areas" shall have a note on the CUP site plan indicating those areas can remain as gravel with an initial treatment and periodic re-treatment of calcium chloride or other method as approved by the City's engineer as needed for dust control. "Parking areas" and the area labeled "Proposed gravel road" shall have a note on the CUP site plan indicating those areas can remain as gravel for up to 18 months with an initial treatment and periodic re-treatment of calcium chloride or other method as approved by the City's engineer as needed for dust control. The "Parking areas" and "Proposed gravel road" shall be paved, per City of Topeka's regulations, before the 18-month period ends.
4. This CUP is only for refuse processing and no disposal or sanitary landfill land uses shall occur on-site.

5. No outdoor open storage of refuse materials shall occur.
6. The applicant shall wash down the floor of the transfer facility building at least once daily.
7. The applicant shall not process, transfer, or recycle on-site any solid wastes that are considered “hazardous materials”, with these defined as anything the Department of Transportation would require a hazardous materials placard to be placed on a commercial tractor-trailer transporting such item.
8. This CUP is conditional upon approval of a Final Plat.
9. No fences or barriers can be erected in either the 25’ gas line easement or 7.5’ water line easement located between the proposed facility and the property to the east located at 715 NE Highway 24.

This item will be forwarded to the City Council for final consideration upon completion of the above comments (if applicable). You can track the progress of your case at :

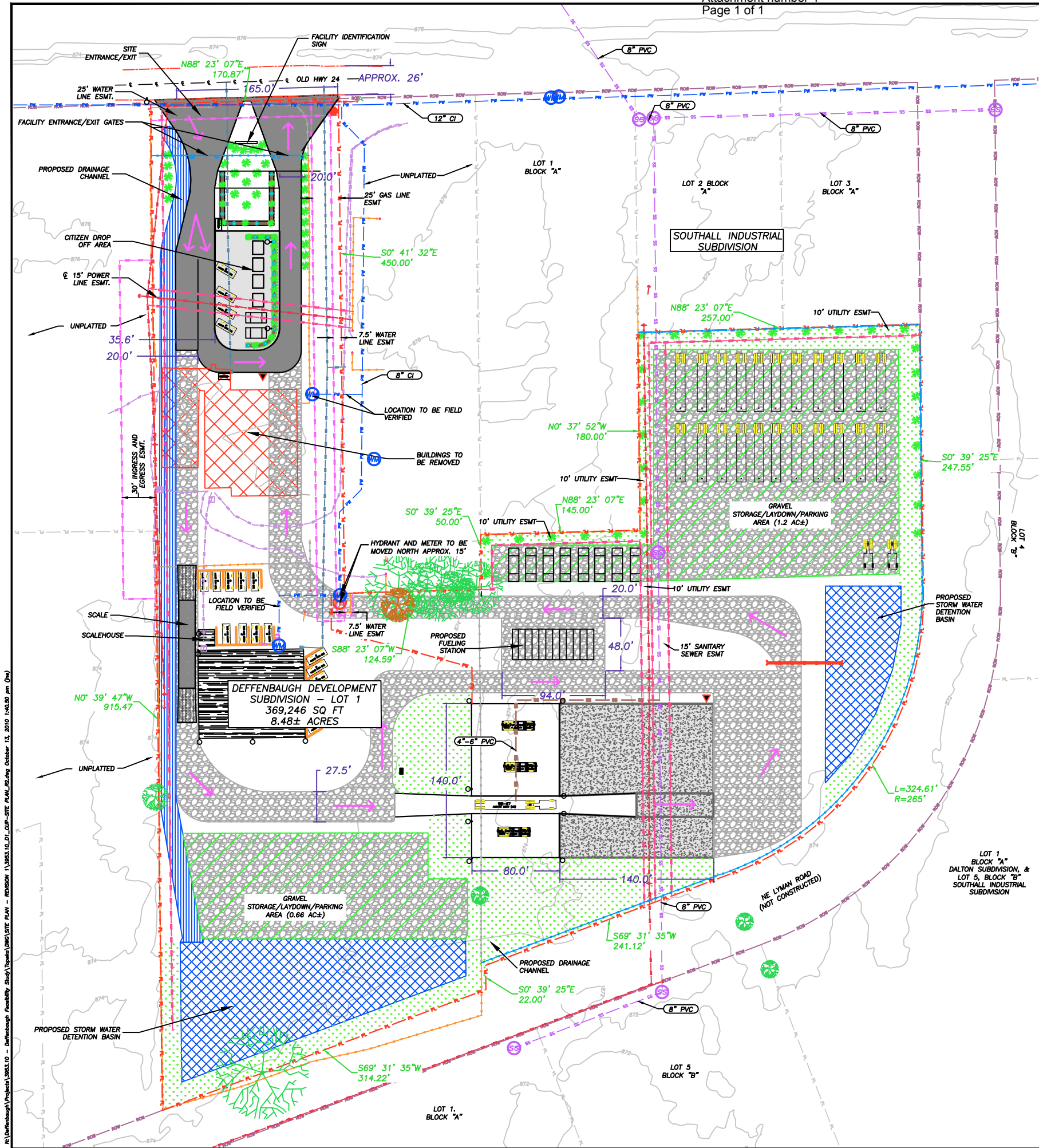
http://www.topeka.org/planning/staff_assignment/tracker.pdf

The staff report for your case can be accessed via the internet on Thursday prior to the City Council meeting at: <http://public.agenda.topeka.org/meetings.aspx>

Respectfully,

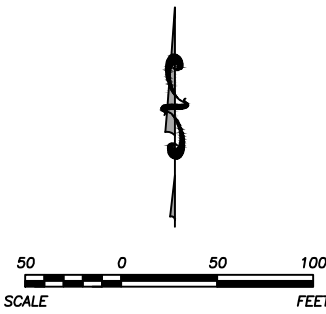
Bill Hoover, Planner III

C: Aquaterra Env Solutions
Floyd Cotter
7311 W 130th St., Ste 100
Overland Park KS 66213

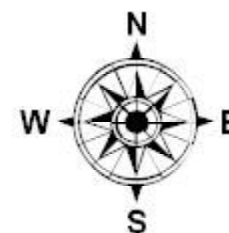
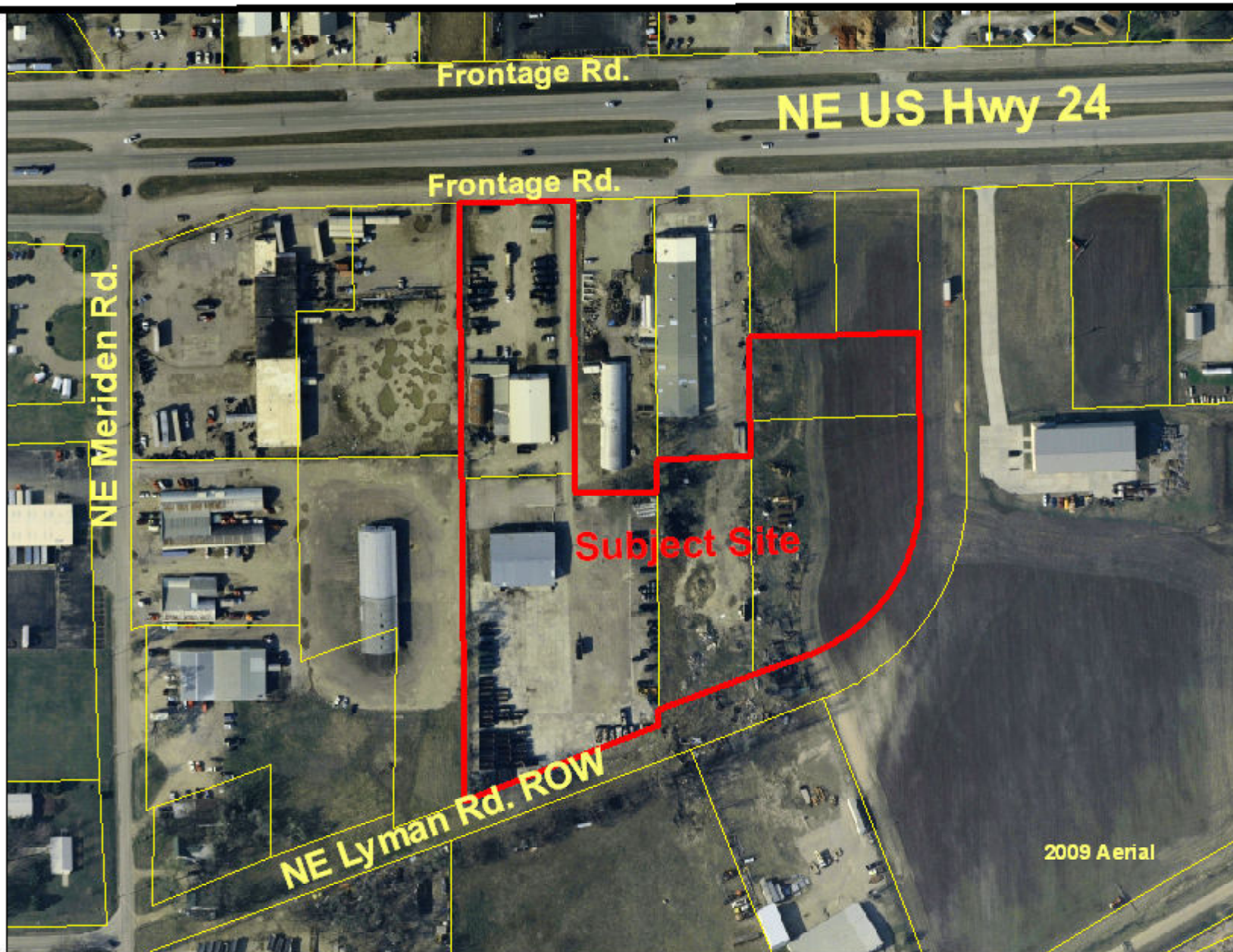


- LEGEND:**
- 874 EXISTING 2' CONTOURS
 - 870 EXISTING 10' CONTOURS
 - FACILITY PROPERTY BOUNDARY
 - SURROUNDING PROPERTY BOUNDARIES
 - RIGHT OF WAY
 - EASEMENT EXTENTS
 - EXISTING UNDERGROUND TELEPHONE LINE
 - OVERHEAD POWER LINE
 - EXISTING GAS LINE
 - APPROXIMATE EXISTING EDGE OF ROAD
 - EXISTING POTABLE WATER MAIN
 - PROPOSED POTABLE WATER LINE
 - EXISTING SANITARY SEWER MAIN
 - PROPOSED SANITARY SEWER LINE
 - EXISTING FENCE
 - EXISTING FENCE TO BE REMOVED
 - PROPOSED 6'-8' CHAIN LINK FENCE
 - EXISTING ROAD CENTER LINES
 - PROPOSED PAVED ROAD
 - PROPOSED GRAVEL ROAD
 - PROPOSED VEGETATED AREA
 - PROPOSED CULVERT
 - EXISTING WATER METERS
 - EXISTING SANITARY SEWER MANHOLES
 - EXISTING FIRE HYDRANTS
 - TRAFFIC FLOW DIRECTION
 - PROPOSED ONE WAY SIGN
 - PROPOSED YIELD SIGN
 - PROPOSED STOP SIGN
 - LIGHT/STREET LAMP
 - EXISTING TREE
 - EXISTING TREE TO BE REMOVED
 - LARGE TREE (60)
 - MEDIUM TREE (20)
 - SHRUB (22)
 - LANDSCAPE BERM (284 LF)

- NOTES:**
- EXISTING TOPOGRAPHIC CONTOURS OBTAINED FROM CITY OF TOPEKA AS DEVELOPED FROM 2009 AERIAL SURVEY.
 - OFFSITE UTILITY LOCATIONS OBTAINED FROM THE CITY OF TOPEKA, KS GIS DEPARTMENT. ROAD CENTER LINES OBTAINED FROM SHAWNEE COUNTY, KS GIS DEPARTMENT.
 - PROPERTY LINES, EASEMENTS, ONSITE UTILITY LOCATIONS, RIGHTS OF WAY, AND PLAT PROPERTIES ADAPTED FROM PLAT PREPARED BY LEVEL 4 ENGINEERING, LLC, SUBMITTED TO CITY OF TOPEKA ON SEPTEMBER 23, 2010.
 - SITE LAYOUT IS INTENDED FOR CONDITIONAL USE PERMIT APPLICATION SUBMITTAL AND REPRESENTS PRELIMINARY/PLANNING LEVEL SITE CONFIGURATION, ROAD GEOMETRY, UTILITY LOCATIONS, STORM WATER CONTROLS, ETC., AND IS SUBJECT TO REVISIONS AS ENGINEERING DESIGN PROGRESSES. FINAL SITE PLANS, DETAILS, AND APPLICABLE SPECIFICATIONS WILL BE COMPLETED AND SUBMITTED TO THE APPROPRIATE PERMITTING AUTHORITY AS APPLICABLE (I.E., BUILDING PERMIT, NOTICE OF INTENT FOR LAND DISTURBANCE ACTIVITIES, KDOT ACCESS PERMIT, ETC.).
 - AREAS WHERE COVER TYPE IS NOT IDENTIFIED (E.G., PAVED ROAD, GRAVEL ROAD, VEGETATED AREA, ETC.) WILL BE GRAVEL.
 - ACCESS TO ADJACENT PROPERTY TO THE EAST OF THE PROPOSED FACILITY, LOCATED AT 715 NE US 24 HWY, WILL BE MAINTAINED FOR PROPERTY OWNER/TENANTS.
 - ROADS SHOWN AS "PROPOSED GRAVEL ROADS" TO BE PAVED IN THE FUTURE.



CLIENT: DEFFENBUAGH INDUSTRIES, INC.		PROJECT MGR: JRR	
2601 MIDWEST DR.		DESIGNED BY: JDN	
KANSAS CITY, KS		DATE: 10/13/10	
ELECTRONIC FILE NAME: 3953.10_D1_CUP-SITE PLAN_R2.DWG		SHT. 1 OF 1	
CONDITIONAL USE PERMIT - SITE PLAN		PROJECT NUMBER: 3953.10	
DEFFENBAUGH DEVELOPMENT SUBDIVISION		REV. 2	
REV. 1		DATE: 10/13/10	
REV. 2		DATE: 10/13/10	
REV. 3		DATE: 10/13/10	
REV. 4		DATE: 10/13/10	
REV. 5		DATE: 10/13/10	
REV. 6		DATE: 10/13/10	
REV. 7		DATE: 10/13/10	
REV. 8		DATE: 10/13/10	
REV. 9		DATE: 10/13/10	
REV. 10		DATE: 10/13/10	
REV. 11		DATE: 10/13/10	
REV. 12		DATE: 10/13/10	
REV. 13		DATE: 10/13/10	
REV. 14		DATE: 10/13/10	
REV. 15		DATE: 10/13/10	
REV. 16		DATE: 10/13/10	
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REV. 26		DATE: 10/13/10	
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REV. 96		DATE: 10/13/10	
REV. 97		DATE: 10/13/10	
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REV. 99		DATE: 10/13/10	
REV. 100		DATE: 10/13/10	

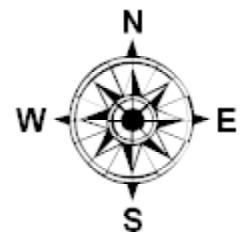


CU10/6 DEFFENBAUGH INDUSTRIES, INC.

NE US Hwy 24

Subject Site

NE Lyman Rd. ROW



CU10/6 DEFFENBAUGH INDUSTRIES, INC.

September 3, 2010

Bill Hoover, AICP
City of Topeka
Topeka Planning Department
620 SE Madison, Unit 11
Topeka, Kansas 66607

Re: **Proposed Deffenbaugh Recycling Center and Solid Waste Processing Facility**
Conditional Use Permit Application
Aquaterra Project Number 3953.10

Attachment number 7
Page 1 of 9

Dear Mr. Hoover:

Aquaterra Environmental Solutions, Inc. (Aquaterra), on behalf of Deffenbaugh Industries, Inc. (Deffenbaugh) is submitting the enclosed conditional use permit application for a proposed recycling center and solid waste processing facility. The proposed facility is planned to be located at 711 Northeast US Highway 24, near the intersection of US Highway 24 and Meriden Road in Topeka, Kansas.

The proposed recycling center and solid waste processing facility will include a citizens recycling drop-off area, and an enclosed commercial recycling, municipal solid waste (MSW), and construction and demolition (C&D) waste, processing and transfer facility. Other ancillary uses for the facility will include vehicle, equipment, and container storage. The proposed facility will be located in an area that is currently zoned as heavy industrial with uses including warehouse distribution, farming with no improvements, service garages, transit warehouse and truck terminals, and others, and the proposed use is not considered to significantly affect the character of the surrounding properties.

The proposed facility will be located on what is currently comprised of five separate properties. The properties are located in Township 11 South, Range 16 East in the North Bend Area neighborhood and the Southall Industrial subdivision. The properties located in the North Bend Area neighborhood include Parcels 7 and 8, currently owned by Goose Creek Ltd., LLC and Deffenbaugh, respectively. The properties in the Southall Industrial subdivision include Lots 4, 5, and 6 in Block A, currently owned by George J. Meier, Goerge Meier, and Sharon Meier.

The conditional use permit application, Attachment A, includes the pertinent information for all of the properties listed previously, but only includes authorization for the property

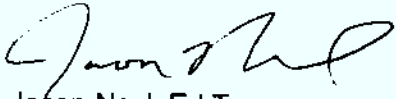
currently owned by Deffenbaugh. In lieu of the authorization for the properties not currently owned by Deffenbaugh, included in Attachment B are real estate purchase agreements with portions of the text concealed for confidentiality purposes. Copies of preliminary site plans, included as Attachment C, are also attached to this letter to invite comments as development of the engineering plans proceeds.

Aquaterra appreciates the willingness of Topeka personnel to correspond with and provide feedback during the pre-application process, and we look forward to continue working the staff at the City of Topeka as we proceed through the zoning and approval process. If you have any questions or need any additional information, please do not hesitate to contact our office at (913) 681-0030.

Attachment number 7
Page 2 of 9

Thank you,

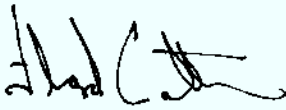
Sincerely,
Aquaterra Environmental Solutions, Inc.



Jason Neal, E.I.T.
Project Engineer



John Rockhold, P.G.
Senior Project Manager



Floyd Cotter, P.E.
Principal

Attachments: A - Conditional Use Permit Application(s)
B - Copies of Real Estate Purchase Agreements
C - Preliminary Site Plans

C: Mr. Paul Howe, Deffenbaugh Industries, Inc.
Mr. Jim Murray, Deffenbaugh Industries, Inc.
Mr. Pete Heaven, Lathrop & Gage LLP



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): Deffenbaugh Industries, Inc.

Street Address: 711 NE US 24 HWY

Attachment number 7
Page 3 of 9

City: Topeka State: KS Zip: 66608 E-mail: phowe@DeffenbaughInc.com

Work phone: (913) 667-8710 Home phone: N/A Fax: _____

Authorized Owner Representative (if any): Lewis A. Heaven, Jr.

Lathrop & Gage LLP

Street Address: 10851 Mastin Boulevard, Suite 1000

City: Overland Park State: KS Zip: 66210-1669 E-mail: pheaven@lathropgage.com

Work phone: (913) 451-5119 Home phone: (913) 208-9464 (Cell) Fax: (913) 451-0875

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

Floyd Cotter, Aquaterra Environmental Solutions, Inc.

Street Address: 7311 W. 130th Street, Suite 100

City: Overland Park State: KS Zip: 66213 E-mail: fcotter@aquaterra-env.com

Work phone: (913) 681-0030 Home phone: (913) 302-1428 Fax: (913) 681-0012

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: Deffenbaugh Industries, Inc.

Owner 1 Signature: By: *Paul Howe*
Paul Howe

Date: 9/21/2010

Owner 2 Name: _____

Owner 2 Signature: _____ Date: _____

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: 711 NE US 24 HWY

Legal Description of Property*: lot(s) _____ block _____ subdivision _____

lot(s) _____ block _____ subdivision _____

*if unplatted, attach metes and bounds description See Attached Site Plans

Total Area (acres/square feet): 1.68 Acres

Type of Application:

1. Re-zoning from: 1-2 to: Conditional Use Permit

2. Planned Unit Development (PUD) zoning use group(s): _____ Attachment number 7
Page 4 of 9

3. Conditional Use Permit (CUP) proposed use: Recycling center and solid waste processing facility.

Existing Use(s) on the property: Warehouse distribution/storage facility

How long has the existing use been active on the property? Over 5 Years

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

Construction and operation of a recycling, municipal solid waste, and construction and demolition waste collection, processing, and transfer facility, and other related uses including vehicle, equipment, and container storage.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 8/31/2010

Date submitted: 9/3/10

Application no.: CU104

Filing fee: 700⁰⁰ Receipt no.: 12092

Date notice sent: 9/24/10

Date advertised: 9/27/10

Date of hearing: 10/18/10

Council district: #2

NIA/NA: North Topeka East

Items Missing? Yes ___ No ___ List any incomplete items:

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: 711 NE US 24 HWY, Parcel 8, North Bend Area neighborhood

Legal Description of Property*: lot(s) _____ block _____ subdivision _____

lot(s) _____ block _____ subdivision _____

*if unplatted, attach metes and bounds description See Attached Preliminary Site Plans

Total Area (acres/square feet): 2.94 AC

Type of Application:

1. Re-zoning from: I-2 to: Conditional Use Permit

2. Planned Unit Development (PUD) zoning use group(s): _____

Attachment number 7
Page 5 of 9

3. Conditional Use Permit (CUP) proposed use: Recycling center and solid waste processing facility.

Existing Use(s) on the property: Warehouse distribution/storage facility

How long has the existing use been active on the property? Over 5 Years

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

Construction and operation of a recycling, municipal solid waste, and construction and demolition waste collection, processing, and transfer facility, and other related uses including vehicle, equipment, and container storage.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 8/31/2010

Date submitted: 9/13/10

Application no.: ECU1016

Filing fee: 700⁰⁰ Receipt no.: 12092

Date notice sent: 9/24/10

Date advertised: 9/27/10

Date of hearing: 10/18/10

Council district: # 2

NIA/NA: North Topeka East

Items Missing? Yes ___ No ___ List any incomplete items:

Deffenbaugh
Industries
Purchaser Under
Contract

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: NE Lyman Rd

Legal Description of Property*: lot(s) 4,5,6 block A subdivision Southall Industrial Subdivision

lot(s) _____ block _____ subdivision _____

*if unplatted, attach metes and bounds description

Total Area (acres/square feet): 3.9 Acres

Type of Application:

1. Re-zoning from: 1-2 to: Conditional Use Permit

2. Planned Unit Development (PUD) zoning use group(s): _____

Attachment number 7
Page 6 of 9

3. Conditional Use Permit (CUP) proposed use: Recycling center and solid waste processing facility.

Existing Use(s) on the property: Warehouse distribution/storage facility

How long has the existing use been active on the property? Over 5 Years

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

Construction and operation of a recycling, municipal solid waste, and construction and demolition waste collection, processing, and transfer facility, and other related uses including vehicle, equipment, and container storage.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 8/31/2010

Date submitted: 9/3/10

Application no.: CU1014

Filing fee: 700⁰⁰ Receipt no.: 12092

Date notice sent: 9/24/10

Date advertised: 9/27/10

Date of hearing: 10/18/10

Council district: # 2

NIA/NA: North Topeka East

Items Missing? Yes ___ No ___ List any incomplete items:

Deffenbaugh
Industries

Purchaser Under
Contract.

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?

A conditional use permit is requested for the proposed facility. The land use would not substantially change from the existing use of the land as an industrial warehouse distribution and storage facility. The proposed use as a Recycling Center and Solid Waste Processing facility would provide additional solid waste infrastructure for the management of solid waste, and provide an additional location for residents in the vicinity to participate in waste diversion through enhanced access to recycling locations.

Attachment number 7
Page 7 of 9

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

The proposed facility is located in and surrounded primarily by properties and subdivisions zoned as I-2, heavy industrial. The proposed use is not considered to have a significant effect on the character of the neighborhood and surrounding properties.

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

The document entitled, "Land Use & Growth Management Plan - 2025" prepared by the City of Topeka Planning Department, and approved by the Topeka City Council on February 24, 2004 states, "A major issue in terms of solid waste disposal is the location of landfill, particularly for construction debris." Additionally, the plan states, "If the region continues to develop with the 'residential strip' form of urban sprawl that is prevalent now, it may become even more difficult to find a suitable site for a new landfill anywhere near Topeka. If this occurs then the cost of solid waste disposal services could increase substantially due to greater transportation costs." Providing an additional location for recyclables and solid waste to be collected and transported may provide flexibility in disposal options and increase the cost effectiveness of solid waste disposal services by consolidating the collection and transport of solid waste. Additionally, increasing the availability of drop off locations for recyclables can increase participation in waste diversion efforts, and the ability to consolidate the collection and transport of recyclables at hubs can make curbside recycling efforts more efficient.

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/Api/>). 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

Attachment number 7
Shawnee County Treasurer for

Applicant

Property Address: 711 NE US 24 HWY

Owner of Record Name(s): Deffenbaugh Industries, Inc.

Legal Description: See preliminary plans (attached). A preliminary plat will be provided by September 10, 2010, and the final plat by September 24, 2010 per correspondence with Topeka Planning Department personnel.

Shawnee County Register of Deeds

Property Identification Number (PIN): 1051603006008000, 1051603006007000, 1051603006009000, 1051603006004000, 1051603006003000

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 on all parcels.
Amber, Planning
9/1/10*

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:
Eight inch cast iron - see preliminary site plans (attached).
- b. Does the current system have adequate capacity?
Will be evaluated further as civil site design proceeds.

Attachment number 7
Page 9 of 9

2. Sanitary Sewer

- a. Location and size of sewer main serving site:
Eight inch polyvinyl chloride (PVC) pipe - see preliminary site plans (attached).
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
Will be evaluated as civil site design proceeds.

3. Storm Drainage

- a. How will storm water run-off be handled on site?
Storm water runoff will be handled utilizing appropriate storm water controls and/or BMP's. Storm water management of the site will be evaluated as the civil site design proceeds.
- b. Does the current storm sewer system have adequate capacity for proposed use?
No storm sewer system currently exists on the property.

4. Traffic Circulation

- a. What are the site's existing and proposed access points?
One access point exists along the east extents of the property. Access to the site will be modified in order to more adequately accommodate refuse collection vehicles, transfer trailer trucks, and passenger vehicles. See preliminary plans (attached).
- b. Are any street or traffic control improvements proposed?
Yes, see preliminary site plans (attached). The plans may be subject to revision based on comments provided by appropriate permitting authorities (KDOT, Topeka Traffic Engineering Department, etc.).

**Minutes of the
Topeka Planning Commission
Monday, October 18, 2010**

Deffenbaugh Industries, Inc. Development – Both cases were presented and discussed together but voted on separately.

CU10/6 Deffenbaugh Industries, Inc. by Deffenbaugh Industries, Inc. requesting a Conditional Use permit to establish a refuse processing facility to include a transfer station for solid waste and recycled materials on property currently zoned “I-2” Heavy Industrial District and located at 711 NE US Highway 24. **(Hoover)**

Discussion by members:

Mike Lackey said he read there would be construction waste stored there. Mr. Hoover said that is a question for the applicant.

Dawn Wright asked if staff has any concerns about leaving the gravel for 18 months with regard to storm water drain-off. Mr. Hoover replied storm water will be treated on site so it should not be an issue. Mr. Lackey stated it is all gravel now. Mr. Hoover said gravel is better for the roll-off containers due to breaking concrete and noise.

John Federico asked what does calcium chloride do to help the gravel? Mr. Hoover replied it helps to minimizing dust. Mr. Federico asked what periodic retreatment means and how that is defined? David Thurbon said conditions change as far as dust is concerned. We didn’t get specific since it is only for 18 months. Don’t know how often it would need to be done. Mr. Federico pointed out roll-off container areas will remain gravel. Mr. Hoover said condition #2 in the staff report goes into more detail regarding that. Mr. Federico said in the revised staff report it says the roll-off container area will be as needed. Mr. Thurbon said the road has the same requirement until paved. Mr. Thurbon suggested the wording “as needed to minimize dust”. Mr. Hoover said maybe staff or the city engineer should determine when it is needed. Mr. Lackey said there are many unknown factors that will determine when it is needed, like rain, etc. When it gets dusty it is time to retreat. He said most places wait until neighbors complain before retreating.

Proponents:

Pete Heaven, representative for Deffenbaugh Industries, spoke in favor of the development. He commended staff for their help in the process. He said he agrees with the staff report. He summarized meetings he had with the neighbors. He said traffic was a concern. He said their truck traffic should be reduced compared to their current operation. The recycling feature will be a drop off point for households. He said Deffenbaugh has a recycling plant in Kansas City. He said the transfer station will reduce dumping into the local landfill. He said the transfer station is basically a consolidation area. This facility will create nine new jobs.

Mr. Heaven said originally the flood plain was a concern but it was determined we are not in the flood plain. Another concern is blowing trash. This is all enclosed in a building. We are lining the property with chain link fence to catch any blowing trash. He said we have agreed to share access with the property to the east. He said they deal with dust control all the time and it won’t be an issue.

Mr. Lackey asked where the construction debris will be located on the property? Mr. Heaven replied we have no plans to have construction debris on the property at all. Mr. Thurbon suggested revising condition #4 in the staff report by deleting all but the first sentence.

Rich Beardmore asked where the reduction in traffic will be? Mr. Heaven replied on the frontage road and Highway 24. Dawn Wright said won't there be an increase in automobile traffic due to the recycling drop off? Mr. Heaven stated the entrance has been designed to accommodate both large trucks and cars.

Peter Hancock asked about odor control? Mr. Heaven replied it hasn't been an issue. The trucks on the lot won't be parked with trash in them. He said if there are complaints we will deal with them.

Mr. Lackey asked if there is another transfer station east of town? Mr. Heaven replied, not that we know of.

John Federico asked if Deffenbaugh has other such facilities in the state? Mr. Heaven replied yes, we have two but they are much older. This is a state of the art facility. The access is much better and the building is more attractive.

Mr. Lackey said drainage will be to the south? Mr. Heaven replied yes. We have designed the drain-off to accommodate both paved and gravel surfaces.

Mr. Beardmore asked what the hours of operation will be? Mr. Heaven replied 7am to 4pm.

Opponents:

Sharon Hutley, owner of Waterscape Concepts and the Bait Hut, 715 NE Highway 24. Her property is located to the east of the development. She said she has been at her location for 3 ½ years. She said she has retail as well as contractor customers that buy goods for ponds and bait. She said there is a lot of different traffic in the area. She said we put up a large gated fence at the request of the Fire Marshall. Deffenbaugh has worked with us for access but has taken out our side access. We don't want to have to go through someone else's property to get to ours. We have some industrial uses but mostly retail.

Mr. Beardmore asked if vehicles are using the Deffenbaugh property to turn around? Ms. Hutley said there is an access road that has been there forever and they use it. We own a portion of the road on the west side of our property. Our entrance is off of the frontage road. We have a tenant that uses the road that runs along the west edge of our property to access the building in the back.

Mr. Federico asked Ms. Hutley what she would like the commission to do? Ms. Hutley replied it seems we are losing access to the whole west side of our property which we use to load/unload mulch. We put gates off of the access road for fire access.

Mr. Hancock asked if the road is a dedicated as a public road? Mr. Hoover said after some research there is nothing that shows her property should have the access drive. He said 4 feet is on her property and 20 feet on Deffenbaugh property. There is no legal documentation showing an easement to her property. Lee Williams said it is a driveway. Mr. Hoover said Deffenbaugh is willing to provide the property at 715 cross access in writing. Mr. Williams said to Ms. Hutley, you will have access. Ms. Hutley said she doesn't know where they want to put their access but it appears the whole west side of our property won't be accessible. They are planning to build the

road inside their fence further to the west. Mr. Hoover said KDOT and the city engineer want them to have a wide enough egress on their property. When exiting they don't want the trucks to enter partially onto the frontage road. Mr. Thurbon added they are closing the drive way access but allowing access through theirs. Ms. Hutley said they are closing a curb cut on the frontage road and moving it west. Why can't they use the existing road? Mr. Hoover stated KDOT controls the access onto the frontage road. They are only allowed and in and out. Mr. Hancock asked why can't they leave that access point open? Mr. Thurbon said KDOT has allowed access for each property. He said he doesn't think this is an issue because the plat does not show that access to be closed or access restricted. KDOT would have to take some other action to close it. Ms. Hutley said they purchased other properties and that is how they ended up with two entrances and exits.

Mr. Heaven said the driveway they are using is a 25 foot gas easement but has been used as a driveway for some time and we don't have a problem with the continuing to use it. He said the only thing there will be small asphalt flair at the north end onto frontage road. Mr. Hancock said since it is an easement they can't build in it anyway. Mr. Thurbon said the plat shows an ingress/egress recorded easement. Mr. Hoover added it is a gas company easement.

Mr. Hutley said Deffenbaugh has been a good neighbor. We have concern about them putting a fence at the southerly end cutting across cutting off our access. They offered us to enter from their fenced property to ours but we didn't want to do that in case they sell and for legal reasons. As long as we have our current access we are ok. We spent a lot of money on fencing this area. He added the Deffenbaugh development is a great project for Topeka and our area.

Kevin Beck said since they had to put the fences in for fire access wouldn't it be a violation if they block access? Mr. Thurbon said the plat shows access will remain to the building to the south. Mr. Beck said there had to be some kind of access agreement. Mr. Thurbon said the Fire Marshall probably assumed the easement was on their property.

Mr. Hancock asked if the commission could attach another condition requiring access to the property to the east. Mr. Federico said we heard their intentions are and we heard how they will get their access. There isn't going to be a fence put in to block their access. The flair out is black top not fencing. Mr. Federico suggested it saying no fencing permitted within so many feet. Mr. Thurbon said no fencing or barriers shall be installed at the north end blocking access for the property to the east. Mr. Hoover said he thinks the issue of blocked access they are talking about is for the rear building. Mr. Thurbon said it is access to the whole drive. Mr. Williams asked where the fence on the north side of property by frontage road is located. A colleague of Mr. Heaven's replied there is a small fence there but the area they are worried about is more south. Brett Klausman stated the fence is behind the access road and the road is unimpeded all the way to the south? Mr. Thurbon suggested the condition state: "no fences, obstructions or barriers except as depicted on the site plan." Mr. Lackey said is should simply say nothing is to be built in the gas easement. Mr. Thurbon suggested it state: "vehicular access maintained over the 25ft gas easement". Mr. Heaven stated he is not sure we can legally allow the access over the gas easement. Mr. Lackey said he thinks access is covered on the plat.

Mr. Federico said the wording "no additional fences or barriers beyond those shown on the site plan" may be too restrictive for other fencing on the site. Mr. Thurbon suggested any additional fencing must have approval from Planning Commission. Mr. Lackey said he doesn't want to restrict them from all fencing on their property. Mr. Thurbon said all the fences they want are shown on the site plan.

Braxton Copley, right of access seems to be centered upon the existing gas line easement. If the

access is limited to the easement I suggest the wording be: "No fences / barriers can be erected in the gas line easement along east property line." Mr. Thurbon read condition #6 off of the Conditional Use Permit site plan. He said the condition should be a mix of that and Mr. Copley's wording. Mr. Lackey said he would like to see that as a condition in the staff report.

Mr. Beck said there is also a 7'5" public improvement easement there that makes a total of 32 feet easement area? Max Dametz, Level 4 Engineering, stated the public improvement easement is for water lines and it won't interfere with access.

John Federico moved approval as written by staff including Mr. Copley and Mr. Thurbon's comments regarding building in the gas easement, removing all but the first sentence of condition #4 and wording for dust treatment. The motion was seconded by Brett Klausman. **APPROVAL. (8-0-0) Conditions will be added/changed prior to submission to City Council.**



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