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City Council Agenda

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

December 14, 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:**
"Capitol District Project"

3. **ROLL CALL:**

4. **CONSENT AGENDA:**

A. Board Appointment - Topeka Landmarks Commission

BOARD APPOINTMENT recommending the re-appointment of Lonnie Martin to the Topeka Landmarks Commission for a term ending December 31, 2013. *(Council District No. 8)*

B. Tort Claim Appeal - Karon Henry

APPROVAL of a tort claim appeal for Karon Henry seeking reimbursement in the amount of \$303.47.

C. MINUTES of the regular meeting of December 7, 2010

D. APPLICATIONS:

5. **NEW BUSINESS:**

A. 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.)

B. Approval of Recommendations - 2011 Alcohol and Drug Grants

 [ATTACHMENTS](#)

APPROVAL of funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for annual program and one-time grant awards in 2011 from the Special Alcohol Program Fund.

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

(The Advisory Council has completed its annual review of proposals for funding from the Special Alcohol Program Fund and recommends a total of \$573,001 be awarded in grants.)

C. Ordinance - Weekly Expenditures - November 15-21, 2010

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 15, 2010, through November 21, 2010, and enumerating said expenditures therein. First and Final Reading.

6. **ZONING:**

A. Resolution - Certified Transmission Rebuilders (CU05/3A)

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.150.030 of the Topeka Municipal Code (TMC), amending an existing Conditional Use Permit for an Automobile Service Station, Type III to allow for a 120 square foot, 26 foot tall pole sign on property currently zoned "C-3" Commercial District

and located at 2081 S. Kansas Avenue in the City of Topeka, Kansas. (Council District No. 3)

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

(Approval would make the existing pole sign conforming under the property's conditional use permit.)

7. FIRST READINGS:

A. Ordinance - Business Improvement District - 2011 Service Fee

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2011 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section. First Reading.

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

(Approval would establish a service fee upon all businesses located within the Capital City Downtown Business Improvement District, as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district. There is no increase in fees for 2011.)

B. Ordinance - Erosion and Sediment Control Amendment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending, repealing, renumbering and creating certain sections of the Code of the City of Topeka concerning water pollution control. First Reading.

(Approval would authorize updating the Erosion and Sediment Control Ordinance to comply with the requirements of the Clean Water Act. The change is in response to requirements by the Environmental Protection Agency.)

C. Ordinance - The Office

 [ATTACHMENTS](#)

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office and The Celtic Fox for New Year's Eve. First Reading. (Council District No. 1)

This item was added at the meeting.

(Approval would allow for the sale, consumption and possession of alcoholic liquor on a barricaded portion of the sidewalk adjacent to 124 SW 8th Street and 118 SW 8th Street from December 31, 2010, at 4:00 p.m. through January 1, 2011, at 1:00 a.m.)

D. Ordinance - Compulsory Retirement

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the effective date of retirement, amending City of Topeka Code Section 2.140.280 and specifically repealing said original section. First Reading.

This item was added at the meeting.

(Approval would change the retirement date for police and fire employees from the first day of the month that follows the date on which they attain the retirement age, to the last day of the quarter within which they attain retirement age.)

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 28, 2010

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

DATE: December 14, 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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 [Back](#)  [Print](#)

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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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+ Back Print

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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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+ Back Print

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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Capitol District Project"

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

October 28, 2010

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

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CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 19, 2010

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

DATE: December 14, 2010
CONTACT PERSON: Mayor Bunten
SECOND PARTY/SUBJECT: Topeka Landmarks Commission
CATEGORY/SUBCATEGORY: 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Lonnie Martin to the Topeka Landmarks Commission for a term ending December 31, 2013. *(Council District No. 8)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilman Archer nominates and Mayor Bunten recommends the re-appointment of Lonnie Martin to the Topeka Landmarks Commission for a term that will end December 31, 2013. There is an attendance policy which states that any member who is absent without prior excuse from three consecutive meetings shall have the absence reported by the chair to the appointing authority, and members who accrue more than four absences in any twelve month period should consider resigning. Mr. Martin has not been reported to the appointing authority. Mr. Martin has five absences in 2010 due to job commitments. Mr. Martin would like to be considered to serve his final term. There have been thirty-one meetings. Mr. Martin has twelve absences.

BACKGROUND:

Ordinance 18420. The Landmarks Commission advises the City Council on historic assets in order to safeguard the architectural and cultural heritage of the community through the preservation of historic resources, landmarks and districts. At least four members must be preservation related professionals. Mr. Martin has the required background and expertise.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #6

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 30, 2010

+ Back Print

DATE: December 14, 2010
CONTACT PERSON: Ken Benjamin, 8-3883 **DOCUMENT #:**
SECOND PARTY/SUBJECT: Karon Henry/Claim #10-122 **PROJECT #:**
CATEGORY/SUBCATEGORY 001 Appeals / 003 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a tort claim appeal for Karon Henry seeking reimbursement in the amount of \$303.47.

POLICY ISSUE:

Whether there was prior awareness of a pothole hazard and accompanying failure to repair it within a reasonable period of time thereafter so as to constitute negligence on the part of the City and a liability sufficient to justify payment of the claim.

STAFF RECOMMENDATION:

Uphold the City Attorney's denial.

BACKGROUND:

The appellant on July 9, 2010 filed a claim for reimbursement of \$303.47 in tie rod bushing replacement and realignment costs she sustained from hitting a pothole on southbound Branner just before it turns into Adams at SE 17th Street sometime during the last two weeks of May 2010. The claim was denied on November 4, 2010 because the last work order at the stated location was on March 3, 2010 and no open service request was pending at the time of her mishap. She appealed that denial on November 16, 2010.

BUDGETARY IMPACT:

\$303.47 if approved.

SOURCE OF FUNDING:

Special Liability Fund.

ATTACHMENTS:

No Attachments Available

Item #7



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 28, 2010

+ Back Print

DATE: December 14, 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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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 28, 2010

+ Back Print

DATE: December 14, 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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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 28, 2010

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

DATE: December 14, 2010
CONTACT PERSON: Brenda Younger
SECOND PARTY/SUBJECT: Applications
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
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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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 30, 2010

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

DATE: December 14, 2010
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for annual program and one-time grant awards in 2011 from the Special Alcohol Program Fund.

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

(The Advisory Council has completed its annual review of proposals for funding from the Special Alcohol Program Fund and recommends a total of \$573,001 be awarded in grants.)

POLICY ISSUE:

Whether to award the grants based upon the recommendations of the Advisory Council.

STAFF RECOMMENDATION:

Approve the recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council.

BACKGROUND:

The Advisory Council has completed its annual review of proposals for funding from the Special Alcohol Program Fund. Kansas cities receive 70.0 percent of the revenue generated by the state liquor drink excise tax, which is 10.0 percent of the gross receipts for the sale of alcoholic liquor. Two-thirds of the revenue goes to the General Fund, with half of that amount supporting recreational programming, and the final third is placed in the Special Alcohol Program Fund.

BUDGETARY IMPACT:

The recommendation of the Advisory Council totals \$573,001, which under the expenditure limit of \$575,000 for the Special Alcohol Program Fund in 2011. The recommended program funding provides \$128,500 to the Community Prevention Program and \$41,500 to the Youth Evaluation Program operated by the Shawnee Regional Prevention & Recovery Services (PARS); \$40,000 to the Topeka Youth Project Jobs for Young Adults program; \$220,686 to the VALEO Social Detox program; and \$37,125 to the VALEO Reintegration program. Additional funding of \$50,000 is provided to PARS for the Positive Action Expansion program; \$50,000 to provide partial first-year funding of a case manager at VALEO; and \$5,190 to the Topeka Youth Project for office equipment.

Item #11

Two letters outlining the recommendations, which were done in two phases, are attached to the agenda item.

SOURCE OF FUNDING:

Special Alcohol Program Fund.

ATTACHMENTS:

[Alcohol and Drug Funding Letter 1](#)

[Advisory Committee Recommendation-Additional Funding](#)



Community Resources Council

**501 SE Jefferson, Suite 30
Topeka, KS 66607-1173
Office:(785) 233-1365 Fax:(785)-233-1905
E-mail: crcexec@crcnet.org**

Nov. 17, 2010

To: Mayor and City Council of Topeka, Kansas

From: Shawnee County Drug and Alcohol

Subject: **2011 City Alcohol and Drug Funding Recommendations**

Review Team Members

Nancy Johnson [Chairman], Community Resources Council
Shari Gonzales, Mirror, Inc.
Lenny Ewell, Community Representative
John Martin, Community Representative
Ron Eisenbarth, Eisenbarth & Associates

Review Team funding recommendations are summarized on a table and on page two, followed by the report narrative. Because grants did not allocate all available funds the review team members consulted with both the City of Topeka and Shawnee County and issued a second RFP; hence, the second request column.

The City of Topeka budgeted \$575,000 for 2011 alcohol and drug contracts. We appreciate the City of Topeka decision to provide funds for the alcohol and drug programs in Topeka.

This report was prepared at the request of the City of Topeka. The opinions and recommendations contained in this report are those of the Alcohol and Drug Grant Review Team and do not necessarily reflect the views of the City of Topeka or the agencies and departments with which reviewers are affiliated.

City of Topeka

Agency	Program	2010 Funded	2011 Requested	2011 Recommended
PARS	Prevented Programs	\$126,000	\$128,500	\$128,500
PARS	Youth Eval Program	\$39,000	\$41,500	\$41,500
Topeka Youth Project	Jobs for Young Adults	\$47,232	\$40,000	\$40,000
Valeo	Social Detox	\$223,186	\$220,686	\$220,686
Valeo	Reintegration	\$39,625	\$37,125	\$37,125
TOTAL		\$475,043	\$467,811	\$467,811

**% Difference
2010 Funded
2011 Request**

2.0%
6.4%
-15.0%
-1.1%
-6.3%
-1.5%

Shawnee Regional Prevention & Recovery Services

Recommended 2011

Community Prevention Program

\$128,500

Prevention and Recovery Services uses the evidence-based Strategic Prevention Framework as its prevention model. This program helps reduce risk factors and increase protective factors related to alcohol and other drug abuse and a number of related social problems that share the same risk and protective factors with the following strategies: assessment, capacity, planning, implementation, evaluation, training, Community Baseline Training, Choosing Health Options in Challenging Environment and Situations, Guiding good Choices, SPICEline workshops, crank It Up Workshops and Community that Care-Strategic Prevention Framework Workshops.

Shawnee Regional Prevention & Recovery Services

Recommended 2011

Youth Evaluation Program

\$41,500

Youth Evaluation Program provides children and teenagers with substance abuse assessments, evaluations and referrals. These clients typically are referred to the program by schools after they have been found to be in violation of school alcohol and drug policies. However, young people and families may self-refer. The evaluation process involves the young person, parents and the schools. Siblings may also be brought into the process if their involvement is indicated during the first evaluation session. These clients may be referred to treatment, individual counseling, group therapy or complete closure of the process after the evaluation is completed. Parents may also be referred to treatment, counseling, parenting groups or complete closure the after the evaluation is completed.

Topeka Youth Project

Recommended 2011

Jobs for Young Adults

\$ 40,000

Jobs for Young Adults focus on building productive taxpaying citizens making positive choices and learning how drugs/alcohol can be a road block to their success. Upon completion of the program, they have access to 150 employers who participate in the program and provide drug free working environments. They maintain a 96% certification rate and a 96% employment rate. They follow the employee and participant for 6 months. They recognize the participant's hard work with a Recognition Dinner at the Capital Plaza Hotel. They are enrolling a second generation as the program has been operating for 25 years and has served over 5,000.

VALEO Behavioral Health Care

Recommended 2011

Social Detox

\$ 220,686

Social Detox is a safe, non-medical, therapeutic environment for acute withdrawal from chemicals. The goals of Social Detox are twofold: 1. to facilitate successful completion of the detox process, which includes reduction of symptoms and completion of a clinical assessment of treatment needs, and 2. to transfer clients to appropriate treatment modalities. The average length of stay in Social Detox ranges from 24 hours to six days. Social Detox operates year round.

VALEO Behavioral Health Care

Recommended 2011

Reintegration

\$ 37,125

Stepping Stones is a reintegration program, which provides 24-hour supportive, residential living for recovering alcoholics and/or drug dependent persons. Services provided include individual and group counseling, case management, employment readiness program, connection with self-help community, recreational and social activities and individual work therapies designed to promote re-

CC: Shawnee County Commission



Community Resources Council

501 SE Jefferson, Suite 30
Topeka, KS 66607-1173
Office:(785) 233-1365 Fax:(785)-233-1905
E-mail: crcexec@crcnet.org

Oct. 1, 2010

To: Mayor and City Council of Topeka, Kansas

From: Shawnee County Drug and Alcohol

Subject: **2011 City Alcohol and Drug Funding Recommendations – Additional funding**

Review Team Members

Nancy Johnson [Chairman], Community Resources Council

Shari Gonzales, Mirror, Inc.

Lenny Ewell, Community Representative

John Martin, Community Representative

Ron Eisenbarth, Eisenbarth & Associates

Review Team funding recommendations are summarized on a table and on page two, followed by the report narrative. Because grants did not allocate all available funds the review team members consulted with both the City of Topeka and Shawnee County and issued a second RFP; hence, the second request column.

The City of Topeka budgeted \$105,190 for 2011 alcohol and drug contracts. We appreciate the City of Topeka decision to provide funds for the alcohol and drug programs in Topeka.

This report was prepared at the request of the City of Topeka. The opinions and recommendations contained in this report are those of the Alcohol and Drug Grant Review Team and do not necessarily reflect the views of the City of Topeka or the agencies and departments with which reviewers are affiliated.

City of Topeka

Agency	Program	2010 Funded	2011 Requested	2011 Recommended
PARS	Prevented Programs	\$126,000	\$128,500	\$128,500
PARS	Youth Eval Program	\$39,000	41500	41500
Topeka Youth Project	Jobs for Young Adults	\$47,232	\$40,000	\$40,000
Valeo	Social Detox	\$223,186	\$220,686	\$220,686
Valeo	Reintegration	\$39,625	\$37,125	\$37,125
PARS	Postive Action Expansion		\$50,000	\$50,000
Valeo	Case Manager (30%)		\$50,000	\$50,000
Topeka Youth Project	Equipment		\$5,190	\$5,190
TOTAL		\$475,043	\$573,001	\$573,001

Shawnee Regional Prevention & Recovery Services

Recommended 2011

Positive Action Expansion

\$ 50,000

Positive Action is a comprehensive, nationally recognized evidence-based program designed to prevent/reduce drug, alcohol, and tobacco, use while simultaneously prevent and reduce violence, bullying, gang involvement, suspensions, truancy, and disciplinary referrals. The curriculum also improves academics, behavior and character.

Topeka Youth Project

Recommended 2011

Jobs for Young Adults - Equipment

\$ 5,190

Paper Folding Machine: the autofolder machine will assist the TYP Jobs for Young Adults program by reducing time used by senior staff in the folding of class materials, brochures, and other materials used in class. By reducing the effort by staff in folding materials, overhead costs can be more efficiently managed for the program.

Video equipment and software: This would be used to record, edit and redistribute parts of our Jobs for Young Adults program. The videos can be used in a variety of purposes, including selling the program guidelines to organizations that do not compete with the TYP, streaming alcohol and drug prevention programs and presenting information in schools.

VALEO Behavioral Health Care

Recommended 2011

Case Manager

\$ 50,000

Case manager position to work 30% of the time with Social Detox clients and 70% of the time with Reintegration clients. This is a one-time funding for its start-up and will find funding in future years.

CC: Shawnee County Commission



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 29, 2010

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DATE: December 14, 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 November 15, 2010, through November 21, 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 November 15, 2010 through November 21, 2010, in the amount of \$6,311,317.14.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures](#)

[DETAIL REPORT CB55 WEEK ENDING 11/21/10](#)

[DETAIL REPORT AP WEEK ENDING 11/21/10](#)

(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 November 15, 2010, through November 21, 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 223 vendor checks written this period	972,729.38
	Total vendor payments voided in this period (net)	(000.00)
	Total of 148 electronic transfers to vendors this period	2,785,586.54
	Total net payroll to employees this period	1,623,320.84
	Total payroll related electronic transfers this period	<u>929,680.38</u>
	Total for expenditures in this period	<u>\$6,311,317.14</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

Attachment number 2

CB255 Date: 11/22/10
Time: 09:30

JOB SUBMISSION PARAMETERS

Page 1 of 2

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: 111510 - 112110
Check Nbr: -
Company: 1

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

Payment Listing

Attachment number 2

CB255 Date 11/22/10
Time 09:30

Page 2 of 2

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
BLUTHARDT	680330	1	11/04/10	11/19/10		26.68	Historical	K PATRICK
GROWNING L	680331	1	11/04/10	11/19/10		219.31	Historical	GROWNING L
MCCOY SEAN	680332	1	11/09/10	11/19/10		493.00	Historical	SEAN P MCCOY
BURNETT RO	680333	1	11/10/10	11/19/10		369.00	Historical	ROBERTA L
FEIGHNY MA	680334	1	11/09/10	11/19/10		30.00	Historical	MARY FEIGHNY
TINOCO MIC	680335	1	11/09/10	11/19/10		30.00	Historical	MICHELLE T
RAMIREZ-JE	680336	1	11/09/10	11/19/10		30.00	Historical	RYAN RAMIREZ
PHAM KELLY	680337	1	11/08/10	11/19/10		30.00	Historical	KELLY PHAM
NGUYEN KHU	680338	1	11/08/10	11/19/10		30.00	Historical	KHUONG NGUYEN
MINGER ALI	680339	1	11/08/10	11/19/10		37.50	Historical	ALISSA MINGER
CAPITAL CH	680340	1	11/05/10	11/19/10		50.00	Historical	CAIPTAL CH
BENNETT MI	680341	1	11/08/10	11/19/10		50.00	Historical	MICAH BENNETT
STATE OF K	680342	1	11/08/10	11/19/10		50.00	Historical	STATE OF K
FERNANDEZ	680343	1	11/08/10	11/19/10		50.00	Historical	DAENA FERNANDEZ
HAMILTON B	680344	1	11/08/10	11/19/10		50.00	Historical	BRITTNEY HAMILTON
HANCOCK ER	680345	1	11/08/10	11/19/10		50.00	Historical	ERIN HANCOCK
KDOT PUBLI	680346	1	11/09/10	11/19/10		50.00	Historical	KANSAS DEPT OF TRANSPORTATION
WILKINS DA	680347	1	11/15/10	11/19/10		50.00	Historical	DAMON WILKINS
ARREOA JOE	680348	1	11/15/10	11/19/10		50.00	Historical	JOEL ARREOLA
SUNFLOWER	680349	1	11/15/10	11/19/10		50.00	Historical	SUNFLOWER
HENDRIX SH	680350	1	11/15/10	11/19/10		50.00	Historical	SHAWNA HENDRIX
MDOE JENNI	680351	1	11/15/10	11/19/10		50.00	Historical	JENNIFER MDOE
STAAB KENN	680352	1	11/15/10	11/19/10		50.00	Historical	KENNETH STAAB
Transaction Code SYS Total						1945.49		
Cash Code 02 Total						1945.49		
Report Total						1945.49		

*** REPORT COMPLETED ***

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 1 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
Electronic Payments			
8531	11/19/2010	COOK & FISHER LLP 1088	9,660.00
12	558418		9,660.00
8532	11/19/2010	LARSON & BLUMREICH CHARTERED 2974	8,340.26
WCCOT200700860		6405020110 52900	30.00
WCCOT200700879		6405020110 52900	1,090.00
WCCOT200800890		6405020110 52900	2,522.70
WCCOT200800904		6405020110 52900	1,683.71
WCCOT200900931		6405020110 52900	3,013.85
8533	11/19/2010	MCVAY LAW OFFICE LLC 3322	2,000.00
749	558629		2,000.00
8534	11/19/2010	SCHELL, ALEX 7099	65.00
40492.6120		EE-CERT FEE-WPC	65.00
8535	11/19/2010	APPELHANZ, ANDREW 240	25.00
40492.6118		EE-WW OPS CERT RENEWAL (WPC)	25.00
8536	11/19/2010	BONAPARTE JR, NORTON N 550	171.68
40497.4848		GARDEN CITY KS 11/10-12/10	171.68
8537	11/19/2010	MAISBERGER, DANA S 7128	123.30
40485.6409		EE-MEETING/RETIRE EXP	123.30
8538	11/19/2010	MCBURNEY, LARRY 3264	71.75
MILEAGE REIMB-1		6405020110 52209	71.75
8539	11/19/2010	MILLER, RONALD L 3446	325.80
40455.5462		PLANO TX 9/26-30/10	0.00
40480.5958		ORLANDO FL 10/23-27/10	325.80
8540	11/19/2010	HOUSHOLDER, ROGER 7100	46.00
40402.5684		LAWRENCE KS 8/3-6/10	46.00
8541	11/19/2010	SCHREINER, MARK B 4415	150.00
40491.6644		EE-SAFETY BOOTS MGMT	150.00
8542	11/19/2010	RISHEL, STEVEN K 7098	23.00
40402.5675		LAWRENCE KS 8/4-5/10	23.00
8543	11/19/2010	TOLBERT, MARC J 5002	60.01
40486.4168		LOWELL AR 10/28-31/10	60.01
8544	11/19/2010	A-1 RENTAL INC 20	330.00
13222	559270		90.00
13223	559271		240.00
8545	11/19/2010	A-CUT ABOVE LAWN LLC 6541	2,727.65
9981	559713		180.00
9982	559773		368.00
9983	11554		971.26
9983CR	11554		-155.10
9984	559764		1,363.49
8546	11/19/2010	AAA ALLIED GROUP INC 22	1,420.00
172 1110	558631		650.00
245056	558632		38.50
259092	558457		38.50
259095	558457		38.50
261795	558457		38.50
261797	558457		38.50

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 2 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
262264	558457		38.50
262269	558632		38.50
262196	558632		38.50
262197	558632		38.50
262198	558632		38.50
262199	558632		38.50
262211	558632		77.00
262215	558632		38.50
261887	558457		38.50
261970	558632		38.50
262191	558632		38.50
262192	558632		38.50
262194	558632		38.50
262195	558632		38.50
8547	11/19/2010	ADVENTURETECH GROUP INC 74	412.50
4439	10093		262.50
4445	10093		150.00
8548	11/19/2010	ALAMAR UNIFORMS LLC 103	52.21
338157	559093		52.21
8549	11/19/2010	AMERICAN MESSAGING SERVICES 5814	248.07
F1050996KK	558431		248.07
8550	11/19/2010	AMERIPRIDE 197	400.16
T726635	558591		17.75
T727039	10127		66.55
T727051	558591		29.75
T727609	10127		124.38
T727610	10127		61.24
T727611	10127		52.63
T727612	10127		12.86
T727961	558591		35.00
8551	11/19/2010	ANSWER TOPEKA 237	94.50
A6427 NOV 10	10301		94.50
8552	11/19/2010	APEX TECHNOLOGY SOLUTIONS LLC 239	12,381.71
5696	11480		7,466.68
5697	11480		4,915.03
8553	11/19/2010	BARTLETT & WEST ENGINEERS 391	6,629.94
730026766	552530		230.00
730026770	556837		3,262.82
730026771	556766		1,312.50
730026816	11469		1,824.62
8554	11/19/2010	BINSWANGER GLASS INC 493	274.31
59326199	558465		85.00
59326222	558465		189.31
8555	11/19/2010	BLUE CROSS BLUE SHIELD INC 528	355,890.75
DEC 2010 ADMIN	558554		86,297.67
W/E 11/16/10	DE		269,593.08
8556	11/19/2010	BRENNTAG MID SOUTH 607	4,614.91
BMS922383	560006		4,614.91
8557	11/19/2010	CHIEF 919	769.65
363397	11267		769.65
8558	11/19/2010	COLLECTION BUREAU OF KANSAS IN 1023	64.20

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 3 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
1130	11486		4.20
1149	11512		60.00
8559	11/19/2010	COMITER, CARLA J 1043	1,575.00
W34	10495		517.50
W36	10495		1,057.50
8560	11/19/2010	CONSTELLATION NEW ENERGY GAS D 1077	5,499.57
0002380944	CONSTELLATION		5,499.57
8561	11/19/2010	COOK FLATT & STROBEL ENGINEERS 1089	838.46
29806	558035		838.46
8562	11/19/2010	COPY CENTER OF TOPEKA 1107	3,546.90
101135	10898		3,455.10
102165	559164		91.80
8563	11/19/2010	CORNERSTONE OF TOPEKA INC 1116	281.48
2723	559583		281.48
8564	11/19/2010	CRAIG LAWSON PAINTING 1159	4,795.00
10542	10542	1045 Locust	3,445.00
11417	11417	1045 Locust	1,350.00
8565	11/19/2010	CREATIVE LANDSCAPING 1166	4,432.00
14250	559861		570.00
14301	559861		570.00
14356	559861		570.00
15764	559776		353.00
15776	559861		570.00
15778	11555		185.00
15811	559776		353.00
15821	11555		185.00
15858	559776		353.00
15871	11555		185.00
15886	559776		353.00
15897	11555		185.00
8566	11/19/2010	CROSS MIDWEST TIRE INC 1183	543.70
20143178	558477		15.75
20143373	558477		15.75
20143374	558477		15.75
20143486	558477		104.65
20143499	558477		391.80
8567	11/19/2010	DANKO EMERGENCY EQUIPMENT CO 1248	10.00
31590	11023		10.00
8568	11/19/2010	DELL COMPUTER 1319	7,510.61
XDWP1J1W8	559999		542.90
XDWTFX685	559999		1,012.08
XDX2D7RF5	559999		638.21
XF43TDN67	10987		2,280.79
XF43TPP54	10710		2,179.01
XF4F91XT4	11117		857.62
8569	11/19/2010	DELL FINANCIAL SERVICES LP 1320	6,477.02
73923857	559648		312.36
73923858	559507		3,587.19
73923859	558988		2,031.23
73923860	559182		546.24
8570	11/19/2010	DELTA DENTAL OF KANSAS INC 1323	20,610.05

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 4 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
558705 38	558705		4,261.95
W/E 11/04/10	558705		16,348.10
8571	11/19/2010	DIAMOND INTERNATIONAL INC 1347	3,119.26
TI55532	558481		98.75
TI55686	558481		44.62
TI55694	558481		59.26
TI55860	558481		93.64
TW50005	558481		2,822.99
8572	11/19/2010	DOWNTOWN TOPEKA INC 1408	5,604.31
559098 19	559098		5,604.31
8573	11/19/2010	EAST TOPEKA COUNCIL ON AGING I 1469	3,008.18
11032010	559498		3,008.18
8574	11/19/2010	EMBROIDERY PLUS 1522	271.92
28429	10803		271.92
8575	11/19/2010	FIRE SUPPRESSION CONSULTANTS 7068	3,113.80
110110	11328		3,113.80
8576	11/19/2010	FIREGUARD INC 6817	670.65
0000013945	10411		670.65
8577	11/19/2010	FISHER, KEN 1694	3,435.00
242388	10906		3,435.00
8578	11/19/2010	GO BLUE LLC 7071	1,218.72
2010 215	11323		1,218.72
8579	11/19/2010	GRAYBEAL CONSTRUCTION CO INC 1978	147,861.13
559598 7	559598		147,861.13
8580	11/19/2010	COCHRAN, GREGORY W 6854	57.58
10705 3	10705		57.58
8581	11/19/2010	HARCROS CHEMICALS INC 2090	4,006.61
010163186	560177		4,006.61
8582	11/19/2010	HATHMORE TECHNOLOGIES, LLC 7070	350.00
707765	11459		350.00
8583	11/19/2010	HEARTLAND PARK RACEWAY LLC 2158	71,045.00
559875 3	559875		71,045.00
8584	11/19/2010	HELPING HANDS HUMANE SOCIETY I 2183	7,642.80
558634 20	558634		7,642.80
8585	11/19/2010	HEWLETT-PACKARD FINANCIAL SERV 2227	3,018.00
600264825	544369		3,018.00
8586	11/19/2010	HOUSING & CREDIT COUNSELING IN 2312	4,583.33
11032010A	559495		2,750.00
11032010B	559496		2,750.00
8587	11/19/2010	INTERSTATE ELEVATOR INC 2438	341.23
6481	558379		189.09
6646	558379		152.14
8588	11/19/2010	ITG CONSULTING INC 2449	5,040.00
2907	558732		5,040.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 5 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8589	11/19/2010	J W LAWN SERVICE 2468	1,089.27
77817	559518		462.37
77818	559518		626.90
8590	11/19/2010	JAYHAWK FILE EXPRESS LLC 2502	1,303.24
N543112	DE	WO #N014710 8/25/10	23.00
N543115	DE	WO #N014310 8/4/10	277.00
N543116	DE	WO #N014697 8/25/10	139.24
N543117	DE	WO#N014321/N014702N 8/4 & 8/25	74.00
N543120	DE	WO #N014708 8/25/10	37.00
N546945	DE	WO #015084 9/15/10	37.00
N552663	DE	WO#N015427/N015813 10/6&10/27	74.00
N552667	DE	WO #N015819 10/27/10	37.00
N546948	DE	WO #N015207 9/22/10	37.00
N552656	DE	WO # N015613 10/18/10	85.00
N552657	DE	WO#N015486 10/8/10	13.00
N552659	DE	WO #N015821 10/27/10	23.00
N552661	DE	WO #N015418 10/6/10	205.00
N552662	DE	WO#N015611/N015810 10/18 & 27	242.00
8591	11/19/2010	JOINT ECONOMIC DEVELOPMENT 6898	656,385.44
PAYMENT 11/1/10	JEDO		656,385.44
8592	11/19/2010	K-5 MAINTENANCE & REPAIR LLC 2610	19,791.00
2010 6	10651		13,243.00
2010 8	11325	1608 SW LINCOLN	225.00
2010 9	10651	2108 SE 22ND ST	6,323.00
8593	11/19/2010	KAN EQUIPMENT INC 2621	182.64
6 165381	558504		-171.63
6 165769	558574		7.94
6 165770	558504		48.52
6W111797	558504		297.81
8594	11/19/2010	KANSAS DEPT OF REVENUE 2691	6,601.20
0320 5744 3740	SALES TAX OCT		1,939.41
0320 6384 6020	SALES TAX OCT		4,661.79
8595	11/19/2010	KANSAS GAS SERVICE INC 2707	3,753.03
5100783221646799WPC POPLAR GAS			649.57
5103036391452105 320 S KANSAS			573.44
5104001871447455 WPC GAS			398.85
51058991414474653245 WATERWORK			317.01
5106094271423661215 SE 7TH GAS			516.35
5106114511447478 PARK DEPT GAS			1,297.81
8596	11/19/2010	KEY STAFFING INC 2849	650.00
3011891	10065		650.00
8597	11/19/2010	LASER LOGIC INC 7023	89.00
260477	10915		89.00
8598	11/19/2010	LETS HELP 5775	12,876.71
10152010 01	10073		5,201.46
11012010 01	10073		5,048.83
11152010 01	10073		2,626.42
8599	11/19/2010	LIBERTY FRUIT COMPANY INC 3057	475.75
471470	10683		243.65
473365	10683		232.10
8600	11/19/2010	MCPHERSON WRECKING INC 3318	8,480.00
10 115	10011		8,480.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 6 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8601	11/19/2010	MICHAEL & SONS INC 3377	5,949.40
675307	11341		2,449.40
675311	11442		3,500.00
8602	11/19/2010	MID-STATES SUPPLY CO INC 3402	1,410.70
1297635 02	10790		49.44
1297635 03	10790		40.08
1297635 04	10790		324.30
1300668 03	10790		28.14
1301987 01	10790		88.04
1301987 03	10790		44.02
1301990 01	10790		177.54
1302881 01	10790		300.98
1302881 02	10790		358.16
8603	11/19/2010	MISSISSIPPI LIME CO INC 3471	14,461.72
929253	560180		2,884.92
929439	560180		2,913.92
929596	560180		2,840.84
929846	560180		2,846.64
930014	560180		2,975.40
8604	11/19/2010	MORNING STAR CONSTRUCTION INC 3524	7,054.00
11419	11419		7,054.00
8605	11/19/2010	NEKAN WEATHERPROOFING INC 3655	8,532.00
66335	555658		8,532.00
8606	11/19/2010	O REILLY AUTO PARTS 3714	490.80
0152 184100	558519		2.99
0152 184614	558611		249.50
0152 184717	558519		34.82
0152 185820	558582		7.28
0152 187094	558519		7.22
0152 187304	558519		14.20
0152 187356	558519		16.60
0152 187357	558519		25.47
0152 187358	558519		25.47
152 170561	558519		107.25
8607	11/19/2010	OMEGA DOOR AND HARDWARE 3747	113.15
24658	10947		113.15
8608	11/19/2010	PETERS CONSTRUCTION 3906	2,575.00
60440	11350		1,305.00
61139	11223		1,270.00
8609	11/19/2010	PIONEER JANITORIAL LLC 3943	446.50
CT 138	558612		446.50
8610	11/19/2010	POLYDYNE INC 5879	14,344.00
568297	10164		14,344.00
8611	11/19/2010	PROTECTION ONE 6532	1,573.00
80073626	PROTECTION ONE		1,438.00
80119468	PROTECTION 1		135.00
8612	11/19/2010	R & R VENTURES OF TOPEKA 4065	2,100.00
2010 20	558454		2,100.00
8613	11/19/2010	RAILROAD HERITAGE 4078	23,500.00
560042 3	560042		23,500.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 7 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8614	11/19/2010	RALPH W STUMBAUGH III 5777	4,890.00
10911 3	10911		150.00
11225	11225	220 SW WESTERN	4,740.00
8615	11/19/2010	RAY O HERRON COMPANY 4118	160.60
1024960 IN	10807		160.60
8616	11/19/2010	REIN, LINNEA S 4166	148.00
597811	558957		33.50
597812	558957		75.00
597813	558957		39.50
8617	11/19/2010	SELLERS EQUIPMENT INC 4470	1,456.75
IC214213	558522		1,049.31
IC214221	558522		127.91
IC214223	558522		58.79
IC214226	558522		162.48
IC214234	558522		58.26
8618	11/19/2010	SHI INTERNATIONAL CORPORATION 4540	22,149.00
B00164099	11295		22,149.00
8619	11/19/2010	SOUND PRODUCTS INC 4663	46.56
3100343 IN	559491		46.56
8620	11/19/2010	SOUTHERN UNIFORM & EQUIPMENT 4672	3,759.30
63531	10916		1,115.10
63536	10916		2,644.20
8621	11/19/2010	SPARKS, HARLEY E 4685	5,434.58
559134 10	559134		5,434.58
8622	11/19/2010	STAPLES CONTRACT & COMMERCIAL 4725	1,983.44
104798901	11001		162.84
104901789	10956		10.04
105209765	11404		145.26
105234711	11404		19.75
105235248	11320		51.18
1053109072	11383		187.36
105491758	11404		-3.65
105491759	11404		-69.26
105491760	11404		-21.12
105513123	11404		-39.50
105595309	11527		42.81
105491751	11404		-3.52
105491752	11404		-4.32
105491753	11404		-4.90
105491754	11404		-5.75
105491756	11404		-3.82
105491757	11404		-35.26
105446914	11410		171.48
1054470103	11471		63.45
105447150	11435		52.07
105491748	11404		-2.73
105491749	11404		-3.40
105491750	11404		-24.16
105395894	11410		195.05
105396003	11409		89.63
105421079	11425		80.57
105445766	11410		57.16
105445896	11410		114.32
105446027	11410		114.32
105319066	11383		11.87

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 8 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
105319201	11387		49.52
105369146	11383		14.20
105369470	11404		181.89
105369536	11403		350.56
105395524	11404		39.50
8623	11/19/2010	STEPHENS, BILL	4746
0102610	559666		400.00
8624	11/19/2010	STIRLING LAWN & LANDSCAPE INC	6542
5099	559711		1,067.40
5100	559832		480.00
5101	559775		690.00
5102	559765		490.56
8625	11/19/2010	SUNTRUST EQUIPMENT FINANCE &	4824
1370850	DE		8,250.50
8626	11/19/2010	TOPEKA CEMETERY INC	5019
559484 3	559484		25,000.00
8627	11/19/2010	TOPEKA TRANSMISSION SERVICE IN	5057
45258	558530		1,994.22
8628	11/19/2010	TOPEKA YOUTH PROJECT INC	5060
1361	559176		3,130.00
8629	11/19/2010	TORGESON TRENCHING SERVICE	5062
1014419	11474		1,860.00
8630	11/19/2010	TRUCK PARTS & EQUIPMENT INC	5102
271533	558531		34.67
271761	558531		375.08
271772	558531		71.78
271774	558531		1,275.43
271778	558531		8.60
271850	558531		45.55
271887	558531		45.55
271934	558531		570.40
271952	558531		375.00
8631	11/19/2010	U S CAVALRY INC	5113
SI 1327459	559100		52.98
8632	11/19/2010	UMB BANK NA	5127
PCARD11162010			42,218.84
8633	11/19/2010	VISIT TOPEKA INC	5237
559961 3	559961		234,339.00
8634	11/19/2010	WALKER TOWEL & UNIFORM SERVICE	5266
1309643	558620		12.45
1310211	558620		7.65
1310212	558620		23.90
8635	11/19/2010	WENDLING NOE NELSON & JOHNSON	5365
26536	11466		1,467.50
8636	11/19/2010	WINGFOOT COMMERCIAL TIRE	5494
123 1037574	558589		1,359.50
8637	11/19/2010	YWCA OF TOPEKA	5583
003	560209		3,419.71

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 9 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
559761 4	559761		6,000.00
8638 92645	11/19/2010 558706	MEDTRAK SERVICES LLC 3330	85,624.40
8639 2010AQTR03	11/19/2010 559376	VALEO BEHAVIORAL HEALTH CARE I 5187	78,881.23
8640 11/14/10AVBPB 11/14/10YVBPB	11/19/2010	BECK, PAUL Adult Volleyball Youth Volleyball	132.00 84.00 48.00
8641 11/14/10ABBRD 11/14/10AVBRD 11/14/10YVBRD	11/19/2010	DEAN, ROBERT Adult Basketball Adult Volleyball Youth Volleyball	171.00 48.00 63.00 60.00
8642 11/14/10AVBBK	11/19/2010	KENNEDY, BRIAN Adult Volleyball	96.00
8643 11/14/10ABBEL 11/14/10AVBEL	11/19/2010	LUTTERMAN, ERIC Adult Basketball Adult Volleyball	150.00 102.00 48.00
8644 10760	11/19/2010 10760	MOORCROFT, KIM	60.00
8645 11/14/10YVBPR	11/19/2010	RUTTER, PAM Youth Volleyball	48.00
8646 NOV ROUNDING RISHEL 11/5 AR SD1010111915361 SD1010111915361 SD5010111915361 SD5010111915361 SD5010111915361 SD5010111915361 SD5010111915361 SD5010111915361 SD5010111915361 SD5010111915361 TRUSTY-AUG/SEP	11/19/2010 PAYROLL PAYROLL	ALLSTATE WORKPLACE DIV / SHORT Short-Term Disability EE - PT Short-Term Disability EE - PT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT Short-Term Disability EE - AT	147 -0.24 32.89 98.67 14.04 520.02 237.14 78.73 436.83 248.58 278.93 13.65 -88.92
8647 CA1010110512514 CA1010111915361 CA1010111915361 CA1010111915361 CA1010111915361 CA1010111915361 CA1010111915361 TRUSTY-AUG/SEP CA1110111915361 CA1110111915361 CA1110111915361 CA1110111915361 CA1110111915361 RISHEL 11/5 AR CA1010111915361 CA1010111915361 CA1010111915361 CA1110111915361 CA1110111915361 CA1110111915361	11/19/2010 PAYROLL PAYROLL	ALLSTATE WORKPLACE DIV/CANCER Cancer EE Single - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Family - PT Cancer EE Family - PT Cancer EE Family - PT Cancer EE Family - PT Cancer EE Family - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Single - PT Cancer EE Family - PT Cancer EE Family - PT Cancer EE Family - PT	148 0.00 337.02 560.48 800.58 58.74 219.54 -49.12 79.16 234.08 142.64 142.64 24.56 21.16 117.48 160.80 7.22 391.08 885.88 355.56

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 10 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8648	11/19/2010	CITY OF TOPEKA FRIENDSHIP FUND 948	345.70
FR1010111915361		Friendship Fund	103.50
FR1010111915361		Friendship Fund	24.00
FR1010111915361		Friendship Fund	94.50
FR1010111915361		Friendship Fund	23.80
FR1010111915361		Friendship Fund	55.90
FR1010111915361		Friendship Fund	25.00
FR1010111915361		Friendship Fund	16.00
FR1010111915361		Friendship Fund	3.00
8649	11/19/2010	ING AETNA FINANCIAL SERVICES 2397	45,511.75
DC1010111915361		Def Comp EE - Regular Amt	3,953.62
DC1010111915361		Def Comp EE - Regular Amt	14,377.72
DC1010111915361		Def Comp EE - Regular Amt	15,008.63
DC1010111915361		Def Comp EE - Regular Amt	1,423.54
DC1010111915361		Def Comp EE - Regular Amt	3,023.91
DC1010111915361		Def Comp EE - Regular Amt	1,748.08
DL0310111915361		Def Comp Loan - 3	79.44
DL0210111915361		Def Comp Loan - 2	296.22
DL0210111915361		Def Comp Loan - 2	27.37
DL0210111915361		Def Comp Loan - 2	302.00
DL0210111915361		Def Comp Loan - 2	28.16
DL0210111915361		Def Comp Loan - 2	66.63
DL0310111915361		Def Comp Loan - 3	165.86
DL0110111915361		Def Comp Loan - 1	511.26
DL0110111915361		Def Comp Loan - 1	701.45
DL0110111915361		Def Comp Loan - 1	541.37
DL0110111915361		Def Comp Loan - 1	204.68
DL0110111915361		Def Comp Loan - 1	274.38
DL0110111915361		Def Comp Loan - 1	49.51
DC1010111915361		Def Comp EE - Regular Amt	1,456.60
DC1010111915361		Def Comp EE - Regular Amt	100.00
DC1510111915361		Def Comp EE - Regular Pct	278.05
DC1510111915361		Def Comp EE - Regular Pct	242.24
DC1510111915361		Def Comp EE - Regular Pct	98.92
DC9010111915361		Def Comp ER - KP&F Rate	552.11
8650	11/19/2010	INTERNATIONAL ASSOC OF FIREFIG 2424	6,865.02
ADMIN FEE 11/19/	PAYROLL		-13.74
UNI110111915361		Union Dues - IAFF	6,878.76
8651	11/19/2010	NATIONAL GUARDIAN LIFE INSURAN 5737	2,846.95
VS1010111915361		Vision EE - PT	434.42
VS1010111915361		Vision EE - PT	572.57
VS1010111915361		Vision EE - PT	973.89
VS1010111915361		Vision EE - PT	144.70
VS1010111915361		Vision EE - PT	322.18
VS1010111915361		Vision EE - PT	233.48
VS1010111915361		Vision EE - PT	126.06
VS1010111915361		Vision EE - PT	39.65
8652	11/19/2010	SECURITY BENEFIT GROUP 5742	17,142.39
FC1010111915361		FSA Dependent Care EE	230.78
FM1010111915361		FSA Medical Spending EE	1,058.55
FM1010111915361		FSA Medical Spending EE	178.46
FM1010111915361		FSA Medical Spending EE	3,945.31
FM1010111915361		FSA Medical Spending EE	3,764.55
FM1010111915361		FSA Medical Spending EE	2,700.88
FM1010111915361		FSA Medical Spending EE	764.79
FM1010111915361		FSA Medical Spending EE	1,579.58
FM1010111915361		FSA Medical Spending EE	1,062.82
FC1010111915361		FSA Dependent Care EE	259.64
FC1010111915361		FSA Dependent Care EE	1,384.65

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 11 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
FC1010111915361		FSA Dependent Care EE	23.08
FC1010111915361		FSA Dependent Care EE	192.30
FF1010111915361		FSA Fee ER	3.00
FF1010111915361		FSA Fee ER	-6.00
8653	11/19/2010	UNITED WAY OF GREATER TOPEKA	5157
559485 4	559485		8,309.00
UW1010111915361		United Way	362.04
UW1010111915361		United Way	230.30
UW1010111915361		United Way	90.00
UW1010111915361		United Way	78.50
UW1010111915361		United Way	145.50
UW1010111915361		United Way	43.50
UW1010111915361		United Way	89.00
UW1010111915361		United Way	15.00
8654	11/19/2010	3 M CO	4
SS52753	11296		4,185.00
8655	11/19/2010	BETTIS ASPHALT & CONSTRUCTION	470
1009 218	559416		37,799.28
1009 218	559416		-2,000.00
1010 149	10407		4,429.77
8656	11/19/2010	C-HAWKK CONSTRUCTION INC	911
14110	10386		370.50
14116	10386		135.00
14128	11484		1,053.55
14129	11494		8,905.05
14130	11495		1,201.25
14131	11496		5,954.20
14144	10772		252.00
14138	10772		22.00
14139	10772		1,413.25
14140	558436		250.00
14141	558436		21.00
14142	558436		40.50
14143	10386		21.00
14132	10772		275.00
14133	10772		399.50
14134	10772		93.50
14135	10772		42.50
14136	10772		57.50
14137	10772		338.00
8657	11/19/2010	CAPITAL BELT & SUPPLY INC	776
40933	558472		23.04
41151	11212		31.31
8658	11/19/2010	CAPITAL CITY OIL CO INC	778
88411	558621		23,067.71
DD 586	558621		1,047.93
DE 056	558621		854.08
8659	11/19/2010	FERGUSON ENTERPRISES INC	1639
1598307	558445		49.14
8660	11/19/2010	FLU CON INC	1729
P 72154 0	558489		12.68
P 72180 0	558489		22.49
8661	11/19/2010	HAMM QUARRY INC	2070
75471MB	10782		1,226.21

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 12 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8662	11/19/2010	IBT 2377	58.84
5432869	558500		15.36
5440643	558601		43.48
8663	11/19/2010	JOHNSON CONTROLS INC 2546	36,939.00
1 1585701772	559424		36,939.00
8664	11/19/2010	KRIZ DAVIS COMPANY 2916	84.88
S100059719 001	558898		11.67
S100077698 001	558898		56.40
S100087190 001	558898		16.81
8665	11/19/2010	LINDYSPRING WATER LLC 3071	39.50
564195	559005		15.75
567256	559403		8.00
696022	559005		15.75
8666	11/19/2010	LINWELD INC 3073	481.97
R619004	558608		117.87
R619005	558608		21.38
R619006	558608		50.14
R619008	11424		138.75
R619013	11164		153.83
8667	11/19/2010	M & M EXCAVATING 3157	5,673.50
60086	11165		851.00
96316	10773		4,822.50
8668	11/19/2010	MCELROY'S INC 3289	4,632.21
0665408 IN	11450		2,195.22
0666071 IN	11069		2,436.99
8669	11/19/2010	MID AMERICAN SIGNAL INC 3393	5,559.00
10 555	10142		5,559.00
8670	11/19/2010	NEPTUNE TECHNOLOGY GROUP INC 3658	20,800.00
N257301	10693		20,800.00
8671	11/19/2010	SALISBURY SUPPLY COMPANY INC 4352	613.91
00970426	559273		50.60
00970980	558613		563.31
8672	11/19/2010	SCHMIDTLEIN EXCAVATING INC 4406	379,228.05
10113 14	559422		321,669.78
10115 01 FINAL	560221		7,500.00
10120 07	559414		50,058.27
8673	11/19/2010	TAZCO INC 4885	18,728.98
56900	11224		13,677.77
96439	11353		5,051.21
8674	11/19/2010	TOPEKA ELECTRIC MOTOR REPAIR I 5025	9,586.90
31692	10162		5,190.00
31696	10162		4,396.90
8675	11/19/2010	TRAFFIC SIGNAL CONTROLS 5079	36,532.00
60741	11135		36,532.00
8676	11/19/2010	WATER PRODUCTS INC 5324	19,474.10
0833384 IN	10923		11,894.00
0833385 IN	11256		7,580.10
8677	11/19/2010	WHITE STAR MACHINERY & SUPPLY 5408	1,539.94

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 13 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
06050032	558928		1.98
06050646	10118		113.00
06050658	10118		601.03
06050738	10118		22.99
06050772	10118		33.96
06050971	10118		137.93
06051593	558535		164.50
06051608	558442		17.98
06051142	558442		36.97
06051320	558535		41.96
06051417	558535		130.68
06051422	558442		16.99
06051502	10118		185.99
06051575	558442		33.98
8678	11/19/2010	XPEDX 5563	471.00
9012367814	11468		471.00
Total for Electronic Payments			2,785,586.54
Check Payments			
680214	11/19/2010	BUTLER & ASSOCIATES PA 730	78.16
0000000631011191		Garnishment - Pct of Net	78.16
680215	11/19/2010	BUTLER & ASSOCIATES PA 730	78.16
0000000631011191		Garnishment - Pct of Net	78.16
680216	11/19/2010	BUTLER & ASSOCIATES PA 730	78.16
0000000631011191		Garnishment - Pct of Net	78.16
680217	11/19/2010	BUTLER & ASSOCIATES PA 730	420.65
0000006551011191		Garnishment - Pct of Net	420.65
680218	11/19/2010	BUTLER & ASSOCIATES PA 730	19.85
0000003181011191		Garnishment - Pct of Net	19.85
680219	11/19/2010	E LOU BJORGAARD PROBASCO 1460	121.04
0000009591011191		Garnishment - Pct of Net	121.04
680220	11/19/2010	E LOU BJORGAARD PROBASCO 1460	206.34
0000007131011191		Garnishment - Pct of Net	206.34
680221	11/19/2010	E LOU BJORGAARD PROBASCO 1460	232.20
0000003881011191		Garnishment - Pct of Net	232.20
680222	11/19/2010	E LOU BJORGAARD PROBASCO 1460	78.18
0000000631011191		Garnishment - Pct of Net	78.18
680223	11/19/2010	GLENN CORNISH HANSON & KARNs 1902	784.79
28585		6405020110 52900	61.60
28586		6405020110 52900	106.00
28587		6405020110 52900	330.00
28588		6405020110 52900	116.00
28589		6405020110 52900	13.00
28590		6405020110 52900	89.19
28591		6405020110 52900	69.00
680224	11/19/2010	H KENT HOLLINS ATTORNEY AT LAW 6502	450.17
0000000501011191		Garnishment - Pct of Net	450.17
680225	11/19/2010	H KENT HOLLINS ATTORNEY AT LAW 6502	601.54
0000005011011191		Garnishment - Pct of Net	601.54
680226	11/19/2010	KAYE, MICHAEL 2789	1,400.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 14 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
11317	11317		1,400.00
680227 0000003181011191	11/19/2010	NEWMAN REYNOLDS & RIFFEL Garnishment - Pct of Net	3671 19.85
680228 0000003181011191	11/19/2010	VALENTINE & ZIMMERMAN PA Garnishment - Pct of Net	5186 19.87
680229 TTD -11.12.10	11/19/2010	CORBIN, RON 6405020110 53203	6892 765.36
680230 10471 NOV 10	11/19/2010 10471	AMERICAN PRESORT	177 27,298.37
680231 OCTOBER 2010 OCTOBER 2010 AC	11/19/2010 MONTHLY PHONE MONTHLY PHONE	AT&T October Phone Bill	281 17,846.07 139.74
680232 2729845 2729846	11/19/2010 DE DE	AT&T CAPITAL SERVICES	284 12,181.81 1,009.67
680233 SB625142 SB625516	11/19/2010 558783 558783	AT&T GLOBAL SERVICES	286 1,793.12 297.43
680234 7961 7973	11/19/2010 11434 11434	ATHAN'S SERVICES INC	291 380.35 1,747.53
680235 23396	11/19/2010 DE	AUTOMATED QA CORPORATION	6997 1,440.00
680236 32494	11/19/2010 558568	BDF ENTERPRISES LTD	1660 42.05
680237 37001189	11/19/2010 11391	BERRY MATERIAL HANDLING INC	462 69.28
680238 03006211	11/19/2010 558544	BERRY TRACTOR & EQUIPMENT CO	463 256.21
680239 7988 1 8037 1	11/19/2010 11310 11309	BILL KOBACH BUICK-GMC INC	488 863.00 794.80
680240 577210 577290 577404 577519	11/19/2010 558467 558467 558467 558467	BOZARTH CHEVROLET	578 42.11 43.12 7.61 44.21
680241 318570	11/19/2010 10365	BRATWEAR LLC	595 442.00
680242 504	11/19/2010 559094	BREATHING AIR SERVICES INC	601 2,410.57
680243 16255	11/19/2010 558469	BRIDGESTONE FIRESTONE NORTH	617 183.75
680244 80511	11/19/2010 558471	BROWNS SUPER SERVICE INC	670 250.00
			19.85
			19.87
			765.36
			27,298.37
			17,985.81
			13,191.48
			2,090.55
			2,127.88
			1,440.00
			42.05
			69.28
			256.21
			1,657.80
			137.05
			442.00
			2,410.57
			183.75
			875.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 15 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
80512	558471		250.00
80864	558471		200.00
81262	558471		175.00
680245	11/19/2010	BUILDERS RISK PLAN 696	102.86
OCT 2010	10869		102.86
680246	11/19/2010	CE WATER MANAGEMENT INC 858	2,502.00
C33463	558683		366.00
C33795	558683		1,145.00
C33796	558683		625.00
C33977	558683		366.00
680247	11/19/2010	CLAIBORN & ASSOCIATES INC 1742	960.00
559293 6	559293		960.00
680248	11/19/2010	COMMUNITY ACTION INC 1051	2,129.37
10152010	560205		2,129.37
680249	11/19/2010	CONRAD FIRE EQUIPMENT INC 1073	509.33
467747	559110		288.80
468124	558475		45.73
468136	558475		84.58
468142	558475		51.33
468260	558475		38.89
680250	11/19/2010	CONSOLIDATED RURAL WATER 1076	1,155.00
10791 OCT 2010	10791		1,155.00
680251	11/19/2010	COPWERKS 1106	1,263.00
1189	11157		1,263.00
680252	11/19/2010	COTTREL, NOVA 5747	9,847.03
11519	11519		9,847.03
680253	11/19/2010	COYOTE CANYON 1153	79.12
70460	10475		39.56
70496	10475		39.56
680254	11/19/2010	DAMRON, STEPHEN C 1241	320.05
558987 2	558987		320.05
680255	11/19/2010	DEBACKERS INC 1292	93.95
119916	11464		93.95
680256	11/19/2010	DENNYS RESTAURANT INC 1329	43.78
214024	10476		26.11
214031	10476		17.67
680257	11/19/2010	DOORSTEP INC 1385	9,259.11
10 YSS D3	560196		6,699.11
2010 CESG DSP 2	560207		2,560.00
680258	11/19/2010	DUFFENS OPTICAL COMPANY 1429	253.70
253608	558839		126.85
254619	558839		126.85
680259	11/19/2010	ELECTRONICS SUPPLY CO INC 1505	140.10
1337060	558876		140.10
680260	11/19/2010	EMERSON CONSTRUCTION INC 1527	339,280.23
10417 1	10417		339,280.23

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 16 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680261	11/19/2010	ENVISION 1549	21.25
0003121260	558840		21.25
680262	11/19/2010	ESPOSITO, JOHN 1566	1,241.06
PARKS022010	559712		160.80
RIGHT OF WAY 21	10303		310.40
VL 2112010	559985		769.86
680263	11/19/2010	EXPERIAN INFORMATION SOLUTIONS 5760	489.95
CD1107006175	559655		437.95
CD1107006176	559655		52.00
680264	11/19/2010	FEDEX 1632	132.45
7 281 90687	558841		132.45
680265	11/19/2010	FIRST CONSTRUCTION LLC 1682	51,210.60
10467 2	10467		51,210.60
680266	11/19/2010	FRIENDS OF THE FREE STATE CAPI 1793	33,589.30
11507	11507		33,589.30
680267	11/19/2010	GE CAPITAL 6772	11,618.96
73459885	10462		11,618.96
680268	11/19/2010	GREGG TIRE 1997	284.70
170370	558495		284.70
680269	11/19/2010	HEAVYQUIP 2167	2,143.00
214576 01	558573		2,143.00
680270	11/19/2010	HERRMAN'S EXCAVATING INC 2218	74,751.77
10102 1	10102		41,013.19
555903 FINAL	555903		11,439.50
559651 3	559651		22,299.08
680271	11/19/2010	INFORMATION NETWORK OF KANSAS 2395	67.98
236418	11493		67.98
680272	11/19/2010	J T LARDNER INC 2467	28.00
29471/29472	559657		28.00
680273	11/19/2010	JIMS TRAILER SALES 2533	75.00
493535	558622		75.00
680274	11/19/2010	KANSAS AUTOMOTIVE INC 2639	273.24
2341458	558505		18.80
2341849	558505		170.78
2341879	558505		6.80
2342099	558505		43.35
2342261	558602		11.56
2342342	558602		21.95
680275	11/19/2010	KANSAS DEPARTMENT OF REVENUE 6574	339.47
0000008671011191		Garnishment - Pct of Net	339.47
680276	11/19/2010	KANSAS DEPARTMENT OF REVENUE 6574	359.62
0000005581011191		Garnishment - Pct of Net	359.62
680277	11/19/2010	KANSAS DEPT OF TRANSPORTATION 2697	56.00
11 09	11422		56.00
680278	11/19/2010	KANSAS EXPOCENTRE 2701	15,220.00
560220 3	560220		15,220.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 17 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680279 0100425	11/19/2010 10525	KANSAS ONE CALL SYSTEM INC 2728	1,719.60 1,719.60
680280 38871	11/19/2010 BONDS	KANSAS REGISTER FULL FAITH/CREDIT BONDS 2010 2740	161.00 161.00
680281 2010 160	11/19/2010 560175	KANSAS RIVER WATER ASSURANCE 2742	6,062.22 6,062.22
680282 OCTOBER 2010	11/19/2010 DE	KANSAS STATE TREASURER 2757	17,684.72 17,684.72
680283 5671	11/19/2010 11262	KIMCO USA INC 7055	7,857.98 7,857.98
680284 944413	11/19/2010 558412	KNAAK PIANO SERVICE 2890	80.00 80.00
680285 1070716 1070920	11/19/2010 558577 558510	LAIRD NOLLER FORD INC 2939	105.48 120.12 225.60
680286 485	11/19/2010 10095	LAMP DEVELOPMENT LLC/PC911 2950	299.88 299.88
680287 11508	11/19/2010 11508	LIVING THE DREAM COMMITTEE INC 3079	10,394.10 10,394.10
680288 5418 00010304	11/19/2010 10305	MIZE HOUSER & CO INC 3481	165.00 165.00
680289 1000389797101031	11/19/2010 10883	MORRIS COMMUNICATIONS 5016	523.70 523.70
680290 L0041759	11/19/2010 10496	MWH LABORATORIES 3593	800.00 800.00
680291 118947 119645 120181 121068	11/19/2010 11027 11027 11027 11027	NATIONAL CRIME PREVENTION 3619	660.12 1,205.13 375.75 1,430.13 3,671.13
680292 281095	11/19/2010 10120	OMI INDUSTRIES 3749	1,403.33 1,403.33
680293 329871 329875 329885 89406	11/19/2010 558516 558516 558516 558516	POWERPLAN 5769	1,585.70 341.69 241.50 7.75 2,176.64
680294 3849866 3854208	11/19/2010 558920 558920	REEVES WIEDEMAN COMPANY INC 4154	14.18 23.00 37.18
680295 10654 FINAL	11/19/2010 10654	RESER'S FINE FOODS 6932	161.70 161.70
680296 599	11/19/2010 11489	SAINT LOUIS ZOO 4343	96.00 96.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 18 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680297	11/19/2010	SCHENDEL SERVICES INC 4390	528.32
21044561	560087		196.15
21047547	560087		196.15
21048149	558615		45.34
21048162	558615		45.34
21048713	558615		45.34
680298	11/19/2010	SHAWNEE COUNTY DEPARTMENT OF 4502	7,951.44
559191 8	559191		7,951.44
680299	11/19/2010	SHAWNEE COUNTY REGISTER DEEDS 4519	59.50
558739 23	558739		19.50
559872 4	559872		40.00
680300	11/19/2010	SHAWNEE COUNTY TREASURER 4521	25.50
2973484	558616		25.50
680301	11/19/2010	SHAWNEE COUNTY WEED DEPT 4522	14,769.37
20100116	10206		2,021.63
20100117	10206		7,807.80
20100118	10206		2,260.25
20100119	10206		2,679.69
680302	11/19/2010	SIMILAR MODE UNIFORMS INC 4563	1,885.06
45219	10616		1,713.65
45354	559007		57.75
45355	10836		113.66
680303	11/19/2010	SINGER EXCAVATING 4577	14,537.09
2010011 2	11476		14,537.09
680304	11/19/2010	THE LAUNDRY CHUTE 4931	96.15
1977 13	10950		96.15
680305	11/19/2010	THE MEDICINE SHOPPE #1236 6836	449.21
11400	11400		449.21
680306	11/19/2010	THE TIRE CUTTERS 5633	405.70
1084	10379		405.70
680307	11/19/2010	TIFCO INDUSTRIES 4988	1,582.87
70642702	559580		1,019.33
70644165	559580		166.12
70644182	559580		397.42
680308	11/19/2010	TOPEKA GENERATOR EXCHANGE 5030	396.95
33509	558528		396.95
680309	11/19/2010	TOPEKA HARLEY DAVIDSON 5031	1,536.71
502001	558529		219.90
502018	558529		955.41
502019	558529		361.40
680310	11/19/2010	TOPEKA POWERSPORTS INC 5042	284.25
12 4202	558491		284.25
680311	11/19/2010	U S INK AND TONER INC 5116	2,746.75
5007770	11405		1,831.34
5007808	11407		915.41
680312	11/19/2010	UNIFIED SCHOOL DISTRICT 501 5133	744.00
10 002	11477		744.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 19 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680313 11517	11/19/2010 11517	UNITED STATES POSTAL SERVICE 5146	3,200.00 3,200.00
680314 5463757 5489085	11/19/2010 11090 11090	US FOODSERVICE KANSAS CITY 6572	201.18 178.22 22.96
680315 06051593	11/19/2010 559017	VERMEER GREAT PLAINS INC 5218	30.26 30.26
680316 0018947 2040 6	11/19/2010 11525	WASTE MANAGEMENT OF TOPEKA INC 5321	27.88 27.88
680317 358071	11/19/2010	ANESTHESIA SERV MEDICAL GROUP 6405020110 52209 5804	329.06 329.06
680318 166747X220546 167008X221010 167015X221046 167270X221500 167414X221938 167575X221948 169256X224752 169275X224772 168712X223944 168791X223475 168801X224326 168949X224299 169161X224763 169248X224779 167877X222355 168157X223061 168171X223603 168224X222363 168406X223413 168621X223928	11/19/2010	ATHLETIC AND REHABILITATION CE 6405020110 52209 294	3,241.04 104.61 127.54 242.55 129.20 222.13 122.54 131.70 188.38 104.61 242.55 242.55 149.21 83.36 242.55 115.87 133.36 169.87 242.55 127.54 118.37
680319 WCCOT200900931	11/19/2010	BAKER MD, PHILLIP 6405020110 52209 349	1,425.00 1,425.00
680320 102963 WC 14	11/19/2010	BLOOM & ASSOCIATES THERAPY PA 6405020110 52209 6568	202.93 202.93
680321 21443	11/19/2010 559531	EMERGENCY ANIMAL CLINIC OF 1524	69.00 69.00
680322 6012678368 6013069707 6013178416	11/19/2010	KANSAS ORTHOPEDIC & SPORTS MED 6405020110 52209 6405020110 52209 6405020110 52209 2729	386.29 252.57 46.33 87.39
680323 B1200397130901 B1200397167001 B1200397255401 B1200397672801 B1200397811801 B1200397907801 B1200398300401 B1200398479901	11/19/2010	KSTAR EMERGENCY PHYSICIANS PLL 6405020110 52209 6405020110 52209 6405020110 52209 6405020110 52209 6405020110 52209 6405020110 52209 6405020110 52209 6405020110 52209 6545	1,301.23 158.44 358.97 84.97 84.97 84.97 84.97 84.97 358.97
680324 MWR76603X11949	11/19/2010	MIDWEST REHABILITATION PA 6405020110 52209 3418	60.00 60.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 20 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680325	11/19/2010	RADIOLOGY & NUCLEAR MEDICINE 4073	345.06
4051209411		6405020110 52209	13.34
4051209615		6405020110 52209	10.55
4051209935		6405020110 52209	14.45
4051210007		6405020110 52209	14.45
4051212077		6405020110 52209	25.57
4051213649		6405020110 52209	105.57
4051213805		6405020110 52209	105.57
4051217356		6405020110 52209	10.55
4051217660		6405020110 52209	21.12
4051218534		6405020110 52209	23.89
680326	11/19/2010	SAINT FRANCIS HEALTH CENTER 4338	2,301.16
3986251001.9.30.1		6405020110 52209	13.84
3919859001		6405020110 52209	24.80
3944804 001A		6405020110 52209	45.05
RULE OUT .6.8.10		6405020110 52209	32.30
3990682001		6405020110 52209	639.35
3990739 001.10.7.1		6405020110 52209	20.40
3990739001		6405020110 52209	13.84
3991226 001		6405020110 52209	20.40
3991226001.10.8.1		6405020110 52209	13.84
3991780001		6405020110 52209	356.58
3988933 001-10.5.1		6405020110 52209	20.40
3988933001		6405020110 52209	13.84
3989365 001.10.5.1		6405020110 52209	20.40
3989365001.10.5.2		6405020110 52209	43.67
3990678 001		6405020110 52209	29.75
3990678001.10.7.1		6405020110 52209	50.80
3986289 001.9.30.2		6405020110 52209	20.40
3986289001.9.30.1		6405020110 52209	331.71
3988065 001		6405020110 52209	20.40
3988065001.10.4.1		6405020110 52209	13.84
3988227 001.10.4.1		6405020110 52209	32.30
3988227001.10.4.2		6405020110 52209	52.64
3984358 001.9.28.1		6405020110 52209	32.30
3984358001		6405020110 52209	54.73
3984799001		6405020110 52209	305.23
3985865 001		6405020110 52209	20.40
3985865001.9.30.1		6405020110 52209	43.67
3986251 001		6405020110 52209	14.28
680327	11/19/2010	SAINT FRANCIS HEALTH CENTER 4339	12,181.40
10523 1	10523		12,056.00
3827584.8.4.10		6405020110 52209	91.40
3827584.9.18.10		6405020110 52209	17.00
3827584.9.7.10		6405020110 52209	17.00
680328	11/19/2010	SAINT FRANCIS PHYSICIAN CLINIC 4341	248.71
SFT414827		6405020110 52209	115.48
SFT417152		6405020110 52209	47.70
SFT417968		6405020110 52209	47.70
SFT419558		6405020110 52209	37.83
680329	11/19/2010	THE COMPTECH GROUP LLC 4920	765.24
677A		6405020110 52900	16.27
677AA		6405020110 52900	13.07
677AB		6405020110 52900	13.14
677AC		6405020110 52900	13.54
677AD		6405020110 52900	15.24
677AE		6405020110 52900	15.54
677V		6405020110 52900	9.23
677W		6405020110 52900	9.15

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 21 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount		
677X		6405020110 52900	9.72		
677Y		6405020110 52900	10.82		
677Z		6405020110 52900	11.23		
677O		6405020110 52900	5.10		
677P		6405020110 52900	5.99		
677Q		6405020110 52900	6.63		
677R		6405020110 52900	6.68		
677S		6405020110 52900	7.24		
677T		6405020110 52900	8.90		
677H		6405020110 52900	2.59		
677I		6405020110 52900	3.30		
677J		6405020110 52900	3.35		
677K		6405020110 52900	3.71		
677M		6405020110 52900	3.88		
677N		6405020110 52900	4.30		
677B		6405020110 52900	1.10		
677C		6405020110 52900	1.10		
677D		6405020110 52900	1.10		
677E		6405020110 52900	1.10		
677F		6405020110 52900	2.00		
677G		6405020110 52900	2.16		
677AL		6405020110 52900	34.35		
677AM		6405020110 52900	35.51		
677AN		6405020110 52900	69.34		
677AO		6405020110 52900	78.89		
677AP		6405020110 52900	81.23		
677AR		6405020110 52900	122.26		
677AF		6405020110 52900	16.93		
677AG		6405020110 52900	19.56		
677AH		6405020110 52900	22.33		
677AI		6405020110 52900	23.98		
677AJ		6405020110 52900	26.14		
677AK		6405020110 52900	27.54		
680353	11/19/2010	BECK, LOREN	412	36.00	36.00
11/14/10AVBLB		Adult Volleyball			
680354	11/19/2010	CLOUSE, PHILLIP J	981	120.00	120.00
11/14/10AVBPC		Adult Volleyball			
680355	11/19/2010	DORITY, SHELBY L	1387	63.00	111.00
11/14/10AVBSD		Adult Volleyball		63.00	
11/14/10YVBSD		Youth Volleyball		48.00	
680356	11/19/2010	EZELL, HARRY	1597	136.00	196.00
11/14/10ABBHE		Adult Basketball		136.00	
11/14/10YVBHE		Youth Volleyball		60.00	
680357	11/19/2010	HEWITT, ALYSSA	2225	40.00	40.00
11/14/10YVBAH		Youth Volleyball			
680358	11/19/2010	HUNT, RON	6013	96.00	96.00
11/14/10AVBRH		Adult Volleyball		96.00	
680359	11/19/2010	POWELL, JOHNNINE G	6928	63.00	63.00
11/14/10AVBJP		Adult Volleyball		63.00	
680360	11/19/2010	LEWIS, KYLE N	3053	132.00	180.00
11/14/10AVBKL				132.00	
11/14/10YVBKL				48.00	
680361	11/19/2010	LOBB, CAREY	3083	24.00	112.00
11/14/10ABBCL				24.00	
11/14/10AVBCL				48.00	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 22 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
11/14/10YVBCL			40.00
680362	11/19/2010	LUNA, NARCISO 3138	99.00
11/14/10ABBNL		Adult Basketball	51.00
11/14/10AVBNL		Adult Volleyball	48.00
680363	11/19/2010	PERRY, MICHAEL 6147	9.00
11/14/10ABBMP			
680364	11/19/2010	MONTNEY, NATALIE K 3501	40.00
11/14/10YVBNM		Youth Volleyball	
680365	11/19/2010	PATTERSON, RICHARD A 3845	63.00
11/14/10AVBRP		Adult Volleyball	
680366	11/19/2010	PAUL WOBUS 6165	85.00
11/14/10ABBPW		Adult Basketball	
680367	11/19/2010	QUARLES II, NORMAN W 4051	112.00
11/14/10ABBNQ		Adult Basketball	
680368	11/19/2010	ROSS, THOMAS L 4296	108.00
11/14/10ABBTR		Adult Basketball	84.00
11/14/10AVBTR		Adult Volleyball	24.00
680369	11/19/2010	SMITH, ERNEST E 6156	174.00
11/14/10ABBES		Adult Basketball	126.00
11/14/10AVBES		Adult Volleyball	48.00
680370	11/19/2010	THEIS, KENNY 4947	144.00
11/14/10AVBKT		Adult Volleyball	
680371	11/19/2010	WRIGHT, DENNIS 5547	48.00
11/14/10AVBDW		Adult Volleyball	
680372	11/19/2010	CALIFORNIA STATE DISBURSEMENT 753	86.54
0000008981011191		Child Support - Amt	
680373	11/19/2010	FAMILY SUPPORT PAYMENT CENTER 6780	225.00
0000010271011191		Child Support - Amt	
680374	11/19/2010	FRATERNAL ORDER OF POLICEMEN 1773	8,782.72
UNF110110512514		Union Dues - FOP	0.00
UNF110111915361		Union Dues - FOP	126.46
UNF110111915361		Union Dues - FOP	8,656.26
680375	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	44.00
0000000231011191		Bankruptcy - Amt 26 PP	
680376	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	150.00
0000002971011191		Bankruptcy - Amt 26 PP	
680377	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	95.00
0000003751011191		Bankruptcy - Amt 26 PP	
680378	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	773.17
0000003761011191		Bankruptcy - Amt 26 PP	
680379	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	330.92
0000005271011191		Bankruptcy - Amt 26 PP	
680380	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE 2494	150.00
0000005461011191		Bankruptcy - Amt 26 PP	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 23 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680381	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000005911011191		Bankruptcy - Amt 26 PP	214.61
			214.61
680382	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000006861011191		Bankruptcy - Amt 26 PP	488.31
			488.31
680383	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000007051011191		Bankruptcy - Amt 26 PP	276.92
			276.92
680384	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000007381011191		Bankruptcy - Amt 26 PP	636.92
			636.92
680385	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000007811011191		Bankruptcy - Amt 26 PP	135.00
			135.00
680386	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000000301011191		Bankruptcy - Amt 26 PP	50.00
			50.00
680387	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000008061011191		Bankruptcy - Amt 26 PP	212.31
			212.31
680388	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000009751011191		Bankruptcy - Amt 26 PP	101.54
			101.54
680389	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000010031011191		Bankruptcy - Amt 26 PP	162.00
			162.00
680390	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000000551011191		Bankruptcy - Amt 26 PP	150.70
			150.70
680391	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000001131011191		Bankruptcy - Amt 26 PP	593.08
			593.08
680392	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000011161011191		Bankruptcy - Amt 26 PP	141.69
			141.69
680393	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000002321011191		Bankruptcy - Amt 26 PP	296.77
			296.77
680394	11/19/2010	JAN HAMILTON CHAPTER 13 TRUSTE	2494
0000002921011191		Bankruptcy - Amt 26 PP	78.00
			78.00
680395	11/19/2010	KANSAS PAYMENT CENTER	2732
0000000151011191		Child Support - Amt	423.82
0000000231011191		Child Support - Amt	207.23
0000000741011191		Child Support - Amt	331.26
0000000831011191		Child Support - Amt	42.94
0000000861011191		Child Support - Amt	149.08
0000000861011191		Child Support - Amt	163.43
0000010231011191		Child Support - Amt	759.00
0000009381011191		Child Support - Amt	31.70
0000009591011191		Child Support - Amt	304.15
0000009721011191		Child Support - Amt	115.42
0000010021011191		Child Support - Amt	351.80
0000010151011191		Child Support - Amt	144.51
0000010221011191		Child Support - Amt	135.69
0000019191011191		Child Support - Amt	27.69
0000008411011191		Child Support - Amt	46.15
0000008631011191		Child Support - Amt	314.31
0000008661011191		Child Support - Amt	238.15
0000009241011191		Child Support - Amt	102.69
0000009241011191		Child Support - Amt	84.92
			19,217.96

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 24 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
0000018671011191		Child Support - Amt	182.22
0000018701011191		Child Support - Amt	29.08
0000018701011191		Child Support - Amt	97.85
0000019181011191		Child Support - Amt	69.23
0000019181011191		Child Support - Amt	41.54
0000019191011191		Child Support - Amt	138.46
0000011931011191		Child Support - Amt	147.74
0000011931011191		Child Support - Amt	140.31
0000012001011191		Child Support - Amt	56.31
0000017681011191		Child Support - Amt	20.31
0000018471011191		Child Support - Amt	69.69
0000018541011191		Child Support - Amt	92.31
0000011811011191		Child Support - Amt	335.64
0000011811011191		Child Support - Amt	158.54
0000011891011191		Child Support - Amt	113.11
0000011891011191		Child Support - Amt	55.85
0000011921011191		Child Support - Amt	369.23
0000011921011191		Child Support - Amt	52.15
0000010431011191		Child Support - Amt	182.83
0000010561011191		Child Support - Amt	155.54
0000010731011191		Child Support - Amt	32.00
0000010931011191		Child Support - Amt	138.50
0000010931011191		Child Support - Amt	153.69
0000011321011191		Child Support - Amt	279.78
0000007911011191		Child Support - Amt	122.77
0000007911011191		Child Support - Amt	153.69
0000008151011191		Child Support - Amt	461.68
0000008181011191		Child Support - Amt	115.42
0000008271011191		Child Support - Amt	446.45
0000010401011191		Child Support - Amt	235.92
0000007261011191		Child Support - Amt	184.67
0000007321011191		Child Support - Amt	121.88
0000007341011191		Child Support - Amt	415.51
0000007461011191		Child Support - Amt	190.15
0000007651011191		Child Support - Amt	73.41
0000007741011191		Child Support - Amt	86.31
0000005881011191		Child Support - Amt	143.08
0000006191011191		Child Support - Amt	285.32
0000006241011191		Child Support - Amt	74.10
0000006411011191		Child Support - Amt	267.69
0000006671011191		Child Support - Amt	415.51
0000007171011191		Child Support - Amt	16.15
0000004521011191		Child Support - Amt	198.98
0000004891011191		Child Support - Amt	184.62
0000005151011191		Child Support - Amt	164.36
0000005361011191		Child Support - Amt	385.50
0000005531011191		Child Support - Amt	627.89
0000005861011191		Child Support - Amt	258.54
0000003801011191		Child Support - Amt	50.32
0000003851011191		Child Support - Amt	368.88
0000004001011191		Child Support - Amt	201.52
0000004171011191		Child Support - Amt	169.38
0000004471011191		Child Support - Amt	185.13
0000004521011191		Child Support - Amt	361.85
0000002791011191		Child Support - Amt	172.67
0000002941011191		Child Support - Amt	288.09
0000003181011191		Child Support - Amt	253.92
0000003241011191		Child Support - Amt	912.68
0000003431011191		Child Support - Amt	498.61
0000003761011191		Child Support - Amt	97.54
0000001881011191		Child Support - Amt	256.24
0000001911011191		Child Support - Amt	257.16
0000001931011191		Child Support - Amt	177.75
0000002041011191		Child Support - Amt	383.08
0000002421011191		Child Support - Amt	53.08

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 25 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
0000002421011191		Child Support - Amt	131.08
0000000961011191		Child Support - Amt	230.84
0000001141011191		Child Support - Amt	196.68
0000001191011191		Child Support - Amt	510.16
0000001451011191		Child Support - Amt	481.53
0000001711011191		Child Support - Amt	114.50
0000001721011191		Child Support - Amt	149.82
680396	11/19/2010	ROSANNE "SOTO" REYES 4283	286.15
0000008981011191		Child Support - Amt	286.15
680397	11/19/2010	SUPPORT PAYMENT CLEARINGHOUSE 4831	239.08
0000001371011191		Child Support - Amt	239.08
680398	11/19/2010	UNITED STATES TREASURY 5155	1,296.57
0000005581011191		Tax Levy Federal - Pct	1,296.57
680399	11/19/2010	UNITED STATES TREASURY 5156	92.31
0000011281011191		Tax Payment Agreement	92.31
680400	11/19/2010	WILLIAM GRIFFIN CHAPTER 13 TRU 5446	117.69
0000004751011191		Bankruptcy - Amt 26 PP	117.69
680401	11/19/2010	WILLIAM GRIFFIN CHAPTER 13 TRU 5446	768.00
0000007591011191		Bankruptcy - Amt 26 PP	768.00
680402	11/19/2010	WILLIAM GRIFFIN CHAPTER 13 TRU 5446	652.00
0000009721011191		Bankruptcy - Amt 26 PP	652.00
680403	11/19/2010	WISCONSIN SUPPORT COLLECTIONS 5503	87.69
0000008251011191		Child Support - Amt	87.69
680404	11/19/2010	APPLIED INDUSTRIAL 245	113.21
47169088	558829		77.99
47169290	558829		35.22
680405	11/19/2010	FASTENAL COMPANY 1619	16.54
KSTOP143140	558487		31.09
KSTOP143210	11162		31.09
680406	11/19/2010	GRAINGER 1964	1,430.32
9387601983	11408		92.52
9388500440	11408		102.80
9388529423	11408		102.80
680407	11/19/2010	J & A TRAFFIC PRODUCTS 2453	18,422.25
12663	11294		18,422.25
680408	11/19/2010	KANSAS CORRECTIONAL INDUSTRIES 2662	2,834.98
110745	10779		2,834.98
680409	11/19/2010	KIMBALL MIDWEST 2854	754.61
1722812	558576		754.61
680410	11/19/2010	MEIERS READY MIX 3338	780.00
300494	11152		157.50
300523	11152		138.00
300614	11152		138.00
680411	11/19/2010	NEAL & SONS CONSTRUCTION INC 3643	1,443.30
96314	10544		1,013.28
96322	10688		1,013.28

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 26 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680412	11/19/2010	NORTHEAST KANSAS HYDRAULICS IN 3705	3,479.28
25422	558517		327.15
25436	558517		3,152.13
680413	11/19/2010	PRAXAIR DISTRIBUTION INC 3995	1,668.44
37974483	11050		1,668.44
680414	11/19/2010	PUMP & POWER EQUIPMENT INC 4039	12,955.00
203151	556437		12,955.00
680415	11/19/2010	SAFETY SUPPLIES 4336	955.85
SSI 100995	10948		54.35
SSI 101014	10948		400.00
SSI 101015	10948		101.50
SSI 101101	10948		400.00
680416	11/19/2010	TFM COMM INC 4914	985.17
89756	558925		95.00
91049	558925		204.00
91560	10130		686.17
680417	11/19/2010	TOPEKA BLUE PRINT INC 5015	744.85
157017	11452		283.55
157658	11499		461.30
680418	11/19/2010	VANCE BROTHERS INC 5197	117,345.79
IA 2178	11342		117,345.79
680419	11/19/2010	COLEMAN, JAZMINE 6869	25.00
CR 2010 0000510 F	AM PAYNE		25.00
680420	11/19/2010	WISE, GARY L 6874	50.00
CR 2009 0001911 M	SL WOLKEN		50.00
680421	11/19/2010	INGENTHRON, VALERIE 6820	30.00
CR 2009 0018301 M	MD DEXTER		30.00
680422	11/19/2010	JC PENNEYS 7125	50.00
CR 2010 0014998 M	B L THOMPSON		50.00
680423	11/19/2010	MANSKE, JOHN F 6881	30.00
CR 2009 0012620 M	SD GRAY		30.00
680424	11/19/2010	LARRISON, JOHN KINGSLEY 7126	40.00
CR 2010 0012423 M	TA HOPP		40.00
680425	11/19/2010	SHIVELY, JOHN 7127	25.00
CR 2010 0012977 M	KL LYNN		25.00
680426	11/19/2010	KANSAS BUREAU OF INVESTIGATION 2646	2,420.30
CR 2004 0006018 M	TJ HESTER		18.80
CR 2008 0017457 M	HJ TAYLOR		8.00
CR 2008 0017457 M	HJ TAYLOR		16.00
CR 2008 0017457 M	HJ TAYLOR		32.00
CR 2009 0000758 F	WM KEOUGH JR		288.00
CR 2009 0008093 L	LM TAYLOR		25.00
CR 2009 0019750	FGARCIA-BELAIRE		50.00
CR 2009 0019750	FGARCIA-BELAIRE		50.00
CR 2009 0020610 L	NE STEELE		400.00
CR 2010 0000259 F	MOJICA-CRUZ		150.00
CR 2010 0000684 F	JL BLEVINS		150.00
CR 2010 0001836 F	FL TRAHOON JR		400.00
CR 2009 0015064 M	CF GRABAUSKAS		100.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/15/2010 and 11/21/2010

Attachment number 3
Page 27 of 27

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
CR 2009 0016321 F	SR NATH		100.00
CR 2009 0016321 F	SR NATH		100.00
CR 2009 0018551 M	SR LESTER		50.00
CR 2009 0018675 L	BL MOORE		46.00
CR 2009 0018675 L	BL MOORE		46.00
CR 2009 0008094 L	RT WILLIAMS		25.00
CR 2009 0008094 L	RT WILLIAMS		115.00
CR 2009 0013871 F	CA RALPH		50.00
CR 2009 0013895 L	JM OSTERHAUS		76.00
CR 2009 0013999 L	DL WAHWASSUCK		99.50
CR 2009 0015064 M	CF GRABAUSKAS		25.00
680427	11/19/2010	WILSON, LEE T	6875
CR 2008 0004311 M	JA FLORES		100.00
680428	11/19/2010	MEDFORCE TECHNOLOGY	6821
CR 2010 0000895 F	TC BURDETT		146.09
680429	11/19/2010	PETERSON, MEGAN	6880
CR 2009 0015401 F	TL ROBINSON		29.36
680430	11/19/2010	ETZELL, NICOLE	7123
CR 2010 0006003 F	AC MARTINEZ		25.00
680431	11/19/2010	ALLSION, ROBERT G	6853
CR 2010 0004573 M	HJ BABCOCK		25.00
680432	11/19/2010	SEARS	6824
CR 2010 0001748 F	RL DODD		34.00
680433	11/19/2010	RICE, SHELLEY	7080
CR 2010 0008262 M	JP ORTIZ		100.00
680434	11/19/2010	FISHER, TERRY	7124
CR 2010 0014247 F	R W IPPOLITO		20.00
680435	11/19/2010	WALMART RESTITUTION RECOVERY	6534
CR 2009 0001170 M	TL ROBINSON		39.64
CR 2010 0002033 M	MA CALHOUN		25.00
CR 2010 0011334 M	CN DUNN		50.00
CR 2010 0013273 M	CI WESSEL		48.88
Total for Check Payments			970,783.89
TOTAL OF PAYMENTS			3,756,370.43



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 16, 2010

+ Back Print

DATE:	December 14, 2010		
CONTACT PERSON:	David Thurbon/Bill Hoover	DOCUMENT #:	CU05/3A
SECOND PARTY/SUBJECT:	Certified Transmission Rebuilders Inc.	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	020 Resolutions / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	JOURNAL #: PAGE #:		

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.150.030 of the Topeka Municipal Code (TMC), amending an existing Conditional Use Permit for an Automobile Service Station, Type III to allow for a 120 square foot, 26 foot tall pole sign on property currently zoned "C-3" Commercial District and located at 2081 S. Kansas Avenue in the City of Topeka, Kansas. (Council District No. 3)

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

(Approval would make the existing pole sign conforming under the property's conditional use permit.)

POLICY ISSUE:

Request is consistent with the policies and principles of the Topeka Land Use and Growth Management Plan- 2025 and the Neighborhood Element of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be conditionally **APPROVED** by a vote of **8-0-0** at their **November 15, 2010** meeting as referenced in their attached minutes. The Planning Department recommended that this request be conditionally **APPROVED** as referenced in the attached staff report.

After the date of the Planning Commission hearing, planning staff also approved an administrative admendment to the CUP site plan to remove the privacy fencing originally planned to be located on the north and west side of the vehicle drop-off area. The attached site plan reflects this change.

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 Governing Body

Item #13

- 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:

[Resolution](#)

[staff report](#)

[aerial map](#)

[zoning map](#)

[CUP application](#)

[Planning Commission Minutes](#)

[Site Plan](#)

RESOLUTION _____

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 18.150.030 of the Topeka Municipal Code (TMC), amending an existing Conditional Use Permit for an Automobile Service Station, Type III to allow for a 120 square foot, 26 foot tall pole sign on property currently zoned "C-3" Commercial District and located at 2081 South Kansas Avenue in the City of Topeka, Kansas. **(CU05/3A) (Council District No. 3)**

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.150.030(c)(2), amending an existing Conditional Use Permit for an Automobile Service Station, Type III to allow for a 120 square foot, 26 foot tall pole sign on property currently zoned "C-3" Commercial District and located at 2081 South Kansas Avenue in the City of Topeka, Kansas, and legally described as

Lots 112, 114, 116, Twenty-First Street, South Park Addition to the City of Topeka, Shawnee County, Kansas, except the south 5 feet taken in Condemnation Case No. 118255.

Lots 118 and 120, Twenty-First Street, South Park Addition to the City of Topeka, Shawnee County, Kansas, except the south 5 feet taken in Condemnation Case No. 118255.

The west 50 feet of Lots 2211, 2213, 2215, 2217, 2219, Kansas Avenue, South Park Addition, Shawnee County, Kansas, and that part described as beginning at a point 82 feet west and 15 feet north of the SE corner of Lot 2219, Kansas Avenue, South Park Addition to the City of Topeka, Shawnee County, Kansas; thence easterly parallel with the south line of said Lot 2219 for a distance of 12 feet; thence northeasterly to a point 40 feet west and 5 feet south of the NE corner of Lot 2217 on Kansas Avenue, in said addition; thence northerly parallel with and 40 feet west of the east line of Lots 2217, 2215, 2213 and 2211 to the north line of Lot 2211; thence westerly along the north line of said lot for a distance of 42 feet; thence southerly parallel with and 82 feet west of the east line of said lots for a distance of 110 feet to the point of beginning.

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 Certified Transmission Rebuilders, Inc.**

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

_____, 2010.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

November 15, 2010
Agenda Item # F-2

CONDITIONAL USE PERMIT REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: CU05/3A

by: Certified Transmission Rebuilders Inc.

PROPOSAL: Amending the existing Conditional Use Permit "CUP" for an Automobile Service Station, Type III on property currently zoned "C-3" Commercial District to allow for a 120 sq. ft, 26 ft. tall pole sign.

LOCATION: 2081 S. Kansas Ave – Northwest corner of SW 21st Street and S. Kansas Ave.

PRESENT USE: The property comprises approximately 26,040 sq. ft. and contains a 5,300 sq. ft. automobile transmission repair facility, constructed in 2009.

BACKGROUND: This existing Conditional Use Permit was approved in October 2006 to allow for an Automobile Service Station, Type III in the "C-3" District. The approved CUP site plan restricted free-standing signage to a 5 ft. tall, 50 sq. ft. monument sign, which is more restrictive than the standard sign requirements in the base "C-3" District. In January 2010, the applicant applied for a sign permit for the existing pole sign. This permit was approved erroneously by Planning staff. This sign violation was only discovered in June 2010 during a site inspection to verify the property's compliance with zoning regulations so the owner would be eligible to receive their Neighborhood Revitalization Program property tax rebate. This CUP amendment is requested to bring the property back into compliance so they will be eligible to receive their tax rebate on improvements made to the property. The Planning Director waived the fee for this amendment since the sign was approved in error.

PROPOSED USE: To bring the property into compliance with its CUP by revising the signage on the plan to allow for the existing 26 ft. tall pole sign.

CHARACTER OF NEIGHBORHOOD: This Monroe neighborhood has decreased substantially in residential population in recent decades. Most of the remaining residential homes in the immediate vicinity could be considered remnants of the former single-family neighborhood that occupied this area in the earlier decades of the 20th Century. The block this subject property lies within is either: 1.) Vacant, 2.) Used as overflow parking, or 3.) Contains a motor vehicle sales business. The subject property is within the 500 ft. environs of a State Register historic property (Luttjohann House) lying to the north along SW Roby Place.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

ZONING CLASSIFICATION		PRESENT LAND USE
North:	"C-3" Commercial District and	Motor vehicle sales

November 15, 2010
Agenda Item # F-2

South:	“M-1” Two-Family Dwelling District “C-2” Commercial District and “M-1” Two-Family Dwelling District	Vacant lot KDOT building
East:	“C-3” Commercial District	Vacant
West:	“C-3” Commercial District	Vacant

GUIDELINES FOR EVALUATION: In considering an application for a CUP, 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 neighborhood, all conditional use permit applications shall be evaluated in accordance with the guidelines established in Chapter 18.215 of the Topeka Municipal Code.

- 1. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The Neighborhood Element of the Comprehensive Plan identifies this area as “At Risk” meaning that if no further investment is put back into the area it could potentially continue down the path to an “Intensive Care” neighborhood, resulting in lower property values, low homeownership, and dilapidated housing conditions. A new business on a vacant property since the 1970s puts investment back into this “At Risk” neighborhood and also provides stability for the neighborhood. The business has made a successful effort to blend in with the character of the area. The Topeka Land Use & Growth Management Plan - 2025 designates this area as a “Mixed-Use District”, which is appropriate for limited commercial uses. However, the property’s location at the intersection of two arterials is suitable for a commercial use of this type. Site and architectural compatibility were important factors during review of the initial CUP proposal because of the property’s location in a mixed-use (i.e. non-strip commercial) area and within a historical environs. This was partially the reasoning for architectural elevations matching the KDOT building across SW 21st and limiting the original free-standing signage to a monument sign.
- 2. The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio:** The area surrounding this property has been transitioning from a mixed-use district to a more commercial district over the course of the past decade. The single-family homes in the area are becoming less prominent than they have been in the past. The two parcels to the north zoned “M-1” are currently vacant. The property is located within the historic environs of the Luttjohann House and appropriate design consideration have been addressed regarding building materials for the existing building so that it remains in character with the surrounding area. The pole sign was reviewed by the Landmarks Commission at its October meeting and they determined it does not encroach upon the environs of the listed property.
- 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:** The surrounding properties are predominantly “C-

November 15, 2010
Agenda Item # F-2

3” Commercial District. The two “M-1” lots directly to the north are vacant and between other commercially-zoned properties and will most likely be rezoned in the future to accommodate commercial uses. As this area continues to transition to commercial land uses, the existing use is in harmony with the surrounding uses and zoning, as there is little difference between what the proposed conditional use would permit and what is already permitted under “C-3”. The pole sign is in harmony with similar signage that could be permitted on adjacent commercial property.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property is still suitable as presently restricted for “C-3” District uses. The “C-3” District already permits any type of retail business, home improvement and building supply centers, and motor vehicle display areas. Very limited outdoor storage of sales/display items are permitted in “C-3”. The “C-3” District also permits both Automobile Services Stations, Types I and II, which allow for minor vehicle repair. The reason for the original CUP was to allow the Automobile Service Stations, Type III, which permit heavy vehicle repairs (i.e. engine and transmission repair that typically require greater disabling and storage of vehicles for longer periods of time). However, any type of outdoor parking of vehicles awaiting repair is strictly limited, as indicated by the note on the plan. A pole sign of this size is allowed under the property’s base zoning of “C-3” and would be permitted on the similar “C-3” property to the west.
5. **The length of time the property has remained vacant as zoned:** This property has remained zoned “C-3” since 1997, when it was rezoned from “M-1” with a Resolution of Intent (ROI) for “C-2”. However, prior to that it was formerly zoned “F” Neighborhood Shopping District since the 1930s. The property has been vacant since the 1970s when the single-family residences on the northwest corner of Kansas and 21st were demolished.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The requested use does not have a detrimental effect upon nearby properties. Measures have been implemented to ensure the proposed use is compatible with the transitional nature of this area and the architectural styles of the surrounding buildings: Luttjohann House and KDOT building. The amendment allows for a pole sign that is permitted by-right in “C-3” and pole signs are usually suitable at the intersection of two arterials. The CUP indicates a 6’ privacy fence will be installed along the north and west sides of the outdoor vehicle parking area on the west side of the building, which was originally intended to provide a visual barrier for the historic residence to the north. This fence should have been installed with construction of the building and never was.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The use does not harm the value of nearby properties, but rather encourages further investment in an “At Risk” neighborhood and is an improvement on a property that was vacant since the 1970s.

November 15, 2010
Agenda Item # F-2

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:** The property is located at the intersection of two arterials and the existing road network is adequate to handle traffic generated by the property. This use does not generate traffic problems, as it is a pre-determined destination use. A future cross access driveway with the commercial-zoned property to the west has been established on the site plan.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** None anticipated.
10. **The economic impact of the proposed use on the community:** The existing business is a successful achievement in this “At Risk” neighborhood and may provide for greater economic stimulation within the Monroe neighborhood.
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 would be little gain to the public health, safety, and welfare by the denial of the existing pole sign as signs of this size are permitted by-right in “C-3”. Denial of the request would impose an unnecessary hardship on the landowner by requiring the removal and/or replacement of an existing sign installed after receiving approval by the City.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: The Monroe NIA was re-notified of this proposal on September 3, 2010. No response has been received from the Monroe NIA regarding the NIA’s support or opposition to the CUP amendment.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: The Luttjohann House located at 2053 S. Kansas Ave. is a listed historic property and the subject property lies within its environs. The Landmarks Commission made a determination at its October 14, 2010 meeting that the pole sign does not encroach, damage, or destroy the historic integrity or environs of the listed structure.

BASED UPON THE ABOVE FINDINGS AND STAFF ANALYSIS, THE FOLLOWING RECOMMENDATION IS MADE: The Planning Department recommends **APPROVAL** of this proposal, subject to:

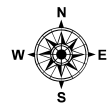
November 15, 2010
Agenda Item # F-2

1. *Use and development of the site shall be in accordance with the Conditional Use Permit site plan submitted by the applicant in conjunction with this application.*

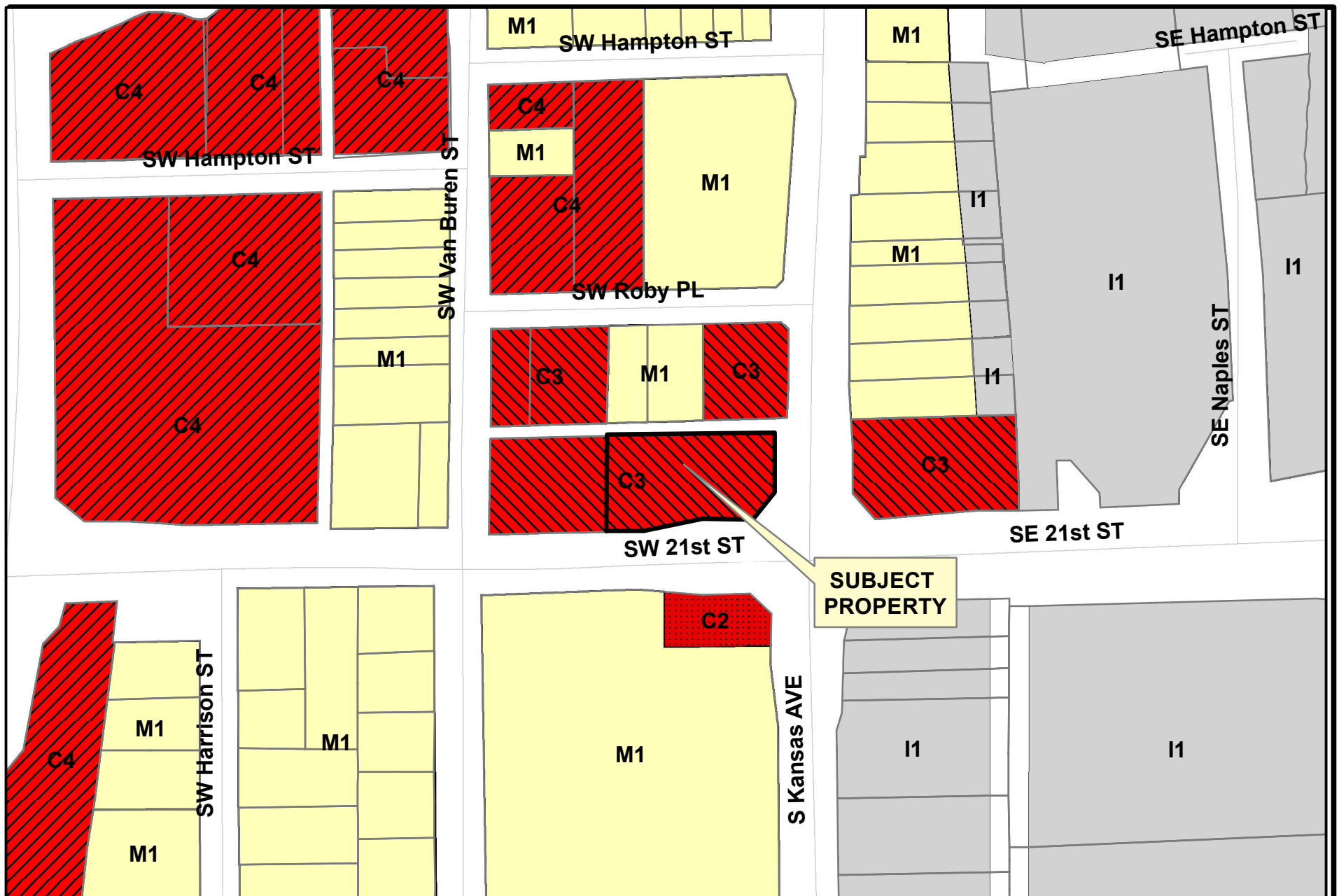
Prepared by:
Annie Driver, Planner II



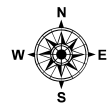
CU05/3A by: Certified Transmission Rebuilders Inc.



City of Topeka Planning Department



CU05/3A by: Certified Transmission Rebuilders Inc.





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): Peter Fink & Carolyn Fink (property) Certified Transmission Rebuilders, Inc (Improvements)

Street Address: 1801 S. 54th St

City: NE State: NE Zip: 68106 E-mail: rfink@certifiedtransmission.com

Work phone: 402-558-2117 Home phone: 402-681-1736 Fax: 402-558-2202

Authorized Owner Representative (if any): Ironwood Construction Co. L.L.C.

ATTN: Brian Hunter

Wayne
Mathkin

Street Address: 11647 W 83rd Terrace

City: Lenexa State: KS Zip: 66214 E-mail: BH@irnwd.net

Work phone: 913-859-9265 Home phone: 913-557-9090 Fax: 913-557-9090

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

Lockwood Architects, L.L.C.

ATTN: Larry Lockwood

Street Address: 7700 Shawnee Mission Parkway

City: Shawnee Mission State: KS Zip: 66202 E-mail: lglock55@att.net

Work phone: 913-403-1405 Home phone: _____ Fax: _____

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: Peter Fink individual + president of Certified Transmission

Owner 1 Signature: [Signature] Date: 8/30/10

Owner 2 Name: Carolyn Fink

Owner 2 Signature: [Signature] Date: 8/30/10

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: 2081 S. Kansas Ave., Topeka KS

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

lot(s) _____ block _____ subdivision _____

**if unplatted, attach metes and bounds description*

Total Area (acres/square feet): see attached

Type of Application:

1. Re-zoning from: N/A to: N/A

2. Planned Unit Development (PUD) zoning use group(s): N/A

3. Conditional Use Permit (CUP) proposed use: Amend Conditional Use Permit: remove wood fence in entirety.
Add to allow new 6'20' (120sf) pole sign to stand 26' 0" above existing grade.

Existing Use(s) on the property: Vehicle Transmission Repair

How long has the existing use been active on the property? approximately 1 year

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

Vehicle Transmission Repair Shop

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? NO If Yes, when? _____

FOR OFFICE USE ONLY

Date submitted: 9/1/10

Application no.: CW0513A.

Filing fee: waived Receipt no.: _____

Date notice sent: 9/24/10

Date advertised: 9/27/10

Date of hearing: 10/18/10

Council district: #3

NIA/NA: Monroe NIA

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?**

See Attached

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

See Attached

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

See Attached

1. **Why is the land not suitable for the uses to which the property is currently zoned?**

This property is currently zoned as a C3 Commercial District with a Conditional Use Permit to allow for a vehicle transmission repair facility.

The current area had been identified in **The Land Use/Growth Management Plan 2025** as a possible **Mixed Use District** which envisions neighborhood commercial retail/services uses. In response to Certified Transmission's rezoning inquiry in December 2004, the Planning Staff's Comments states that **"this property has been transitioning from a mixed use district to more of a commercial district over the course of the past decade."**

The area has moved from residential to a variety of operations including Office/Institutional to the South including, Commercial & vacant land to the East and residential as well as C4 Commercial to the North. Currently a C4 commercial siding & window business operate to the north of the property on Roby. In recommendations made in the Staff Comments in 2004 also reference that the Lots zoned for "M1" are currently vacant and **used as overflow parking for neighboring commercial businesses**.... Additionally, it should be noted there is also a car lot that operates to the north and adjacent to Certified Transmission that has vehicles that are for sale that are obviously parked on its lot 24 hours a day 7 days a week.

Originally a fence was envisioned around part of Certified Transmission's parking area so that the dumpster would not be visible to neighbors and to buffer vehicles that maybe parked outside. However, Certified Transmission subsequently decided that the dumpster would actually be stored inside the building. This was a voluntary decision on Certified Transmission's part because it was feasible, given the overall size of its facility, and was the right thing to do when considering neighborhood aesthetics. A fence can be attractive when it is brand new but once a year or two passes, and it becomes weathered and worn, it can become an eyesore of its own especially since fences seem to invite graffiti. Likewise, it has been our experience that fences also seem to lend aid to vandals by providing them with seclusion within which to prowl.

Certified Transmission is not a high traffic generating facility (typically there are 4-5 vehicles per day) and we keep as many vehicles as possible inside to eliminate the possibilities of potential vandalism/theft. Additionally since Certified Transmission keeps vehicles that are being worked on inside the facility fencing is not needed to shield from scenarios such as parts, tools, rags etc strewn all over. Even with that being said, it should be noted that vehicles being worked on by Certified Transmission are not vehicles that are "torn apart" and an eye sore. A vehicle that needs transmission work looks no different than a vehicle that is sitting in someone's driveway, i.e. there is no visible sign of problems/repair. Additionally, since transmission problems can be very expensive typically the

vehicles involved are in decent condition. The bottom line is that any vehicle which may happen to be temporarily parked on Certified Transmission's lot, if there is no room inside, will likely look no different than the numerous vehicles parked at the car lot to the north or in someone's driveway overnight. Please keep in mind that even if a vehicle does have to stay out one night, likely the following night it will be inside because when another vehicle is finished and picked up there is room. People typically pick up their vehicles as soon as possible upon completion of repairs because it is very inconvenient to do without it.

Finally, the plans submitted upon application of for the original Conditional Use Permit originally anticipated a monument sign on the property. Certified Transmission contracted with Creative Signs, a Topeka company, to do the work relating to the sign at the current facility. This company informed Certified Transmission that it had received approval from the planning department and a permit to install the pole sign rather than the originally contemplated monument so the pole sign was then erected. Unfortunately, only after the sign was erected was it later determined by the planning department that approval should have been obtained to amend the plans that were submitted with the original application for the Conditional Use Permit; as such, Certified Transmission now makes it request for approval of the pole sign which has already been erected pursuant to the planning departments initial approval.

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

The substitution of the pole sign for the monument sign should have very little if any impact on the neighborhood and surrounding properties. As indicated above, the Planning Department had given its approval of the erecting of the pole sign, and had already acknowledged in its previous response to our 2004 re-zoning inquiry that **"this property has been transitioning from a mixed use district to more of a commercial district over the course of the past decade."** The neighborhood already has a mixture of all types of businesses from office/industrial to the South, a car lot on the north east, and siding & window operation to the north.

The minimal traffic generated by Certified Transmission (4-5 vehicles per day) coupled with the fact that vehicles are worked on inside and as many vehicles as possible are always kept inside over night, demonstrates that there would be virtually no impact on the neighborhood by the occasional car which may end up temporarily parked on the lot overnight. This is especially true in light of the fact that there is the car lot adjacent to Certified Transmission to the north east that has cars parked outside 24 hours a day everyday.

Additionally since it was decided by Certified Transmission that the dumpster is to be kept inside the building, there is no worry of neighbors having to look at it, and Certified Transmission does not store any type of parts, transmissions, or shelving/racking outside. Certified Transmission has always been very conscientious of the fact that it is becoming a part of a community. Certified Transmission has received national recognition in Washington DC for its ethical business practices as well as regional and local awards for Integrity. Certified Transmission has always believed in and encouraged a "good neighbor policies", i.e. its decision to keep the dumpster inside the building. In fact, at another location, Certified Transmission has even had a neighborhood group write and praise it for improvements Certified Transmission made to their neighborhood when it opened its operations there. (Copy attached) It is our sincere belief that the removal of the partial fence that was originally anticipated, in part, for screening the dumpster will have virtually no impact on the neighborhood.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

Again, due to the transitioning of the area over the last decade, what was once a residential area now has vacant land due to residential demolition, and currently is the site of mixed uses such as office/institutional and commercial C4 operation. Given the fact that Certified Transmission has elected to keep its dumpster inside and it's policy to keep as many vehicles inside as possible, the request for the elimination of the requirement to have a partial fence does not conflict with the Land Use/Growth management Plan 2025 nor does the existence of the pole sign on the property.

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: 2081 S Kansas Ave

Owner of Record Name(s): Peter & Carolyn Funk

Legal Description: _____

Shawnee County Register of Deeds

Property Identification Number (PIN): 1330603013010000 & 1330603013003000

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 9/3/10
K. Munez, Planning*

**Minutes of the
Topeka Planning Commission
Monday, November 15, 2010**

CU05/3A Certified Transmission Rebuilders, Inc. by Peter and Carolyn Fink and Certified Transmission Rebuilders, Inc. requesting to amend the existing Conditional Use Permit for an Automobile Service Station, Type III on property currently zoned "C-3" Commercial District located at the northwest corner of SW 21st Street and South Kansas Avenue to allow for a 120 square foot, 26 foot tall pole sign. **(Driver)** Annie Driver summarized the staff report.

Proponents:

Peter Fink, property owner, spoke in favor of the proposal. He said he hired a Topeka contractor and told him to be sure to get permits and he did not. We wouldn't have put up if we would have known. We try to blend in with the neighborhood. I also asked to have a wood fence put up on the west and south side of the property. We have moved the dumpster inside now. Thought they waived the fence for the dumpster. We would like to build along the west lot sometime in the future. We don't want to put the fence up since the dumpster is inside.

Ms. Driver said she didn't speak about the fence because the main reason for the amendment to the CUP is the pole sign. The privacy fence was on the original CUP but has not been put up along the north side of the building to the east was to create a buffer between this and the historic property to the north. The applicant's representative stated that the six foot fence would be built. There is a limited time vehicles can be stored outside. Mr. Fink said he has put up wood fences on other developments and have found they tend to invite vandalism to cars, no visibility, graffiti and deterioration makes the fence unsightly. A chain link fence would not go with the neighborhood. He said he feels there is nothing to be screened so the fence is not necessary. The area to the west is not a parking lot but only an access to larger bays. He said he prides himself in his business and he wants to make the neighborhood happy.

Mike Lackey said looking from the west the land falls to the east and the historical property can't even be seen if there are any cars outside and also due to the car sales lot they can't be seen. Ms. Driver stated tow trucks are parking there.

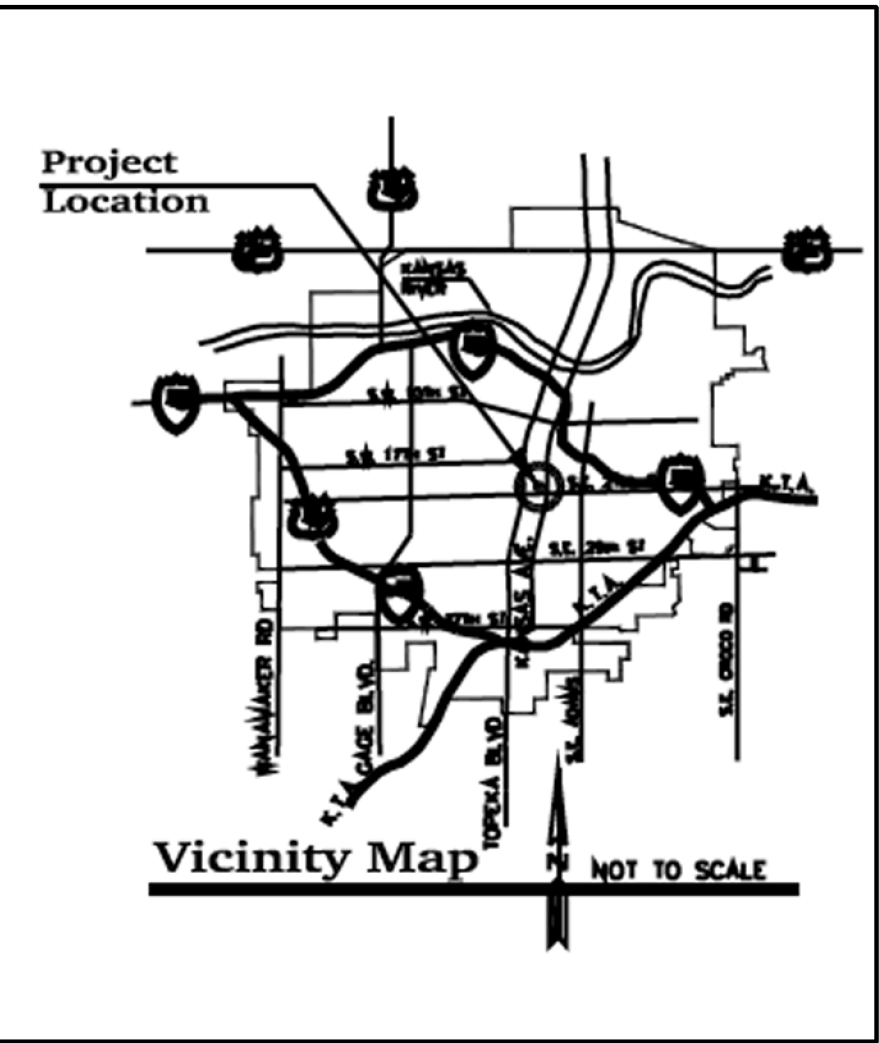
Rich Beardmore moved to approve as written by staff, seconded by Lee Williams. **APPROVAL. (8-0-0)**

Mr. Fink asked what about the fence? Ms. Driver stated Mr. Fink's contractor said the fence wasn't a problem and it would be built. Mr. Fink said the contractor isn't working with us anymore. He stated he will reapply. Mr. Thurbon told Mr. Fink to contact the Planning office and they would assist him.

A Conditional Use Permit for Certified Transmission

LEGEND - PLANTINGS & MATERIALS

BEDDING MATERIALS:		TREES:	SIZE	QTY	PTS	PTS TOTAL	SHRUBS & PERENNIALS	SIZE	QTY	PTS	PTS TOTAL
LEM-1	4" PATIO STEEL EDGING W/ HARDWARE TO SECURE INTO POSITION	1-LT-1 AUTUMN ASH	2.5"	1	11	11	LS-1 BROADLEAF JUNIPER	24"	17	1	17
LEM-2	KANSAS RIVER ROCK	1-LT-3 PIN OAK	2.5"	1	11	11	LS-2 CANADIAN GOLD BUONTEMPOUS	24"	9	1	9
LEM-3	FESCUE SOD ON 6" TOPSOIL	1-LT-2 AUTUMN BLAZE MAPLE	2.5"	2	11	22	LS-3 NEON SPIREA	24"	10	1	10
		1-LT-4 RED BUD	1.5"	3	5	15	LS-4 PURPLE LEAF WINTERCREEPER BUONTEMPOUS				
TREES TOTAL PTS				59			TOTAL PTS		145		
							TOTAL SHRUB PTS		86		
							GROUND COVER 2000		.25 50		



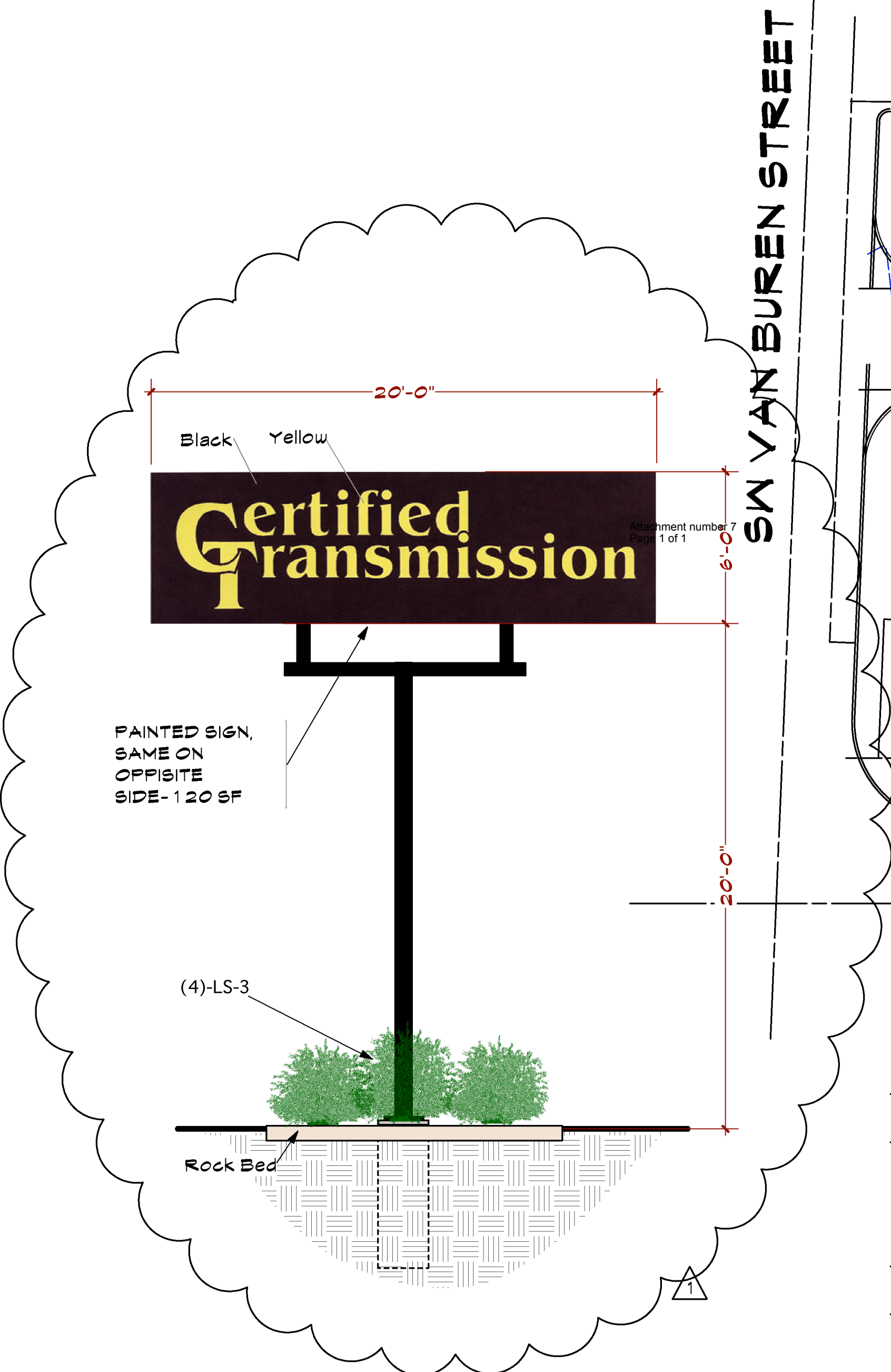
CERTIFIED TRANSMISSION

@ SW 21st STREET &
S. KANSAS AVENUE
TOPEKA, KANSAS

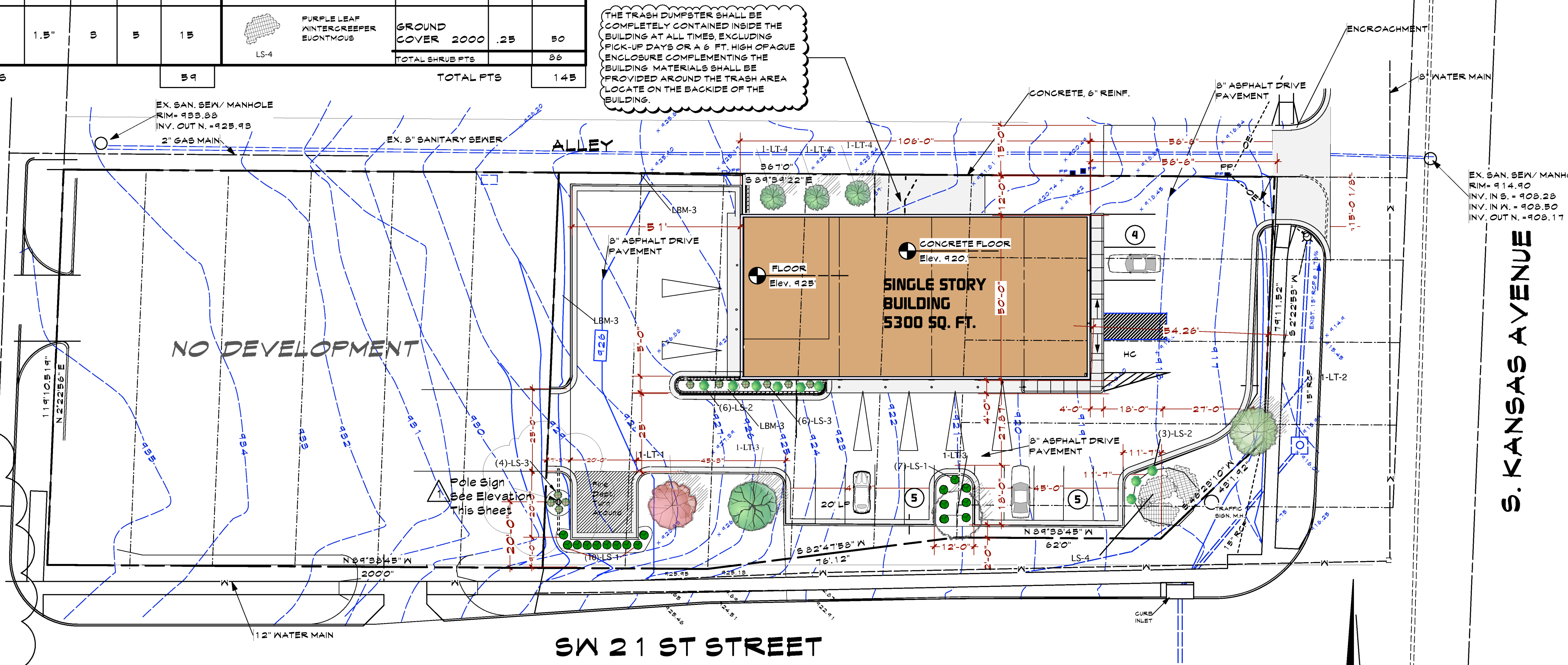
PREPARED FOR:
CERTIFIED TRANSMISSION
1801 SOUTH 54th STREET
OMAHA, NE 68106-2316

architects and
planners
Lockwood
architects, LLC

7700 Shawnee Mission Parkway
Landing 'C'
Overland Park, Kansas 66202
ph: 913-579-4844



SW VAN BUREN STREET



SITE PLAN

Scale: 1" = 20 ft

LANDSCAPING REDEVELOPMENT CALCULATIONS

SQARE FOOTAGE OF DEVELOPED AREA 24,000 SQ.FT.

BASE POINTS REQUIRED:
17 + (24,000 SQ. FT.) / (800 SQ.FT. = 97 PTS 97 PTS

PARKING LOT POINTS REQUIRED
(1.5 PER SPACE * 14 SPACE = 21 21 PTS

118 PTS TOTAL

EXISTING TREE CREDIT CLAIMED: 0 PTS

IRRIGATION CREDIT CLAIMED: 0 PTS

118 PTS TOTAL POINTS REQUIRED

RESIDENTIAL BUFFER REQUIRED: NO
PARKING BUFFER REQUIRED: NO

PROJECT INFORMATION

OWNER: Certified Transmission, Peter Fink, President
ADDRESS: 1801 South 54th Street
Omaha, NE 68106

ZONING: C3

STATEMENT OF USE: AUTOMOTIVE SERVICE STATION TYPE III
STORM DRAINAGE SYSTEM: UNDERGROUND STORM WATER RETENTION
SYSTEM TO BE DESIGNED TO CITY OF TOPEKA STANDARDS AND TO
BE SUBMITTED FOR APPROVAL AT TIME OF BUILDING PERMIT APPLICATION.

OUTDOOR STORAGE: OUTSIDE STORAGE OF SUPPLIES, MATERIALS, PRODUCTS
EQUIPMENT AND VEHICLES IS PROHIBITED. IN THE CASE OF PRE-SERVICE
CUSTOMER VEHICLE DROP-OFF, OUTSIDE STORAGE OF VEHICLES IS LIMITED
TO A PERIOD NO LONGER THAN 24 HOURS, EXCLUDING WEEKENDS, FOR THOSE
VEHICLES WHICH CUSTOMERS HAVE FAILED TO EITHER ARRANGE FINANCING
PRIOR TO REPAIR OF HAVE FAILED TO MAKE PAYMENT AFTER REPAIR,
VEHICLES MAY BE STORED OUTSIDE NO LONGER THAN 14 DAYS.

LEGAL DESCRIPTION

LOTS 112, 114, 116, TWENTY FIRST STREET, SOUTH PARK ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, EXCEPT THAT PART TAKEN IN CONDEMNATION CASE NO. 116255.

LOTS 116, 120, TWENTY FIRST STREET, SOUTH PARK ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, EXCEPT THE SOUTH 5 FEET TAKEN IN CONDEMNATION CASE NO. 116255.

LOTS 124, 126, 128, 130 AND 132, TWENTY FIRST STREET, SOUTH PARK ADDITION, SHAWNEE COUNTY, KANSAS, AND THAT PART DESCRIBED AS BEGINNING AT A POINT 82 FEET WEST AND 15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 2219, KANSAS AVENUE, SOUTH PARK ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF SAID LOT 2219 FOR A DISTANCE OF 12 FEET; THENCE NORTHEASTERLY TO A POINT 40 FEET WEST AND 5 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2217 ON KANSAS AVENUE, IN SAID ADDITION; THENCE NORTHERLY PARALLEL WITH AND 40 FEET WEST OF THE EAST LINE OF LOTS 2217, 2215, 2213, AND 2211 TO THE NOTE LINE OF LOT 2214; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT FOR A DISTANCE OF 42 FEET; THENCE SOUTHERLY PARALLEL WITH AND 82 FEET WEST OF THE EAST LINE OF SAID LOTS FOR A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

Case # CU/5/3A

N.I.C.: Not In Contract.

B.O.: By Owner

A.F.F.: Above Finish Floor

revisions:

September 4, 2008

August 24, 2010

October 21, 2010

November 24, 2010

date:

November 24, 2010

sheet title:

SITE

sheet no:

001

of 1

ATTACHMENTS:

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., City Manager, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2011 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees assessed shall be as follows:

Number of square feet	Rate per square foot
0 – 999	\$0.00
1,000 plus	\$0.0525

However, the maximum service fee per business shall be \$12,000 regardless of the number of square feet.

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint

partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable, is not occupied due to applicable city codes, or is not in active use by a tenant. In the case of a building occupied by a single business, the gross floor area may be reduced by subtracting the actual measured square footage of excluded areas as defined in this section or by subtracting 15 percent of the gross floor area, whichever is greater.

(d) Service fees under this section shall be levied for the year ~~2010~~2011 and shall be due and payable in two semiannual installments. Service fees shall be deemed delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

Section 2. That original § 3.40.030 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

PASSED AND APPROVED by the Governing Body_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 1, 2010

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

DATE: December 14, 2010
CONTACT PERSON: Sylvia Michaelis **DOCUMENT #:**
SECOND PARTY/SUBJECT: Erosion and Sediment Control Amendment **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 146 Utilities
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending, repealing, renumbering and creating certain sections of the Code of the City of Topeka concerning water pollution control. First Reading.

(Approval would authorize updating the Erosion and Sediment Control Ordinance to comply with the requirements of the Clean Water Act. The change is in response to requirements by the Environmental Protection Agency.)

POLICY ISSUE:

The proposed ordinance amends the existing ordinance to comply with the requirements of the Clean Water Act, specifically the NPDES permit requirements for sites 1 acre or greater, mandated in 2003. It also establishes stricter regulations and includes enforcement measures for non-compliance.

STAFF RECOMMENDATION:

Approve proposed ordinance as presented.

BACKGROUND:

The existing ordinance was adopted in 1999. It was created to address pollution caused by erosion and sediment loss from construction sites. Development that was 1 - 5 acres required a City permit for construction activity, although very few permits were being applied for or granted on sites under 5 acres. Commercial and public projects were being reviewed for compliance, however residential work was not.

BUDGETARY IMPACT:

No appreciable expense known at this time.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Notice of Violation from EPA](#)

Item #15

[Summary of Proposed Changes](#)

[Ordinance](#)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Bill Bunten
Mayor of Topeka
215 SE 7th, Room 352
Topeka, Kansas 66603

Re: City of Topeka Municipal Separate Storm Sewer System and Publicly Owned Treatment Works – Notice of Findings of Violation, Order for Compliance
Docket No. CWA-07-2010-0129

Dear Mayor Bunten:

This letter concerns the compliance status of the City of Topeka's (the City) Municipal Separate Storm Sewer System (MS4) and Publicly Owned Treatment Works (POTW). The United States Environmental Protection Agency (EPA) inspected the facility on November 18-20, 2008, and conducted an audit of the MS4 on June 17-19, 2008. In addition, in July 2009, the City responded to an Information Request issued by EPA which provided documentation concerning the operation of the POTW and MS4. Based on our evaluation of the results of the POTW inspection, MS4 audit, and the City's response to the Information Request, EPA has determined that there was non-compliance with the Clean Water Act (CWA); specifically, violations of the requirements of its National Pollutant Discharge Elimination System (NPDES) POTW and MS4 permits, which is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

Enclosed is an Administrative Order for Compliance (Order), issued by EPA to the City, under the authority of Section 309(a) of the CWA, 33 U.S.C. §1319(a). The Order identifies violations of the CWA, and requires you to take actions to ensure that the violations are corrected and that your facility remains in compliance in the future. The Order is effective immediately.

Please read the Order carefully. It contains specific requirements and deadlines, and compliance with the Order is mandatory. Your attention is directed to **Paragraphs 39-46** of the Order which details the specific compliance actions to correct the violations. Failure to comply with the Order may result in an enforcement action by EPA, including the imposition of significant penalties.

If you have any questions relating to technical issues raised in the Order, please contact Ms. Cynthia Sans at 913-551-7492 for issues relating to the MS4, and Mr. Tony Petruska at 913-551-7637 for issues relating to the POTW. Any questions relating to legal issues should be directed to Ms. Sarah LaBoda, Office of Regional Counsel, at 913-551-7424.

Sincerely,


for William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosure

cc: Mr. Bob Sample, Superintendent, Water Pollution Control Department
Mr. Karl Mueldener, Director, Bureau of Water, KDHE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

10 OCT -1 PM 12:39
ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)

The City of Topeka, Kansas)

Respondent)

Proceedings under Section 309(a) of the
Clean Water Act, 33 U.S.C. § 1319(a))

) Docket No. CWA-07-2010-0129

) FINDINGS OF VIOLATION AND
) ORDER FOR COMPLIANCE

Preliminary Statement

1. The following Findings of Violation and Order for Compliance ("Order") are made and issued pursuant to Section 309(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(a). This Authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 7 and further delegated to the Director of Region 7's Water, Wetlands and Pesticides Division.

2. Respondent is the City of Topeka, Kansas ("Respondent"), a municipality chartered under the laws of the State of Kansas. Respondent is the owner and/or operator of the Publicly Owned Treatment Works ("POTW") and the Municipal Separate Storm Sewer System ("MS4"), located within the corporate boundary of the City of Topeka (the "City"), Kansas, Shawnee County, Kansas.

Statutory and Regulatory Framework

3. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, inter alia, with the authorization of, and in compliance with, a National Pollutant Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

4. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to all applicable requirements of the CWA, and regulations promulgated thereunder, as expressed in the specific terms and conditions prescribed in the applicable permit. Regulations implementing the NPDES permit program under the CWA include, but are not limited to, 40 CFR Parts 122 and 403.

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 2 of 11*

5. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth requirements for the issuance of wastewater treatment permits for the discharge of stormwater. Section 402(p)(2)(D) of the CWA, 33 U.S.C. § 1342(p)(2)(D), requires an NPDES permit to be issued for the discharge of stormwater from MS4s serving populations of 100,000 or more but less than 250,000.

6. Section 402(p)(3)(B), 33 U.S.C. § 1342(p)(3)(B), requires that wastewater treatment permits for discharges from municipal storm sewers shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers and shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

7. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 setting forth the NPDES permit requirements for stormwater discharges from large and medium MS4s. These regulations include the following:

- a. 40 C.F.R. § 122.26(b)(8) defines "municipal separate storm sewer" as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains);
- b. 40 C.F.R. § 122.26(b)(7)(i) defines "medium municipal separate storm sewer system," in part, as being located in an incorporated place with a population of 100,000 or more but less than 250,000;
- c. 40 C.F.R. § 122.26(b)(3) defines "incorporated place," in part, as a city, town, township, or village that is incorporated under the laws of the state in which it is located; and
- d. 40 C.F.R. § 122.26(a)(1)(iv) and 122.26(d) require the operator of a discharge from a medium MS4 to apply for a jurisdiction-wide or system-wide permit.

8. The Kansas Department of Health and Environment ("KDHE") is the agency with the authority to administer the federal NPDES program in Kansas pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

Factual Background

9. The Respondent is a municipality chartered under the laws of the state of Kansas, and as such, the Respondent is a "person," as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2, and is an "incorporated place" as that term is defined in 40 C.F.R. § 122.26(b)(3).

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 3 of 11*

10. At all times relevant to this Order, Respondent owned and/or operated the POTW and the MS4, located within the corporate boundary of the City, Shawnee County, Kansas and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

11. The POTW discharges to the Kansas River. The MS4 discharges stormwater to receiving waters of all areas, except agricultural lands, within the corporate boundaries of the City, served by a MS4 owned or operated by Respondent. The Kansas River and other receiving waters are considered "waters of the United States" within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

12. The POTW and the MS4 are each a "point source" that "discharges pollutants" into "navigable waters" as defined by Section 502 of the CWA, 33 U.S.C. § 1362.

13. Respondent's discharge of pollutants from the POTW and MS4 require permits issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

Wastewater Treatment Permits

14. The Respondent applied for and was issued wastewater treatment permits ("the wastewater treatment permits") for the Topeka North Wastewater Treatment Plant (No.KS0042714) and the Topeka Oakland Wastewater Treatment Plant (No.KS0042722) under Section 402(a) of CWA, 33 U.S.C. § 1342(a). The current permit for the Topeka North Wastewater Treatment Plant was issued on February 1, 2005. This permit expired on January 31, 2010, but has been administratively extended by KDHE and therefore remains in effect. The current permit for the Topeka Oakland Wastewater Treatment Plant was issued on July 1, 2008. This permit expired on December 31, 2008, but has been administratively extended by KDHE and therefore remains in effect. At all relevant times, the Respondent was authorized to discharge from the POTW owned or operated by Respondent to waters of the United States only in accordance with the specific terms and conditions of the wastewater treatment permits.

15. The POTW includes all service devices and systems used in wastewater storage, treatment, recycling and reclamation, including sewers, pipes and other conveyances, within the meaning of 40 C.F.R. § 403.3(q).

16. On or about November 18 through 20, 2008, EPA conducted a compliance inspection of the POTW for the City, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 (hereafter the "POTW inspection").

17. On or about July 30, 2009, Respondent responded to an Information Request issued by EPA. In the response, Respondent provided documentation concerning the operation of the POTW. The documents included a Sanitary Sewer Overflow ("SSO") Response Plan and SOP dated December 2008.

MS4 Permit

18. The Respondent applied for and was issued NPDES Permit No. KS0093327 for the MS4 ("the MS4 permit") under Section 402(p) of CWA, 33 U.S.C. § 1342(p). The current MS4 permit was issued on October 1, 2006 and expires December 31, 2010. At all relevant times, the Respondent was authorized to discharge stormwater from the MS4 owned or operated by Respondent, to waters of the United States, only in accordance with limitations, conditions and requirements set forth in the MS4 permit, and associated Stormwater Discharge Regulations set forth in 40 C.F.R. § 122.26.

19. On June 17 through 19, 2008, EPA conducted a compliance audit of the MS4 for the City, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 (hereafter the "MS4 audit").

20. On or about July 30, 2009, Respondent responded to an Information Request issued by EPA. In the response, Respondent provided documentation concerning the operation of the MS4. The documents included the 2008 MS4 annual report, documentation regarding the construction, post-construction and illicit discharge and industrial and high-risk runoff components of the program, a description of enforcement escalation plans and procedures, and a copy of the stormwater management plan.

Findings of Violation

21. The facts stated in Paragraphs 9 through 20 are herein incorporated.

Wastewater Treatment Permit Violations

22. The wastewater treatment permits authorize discharges from the POTW in compliance with the Effluent Limitations and Monitoring Requirements specifically identified within the wastewater treatment permits.

23. Paragraph 8 of the Standard Conditions attached to and incorporated into the wastewater treatment permits requires that the permittee shall, at all times, maintain in good working order, and efficiently and effectively operate all treatment, collection, control systems or facilities to achieve compliance with the terms of the wastewater treatment permits.

24. Paragraph 11 of the Standard Conditions attached to and incorporated into the wastewater treatment permits requires that the permittee shall provide an alternative power source sufficient to operate the waste water control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.

25. The POTW inspection and submitted documentation, referenced in Paragraph 17, revealed that since at least January 2006, Respondent has experienced releases of untreated wastewater from the manholes, pump stations, lift stations, sewer line breaks, and/or other

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 5 of 11*

locations within the Respondent's wastewater collection system. These releases are also known as sanitary sewer overflows ("SSOs").

26. Records included in Respondent's July 30, 2009, response to EPA's information request indicated that on at least 31 occasions from January 2006 through June 2009, Respondent discharged pollutants from its wastewater collection system as the result of pump station power failures, and sewer line blockages due to tree roots, debris, grease and sewer line breaks. At least 20 of the 31 occasions where Respondent discharged pollutants were due to power failures and blockages at Respondent's pump stations.

27. Each discharge of pollutants by Respondent, including untreated wastewater from any location in Respondent's wastewater collection and treatment system other than those authorized in the wastewater treatment permits is a violation of the terms and conditions of Respondent's wastewater treatment permits.

28. Each release of untreated wastewater from Respondent's wastewater collection system due to blockages is a violation of Standard Condition 8 of Respondent's wastewater treatment permits.

29. Each release of untreated wastewater from Respondent's wastewater collection system due to power failure at Respondent's pump stations is a violation of Standard Condition 11 of Respondent's wastewater treatment permits.

30. Respondent's violations of the requirements of the wastewater treatment permits are violations of the Section 301(a) of the CWA, 33 U.S.C. § 1301(a), and the permits issued under Section 402 of the CWA, 33 U.S.C. § 1342.

MS4 Violations

31. Part V(C)5 of the MS4 permit states that "[t]he permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre...that discharge into the MS4." The program must include, *inter alia*, "enact[ing] an ordinance to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law."

32. The MS4 audit and submitted documentation, referenced in Paragraph 20 above, revealed that Respondent has not enacted an ordinance addressing post-construction runoff from new development and redevelopment projects.

33. Part V(C)(3)(c) of the MS4 permit states that the permittee shall "enact an ordinance to prohibit non-stormwater discharges...into the storm sewer system and implement appropriate enforcement procedures and actions...."

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 6 of 11*

34. The MS4 audit and submitted documentation, referenced in Paragraph 20 above, revealed that Article V of Respondent's ordinance does not provide adequate legal authority to conduct inspections/monitoring at locations other than certain identified industrial facilities and to pursue enforcement for illicit non-stormwater discharges.

35. Part V(C)(4)(a) of the MS4 permit states that "[t]he permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre." The program must include, *inter alia*, "enactment of an ordinance to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law."

36. The MS4 audit and submitted documentation, referenced in Paragraph 20 above, revealed that Respondent's ordinance does not provide adequate legal authority to inspect, monitor, and enforce against construction sites operating in violation of their permit.

37. Respondent's violations of the requirements of the MS4 permit are violations of the Section 301(a) of the CWA, 33 U.S.C. § 1301(a), and a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Order For Compliance

38. Based on the Findings of Fact and Findings of Violation set forth above, and pursuant to the authority of 309(a) of the CWA, 33 U.S.C. §§ 1318(a) and 1319(a), Respondent is hereby ORDERED to take the actions described below.

POTW Compliance Actions

39. Respondent shall take whatever corrective action is necessary to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all of the applicable requirements of Respondent's wastewater treatment permits.

40. Within 180 days of the Effective Date of this Order for Compliance, Respondent shall:

- a. provide backup power for all pump stations within Respondent's POTW. Backup power shall include one or more of the following: dual power source, on-site generator, or portable generator connection with written procedures for Respondent to provide a portable generator as expeditiously as practicable upon power loss;

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 7 of 11*

- b. provide automatic monitors for each pump station within Respondent's POTW. The automatic monitors shall be systems such as audible alarms or SCADA systems which will notify Respondent or persons in the vicinity of each pump station that a power failure has occurred. Audible alarms shall, at a minimum, be loud enough to be heard at normal conversation levels (approximately 60 decibels) at the nearest private property. For each pump station with an audible alarm, Respondent shall also include signs providing a phone number for contacting Respondent. Respondent shall respond as expeditiously as practicable to all power failures; and
- c. submit a report documenting activities conducted since January 2010 in implementing the Sanitary Sewer Overflow Response Plan and SOP dated December 2008.

41. Within 180 days of the Effective Date of this Order, the Respondent shall submit a written report documenting the specific actions taken to correct the violations cited herein, including those actions described in Paragraph 40, above, and explaining why such actions are anticipated to be sufficient to prevent recurrence of these or similar violations.

42. In the event that Respondent believes completion of these actions is not possible within 180 days of the Effective Date of this Order, Respondent shall, within 30 days, submit a comprehensive written plan (hereafter the "POTW Plan") for the elimination of the cited POTW violations. Such POTW Plan shall describe in detail the specific actions to be taken and why such actions are sufficient to correct the violations. The POTW Plan shall include a detailed schedule for the elimination of the POTW violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

MS4 Compliance Actions

43. Respondent shall take whatever corrective action is necessary to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all of the applicable requirements of Respondent's MS4 permit.

44. Within ninety (90) days of the Effective Date of this Order for Compliance, Respondent shall:

- a. enact an ordinance to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- b. revise existing Construction and Illicit Discharge ordinances to provide the City with adequate legal authority to conduct inspections, monitoring and pursue enforcement.

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance.
Docket No. CWA-07-2010-0129
Page 8 of 11*

45. Within ninety (90) days of the Effective Date of this Order, the Respondent shall submit a written report documenting the specific actions taken to correct the violations cited herein, including those actions described in Paragraph 44, above, and explaining why such actions are anticipated to be sufficient to prevent recurrence of these or similar violations.

46. In the event that Respondent believes completion of these actions is not possible within 90 days of the Effective Date of this Order, Respondent shall, within 30 days, submit a comprehensive written plan (hereafter the "MS4 Plan") for the elimination of the cited MS4 violations. Such MS4 Plan shall describe in detail the specific actions to be taken and why such actions are sufficient to correct the violations. The MS4 Plan shall include a detailed schedule for the elimination of the MS4 violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

Submissions

47. All documents required to be submitted to EPA by this Order shall be submitted by mail to:

a. For POTW-related submissions:

Mr. Anthony Petruska
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency - Region 7
901 North Fifth Street
Kansas City, Kansas 66101.

b. For MS4-related submissions:

Ms. Cynthia Sans
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency - Region 7
901 North Fifth Street
Kansas City, Kansas 66101.

48. All documents required to be submitted to KDHE by this Order shall be submitted by mail to:

Karl Mueldeener, Director
Bureau of Water
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 420
Topeka, Kansas 66612-1367.

General Provisions

Effect of Compliance with the Terms of this Order for Compliance

49. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

50. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

Access and Requests for Information

51. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

52. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judiciary authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

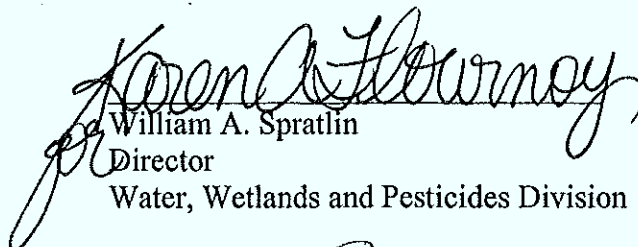
53. The terms of this Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Order is signed by EPA.

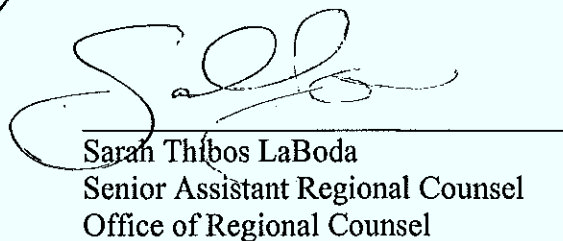
Termination

54. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA. Such notice shall not be given until all of the requirements of this Order have been met.

City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 10 of 11

Issued this 1st day of October, 2010.


William A. Spratlin
Director
Water, Wetlands and Pesticides Division


Sarah Thibos LaBoda
Senior Assistant Regional Counsel
Office of Regional Counsel

*City of Topeka, Kansas
Findings of Violations and
Order for Compliance
Docket No. CWA-07-2010-0129
Page 11 of 11*

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Findings of Violation and Administrative Order for Compliance to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance by first class certified mail, return receipt requested, to:

The Honorable Bill Bunten
Mayor, City of Topeka, Kansas
215 SE 7th, Room 352
Topeka, Kansas 66603

Mr. Bob Sample
Superintendent
Water Pollution Control Department
City of Topeka
1115 NE Poplar Street
Topeka, Kansas 66616

Karl Mueldeener, Director
Bureau of Water
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 420
Topeka, Kansas 66612-1367.

10/4/10
Date


Signature

Proposed Changes to the new Water Pollution Control Ordinance (Formally known as the Surface and Ground Water Quality Ordinance)

Specific to Erosion and Sediment Control, as required by the Environmental Protection Agency

<u>Existing Ordinance</u>	<u>Updated Ordinance</u>	<u>Reason for Change</u>
• Adopted in 1999 • >5 acres required NPDES permit • 1-5 acres required to obtain city permit for construction activity. • Fees: 1-3 acres, \$40.00 3-5 acres, \$75.00 • Violations: deemed violation of city Code and prosecuted in municipal court	• >1 acre requires NPDES permit • Must provide copy of SWPPP • Must provide evidence to city inspectors of compliance with SWPPP and permit agreements. • Sites removing, increasing or stockpiling of material > 3,000 sf or 100 cy to obtain a stormwater permit from city • Must provide an erosion and sediment control plan showing BMPs • Fees: <100cy/3,000sf, \$30.00 101-1,000cy/3,000sf-1ac, \$70.00 1,001-5,000cy/1-5ac, \$120.00 5,001-500,000cy/5-10ac, \$220.00 >500,001/10+ac, \$320.00 • Violations: immediate abatement by owner. City has ability to abate the violation and incurred will be reimbursed by property owner. • Emergency water shut off • Placarding • Stop Work Order • Admin. monetary penalties: \$50, per first violation \$100 second violation in 12 mos. \$200 third violation w/in 12 mos. Criminal Prosecution Fine of not more than \$499.00 Imprisonment not more than 179 days	• First major revision to ordinance since 1999 • Keeps us updated with CWA requirements, specifically the NPDES permit req. for sites 1 acre or greater, mandated in 2003. • The proposed stormwater permit was created to address development that is just under the 1 acre limit, which is more frequent and a significant contributor to sediment loss into the MS4. • General Provisions are added to specify that these requirements are to be followed regardless of whether activity requires a Permit. • Old ordinance required permits to be taken out, however if the work was in conjunction with any construction project >5 ac for which a building or construction permit had already been issued, it was exempted. • Very few permits were being applied for or granted on sites under 5 ac. Commercial and public projects were being reviewed for compliance, however residential work was not. • New ordinance will help track smaller residential sites.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending, repealing, renumbering and creating certain sections of the Code of the City of Topeka concerning water pollution control.

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

CHAPTER 13.15 WATER POLLUTION CONTROL

Article I. Generally

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.010 which said section reads as follows:

Definitions.

The following terms, phrases and abbreviations when used in the following chapters of this title shall have the meanings ascribed to them in this section unless specifically stated otherwise:

“Appraisal district” means the office of the county appraiser.

“Approval authority” means the Environmental Protection Agency (EPA) or if the pretreatment program has been formally delegated to the state Department of Health and Environment (KDHE), it shall mean the Director of the Division of Environment of KDHE.

“Authorized representative” means:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

29 (3) A duly authorized representative of the individual designated
30 above, if such representative is responsible for the overall operation of the
31 facilities from which the indirect discharge originates; or

32 (4) A duly authorized representative responsible for the operation of a
33 facility owned and/or operated by the state, federal or local government.

34 “Beneficial uses” means uses of the waters of the state that may be protected
35 against quality degradation which include, but are not necessarily limited to, domestic,
36 municipal, agricultural and industrial supply, power generation, recreation, aesthetic
37 enjoyment, navigation and the preservation and enhancement of fish, wildlife and other
38 aquatic resources or reserves, and other uses, both tangible or intangible, as specified
39 by federal or state law.

40 “Best Management Practices (BMPs)” means the schedules of activities,
41 practices, and maintenance procedures which prevent or reduce the discharge of
42 pollutants directly or indirectly to the MS4 and to the waters of the United States. BMPs
43 can be structural or nonstructural, and also include treatment facilities and
44 requirements, operating and maintenance procedures, and practices to control plant
45 and construction site runoff, spillage or leaks, sludge or waste disposal, or drainage
46 from raw material storage, and such other provisions as the Superintendent determines
47 appropriate for the control of pollutants.

48 “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in
49 the biochemical oxidation of organic matter under standard laboratory procedures in five
50 (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

51 “Bonds” means revenue bonds, general obligation bonds, notes, loans or any
52 other debt obligations issued or incurred to finance the costs of construction.

53 “City” means the City of Topeka, Kansas, for the purpose of administering the
54 following chapters, represented by the Superintendent.

55 “Clean Water Act” or “the Act” means the federal Water Pollution Control Act (33
56 U.S.C.§ 1251 et seq.), and any subsequent amendments thereto.

57 “Clearing” means any activity that removes the vegetative surface cover.

58 “Composite sample” means a combination of individual samples of water or
59 wastewater taken at selected intervals (generally hourly or some similar specified
60 period), to minimize the effect of the variability of the individual sample. Individual
61 samples may have equal volume or may be roughly proportional to the flow at time of
62 sampling.

63 “Construction activity” means activities subject to NPDES Construction Permits.
64 These include construction projects resulting in land disturbance of 1 acre or more.
65 Such activities include but are not limited to clearing and grubbing, grading, excavating,
66 and demolition.

67 “Contamination” means an impairment of the quality of the waters of the state by
68 waste to a degree which creates a hazard to the public health. “Contamination” shall
69 include any equivalent effect resulting from the disposal of wastewater, whether or not
70 waters of the state are affected.

71 “Cooling water” means the water discharged from any use such as air
72 conditioning, cooling or refrigeration or to which the only pollutant added is heat.

73 “Costs of construction” means costs reasonably incurred in connection with
74 providing capital improvements to the system or any portion thereof, including but not
75 limited to the costs of:

76 (1) Acquisition of all property, real or personal, and all interests in
77 connection therewith including all right-of-way and easements therefor;

78 (2) Physical construction, installation and testing, including the costs of
79 labor, services, materials, supplies and utility services used in connection
80 therewith;

81 (3) Architectural, engineering, legal and other professional services;

82 (4) Insurance premiums taken out and maintained during construction,
83 to the extent not paid for by a contractor for construction and installations;

84 (5) Any taxes or other charges which become due during construction;

85 (6) Expenses incurred by the city or on its behalf with its approval in
86 seeking to enforce any remedy against any contractor or subcontractor in respect
87 of any default under a contract relating to construction;

88 (7) Principal of and interest of any bonds, temporary notes or loans;
89 and

90 (8) Miscellaneous expenses incidental thereto.

91 “Debt service” means, with respect to any particular fiscal year and any particular
92 series of bonds, an amount equal to the sum of all interest payable on such bonds
93 during such fiscal year, plus any principal installments of such bonds during such fiscal
94 year.

95 “Department” means the public works department of the city.

96 “Developed property” means real property other than undisturbed property.

97 “Direct discharge” means the discharge of treated or untreated wastewater
98 directly to the waters of the state.

99 “Director” means the director of the department of public works or his or her
100 designee.

101 “Discharge” means the addition or introduction of any pollutant, stormwater, or
102 any other substance into the municipal separate storm sewer system (MS4) or into
103 waters of the United States.

104 “Documented waste strength” means the average concentration of the analytes
105 BOD, TSS, and TKN of a set of 12 samples collected, at random, in a two year period.
106 Twelve (12) samples for Liquid Waste Class 2 and twelve (12) samples for Liquid Waste
107 Class 3 will be tested every two (2) years and the results will be averaged to determine
108 the waste strength for billing purposes.

109 “Domestic septage” means the liquid or solid material removed from a septic
110 tank, cesspool, portable toilet, type III marine sanitation device, or similar system that
111 receives only liquid domestic waste (Household, non-commercial, non-industrial
112 sewage) as defined by the Federal Part 503 Regulation.

113 “Domestic sewage” means sewage originating from residential uses or activities
114 including, but not limited to, kitchen, bathroom, laundry sources, dishwashing, toilets,
115 baths, showers, sinks, garbage units and food preparation.

116 “Drainage way” means any channel that conveys surface runoff throughout the
117 site.

118 “Drainage fee” means a fee authorized by state law and the ordinance which is
119 established to pay operations and maintenance, extension and replacement and debt
120 service.

121 “Dwelling unit” means a single unit or apartment providing complete, independent
122 living facilities for one or more persons, including permanent provisions for living,
123 sleeping, eating, cooking and sanitation.

124 “Environmental Protection Agency (EPA)” means the U.S. Environmental
125 Protection Agency, or where appropriate, the term may also be used as a designation
126 for the administrator or other duly authorized official of such agency.

127 “Equivalent residential unit (ERU)” means the average impervious area of
128 residential developed property per dwelling unit located within the city and as
129 established by ordinance as provided in this chapter.

130 “Erosion and Sediment Control Plan” means a document which describes the
131 BMPs and activities to be implemented by a person or business to identify sources of
132 pollution or contamination at a site and the actions to eliminate or reduce pollutant
133 discharges to stormwater, stormwater conveyance systems and/or receiving waters to
134 the maximum extent practicable.

135 “ERU rate” means a drainage fee charged on each ERU as established by
136 council ordinance as provided in Chapter 13.05.

137 “Exempt property” means public rights-of-way, public streets, alleys, sidewalks
138 and drainage structures.

139 “Final stabilization” means the condition when all soil disturbing activities at a site
140 have been completed, and a uniform, perennial vegetative cover with a density of 70

percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures such as the use of riprap, gabions, or geotextiles have been employed.

“Fiscal year” means a 12-month period commencing on January 1 of any year.

“Foundation drain” means a perforated pipe or a pipe with open joints or porous material installed either outside exterior foundation walls or inside exterior foundation walls or beneath a basement floor for the purpose of preventing the buildup of water pressure and water capillarity beneath the floor.

“Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

“Hazardous substance” means any substance listed in Table 302.4 of 40 C.F.R. Part 302.

“Hazardous waste” means any substance identified or listed as a hazardous waste by the United States Environmental Protection Agency pursuant to 40 C.F.R. Part 261.

“Hazardous waste treatment, disposal, and recovery facility” means all land and physical structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.

“Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank truck.

“Illicit discharge” means any direct or indirect discharge to the MS4 or municipal sanitary sewer system, except as specifically permitted under the following chapters.

164 “Illicit connection” means any pipe, conduit, drain or other means of transmitting
165 any substance or waste into the MS4 or municipal sanitary sewer system which is not
166 specifically authorized under the following chapters.

167 “Impervious area” means the number of square feet of hard surfaced areas which
168 either prevent or retard the entry of water into the soil mantle, as it entered under
169 natural conditions as undisturbed property, and/or causes water to run off the surface in
170 greater quantities or at an increased rate of flow from that present under natural
171 conditions as undisturbed property, including, but not limited to, roofs, roof extensions,
172 patios, porches, driveways, sidewalks, pavement, graveled areas and athletic courts.

173 “Indirect discharge” means the discharge or the introduction of nondomestic
174 pollutants from any source regulated under section 307(b) or (c) of the act (33 USC
175 1317), into the POTW (including holding tank waste discharged into the system).

176 “Industrial activity” means activities subject to NPDES Industrial Permits as
177 defined in 40 CFR, Section 122.26 (b)(14)

178 “Industrial user” means any user contributing industrial waste to the municipal
179 sewer system.

180 “Interference” means a discharge which, alone or in conjunction with a discharge
181 or discharges from other sources, both:

182 (1) Inhibits or disrupts the POTW, its treatment processes or
183 operations, or its sludge processes, use or disposal; and

184 (2) Is a cause of a violation of any requirement of the POTW's NPDES
185 permit (including an increase in the magnitude or duration of a violation) or of the
186 prevention of sewage sludge use or disposal in compliance with statutory

provisions and regulations or permits issued thereunder by the state or federal government.

“KDHE” means the Kansas Department of Health and Environment.

“Land disturbance activity” means any activity that changes the physical conditions of landform, vegetation or hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

“Liquid waste” means waste which will not pass the paint filter test, is biologically compatible with the wastewater treatment process, and will not pass through or interfere with the wastewater treatment process. Liquid waste meeting the above criteria is further defined by the following categories:

“Class 1 Liquid Waste” means a Domestic septage which originates from storage devices (holding tanks) that are typically pumped at frequent intervals (less than every 30 days) as these devices are non-discharging, storage structures for sanitary waste which have no connection to a lateral field or discharge point. Class I Liquid Waste is biologically characterized as being only partially stabilized and having low TSS, BOD5, and TKN content.

“Class 2 Liquid Waste” means a Domestic septage which originates from treatment devices (septic tanks) that are typically pumped at long intervals (more than every 30 days) and having a connection to a lateral field or discharge point. Class 2 Liquid Waste is biologically characterized as being well stabilized and having high TSS, BOD5, and TKN.

210 “Class 3 Liquid Waste” means a Domestic septage which originates from
211 storage devices (portable toilets, type III marine sanitation devices) that are
212 typically pumped at frequent intervals (less than every 30 days) as these devices
213 are non-discharging, storage structures for sanitary waste which have no
214 connection to a lateral field or discharge point. Class 3 Liquid Waste differs from
215 the other classes of septage as it is chemically stabilized when generated. This
216 Liquid Waste is typically characterized as having high TSS, BOD5, and TKN.

217 “Class 4 Liquid Waste” means a Liquid waste which is composed primarily
218 of fatty matter from animal or vegetable sources and originates from residential
219 or commercial grease interceptors. Class 4 Liquid Waste is typically
220 characterized as containing 2-5% FOG, 5-30% Solids and very high organic
221 content.

222 “Class 5 Liquid Waste” means a liquid waste not defined in the first four
223 categories above. This liquid waste includes liquid waste of industrial,
224 commercial, or other origin including, but are not limited to, landfill leachate,
225 wastewater residuals and tanning waste.

226 “Liquid waste hauler” means any person, persons, partnership or corporation
227 which transports liquid, nonhazardous waste .

228 “Mass emission rate” means the weight of material discharged to the sewer
229 system during a given time interval, which unless otherwise specified, is measured in
230 pounds per day of a particular constituent or combination of constituents.

231 “Municipal combined sewer” means a sewer owned and operated by the City or
232 other public agency which receives or carries the combination of surface runoff,
233 wastewater, sewage and/or industrial wastes to the POTW.

234 “Municipal sanitary sewer” means a sewer owned and operated by the City or
235 other public agency which carries wastewater, sewage and/or industrial wastes, either
236 directly or indirectly to a POTW and to which storm, surface and ground waters are not
237 intentionally admitted.

238 “Municipal sanitary sewer system” means sanitary sewers, pumping stations,
239 sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and works
240 for the collection, transportation, pumping and treating of wastewater, sewage or
241 industrial waste owned an operated by the City.

242 “Municipal separate storm sewer system (MS4) or municipal stormwater system”
243 means a system of conveyances, including roads with drainage systems, municipal
244 streets, catch basins, curbs, gutters, ditches, man-made channels, natural channels or
245 streams, or storm drains maintained by the City and designed for collecting or
246 conveying stormwater, and which is not used for collecting or conveying sewage.

247 “National categorical pretreatment standard or pretreatment standard” means
248 any regulation which establishes or sets pollutant discharge limits promulgated by the
249 EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317), which applies
250 to a specific category of industrial users.

251 “National prohibitive discharge standard or prohibitive discharge standard”
252 means any regulation developed under the authority of section 307(b) of the Act.

253 “New source” means any building, structure, facility or installation from which
254 there is or may be a discharge of pollutants, the construction of which commenced after
255 the publication of proposed pretreatment standards under section 307(c) of the Act,
256 which will be applicable to such source if such standards are thereafter promulgated in
257 accordance with that section, provided that such building, structure, facility or
258 installation meets the criteria outlined by 40 CFR 403.3(k) of the general pretreatment
259 regulations.

260 “Nonhazardous waste” means waste not listed under 40 C.F.R. § 261.

261 “Nonhazardous liquid waste” means a waste not listed under 40 C.F.R. § 261.

262 “Nonresidential developed property” means developed property that is classified
263 by the county appraisal for the commercial industrial or other nonresidential uses

264 “Notice of Intent (NOI)” means the application supplied by KDHE to apply for a
265 permit to discharge stormwater from either a construction site or industrial site.

266 “Notice of Termination (NOT)” means the application supplied by KDHE
267 submitted by either the construction or industrial site permittee to either designate
268 completion of a project or the termination of permitted stormwater discharges from a
269 site.

270 “NPDES” means the National Pollutant Discharge Elimination System.

271 “NPDES industrial general permit for stormwater discharges associated with
272 industrial activity or NPDES industrial general permit” means the industrial general
273 permit including any amendments thereto issued by KDHE which regulates the
274 discharge of stormwater runoff from certain types of industrial activity.

275 “NPDES construction activity permit for discharges of runoff from construction
276 activities” means the NPDES permit issued to an individual or entity by KDHE for all
277 construction sites which disturb a cumulative total of one acre of land or greater.

278 “Owner or operator” means the party or parties that either individually or taken
279 together meet the following three criteria: 1) they own the facility; 2) they have
280 operational control over the facility; 3) they have the day-to-day operational control of
281 those activities at the facility necessary to ensure compliance.

282 “Pass through” means a discharge which exits the POTW into waters of the
283 United States in quantities or concentrations which alone or in conjunction with a
284 discharge or discharges from other sources is a cause of a violation of any requirement
285 of the POTW's NPDES permit (including an increase in the magnitude or duration of a
286 violation).

287 “Person” means any individual, partnership, copartnership, firm, company,
288 corporation, association, joint stock company, trust, estate, governmental entity or any
289 other legal entity or other legal representatives, agents or assignees.

290 “pH” means the negative logarithm of the reciprocal concentration of hydrogen
291 ions measured in grams per liter of solution.

292 “Pollutant” means anything which causes or contributes to pollution including, but
293 are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; non-
294 hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or
295 other discarded or abandoned objects, articles, and accumulations, so that same may
296 cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers;
297 hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved

and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

“Pollution” means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

“Premises” means any building lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Pretreatment or treatment” means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except by dilution as prohibited by federal regulation.

“Pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users.

“Private service line” means a pipe or enclosed conduit to convey waster or wastewater from the premises of a user to a public sanitary sewer.

“Publicly owned treatment works (POTW)” means a treatment works as defined by section 212 of the Act (33 USC 1292), which is owned in this instance by the City, including any sewers that convey wastewater to the POTW treatment plant, but does

not include pipes, sewers or other conveyances not connected to a facility providing treatment and, for the purpose of the following chapter, also includes any public sanitary sewer or public combined sewer that convey wastewaters to the POTW from persons outside the City who are users of the City's POTW.

“Qualified personnel” means a person who possesses the appropriate skills and ability as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal sanitary system or MS4 or the waters of the United States.

“Residential developed property” means developed property which is classified by the county appraisal, as amended or supplemented, as used or usable for residential purposes upon which there is located at least one dwelling unit.

“Revenues” means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

“System extension and replacement” means extensions, additions and capital improvements to, or the renewal and replacement of, capital assets of, or purchasing and installing new equipment for, the sanitary sewer system or MS4, or land acquisition

for the systems, and any costs related thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

“Significant industrial user” means a user of the municipal sanitary sewer system that meets one or more of the following criteria:

(1) Users whose average wastewater strength cannot be established because of seasonal or other variations and/or operations;

(2) Users whose wastewater strength exceeds the normal range of wastewater strength;

(3) Users using an unmetered source of water;

(4) Users who fall under those guidelines set forth for federal categorical industries;

(5) Users discharging an amount greater than twenty-five thousand (25,000) gallons per day of process wastewater for any day during the preceding twelve (12) month period;

(6) Users whose average discharge, measured either by volume of flow, weight of suspended solids, biochemical oxygen demand, or chemical oxygen demand, exceeds two percent (2%) of the average loading on the applicable treatment facility; and

(7) Other users determined by the Superintendent to require special regulation or source control.

“Silver associated process” means any process, manufacturing or service related business which falls within any of the following standard industrial classifications: 2711,

2721, 2731, 2732, 2741, 2751 to 2754, and 8062 under the most recent addition of the standard industrial classification manual issued by the EOP, OMB.

“Slug” means any discharge of wastewater, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any fifteen (15) minute period more than five (5) times its average twenty-four (24) hour concentration or flows during normal operation.

“Standard industrial classification or SIC” means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

“State” means the State of Kansas.

“Stormwater” means any water flow occurring during or following any form of natural precipitation (i.e. rain, snow, or ice) and any surface runoff or drainage resulting therefrom.

“Stormwater discharge associated with industrial activity” means the discharge from any system which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 C.F.R. Part 122.26(b)(14), and which is not excluded from the United States Environmental Protection Agency's definition of the same term.

“Stormwater Pollution Prevention Plan (SWPPP)” means a document which describes the BMP and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving

390 waters to the maximum extent practicable, prepared under the supervision of a
391 engineer, geologist, architect, landscape architect or a certified professional in erosion
392 and sediment control.

393 “Stormwater utility or utility” means the enterprise fund utility established in
394 Chapter 13.25 to operate, maintain and improve the MS4 and for such other purposes
395 as stated.

396 “Superintendent” means the individual responsible for the operation and
397 management of the city water pollution control operation of the city public works
398 department, or his or her designee.

399 Total suspended solids means solids that either float on the surface of or are in
400 suspension with water, sewage or other liquids; and which are removable by laboratory
401 filtering.

402 “Toxic pollutant” means any pollutant or combination of pollutants listed as toxic
403 in regulations promulgated by the administrator of the Environmental Protection Agency
404 under the provision of section 307(a)(1) of the act.

405 “Undisturbed property” means real property which has not been altered from its
406 natural state by dredging, filling, removal of trees and vegetation or other activities
407 which have disturbed or altered the topography or soils on the property.

408 “Unpolluted water” means water to which no pollutant has been added, either
409 intentionally or accidentally, which would render such water unacceptable for disposal to
410 storm or natural drainages or directly to surface waters.

411 “User” means any person that discharges, directly or indirectly, causes or permits
412 the discharge of wastewater into the municipal sanitary sewer system.

“Waste” means substances, whether liquid or solid, associated with human habitation or of human origin or from any producing, manufacturing or processing operation of whatever nature, whether treated or untreated, discharged into or permitted to enter a municipal sanitary sewer system.

“Wastewater” means waste and water, whether treated or untreated, discharged into or permitted to enter a municipal sanitary sewer system.

“Water quality standard” means the criteria set by the Kansas Department of Health and Environment for individual pollutants based on different water uses within the State.

“Waters of the state” means any water, surface or underground, within the boundaries of the State.

“Waters of the United States” means Surface watercourses and water bodies as defined at 40 CFR’ 122.2.

Section 2. That section 14.80.010, Definitions, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~14.80.010 Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.~~

~~“Approval authority” means the Environmental Protection Agency (EPA) or, if the pretreatment program has been formally delegated to the state Department of Health~~

and Environment (KDHE), it shall mean the Director of the Division of Environment of KDHE.

~~“Authorized representative” means:~~

~~(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;~~

~~(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;~~

~~(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; or~~

~~(4) A duly authorized representative responsible for the operation of a facility owned and/or operated by the state, federal or local government.~~

~~“Beneficial uses” means uses of the waters of the state that may be protected against quality degradation which include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.~~

~~“BOD” or “BOD (denoting biochemical oxygen demand)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in milligrams per liter.~~

~~“Building sewer” means a sewer conveying wastewater from the premises of a user to a community sewer.~~

~~“City” means the city of Topeka, Kansas, for the purpose of administering this chapter represented by the Superintendent of the water pollution control division.~~

~~“Combined sewer” means a sewer receiving the combination of surface runoff, wastewater, sewage and/or industrial wastes.~~

~~“Community sewer” means a sewer owned and operated by the city or other public agency, tributary to a treatment facility operated by a public agency.~~

~~“Composite sample” means a combination of individual samples of water or wastewater taken at selected intervals (generally hourly or some similar specified period), to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportional to the flow at time of sampling.~~

~~“Contamination” means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health. “Contamination” shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.~~

~~“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.~~

~~“Department” means the public works department of the city.~~

~~“Direct discharge” means the discharge of treated or untreated wastewater directly to the waters of the state.~~

~~“Division” means the water pollution control division of the city of Topeka public works department.~~

~~“Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.~~

~~“Foundation drain” means a perforated pipe or a pipe with open joints or porous material installed either outside exterior foundation walls or inside exterior foundation walls or beneath a basement floor for the purpose of preventing the buildup of water pressure and water capillarity beneath the floor.~~

~~“Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.~~

~~“Grease generator” means a business or other commercial enterprise which creates or otherwise discharges grease into the municipal sewer system.~~

~~“Hazardous waste” means a hazardous waste as defined within the Code of Federal Regulations (40 CFR 261.3).~~

~~“Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.~~

~~“Indirect discharge” means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. Section 1317), into the POTW (including holding tank waste discharged into the system).~~

~~“Industrial user” means any user contributing industrial waste to the municipal sewer system.~~

~~“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:~~

~~(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and~~

~~(2) Is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with statutory provisions and regulations or permits issued thereunder by the state or federal government.~~

~~“Mass emission rate” means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the “mass emission rate” means pounds per day of a particular constituent or combination of constituents.~~

~~“Municipal sewer system” means sanitary sewers, pumping stations, sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and works for the collection, transportation, pumping and treating of wastewater, sewage or industrial waste thereto, necessary in the maintenance and operation of the same.~~

~~“National categorical pretreatment standard” or “pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1317), which applies to a specific category of industrial users.~~

~~“National pollution discharge elimination system permit” or “NPDES permit” means a discharge permit issued by the approval authority pursuant to Section 402 of the Act (33 U.S.C. Section 1342).~~

~~“National prohibitive discharge standard” or “prohibitive discharge standard” means any regulation developed under the authority of Section 307(b) of the Act.~~

~~“New source” means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that such building, structure, facility or installation meets the criteria outlined by 40 CFR 403.3(k) of the general pretreatment regulations.~~

~~“Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).~~

~~“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or other legal representatives, agents or assignees.~~

~~“pH” means the negative logarithm of the reciprocal concentration of hydrogen ions measured in grams per liter of solution.~~

~~“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.~~

~~“Pollution” means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. “Pollution” may include contamination.~~

~~“Premises” means a parcel of real estate including any improvements thereon which is determined by the department to be a single user for the purpose of receiving, using and paying for service.~~

~~“Pretreatment” or “treatment” means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except by dilution as prohibited by federal regulation.~~

~~“Pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users.~~

~~“Publicly owned treatment works (POTW)” means a treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this chapter, “POTW” also includes any sewers that convey wastewaters to the POTW from persons outside the city who are users of the city’s POTW.~~

~~“Sanitary sewer” means a sewer which carries wastewater, sewage and/or industrial wastes, and to which storm, surface and ground waters are not intentionally admitted.~~

~~“Sewage” means a combination of the water-carried wastes from users together with such groundwaters, surface waters and stormwaters as may be present.~~

~~“Sewer” means a pipe or enclosed conduit through which sewage is transported to the POTW treatment plant.~~

~~“Significant industrial user” means:~~

~~(1) Users whose average wastewater strength cannot be established because of seasonal or other variations and/or operations;~~

~~(2) Users whose wastewater strength exceeds the normal range of wastewater strength;~~

~~(3) Users using an unmetered source of water;~~

~~(4) Users who fall under those guidelines set forth for federal categorical industries;~~

~~(5) Users discharging an amount greater than 25,000 gallons per day of process wastewater for any day during the preceding 12-month period;~~

~~(6) Users whose average discharge, measured either by volume of flow, weight of suspended solids, biochemical oxygen demand, or chemical oxygen demand, exceeds two percent of the average loading on the applicable treatment facility; and~~

~~(7) Other users determined by the Superintendent to require special regulation or source control.~~

~~“Significant noncompliance” or “SNC” means and refers to any violation of pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) and is an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. Instances of SNC are industrial user violations which meet one or more of the following criteria:~~

~~(1) Violations of wastewater discharge limits:~~

~~(i) Chronic violations: Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six month period (any magnitude of exceedance).~~

~~(ii) Technical review criteria or “TRC” violations: Thirty three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six month period.~~

~~There are two groups of TRCs: BOD, TSS, fats, oil, and grease, where the TRC is 1.4; and group II for all other pollutants, where the TRC is 1.2.~~

~~(iii) Any other violation of an effluent limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.~~

~~(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge.~~

~~(2) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.~~

~~(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.~~

~~(4) Failure to accurately report noncompliance.~~

~~(5) Any other violation or group of violations that the city considers to be significant.~~

~~“Silver associated process” means any process, manufacturing or service related business which falls within any of the following standard industrial classifications: 2711, 2721, 2731, 2732, 2741, 2751 to 2754, and 8062.~~

~~“Slug” means any discharge of wastewater, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times its average 24-hour concentration or flows during normal operation.~~

~~“Standard industrial classification” or “SIC” means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.~~

~~“State” means the state of Kansas.~~

~~“Stormwater” means any water flow occurring during or following any form of natural precipitation and resulting therefrom.~~

~~“Stormwater collection system” shall include all piping, channels, ditches, streams, or any other manmade or natural structure that conveys stormwater runoff.~~

~~“Superintendent” means the Superintendent of the city water pollution control division of the city public works department, or designated representative.~~

~~“Total suspended solids” means solids that either float on the surface of or are in suspension with water, sewage or other liquids; and which are removable by laboratory filtering.~~

~~“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of Section 307(a)(1) of the Act.~~

~~“Unpolluted water” means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters.~~

~~“User” means any person that discharges, directly or indirectly, causes or permits the discharge of wastewater into a community sewer.~~

~~“Waste” means substances, whether liquid or solid, associated with human habitation or of human origin or from any producing, manufacturing or processing operation of whatever nature, whether treated or untreated, discharged into or permitted to enter a community sewer.~~

~~“Wastewater” means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.~~

~~“Waters of the state” means any water, surface or underground, within the boundaries of the state.~~

Section 3. That section 14.80.020, Abbreviations, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Abbreviations.~~

~~As used in this chapter, the following abbreviations shall have the meanings designated in this section:~~

~~“BOD” means biochemical oxygen demand.~~

~~“CFR” means the Code of Federal Regulations, 1988.~~

~~“EPA” means the Environmental Protection Agency.~~

~~“KDHE” means the state Department of Health and Environment.~~

~~“l” means liter.~~

~~“mg” means milligram.~~

~~“mg/l” means milligrams per liter.~~

~~“NPDES” means the national pollutant discharge elimination system.~~

~~“POTW” means the publicly owned treatment works.~~

~~“SIC” means standard industrial classification.~~

~~“TSS” means total suspended solids.~~

Section 4. That section 14.80.670, Definitions, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~“Documented waste strength” means the average concentration of the analytes BOD, TSS, and TKN of a set of 12 samples collected, at random, in a two-year period. Twelve samples for liquid waste class 2 and 12 samples for liquid waste class 3 will be tested every two years and the results will be averaged to determine the waste strength for billing purposes.~~

~~“Domestic septage” means the liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar system that receives only liquid domestic waste (household, noncommercial, nonindustrial sewage) as defined by the Federal Part 503 regulation.~~

~~“Liquid waste” means waste which will not pass the paint filter test, is biologically compatible with the wastewater treatment process, and will not pass through or interfere with the wastewater treatment process. Liquid waste meeting the above criteria is further defined by the following categories:~~

~~“Class 1 liquid waste” means a domestic septage which originates from storage devices (holding tanks) that are typically pumped at frequent intervals (less than every 30 days) as these devices are nondischarging, storage structures for sanitary waste which have no connection to a lateral field or discharge point. Class 1 liquid waste is biologically characterized as being only partially stabilized and having low TSS, BOD₅, and TKN content.~~

~~“Class 2 liquid waste” means a domestic septage which originates from treatment devices (septic tanks) that are typically pumped at long intervals (more than every 30 days) and having a connection to a lateral field or discharge point. Class 2 liquid waste~~

is biologically characterized as being well stabilized and having high TSS, BOD5, and TKN.

~~“Class 3 liquid waste” means a domestic septage which originates from storage devices (portable toilets, Type III marine sanitation devices) that are typically pumped at frequent intervals (less than every 30 days) as these devices are nondischarging, storage structures for sanitary waste which have no connection to a lateral field or discharge point. Class 3 liquid waste differs from the other classes of septage as it is chemically stabilized when generated. This liquid waste is typically characterized as having high TSS, BOD5, and TKN.~~

~~“Class 4 liquid waste” means a liquid waste which is composed primarily of fatty matter from animal or vegetable sources and originates from residential or commercial grease interceptors. Class 4 liquid waste is typically characterized as containing two to five percent FOG, five to 30 percent solids and very high organic content.~~

~~“Class 5 liquid waste” means a liquid waste not defined in the first four categories above. This liquid waste includes liquid waste of industrial, commercial, or other origin including, but not limited to, landfill leachate, wastewater residuals and tanning waste.~~

~~“Liquid waste hauler” means any person, persons, partnership or corporation which transports liquid, nonhazardous waste.~~

~~“Nonhazardous liquid waste” means a waste not listed under 40 CFR 261.~~

~~“Nonhazardous waste” means waste not listed under 40 CFR 261.~~

Section 5. That section 14.85.030, Definitions, of the Code of the City of Topeka, Kansas, is hereby repealed.

Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

"Appraisal district" means the office of the county appraiser.

"Bonds" means revenue bonds, general obligation bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

"Costs of construction" means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of:

(1) Acquisition of all property, real or personal, and all interests in connection therewith including all right-of-way and easements therefor;

(2) Physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith;

(3) Architectural, engineering, legal and other professional services;

(4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installations;

(5) Any taxes or other charges which become due during construction;

(6) Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;

~~(7) Principal of and interest of any bonds; and~~

~~(8) Miscellaneous expenses incidental thereto.~~

~~“Debt service” means, with respect to any particular fiscal year and any particular series of bonds, an amount equal to the sum of all interest payable on such bonds during such fiscal year, plus any principal installments of such bonds during such fiscal year.~~

~~“Developed property” means real property other than undisturbed property.~~

~~“Director” means the director of the department of public works or his or her designee.~~

~~“Drainage fee” means a fee authorized by state law and the ordinance which is established to pay operations and maintenance, extension and replacement and debt service.~~

~~“Dwelling unit” means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

~~“Equivalent residential unit” or “ERU” means the average impervious area of residential developed property per dwelling unit located within the city and as established by ordinance as provided in this chapter.~~

~~“ERU rate” means a drainage fee charged on each ERU as established by council ordinance as provided in this chapter.~~

~~“Exempt property” means public rights-of-way, public streets, alleys, sidewalks and drainage structures.~~

770 ~~“Extension and replacement” means costs of extensions, additions and capital~~
771 ~~improvements to, or the renewal and replacement of, capital assets of, or purchasing~~
772 ~~and installing new equipment for, the system, or land acquisition for the system, and~~
773 ~~any costs related thereto, or paying extraordinary maintenance and repair, including the~~
774 ~~costs of construction, or any other expenses which are not costs of operation and~~
775 ~~maintenance or debt service.~~

776 ~~“Fiscal year” means a 12-month period commencing on January 1st of any year.~~

777 ~~“Impervious area” means the number of square feet of hard surfaced areas which~~
778 ~~either prevent or retard the entry of water into the soil mantle, as it entered under~~
779 ~~natural conditions as undisturbed property, and/or causes water to run off the surface in~~
780 ~~greater quantities or at an increased rate of flow from that present under natural~~
781 ~~conditions as undisturbed property, including, but not limited to, roofs, roof extensions,~~
782 ~~patios, porches, driveways, sidewalks, pavement, graveled areas and athletic courts.~~

783 ~~“Nonresidential developed property” means developed property that is classified~~
784 ~~by the appraisal district as state Land Use Codes 170 and higher, as amended or~~
785 ~~supplemented, excluding that portion of Land Use Code 199 to the extent used or~~
786 ~~usable for residential purposes.~~

787 ~~“Operating budget” means the annual utility operating budget adopted by the city~~
788 ~~for the current fiscal year.~~

789 ~~“Operation and maintenance” means the current expenses, paid or accrued, of~~
790 ~~operation, maintenance and current repair of the system, as calculated in accordance~~
791 ~~with sound accounting practices, and includes, without limiting the generality of the~~
792 ~~foregoing, insurance premiums, administrative expenses, labor, executive~~

793 ~~compensation, the cost of materials and supplies used for current operations, and~~
794 ~~charges for the accumulation of appropriate reserves for current expenses not annually~~
795 ~~incurred, but which are such as may reasonably be expected to be incurred in~~
796 ~~accordance with sound accounting practice.~~

797 ~~“Residential developed property” means developed property which is classified~~
798 ~~by the appraisal district as Land Use Codes 111 through 130 and 199, to the extent~~
799 ~~used or usable for residential purposes, using the state land use codes, as amended or~~
800 ~~supplemented, upon which there is located at least one dwelling unit.~~

801 ~~“Revenues” means all rates, fees, assessments, rentals or other charges or other~~
802 ~~income received by the utility, in connection with the management and operation of the~~
803 ~~system, including amounts received from the investment or deposit of moneys in any~~
804 ~~fund or account and any amounts contributed by the city, all as calculated in~~
805 ~~accordance with sound accounting practice.~~

806 ~~“Stormwater management system” or “system” means the existing stormwater~~
807 ~~management of the city and all improvements thereto which by this chapter constitute~~
808 ~~the property and responsibility of the utility, to be operated as an enterprise fund and,~~
809 ~~among other things, conserve water, control discharges necessitated by rainfall events,~~
810 ~~incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water~~
811 ~~to prevent or reduce flooding, over drainage, environmental degradation and water~~
812 ~~pollution or otherwise affect the quality and quantity of discharges from such system.~~

813 ~~“Stormwater utility” or “utility” means the enterprise fund utility created by this~~
814 ~~chapter to operate, maintain and improve the system and for such other purposes as~~
815 ~~stated in this chapter.~~

~~“Undisturbed property” means real property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.~~

Section 6. That section 14.90.020, Definitions, of the Code of the City of Topeka, Kansas, is hereby repealed.

Definitions.

~~The following terms, phrases and abbreviations when used in this chapter shall have the meanings ascribed to them in this section unless specifically stated otherwise.~~

~~“Best management practices (BMP)” means schedules of activities, prohibitions of practices, and maintenance procedures which prevent or reduce the pollution of the waters of the United States. “Best management practices” also include treatment requirements, operating procedures, and practices to control plant and construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.~~

~~“Discharge” means the addition or introduction of any pollutant, stormwater, or any other substance into the municipal separate storm sewer system (MS4) or into waters of the United States.~~

~~“Final stabilization” means the condition when all soil disturbing activities at a site have been completed, and a uniform, perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures such as the use of riprap, gabions, or geotextiles have been employed.~~

~~“General NPDES permit for discharges of runoff from construction activities” means the NPDES permit issued by the Kansas Department of Health and Environment on or after April 1996 for all construction sites of five acres or greater.~~

~~“Hazardous substance” means any substance listed in Table 302.4 of 40 CFR Part 302.~~

~~“Hazardous waste” means any substance identified or listed as a hazardous waste by the United States Environmental Protection Agency pursuant to 40 CFR Part 261.~~

~~“Hazardous waste treatment, disposal, and recovery facility” means all land and physical structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.~~

~~“Municipal separate storm sewer system (MS4)” means a system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains maintained by the city and designed for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. The phrase is synonymous with municipal stormwater system.~~

~~“Notice of intent (NOI)” means the form application used to apply for a permit to discharge stormwater from either a construction site or industrial site.~~

~~“Notice of termination (NOT)” means the statement completed by either the construction or industrial site permittee which attests to either the completion of a project or the termination of permitted stormwater discharges from a site.~~

~~“NPDES general permit for stormwater discharges associated with industrial activity” (or “industrial general permit”) means the industrial general permit issued by~~

~~EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.~~

~~“NPDES permit” means a permit issued by the United States Environmental Protection Agency or by the Kansas Department of Health and Environment which authorizes the discharge of pollutants into waters of the United States, whether the permit is issued to an individual, group, or on a general area-wide basis.~~

~~“Owner” means the person or persons who, individually or taken together, either: have control over the facility operational specifications or construction site (including the ability to make modifications in specifications); or have the day to day operational control over those activities at the facility or construction site necessary to ensure compliance with pollution prevention requirements and any permit conditions.~~

~~“Qualified personnel” means persons who possess the appropriate skills and ability as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally accepted industry standards for such activity.~~

~~“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system or the waters of the United States.~~

~~“Stormwater” means water which results from storm runoff, snow melt runoff, and surface runoff and drainage.~~

~~“Stormwater discharge associated with industrial activity” means the discharge from any system which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR Part 122.26(b)(14), and which is not excluded from the United States Environmental Protection Agency’s definition of the same term.~~

~~“Stormwater pollution prevention plan (SWP2 plan)” means a plan required by either the Kansas Department of Health and Environment or the city which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction activity or industrial activity.~~

~~“Water quality standard” means the criteria set by the Kansas Department of Health and Environment for individual pollutants based on different water uses within the state of Kansas.~~

Section 7. That section 14.80.030, Statement of purpose, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.15.020.

Section 8. That section 14.80.040, Statement of policy, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.15.030.

Section 9. That section 14.80.050, Applicability, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.15.040.

Article II. Administration & Enforcement

Section 10. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.100, which said section reads as follows:

Powers and duties of the Superintendent.

The Superintendent shall have the responsibility and authority to ensure compliance with the NPDES Permits issued to the City in order to protect the waters of the State of Kansas and the United States.

(a) Specifically the Superintendent is authorized to perform the necessary construction, repair, maintenance and rehabilitation as is necessary in his judgment to ensure the safe and efficient functioning of POTW system. Additionally the Superintendent shall be responsible for the efficient and safe treatment of all waste at the POTW and the treatment, application or disposal of solid waste. The Superintendent shall also have the authority to ability to regulate industrial pretreatment, and the hauling and disposal of liquid waste.

(b) Superintendent is authorized to perform the construction, repair, maintenance and rehabilitation as is necessary in his or her sole judgment to ensure the MS4 system functions safely and efficiently to limit erosion and protect water quality. This authority shall include the authority for bank stabilization and clearing obstructions in natural channels and streams. Additionally the Superintendent shall have the authority to implement drainage correction to alleviate surface water flooding or erosion. The Superintendent shall have the authority to regulate construction activities, stream buffer regulation, and excavation.

Section 11. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.110, which said section reads as follows:

Notice of violation.

927 (a) Contents of notice. Whenever the Superintendent finds that any user has
928 violated or is violating any section of the following chapters, the Superintendent may
929 serve notice upon such user which contains the following:

930 (1) The street address or a legal description sufficient for identification
931 of the premises at which the violation is occurring.

932 (2) A clear statement of violation and code section in violation.

933 (3) If applicable, notice may contain a statement of the corrective
934 action required to be taken as determined by the Superintendent.

935 (b) Service of notice. The notice and any amended or supplemental notice
936 shall be served upon the owner of record, and one (1) copy thereof shall be served on
937 each of the following if applicable if known or disclosed from official public records; i) the
938 tenant in possession or ii) contractor or other individual named in permit upon which
939 work is being done on the premises. The failure of the Superintendent to serve any
940 person required herein to be served shall not invalidate any proceedings hereunder as
941 to any other person duly served or relieve any such person from any duty or obligation
942 imposed by the provisions of this section.

943 (c) Method of service. Service of the notice shall be made upon all persons
944 entitled either personally or by mailing a copy of such notice by certified mail, postage
945 prepaid, return receipt requested, to each such person at their address as it appears on
946 the register of deeds, Shawnee County records or at the address listed in the permit or
947 under which the work is being done. If the location of such person is unknown or if no
948 address of such person so appears after diligent effort, and copies of such notice shall
949 be mailed by first class mail to the individual at the address of the real property at which

the violation is occurring, and a copy or such notice shall be published once in the official city paper. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of receipt.

Section 12. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.120, which said section reads as follows:

Enforcement methods.

(a) Abatement of nuisance. Once the property owner has been given notice and opportunity to correct the violations and then failed to do so, the City shall be authorized to abate the violation in accordance with K.S.A. § 12-1617e, as amended.

(b) Emergency provisions.

(1) Immediate abatement. The Superintendent is authorized to require immediate abatement of any violation of the following chapters that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Superintendent, the City may abate the violation. Any costs of abating incurred by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this article.

(2) Emergency Shut Off Water. In addition to any other remedies available under this article, the Superintendent shall be authorized to order the shut off of water to the property to eliminate an immediate threat to health, safety, wellbeing of the public.

973 (3) Placarding. Whenever the Superintendent determines that there
974 has been a violation of this code or has reasonable grounds to believe that a
975 violation has occurred that is an immediate threat to the health, safety, or well-
976 being of the public, the Superintendent shall have the authority to order the
977 immediate removal of persons from their property shall give notice to the owner
978 or the person or persons responsible therefore in the manner prescribed below.
979 Such written notice shall contain the following:

980 i. The street address or a legal description sufficient for
981 identification of the premises at which the violation is occurring.

982 ii. A clear statement of violation and code section in violation.

983 iii. If applicable, notice may contain a statement of the
984 corrective action required to be taken as determined by the
985 Superintendent.

986 (4) Stop Work Order.

987 i. Authority: Whenever the Superintendent finds any
988 construction activity being performed is either in violation of the following
989 chapters, applicable permit, or is dangerous or unsafe, the Superintendent
990 is authorized to issue a stop work order.

991 ii. Issuance: The stop work order shall be in writing and shall
992 be given to the owner of the property involved, or to the owner's agent, or
993 to the person doing the work. Upon issuance of a stop work order, the
994 cited work shall immediately cease. The stop work order shall state the

995 reason for the order, and the conditions under which the cited work will be
996 permitted to resume.

997 iii. Unlawful Continuance: It shall be unlawful for any person to
998 continue to work after having been served with a stop work order, except
999 such work as that person is directed to perform to remove a violation or
1000 unsafe condition.

1001 (5) Injunctions. Whenever a violation of the provisions of the following
1002 chapter causes or threatens to cause a condition of contamination, pollution or
1003 nuisance, the Superintendent may petition the district court for the issuance of a
1004 preliminary or permanent injunction, or both, as may be appropriate in restraining
1005 the continuance of such violation.

1006 Section 13. That the Code of the City of Topeka, Kansas, is hereby amended
1007 by adding a section to be numbered 13.15.130, which said section reads as follows:

1008 **Administrative search warrants.**

1009 If the Superintendent has been refused access to a building, structure or
1010 property, or any part thereof, and if the Superintendent has demonstrated probable
1011 cause to believe that there may be a violation of the provisions of the following chapter
1012 or that there is a need to inspect the property to verify compliance with the following
1013 chapters or any permit or order issued hereunder, or to protect the overall public health,
1014 safety and welfare of the community, then upon application to a District Court Judge,
1015 shall obtain an administrative search warrant describing therein the specific location
1016 subject to the administrative warrant. The warrant shall specify what, if anything may be

1017 searched on the property described. Such warrant shall be served at reasonable hours
1018 by Superintendent.

1019 Section 14. That the Code of the City of Topeka, Kansas, is hereby amended
1020 by adding a section to be numbered 13.15.140, which said section reads as follows:

1021 **Administrative monetary penalties.**

1022 The Superintendent shall have the authority to impose the following
1023 administrative monetary penalty.

1024 (a) The following administrative monetary penalty shall apply to construction
1025 activity and erosion and sediment control:

1026 (1) \$50 per violation for a first violation.

1027 (2) \$100 per violation for a second violation within a continuous twelve
1028 (12) month period of the first violation.

1029 (3) \$200 per violation for a third or subsequent violation within a
1030 continuous twelve (12) month period of the two previous violations.

1031 (b) The following administrative monetary penalty shall apply to the
1032 introduction of industrial or hazardous waste into municipal separate storm sewer
1033 system or municipal sanitary sewer system, or a violation of any of the sections of the
1034 following chapters:

1035 (1) \$100 per violation for a first violation.

1036 (2) \$500 per violation for a second violation within a continuous twelve
1037 (12) month period of the first violation.

1038 (3) \$1000 per violation for a third or subsequent violation within
1039 continuous twelve (12) month period of the two previous violations.

Section 15. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.150, which said section reads as follows:

Criminal prosecution.

(a) It shall be unlawful for any person to violate any section of the following chapters.

(b) Any person violating this section may be punished by:

(1) A fine of not more than \$499.00;

(2) Imprisonment in jail for not more than 179 days; or

(3) Both such fine and imprisonment not to exceed theses limits.

Section 16. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.15.160, which said section reads as follows:

Appeal.

Appeals from notices of violation and administrative hearings shall be in accordance with the administrative appeal procedure set forth in Chapter 2.145.

Section 17. That section 14.80.060, Notice of Violation, of the Code of the City of Topeka, Kansas, is hereby repealed.

Notice of violation.

~~Whenever the Superintendent or his designated representative finds that any user has violated or is violating this chapter, the wastewater discharge permit, or any prohibition, limitation or requirements contained in this chapter, the Superintendent or his designated representative may serve by certified mail written notice upon such user, which states the nature of the violation. Within 30 days of the date of notice, a detailed~~

~~compliance plan for the satisfactory correction thereof shall be submitted to the Superintendent by the user.~~

Section 18. That section 14.80.070, Revocation of wastewater discharge permit, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Revocation of wastewater discharge permit.~~

~~Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this chapter:~~

~~(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;~~

~~(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;~~

~~(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or~~

~~(d) Violation of conditions of the wastewater discharge permit.~~

Section 19. That section 14.80.080, Issuance of cease and desist orders, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Issuance of cease and desist orders.~~

~~When the division of water pollution control finds that a discharge of wastewater has been taking place, or threatens to take place, in violation of prohibitions or limitations of this chapter, or the provisions of the wastewater discharge permit, the Superintendent may issue an order to cease and desist, directing those persons not complying with such prohibitions, limits, requirements or provisions to:~~

~~(a) Comply forthwith;~~

~~(b) Comply in accordance with a compliance schedule set forth by the
department; or~~

~~(c) Take appropriate or remedial preventive action in the event of a threatened
violation.~~

Section 20. That section 14.80.090, Termination of service, of the Code of the
City of Topeka, Kansas, is hereby repealed.

~~Termination of service.~~

~~(a) The Superintendent may suspend the wastewater treatment service and/or a
wastewater discharge permit when such suspension is necessary to stop an actual or
threatened discharge which presents or may present an imminent or substantial
endangerment to the health or welfare of persons, to the environment, causes
interference to the POTW or causes the city to violate any condition of its NPDES
permit. This subsection is in addition to other statutes, rules or regulations authorizing
termination of service for delinquency in payment.~~

~~(b) Any person notified of a suspension of the wastewater treatment service
and/or the wastewater discharge permit shall immediately stop or eliminate the
contribution. In the event of a failure of the person to comply voluntarily with the
suspension order, the city shall take such steps as deemed necessary, including
immediate severance of the sewer and/or water connections, to prevent or minimize
damage to the POTW system or endangerment to any individuals. The Superintendent
shall reinstate the wastewater permit and/or the wastewater treatment service upon
proof of the elimination of the noncomplying discharge. A detailed written statement~~

~~submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.~~

Section 21. That section 14.80.100, Liability for damage, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Liability for damage.~~

~~Any person who causes or is responsible for damage to any public sanitary or storm sewer or appurtenances thereto, including manholes, catchbasins and inlets, shall be liable for the cost of repairs to that facility. The repairs may be made by a private contractor or by personnel of the division of water pollution control, at the option of the Superintendent. Cost of repair shall be the responsibility of the person causing or responsible for the damage. If the person responsible for the damage refuses to pay the cost of the repair bill, at the option of the Superintendent, the cost for making the repairs may be added on to the property tax of any real property belonging to the person responsible for the damage to the public facility.~~

Section 22. That section 14.80.110, Injunctions, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Injunctions.~~

~~Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the department may petition the district court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.~~

Section 23. That section 14.80.120, Falsifying Information, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Falsifying information.~~

~~It shall be illegal for any person to knowingly make any false statement, representation, record, report, plan or other document to the division of water pollution control. It shall also be illegal for any person to falsify or knowingly render inaccurate any monitoring device or method which is required under this chapter.~~

Section 24. That section 14.80.130, Criminal Violations, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Criminal violations.~~

~~Any person who intentionally discharges wastewater in any manner in violation of this chapter or of any order issued by the Superintendent shall be guilty of a misdemeanor.~~

Section 25. That section 14.80.140, Civil penalty order, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Civil penalties.~~

~~In addition to any other penalty provided by law, a civil penalty in an amount up to \$1,000 per day per violation may be assessed against a user by the Superintendent for violation of the following:~~

~~(a) Any term or condition of any sewage discharge permit.~~

~~(b) Any effluent standard or limitations or any water quality standard or other rule or regulation promulgated by federal, state or local law or regulation.~~

~~(c) Any filing, reporting, inspection or monitoring requirement required by federal, state or local law or regulation.~~

~~(d) Any lawful order or requirement made by the Superintendent of the water pollution control division.~~

~~In the case of a continuing violation, each day such violation continues shall be deemed a separate violation. Consideration may be given for accidental or inadvertent spills or releases.~~

Section 26. That section 14.80.150, Determination of civil penalties, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Determination of civil penalties.~~

~~(a) Notice. Prior to the assessment of a civil penalty, the Superintendent shall hold a hearing on the matter. The Superintendent shall send notice of the hearing by registered mail to the user. The notice shall include:~~

~~(1) A listing of section titles and numbers alleged to have been violated;~~

~~(2) Dates of violation(s);~~

~~(3) A brief factual basis demonstrating the alleged violation; and~~

~~(4) A specific date, time and location where a hearing will be held, which shall not be less than 10 days or more than 30 days after the service of the notice.~~

~~(b) Hearing. At the hearing under this section the following shall apply:~~

~~(1) The Superintendent of the water pollution control division shall act as hearing officer.~~

~~(2) The parties in interest shall have the right to file an answer to the complaint(s) and give testimony at the hearing.~~

~~(3) The rules of evidence shall not be controlling at the hearing.~~

~~(4) The hearing officer shall have the power to:~~

~~(i) Investigate the facts alleged to constitute the violation;~~

~~(ii) Administer oaths and/or affirmations;~~

~~(iii) Examine witnesses;~~

~~(iv) Receive evidence;~~

~~(v) Make a determination if a violation has occurred; and~~

~~(vi) Impose a penalty within the limits provided by ordinance.~~

~~(5) The hearing officer shall have the power to change, modify or suspend any imposition of a fine or penalty where the hearing officer finds there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter or by applicable rules and regulations issued pursuant thereto and that such extension is in harmony with the general purpose of this chapter to secure public health, safety and welfare.~~

Section 27. That section 14.80.160, Civil penalty order, of the Code of the City of Topeka, Kansas, is hereby repealed.

Civil penalty order.

~~No penalty shall be imposed except upon the written order of the Superintendent of the division of water pollution control to the user stating the violation found, the penalty imposed and the right of such person to an appeal to the district court of the state. Such order shall be served upon each party found to be in violation, or their lawful agent, by registered mail.~~

1199 Section 28. That section 14.80.170, Regulatory penalty, of the Code of the City
1200 of Topeka, Kansas, is hereby repealed.

1201 **Regulatory penalty.**

1202 ~~If any public, state or federal agency imposes or threatens to impose any penalty~~
1203 ~~upon the department, the department will immediately notify the person who is~~
1204 ~~suspected of causing the department to be in violation by virtue of their discharge to the~~
1205 ~~city sewer. If a penalty is subsequently assessed against the department, the person~~
1206 ~~causing the department to be in violation shall be liable for such penalty. All fines~~
1207 ~~imposed as a result of a violation of this chapter shall be paid to the city and credited to~~
1208 ~~the department.~~

1209 Section 29. That section 14.80.180, Damage to facilities, of the Code of the City
1210 of Topeka, Kansas, is hereby repealed.

1211 **Damage to facilities.**

1212 ~~When it has been determined that a discharge of wastes causes an obstruction,~~
1213 ~~damage or any other impairment to POTW facilities, the division of water pollution~~
1214 ~~control may assess a charge against the user causing that discharge for the work~~
1215 ~~required to clean or repair the facility, and add such charge to the user's wastewater~~
1216 ~~service charges. The determination of responsibility may be negotiated between the~~
1217 ~~division of water pollution control and the user or may be determined by an independent~~
1218 ~~consulting firm.~~

Section 30. That section 14.80.190, Publication of industrial users with significant noncompliance, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Publication of list of industrial users with significant noncompliance.~~

~~The city shall publish, at least annually, within the largest daily local newspaper, a list of industrial users that were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous 12 months.~~

CHAPTER 13.20 SEWAGE AND SEWAGE DISPOSAL

Article I. Sewer Construction and Connections

Section 31. That section 14.80.200, Connection required--Enforcement, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.100

Section 32. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.20.110, which said section reads as follows:

Defective private service line or septic system.

It shall be unlawful to permit or allow the leakage of water, sewage or other matter from a private service line, septic system including septic tank, piping, or lateral line, or onto private or public property thereby creating unhealthy conditions that constitute an immediate threat to the health, safety, or well-being of the public.

Section 33. That section 14.80.210, Size, location, plans, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.120.

Section 34. That section 14.80.220, Permit—Required, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.130.

Section 35. That section 14.80.230, Permit--Conditions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.140.

Section 36. That section 14.80.240, Sanitary sewer failures and repair responsibilities, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.150.

Section 37. That section 14.80.250, Settling, collapse of public ways due to faulty sewer installation—Repairs, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.160.

Article II. Service Outside City

Section 38. That section 14.80.260, Approval of connections by engineer—Compliance with applicable laws, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.170.

Section 39. That section 14.80.270, Rates, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.180.

Section 40. That section 14.80.280, Sewer districts--Application, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.190.

Section 41. That section 14.80.290, Sewer districts—License or contract, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.200.

Section 42. That section 14.80.300, Conditions of contracts, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.210.

Section 43. That section 14.80.310, Annexation and funding of sewer service and extensions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.220.

Section 44. That section 14.80.320, Agreement for annexation for future connections, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.230.

Article III. Use Regulations

Section 45. That section 14.80.330, Combined sewers not to be approved, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.240.

Section 46. That section 14.80.340, Unlawful use and/or maintenance of certain drains, discharges and mechanisms, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.250.

Section 47. That section 14.80.350, Prohibitions on storm drainage and groundwater, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.260.

Section 48. That section 14.80.360, Prohibition on unpolluted water, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.270.

Section 49. That section 14.80.370, Unlawful waste discharges in sanitary sewer, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.280.

Section 50. That section 14.80.380, Federal categorical pretreatment standards, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.290.

Section 51. That section 14.80.390, Limitations–Wastewater strength, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.300 and amended to read as follows:

Limitations – Wastewater strength.

(a) No person shall discharge wastewater containing in excess of 1.76 mg/l lead or 2.61 mg/l zinc.

(b) No person who conducts a silver associated process shall discharge wastewater containing in excess of 0.57 mg/l total silver. Persons who do not engage in silver associated processes are prohibited from discharging detectable amounts of silver until such time as a determination can be made of the silver associated process and/or an adjustment can be made to the silver limit so as to protect the POTW and/or receiving stream. Any adjustment of the silver limit shall be in conformity with 40 CFR 403.

(c) The limitations of subsection (a) of this section are subject to change if and when they become unacceptable to the division of water pollution control or to any public agency having regulatory jurisdiction over the division of water pollution control.

(d) No person shall discharge wastewater containing concentrations which will violate conditions found in this chapter or wastewaters which will violate the conditions established by the definitions of pass-through and interference. The division of water pollution control reserves the right to define numerical discharge permit limits as out lined in this chapter for any parameters as may be needed to protect the POTW system.

(e) No person shall discharge any wastewater:

(1) Having an average daily temperature higher than 140 degrees Fahrenheit or causing the temperature of the sewage in the city sewer to be raised more than 10 degrees Fahrenheit.

(2) Having a pH lower than 5.5 or higher than 10.8.

(3) Having any water or waste containing fats, wax, grease or oils excluding soy or vegetable oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius).

(4) Having any water or waste containing soy or vegetable oil emulsified or not in excess of 150 mg/l.

(5) Containing petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.

Section 52. That section 14.80.400, Limitation—Radioactive wastes, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.310.

Section 53. That section 14.80.410, Limitations—Use of garbage grinders, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.320.

Section 54. That section 14.80.420, Limitations—Point of discharge, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.330.

Section 55. That section 14.80.430, *REPEALED*, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.340.

Section 56. That section 14.80.440, Certain connections to be sealed with blind plug until area adjacent to foundation backfilled and compacted, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.350.

Section 57. That section 14.80.450, Basement or excavation water, removal, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.360.

Section 58. That section 14.80.460, Dilution of discharges, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.370.

Section 59. That section 14.80.470, Monitoring facilities, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.380.

Section 60. That section 14.80.480, Pretreatment, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.390.

Section 61. That section 14.80.490, Accidental discharges and/or slug loads, of the Code of the City of Topeka, Kansas, is hereby renumbered as 13.20.400 and amended to read as follows:

Accidental discharges, and/or slug loads or treatment bypass.

(a) Each discharger shall provide protection from accidental discharge and/or slug loads of prohibited materials or other wastes regulated by this chapter. Users shall submit oral notice to the water pollution control division within 24 hours from the time the user becomes aware of the accidental discharge, slug discharge or treatment bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain:

(1) A description of the accidental discharge, slug load or treatment bypass and its cause;

(2) The ~~duration~~exact date and time of the accidental discharge, slug load or treatment bypass, ~~including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and~~

(3) The exact date and time of correction and volume of the accidental discharge, slug load or treatment bypass;

(4) If the accidental discharge, slug load or treatment bypass has not been corrected, the anticipated time it is expected to continue; and

(5) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the accidental discharge, slug load or treatment bypass.

(b) The notification required by this section will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the water pollution control division on account thereof by any public, state or federal agency.

(c) The water pollution control division may issue various notices and information directed towards more effective water pollution control. Such notices and information shall be made available to employees of the user for their information and to solicit their cooperation. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.

(d) Any possible connection or entry point for a persistent or deleterious substance to be discharged to the user's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substance in violation of this chapter.

(e) In any case where an industrial user knows in advance of the need to bypass and/or discharge a slug load, it shall submit prior notice to the ~~division of water pollution control~~ Superintendent at least 10 days before the date of bypass and/or discharge of a slug load. Such notice shall include information which identifies the time

and date of the start and stop of the discharge, the estimated volume of the discharge, as well as any proposed primary treatment to be applied to the discharge.

(f) Upon the request of the Superintendent, any industrial user may be required to submit to the division of water pollution control a slug control plan. The plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals; and

(3) Procedures for immediately notifying the water pollution control division of slug discharges, including any discharge that would violate a prohibition of this chapter, with procedures for follow-up written notification within five days.

Article IV. Wastewater Discharge Permit

Section 62. That section 14.80.500, When required, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.410 and amended to read as follows:

When required Wastewater discharge permit.

All significant industrial users ~~in any of the following categories are hereby defined as significant industrial users,~~ and shall be required to obtain a wastewater discharge permit before connecting to or discharging into a sanitary sewer:

~~(a) Users whose average wastewater strength cannot be established because of seasonal or other variations and/or operations.~~

~~(b) Users whose wastewater strength exceeds the normal range of wastewater strength.~~

~~(c) Users using an unmetered source of water.~~

~~(d) Users who fall under those guidelines set forth for federal categorical industries.~~

~~(e) Users discharging an amount greater than 25,000 gallons per day of process wastewater for any day during the preceding 12-month period.~~

~~(f) Users whose average discharge, measured either by volume of flow, weight of suspended solids, biochemical oxygen demand or chemical oxygen demand, exceeds two percent of the average loading on the applicable treatment facility.~~

~~(g) Other users determined by the Superintendent to require special regulation or source control.~~

Section 63. That section 14.80.510, Operational permits, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.420.

Section 64. That section 14.80.520, Application, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.430.

Section 65. That section 14.80.530, Evaluation and acceptance, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.440.

Section 66. That section 14.80.540, Conditions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.450.

Section 67. That section 14.80.550, Permit modifications to comply with new pretreatment standards, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.460.

Section 68. That section 14.80.560, Duration, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.470 and amended to read as follows:

Duration.

Permits issued under this article shall be for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ~~180~~forty-five (45) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 69. That section 14.80.570, Transfer, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.480.

Section 70. That section 14.80.580, Duties of Superintendent, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.490.

Section 71. That section 14.80.590, Inspection and sampling, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.500.

Section 72. That section 14.80.600, Trade secrets, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.510.

Section 73. That section 14.80.610, Reporting requirements, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.520.

Section 74. That section 14.80.620, Notice of hazardous waste discharge, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.530.

Section 75. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.20.540, which said section reads as follows:

Significant noncompliance.

It shall be unlawful for any industrial user to be in significant noncompliance with the pretreatment requirements set forth in this article. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations: Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).

(b) Technical review criteria or "TRC" violations: Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six(6) month period.

There are two (2) groups of TRCs: BOD, TSS, fats, oil, and grease, where the TRC is 1.4; and group II for all other pollutants, where the TRC is 1.2.

(c) Any other violation of an effluent limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(f) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations that the Superintendent considers to be significant.

Section 76. That section 14.80.630, Recordkeeping, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.550.

Article V. Septic Tank Truck Operators

Section 77. That section 14.80.640, Liquid waste haulers, discharge permit required, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.560.

Section 78. That section 14.80.650, Liquid waste discharge permit application, application fee, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.570.

Section 79. That section 14.80.660, Control authority, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.580.

Section 80. That section 14.80.680, Permit, conditions, renewal, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.590.

Section 81. That section 14.80.690, Liquid waste discharge location, fees, manifest, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.600.

Section 82. That section 14.80.700, Discharge of contents from holding tanks, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.610.

Section 83. That section 14.80.710, Change in liquid waste profile, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.620.

Section 84. That section 14.80.720, Rights of refusal, of the Code of the City of Topeka, Kansas is hereby renumbered as section 13.20.630.

Section 85. That section 14.80.730, Enforcement, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.640.

Section 86. That section 14.80.740, Liquid waste hauler—Regulatory penalty, the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.650.

Section 87. That section 14.80.750, Liquid waste hauler—Damage to facilities, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.660.

Section 88. That section 14.80.760, Liquid waste hauler—Criminal, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.670.

Article VI. Sewage Connection and Disposal Charges

Section 89. That section 14.80.770, Connection fees and monthly rate/charges established, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.680.

Section 90. That section 14.80.780, Calculation of charges and classification of users, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.690.

Section 91. That section 14.80.790, Standard classification charges, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.700.

Section 92. That section 14.80.795, Treatment of liquid waste—Setting of rate, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.710.

Section 93. That section 14.80.800, Special treatment conditions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.720.

Section 94. That section 14.80.810, Special metering conditions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.730.

Section 95. That section 14.80.820, Rendering of bills, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.740.

Section 96. That section 14.80.830, Effective date for charges, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.750.

Section 97. That section 14.80.840, Payment required—No discrimination, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.760.

Section 98. That section 14.80.850, Sewage disposal system fund, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.770.

Section 99. That section 14.80.860, Certification of names of water users without sewage connection, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.780.

Section 100. That section 14.80.870, Failure to pay bill, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.790.

Section 101. That section 14.80.880, Charges for restoring service, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.800.

Section 102. That section 14.80.890, Overpayment or underpayment, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.810.

Article VII. Grease Generators

Section 103. That section 14.80.900, Use of grease traps/interceptors, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.820.

Section 104. That section 14.80.910, Quarterly reporting, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.830.

Section 105. That section 14.80.920, Record keeping, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.840.

Section 106. That section 14.80.930, Additives, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.850.

Article VIII. Grease Hauler

Section 107. That section 14.80.940, License required, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.860.

Section 108. That section 14.80.950, Application, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.870.

Section 109. That section 14.80.960, License term, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.880.

Section 110. That section 14.80.970, License fee, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.890.

Section 111. That section 14.80.980, Grease hauler license renewal, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.900.

Section 112. That section 14.80.990, Grease waste inspection, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.910.

Section 113. That section 14.80.1000, Record keeping, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.920.

Section 114. That section 14.80.1010, Late fees, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.930.

Section 115. That section 14.80.1020, Suspension or revocation of license, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.940.

Section 116. That section 14.80.1030, Prohibited acts, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.20.950.

CHAPTER 13.25 STORMWATER UTILITY

Article I. Generally

Section 117. That section 14.85.010, General, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.010.

Section 118. That section 14.85.020, Statement of intent, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.020.

Section 119. That section 14.85.040, Findings, determinations and powers, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.030.

Section 120. That section 14.85.050, Operating budget, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.040.

Article II. Stormwater Drainage Fee

Section 121. That section 14.85.060, Fee established, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.050.

Section 122. That section 14.85.070, Fee for residential developed property, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.060.

Section 123. That section 14.85.080, Fee for nonresidential developed property, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.070.

Section 124. That section 14.85.090, Dwelling unit and impervious surface calculation—Generally, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.080.

Section 125. That section 14.85.100, Dwelling unit and impervious surface calculation—Appeal, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.090.

Section 126. That section 14.85.110, Collection of fee, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.100.

Section 127. That section 14.85.120, Program responsibility, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.110.

Section 128. That section 14.85.130, Stormwater utility enterprise fund, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.25.120.

CHAPTER 13.30 EROSION AND SEDIMENT CONTROL

Section 129. That section 14.90.010, Statement of Purpose, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.010.

Section 130. That section 14.90.030, Prohibition of illicit discharges into the municipal separate storm sewer system, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.020.

Section 131. That section 14.90.040, Exceptions, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.030.

Section 132. That section 14.90.050, Reporting of accidental discharges into the municipal storm sewer system, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.040.

Section 133. That section 14.90.060, Responsibility for costs of accidental discharge, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.050.

Section 134. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.30.060, which said section reads as follows:

Erosion and sediment control standards.

The Superintendent shall adopt and maintain Erosion and Sediment Control Standards to assist in the administration of this chapter. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:

(a) Fit the development to existing site conditions.

(b) Minimize the extent of exposure.

(c) Minimize duration of exposure.

(d) Break work activities into phases when possible.

(e) When possible, protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites, at least during the construction period.

(f) Stabilize disturbed areas.

(g) Keep runoff velocities low.

(h) Retain sediment on the site.

(i) Inspect and maintain control measures.

(j) Use performance measures and outcomes.

(k) Timely employment and maintenance of all measures.

(l) BMPs as identified by the Superintendent.

Section 135. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.30.070, which said section reads as follows:

General provisions.

Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements of this article, any person engaged in activities or operation, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants.

(a) Any person undertaking land disturbance activities shall comply with the requirements and standards set forth in this chapter. Permit requirements for land disturbance activities are set forth in this chapter.

(b) Applicability. Regardless of whether or not a land disturbance activity requires a permit, any person engaged in any land disturbance activity shall comply with

the spirit and intent of this chapter. At a minimum, such persons shall employ BMPs for erosion and sediment control in proportion to the scale of the activity to reduce the amount of sediment or other pollutants in stormwater discharges associated with those activities.

(c) Responsible Person(s). When the term “responsible person(s)” is used in this chapter it shall mean the landowner of the property upon which a land disturbance activity takes place and any person(s) performing a land disturbance activity. When a permit is issued, a landowner is responsible for land disturbance activities from permit issuance to closure, unless the City approves a transfer of responsibility to a new landowner when land is sold.

(d) Time Requirement. Where land disturbance activities have temporarily or permanently ceased on a portion of a project site for over fourteen (14) consecutive days, the disturbed areas shall be protected from erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the timeframe for compliance is extended by the Superintendent. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

Section 136. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.30.080, which said section reads as follows:

Permit.

(a) No person shall receive any permit for building, grading or other land development without meeting the requirements of this title and obtaining a land disturbance activity permit. Additionally, no responsible person shall initiate any grading

or other land disturbance activity without first obtaining a land disturbance activity permit.

(b) Application; Requirements. A land disturbance activity permit shall be required when any of the following occur:

(1) The removal, increase or stockpiling of any materials exceeds either 3,000 square feet or 100 cubic yards.

(2) The grading, excavation or stockpiling of any earthwork significantly changes a recognized, established watercourse or results in a significant change in drainage or runoff conditions to an established drainage easement of record.

(3) The land disturbance activity exceeds one (1) acre in area.

(4) The Superintendent determines that a land disturbance activity permit is required because of unique circumstances and a potential impact on the environment.

(c) The land disturbance activity permit shall be obtained prior to clearing of land in preparation for any of the activities set out in subsection (a). When the area exceeds one (1) acre, the land disturbance activity permit must be applied for at least ninety (90) days prior to beginning construction.

(d) Application; Exceptions. A land disturbance activity permit shall not be required for the following:

(1) The removal or increase of earthwork in conjunction with any construction project of less than 3,000 square feet for which a building or construction permit has been issued, provided the removal or increase of earthwork is contained on the parcel of property at which the land disturbance

activity is taking place. Property adjoining the parcel of property for which a building permit or construction permit has been issued may be used for the temporary storage of fill material provided written permission has been obtained from the adjoining property owner and the storage of fill materials ends at the completion of the permitted work. However, the work will conform to the standards and other requirements of this article and other applicable city ordinances.

(2) Cemetery graves.

(3) Sanitary landfills, where such landfills have been authorized by KDHE.

(4) Demolition landfills, where such landfills have been authorized by KDHE.

(5) Exploratory excavations, tests and sampling under the direction of a soils engineer or engineering geologist or as approved by the public works director.

(e) Nothing contained in this subsection (c) shall be construed as exempting from regulation excavation work or land disturbance activity which is regulated by separate permit as required under federal or state law or regulation or an permit or requirements set forth in TMC 12.45.040 concerning construction activity in the city's rights-of-way; TMC 17.15.140 concerning construction activities in floodplains; TMC 12.20.020 concerning construction adjacent to flood control levees; or TMC 17.10.040 concerning activities in buffer zones.

1714 (f) Review. The Superintendent shall complete a review of the SWPPP
1715 within fourteen (14) days of receiving the SWPPP from the developer.

1716 (1) Permit Required. If Superintendent determines that the SWPPP
1717 meets the requirements of this ordinance, Superintendent shall issue a permit
1718 valid for a specified period of time that authorizes the land disturbance activity
1719 contingent on the implementation and completion of the SWPPP.

1720 (2) Denial. If Superintendent determines that the SWPPP does not
1721 meet the requirements of this ordinance, the City shall not issue a permit for the
1722 land disturbance activity. The SWPPP must be resubmitted for approval before
1723 the land disturbance activity begins. All land use and building permits shall be
1724 suspended until the developer has an approved Stormwater Pollution Prevention
1725 Plan.

1726 (3) Superintendent inspections and enforcement. The Superintendent
1727 shall conduct inspections on a regular basis to ensure that erosion and sediment
1728 control measures are properly installed and maintained. In all cases the
1729 inspectors will attempt to work with the builder or developer to maintain proper
1730 erosion and sediment control at all sites. In cases where cooperation is withheld,
1731 construction stop work orders shall be issued by the Superintendent, until erosion
1732 and sediment control measures meet the requirements of this ordinance. An
1733 inspection must follow before work can commence. Inspections are required as
1734 follows:

1735 i. Before any land disturbance activity begins.

ii. For residential construction, at the time of footing inspections.

iii. At the completion of the project.

Section 137. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.30.090, which said section reads as follows:

Fees.

All applications for a permit under this article shall be accompanied by a fee to cover the costs of plan review and inspection. Such fees shall be in accordance with the following:

<u>Removal or Increase of</u>	<u>LDA/ Sq Ft.</u>	<u>Fee</u>
<u>0--100 cubic yards</u>	<u>0-3,000</u>	<u>\$0</u>
<u>101--1,000 cubic yards</u>	<u>3,000-1 acre</u>	<u>\$70.00</u>
<u>1,001--5,000 cubic yards</u>	<u>1-5 acres</u>	<u>\$120.00</u>
<u>5,001--500,000 cubic yards</u>	<u>5-10 acres</u>	<u>\$220.00</u>
<u>500,001 or greater cubic yards</u>	<u>10+ acres</u>	<u>\$320.00</u>

Section 138. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 13.30.100, which said section reads as follows:

Stormwater Prevention Plan or Erosion and Sediment Control Plan.

(a) SWPPP required. A SWPPP shall be required for any project which will have Land Disturbance Activity of one acre or more. Applicant for a permit shall provide Superintendent with a copy of NOI issued by KDHE and a copy of SWPPP submitted as part of the NOI application.

(b) Erosion Control Plan required. An Erosion and Sediment Control Plan shall be required for any project which will have removal or increase of 101 or more cubic yards of soil or other material subject to erosion by wind or water or Land Disturbance Activity of 3,000 or more feet but less than one (1) acre.

(c) The Erosion Control Plan or SWPPP shall meet the following criteria:

(1) Minimize, in area and duration, exposed soil and unstable soil conditions.

(2) Minimize disturbance of natural soil cover and vegetation.

(3) Protect receiving water bodies, wetlands and storm sewer inlets.

(4) Protect adjacent properties from sediment deposition.

(5) Minimize off-site sediment transport on trucks and equipment.

(6) Minimize work in and adjacent to water bodies and wetlands.

(7) Maintain stable slopes.

(8) Avoid steep slopes and the need for high cuts and fills.

(9) Minimize disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing.

(10) Minimize the compaction of site soils.

(d) Erosion and Sediment Control Plan or SWPPP Requirements. The Erosion and Sediment Control Plan or SWPPP shall include the following on all relevant plans and drawings:

(1) Site plans for existing and proposed conditions. A complete site plan and specifications, signed by the person who designed the plan shall be

drawn to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

i. Project map – A map at least 8.5 by 11 inches indicating site boundaries, property lines and lot dimensions in relation to surrounding roads, buildings and other structures, and other significant geographic features.

ii. Identification of all natural and artificial water features (including drain tiles) on or adjacent to the site including, but not limited to lakes, ponds, streams (including intermittent streams), wetlands, natural or artificial water diversion or detention areas, subsurface drainage facility, stormwater conveyance, and storm sewer catch basins.

iii. Identification of 100 year flood elevations and stream buffers.

iv. Existing and proposed grades showing drainage on and adjacent to the site.

v. Existing and proposed impervious surfaces.

vi. Steep slopes where areas of 12% or more exist over a distance for 50 feet or more.

vii. Location of all areas not to be disturbed during construction including trees, vegetation, and appropriated areas for infiltration.

viii. Proposed grading or other land-disturbing activity including areas of grubbing, clearing, tree removal, grading, excavation, fill and other disturbance; areas of soil or earth material storage; quantities of soil

or earth material to be removed, placed, stored or otherwise moved on site, and delineated limits of disturbance.

ix. Locations of proposed runoff control, erosion prevention, sediment control, and temporary and permanent soil stabilization measures.

(2) Erosion and Sediment Control Plan or SWPPP Specifications. The Erosion and Sediment Control Plan or SWPPP shall include a specifications section that addresses and includes the following requirements that are applicable to the project:

i. Stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the down gradient side or otherwise effectively protected from erosion if the soil or material is stockpiled for more than seven (7) calendar days. No stockpiling is allowed in the street.

ii. To reduce soil compaction and enhance vegetation establishment all compacted soil shall be tilled to a depth of at least six inches before revegetation.

iii. Provide that all silt fences used for erosion and sedimentation control and all other temporary controls shall not be removed until seventy percent (70%) of the permanent ground cover has been established and all temporary erosion control shall be removed within thirty (30) days thereafter.

iv. Methods to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, etc.

v. Design and construction methods to stabilize steep slopes.

vi. Stabilization of all waterways and outlets.

vii. Protection of storm sewer infrastructure from sediment loading or plugging.

ix. Stabilization of disturbed areas, including utility construction areas, as soon as possible.

x. Protection of roads from sediment and mud from construction site activities.

xi. Disposal of collected sediment and floating debris.

xii. Any mitigation measures required as a result of any review conducted for the project (e.g. stream buffer mitigation, etc.).

(3) Schedule of events. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of erosion and sedimentation control measures; and permanent site stabilization measures shall be provided.

(4) Designation of responsible person. The Erosion and Sediment Control Plan or SWPPP must identify the person who will oversee the implementation of the Erosion and Sediment Control Plan and the installation,

inspection and maintenance of the temporary and permanent erosion control measures.

(5) Monitoring, reporting and inspection. A detailed description of how erosion control, sediment control and soil stabilization measures implemented pursuant to the Erosion and Sediment Control Plan or SWPPP will be monitored, reported, maintained and removed. At a minimum the erosion and sediment and control plan or SWPPP shall provide for the following:

(a) During the construction season, the Responsible party shall inspect the erosion and pollution control devices and complete the inspection and maintenance reports every 7 days and within 24 hours of a precipitation event of ½ inch or more.

(b) During inactive seasons, such as winter shutdowns, inspection of the site condition shall be made at lease once a month. The devices shall be monitored at least daily during prolonged rainfall. Corrective action must begin within 48 hours of any deficiencies being found and must be completed within 7 calendar days.

(c) Each inspection report shall contain, at a minimum, the name of the responsible party, date of inspection, observations relative to the effectiveness of the erosion and pollution control measures, actions taken or necessary to correct deficiencies and areas where activities have been completed. Site inspection reports shall be maintained onsite with the SWPPP or erosion control plans.

(6) Changes or modification. Superintendent will require additional or modified information when there is a change in design, operation, maintenance, weather or seasonal conditions that have a significant effect on discharge and/or inspections indicate that the Erosion and Sediment Control plan is not effective and existing BMPs are not controlling pollutants and discharges from the site.

(e) SWPPP or Erosion and Sediment Control Plan Performance Standards and Design Criteria. All SWPPPs and Erosion and Sediment Control Plans shall be reviewed by the Superintendent for effectiveness of erosion and sediment control measures in the context of the site topography and drainage. Proposed design, suggested location and phased implementation of effective, practicable stormwater pollution prevention measures for SWPPPs and Erosion and Sediment Control Plans shall be designed, engineered and implemented using the following performance standards and design criteria.

(1) Runoff easements. If a stormwater management plan involves directing some or all runoff from the site, the Responsible Person shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(2) Scheduling site activities. The Responsible Person shall schedule site activities to lessen their impact on erosion and sediment creation.

(3) Minimize exposed soil. The Responsible Person shall minimize the amount of exposed soil. Mass grading should be avoided and sequencing promoted. At no time shall no more than 20 acres be exposed.

(4) Perimeter sediment controls. Perimeter sediment control measures shall be properly installed by the builder before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the Superintendent.

(5) Channel protection. Channel protection measures will be required as set forth in the Erosion Control Plan, SWPPP or as set forth in the applicable state or federal regulation.

(6) Outlet Protection. Pipe outlets must have energy dissipation installed within 24 hours of connection to a surface water.

(7) Erosion and Sediment Control methods. i) All disturbed areas shall be stabilized if it has not been worked for fourteen (14) days with temporary erosion protection or permanent cover. ii) If more than ten (10) acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included. iii) For disturbed areas less than ten (10) acres sedimentation basins are encouraged, but not required. The Responsible Person shall install erosion and sediment controls at locations directed by the Superintendent. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc. must be regularly inspected and maintained.

(8) Sediment basins related to impervious surface area - Where a project's ultimate development replaces surface vegetation with one or more cumulative acres of impervious surface, and all runoff has not been accounted for in the City Of Topeka's existing stormwater management plan or practice, runoff from the ½-inch 24-hour storm event shall be treated unless discharge is to a special water where runoff from the 1-inch 24-hour storm event shall be treated.

(9) Silt fence – Silt fence shall be properly installed by being trenched and buried at least six inches into the soil. Generally, sufficient silt fence will be required to contain sheet flow runoff generated at an individual site.

(10) Stockpile protections - For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, erosion from stockpiles must be controlled with perimeter control devices such as silt fence. If the physical features on the site prevent stockpiling at least twenty-five (25) feet from a road drainage channel or stormwater inlet, the Superintendent may allow stockpiling within twenty-five (25) feet provided the stockpile must be controlled with perimeter control devices immediately.

(11) Vehicle entrances - Temporary rock construction entrances must be installed and maintained wherever vehicles enter and exit a site. The design of this entrance shall take into consideration the amount of traffic that will be entering and exiting the site. Construction entrances shall be stabilized with at least 2" clear aggregate or an approved equal as determined by the

1932 Superintendent. On sites with high traffic, the Superintendent may require wash
1933 racks, wash ponds or other means of minimizing sediment leaving the site.

1934 (12) Street cleaning - Streets shall be cleaned and swept within 24
1935 hours whenever tracking of sediments occurs and before sites are left idle for
1936 weekends and holidays.

1937 (13) Dewatering treatment required – Sediment laden water that is being
1938 removed from the site by pumping or trenching shall be treated to remove a
1939 minimum of 80 percent removal of suspended solids before discharge. Water
1940 may not be discharged in a manner that causes erosion to receiving channels or
1941 flooding of the discharge site.

1942 (14) Storm drain protection - All storm drain inlets shall be protected
1943 during construction with control measures as approved by the Superintendent.
1944 These devices shall remain in place until final stabilization of the site. A regular
1945 inspection and maintenance plan shall be developed in implemented to assure
1946 these devices are operational at all times. Storm drain protection shall be
1947 removed and area inlet shall be cleaned of debris following site stabilization.

1948 (f) Modification of Plan. The Responsible Person must amend the Erosion
1949 Control Plan or SWPPP as necessary to include additional requirements such as
1950 additional or modified BMPs designed to correct problems identified or address
1951 situations whenever:

1952 (1) A change in design, construction, operation, maintenance, weather,
1953 or seasonal conditions that has a significant effect on the discharge of pollutants
1954 to surface waters or underground waters.

(2) Inspections indicate the Erosion Control Plan or SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances.

(3) The SWPPP is not achieving the general objectives of controlling pollutants or is not consistent with the terms and conditions of this permit.

Section 139. That section 14.90.160, Regulation of industrial activities, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.110 and amended to read as follows:

Regulation of industrial activities.

~~(a) — General.~~ All operators of landfills; hazardous waste treatment, disposal, and recovery facilities; municipal waste facilities; EPA hazardous waste generators; Kansas hazardous waste generators; and industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); and any other industrial facilities the director of public works determines are contributing a substantial pollutant load to the municipal stormwater sewer system; and who must obtain coverage for stormwater discharge associated with industrial activity shall:

(4a) Submit to the Superintendent a signed copy of notice of intent (NOI) or notice of nonexposure NOE, filed with the state of Kansas, to the stormwater section of the water pollution control division.

(2b) Prepare and implement a stormwater pollution prevention plan in accordance with the requirements set forth in operator's KDHE industrial stormwater permit. Any time there is a change in design, construction, operation, or maintenance,

which has a significant effect on potential stormwater discharges, or if the SWP2 plan is deemed ineffectual, the SWP2 plan must be updated. The operator shall retain the SWP2 plan for at least one year after stormwater discharges from industrial activities have ceased. The operator shall retain records for a six-year period of all sampling collection, and monitoring information collected and submit them on request to the director of public works. The operator shall upon request provide the Superintendent with a copy of the SWPPP including any amendments thereto.

(3c) No discharge shall contain any hazardous metals in a concentration greater than that which would exceed state of Kansas Surface Water Quality Standards.

Section 140. That section 14.90.170, Sampling of stormwater runoff by each industry, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.120 and amended to read as follows:

Sampling of stormwater runoff by each industry.

The operator shall upon request by Superintendent provide aA copy of any stormwater sampling and analysis results willrequired to be submitted to the city's water pollution control, stormwater section, on an annual basisKDHE under the terms of the industrial stormwater permit. Any additional information about each industry's sampling program shall be submitted to the city's water pollution control, stormwater sectionSuperintendent upon request including, but not limited to:

- (a) Results from the stormwater sampling;
- (b) Maintenance records on stormwater structural controls;
- (c) Information on the status and performance of stormwater structural controls;

(d) Information on the status and performance of any stormwater nonstructural controls; and

(e) Copies of all Superfund Amendments and Reauthorization Act Title III Section 313 reports that contain information on ground water and surface water monitoring, chemical release data, and corrective actions required by Kansas Department of Health and Environment.

Section 141. That section 14.90.180, inspection of industrial facilities, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 13.30.130 and amended to read as follows:

Inspection of industrial facilities.

At least once per year qualified personnel (provided by the operator) shall conduct a comprehensive site compliance evaluation. The operator shall upon request provide the Superintendent a copy of the annual site compliance evaluation. The operator shall submit to the Superintendent a copy of the notice of termination (NOT), submitted to the state of Kansas upon cessation of all stormwater discharges associated with industrial activity.~~Based upon this evaluation, the stormwater pollution prevention plan will be updated as needed. Within 10 days of completion of the comprehensive site compliance evaluation, the individual reporting shall submit a report summarizing the scope of the evaluation to the city's water pollution control division, stormwater section.~~

~~The city's water pollution control division, stormwater section, shall maintain an inventory of municipal landfills; hazardous waste treatment, disposal, and recovery facilities, and industrial facilities that are subject to Section 313 of Title III of the~~

~~Superfund Amendments and Reauthorization Act of 1986 and any other industrial facilities that the permittee has determined to be contributing a substantial pollutant load to the municipal stormwater sewer system.~~

~~The city's water pollution control division, stormwater section will sample stormwater from at least two of the sites listed in the inventory on an annual basis for the following parameters:~~

~~(a) Any pollutants limited in an existing NPDES permit for the facility.~~

~~(b) Oil and grease.~~

~~(c) Chemical oxygen demand.~~

~~(d) pH.~~

~~(e) Biochemical oxygen demand (five day).~~

~~(f) Total suspended solids.~~

~~(g) Total phosphorus.~~

~~(h) Total Kjeldahl nitrogen.~~

~~(i) Nitrate plus nitrite reported as N.~~

~~(j) A minimum of a single grab sample shall be obtained within the first 30 minutes of stormwater runoff. The storm event should result in one-tenth inch or more of rainfall.~~

~~Where all stormwater discharges associated with industrial activity have ceased, the operator of the facility shall submit a copy of notice of termination (NOT), submitted to the state of Kansas, to the director of public works.~~

Section 142. That section 14.90.070, Construction sites of five acres or greater of total disturbed area, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Construction sites of five acres or greater of total disturbed area.~~

~~(a) The owner, contractor, or subcontractor who is undertaking any construction activity which disturbs five or more acres of total land area shall:~~

~~(1) Apply to the state of Kansas for a general NPDES permit for discharges of stormwater runoff from construction activities.~~

~~(2) Apply for any and all other city applicable permits.~~

~~(b) In addition, any contractor or subcontractor who is undertaking a public improvement shall:~~

~~(1) Incorporate a stormwater pollution prevention plan into project specifications.~~

~~(2) Submit a copy of the notice of intent (NOI) submitted to the state of Kansas to the department of public works engineering division of the city with project plans and specifications.~~

~~(3) Submit a copy of the notice of termination (NOT) submitted to the state of Kansas to the department of public works engineering division of the city after final stabilization of the site.~~

~~(c) In addition, an owner, contractor, or subcontractor undertaking a private improvement shall:~~

~~(1) Submit a copy of the notice of intent (NOI) submitted to the state of Kansas to the department of public works, development services division, of the city 30 days prior to groundbreaking.~~

~~(2) Implement stormwater pollution prevention plan according to state of Kansas guidelines.~~

~~(3) Submit a copy of the notice of termination to the department of public works, development services division, of the city upon completion of project (final stabilization).~~

~~Each construction site owner, contractor, and subcontractor will be fully responsible for the proper implementation of the state required stormwater pollution prevention plan from preconstruction to final stabilization of the construction site.~~

Section 143. That section 14.90.080, Construction sites of less than five acres but greater than one acre of total disturbed area, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Construction sites of less than five acres but greater than one acre of total disturbed area.~~

~~A city permit for construction activity shall be required for any clearing, grading, excavation or construction of less than five acres but greater than one acre in an area. It is a violation of municipal code to proceed with clearing, grading, excavation or construction of less than five acres but greater than one acre without a permit for construction activity. A permit shall be obtained 30 days prior to clearing of land in preparation for any construction except:~~

~~(a) The removal or increase of earthwork if in conjunction with any construction project of greater than five acres for which a building or construction permit has been issued. Property adjoining the parcel or property for which a building permit or construction permit has been issued may be used for the temporary storage of fill material, provided written permission has been obtained from the adjoining property owner and the storage of fill materials ends at the completion of the permitted work.~~

However, the work will conform to the standards and other requirements of this chapter and other applicable city ordinances.

~~(b) Cemetery graves.~~

~~(c) Sanitary landfill where authorized.~~

~~(d) Demolition landfills where the Shawnee County health officer has authorized the same.~~

~~(e) Exploratory excavations, tests, and/or sampling under the direction of a soil engineer or engineering geologist or as approved by the department of public works.~~

~~Nothing contained herein shall be construed as exempting from regulation excavation work which is regulated by separate permit as set forth in TMC [12.45.040](#), Application and permit required, or TMC [17.15.140](#) (floodplain).~~

Section 144. That section 14.90.090, Application for a city permit for construction activity, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Application for a city permit for construction activity.~~

~~(a) A city permit for construction activity application shall be submitted:~~

~~(1) For public improvements to the department of public works, engineering division, for plan review and approval and issuance of a permit 30 days prior to any groundbreaking activity.~~

~~(2) For private improvements to the department of public works, development services division, for plan review and approval and issuance of a permit 30 days prior to any groundbreaking activity.~~

~~(b) Each construction activity application will include a stormwater pollution prevention plan consisting of:~~

~~(1) A detailed construction schedule that includes:~~

~~(i) When construction is scheduled to begin;~~

~~(ii) Timeline for stabilization of denuded areas;~~

~~(iii) When installation of BMPs will occur;~~

~~(iv) When earthen structure construction will occur;~~

~~(v) Timing for grading phases;~~

~~(vi) Timing for construction phases; and~~

~~(vii) Projection of final stabilization of site.~~

~~(2) A description of best management practices to be used on the site including:~~

~~(i) Physical description of best management practices;~~

~~(ii) Site and physical conditions that must be met for effective use of each best management practice;~~

~~(iii) Best management practice installation/construction procedures, including typical drawings; and~~

~~(iv) Operation and maintenance procedures for best management practices.~~

~~The stormwater pollution prevention plan shall be amended and updated as appropriate during the term of the permit or upon request by the director of public works.~~

~~The development services division will provide the application forms.~~

Section 145. That section 14.90.100, Submittal of best management practices, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Submittal of best management practices.~~

~~A description of best management practices to be used shall be submitted with any and all building application requirements to the city's department of public works,~~

development services division, or engineering division, before any earth moving can begin.

The city may deny a building permit, or any other required city approval necessary to commence or continue construction, on the grounds that the best management practices are not sufficient to control and reduce the discharge of sediment, silt, earth, soil, and other materials from the site.

Any owner, contractor or subcontractor who is responsible for implementing best management practices is responsible for any willful or negligent failure on his/her part to adequately implement control measures if such failure causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any other state-issued discharge permit for discharges from its municipal storm sewer system.

Section 146. That section 14.90.110, Regulation of construction sites, of the Code of the City of Topeka, Kansas, is hereby repealed.

Regulation of construction sites.

Any owner of a construction site or contractor or subcontractor working on a construction site shall use best management practices in accordance with concepts and methods described in Protecting Water Quality: A Field Manual for Missouri and Kansas* to control and reduce the discharge of pollutants to the municipal storm sewer system and waters of the United States to the maximum extent practicable.

The construction site contractor or subcontractor will supply qualified personnel to inspect disturbed areas of any construction site that has not been finally stabilized, areas used for storage of materials exposed to precipitation, best management practices installed on site, and locations where vehicles enter or exit the site.

Section 147. That section 14.90.120, Best management practices requirements, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Best management practices requirements.~~

~~(a) When a best management practices submittal is required, it shall include the following information:~~

~~(1) Whether the best management practice is temporary or permanent;~~

~~(2) Where, in relation to other site features, the best management practice is to be located;~~

~~(3) When, in relation to each phase of the construction procedures to complete the project, the best management practice will be installed; and~~

~~(4) Site conditions that must be met before removal of the best management practice, if the best management practice is not permanent.~~

~~(b) In addition, best management practices shall:~~

~~(1) Preserve existing vegetation where practical.~~

~~(2) Minimize areas of soil without vegetative cover to the extent practical.~~

~~(c) Where soil-disturbing activities will be stopped in an area for over 14 days, it shall be the duty of the permit holder to protect the disturbed areas from erosion by stabilizing the area with mulch or other similarly effective erosion control practices.~~

Section 148. That section 14.90.130, Construction activity permit issuance – Criteria for approval, suspension, and revocation, of the Code of the City of Topeka, Kansas, is hereby repealed.

14.90.130 Construction activity permit issuance – Criteria for approval, suspension, and revocation.

~~A permit shall be issued only when the requirements of this chapter with regard to the permit application, stormwater pollution prevention plan, required fees, and all other requirements have been satisfied. Any physical change in the site as a result of grading operations such as surface water drainage, soil and bedrock dislocations, alterations of ground water discharge, or any other natural or manmade modification which would cause doubt to be cast upon the feasibility of the contents of the original permit or stormwater pollution prevention plan must be reported in the intervening period between permit approval and stormwater pollution prevention plan implementation.~~

~~In granting a permit, the development services division, or engineering division, may attach such conditions as may reasonably be necessary to prevent danger to public or private property or to prevent the operations from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but are not limited to:~~

- ~~(a) Limitations on the hours of operation.~~
- ~~(b) Designation of traffic routes upon which materials may be transported.~~
- ~~(c) The place and manner of disposal of excavated or imported materials.~~
- ~~(d) Requirements as to the control of dust and tracking of dirt or other consequences of the operation which may be offensive or injurious to the neighborhood or to the general public.~~
- ~~(e) Regulations as to the use of public streets and places in the course of the work.~~
- ~~(f) Requirements for safe and adequate drainage of the site.~~

~~(g) Requirements for the fencing of excavation or fills which would be hazardous without such fencing.~~

~~Every city permit for construction activity shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 days of issuance or is not completed within one year from the date of issuance.~~

~~Any permittee holding an unexpired permit may apply in writing for an extension of the time within which construction operations are to be commenced or completed. The development services division, or engineering division, may extend the expiration date of the permit for a period not exceeding 180 days if the permittee presents satisfactory evidence that unusual difficulties have prevented commencement or completion of construction. The development services division, or engineering division, may suspend or revoke a city permit for construction activity if it is found that the applicant has failed to abide by the conditions of approval. It shall be a violation of municipal code to proceed with construction activity if a permit is suspended or revoked.~~

Section 149. That section 14.90.140, Completion of construction work, of the Code of the City of Topeka, Kansas, is hereby repealed.

Completion of construction work.

~~(a) Final Reports. Upon completion of grading work the development services division, or engineering division, may require the following reports and drawings and supplements thereto:~~

~~(1) An as-graded grading plan prepared by the civil engineer, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The civil~~

engineer shall state that to the best of his/her knowledge the work was done in accordance with the final approved grading plan.

~~(2) A soils grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. The soils engineer shall render a finding as to the adequacy of the site for the intended use.~~

~~(3) A geologic grading report prepared by the engineering geologist, including a final description of the geology of the site and any new information disclosed during the grading and the effect of such new information on recommendations incorporated in the approved grading plan. The engineering geologist shall render a finding as to the adequacy of the site for the intended use as affected by geologic factors.~~

~~(b) The permit holder shall notify the development services division, or engineering division, when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion control measures have been completed and the site stabilized in accordance with the stormwater pollution prevention plan, and the required reports have been submitted.~~

Section 150. That section 14.90.150, Fees, of the Code of the City of Topeka, Kansas, is hereby repealed.

Fees.

~~A fee to cover the costs of plan review and inspection shall accompany all applications for a construction activity permit under this chapter. Such fees shall be in accordance with the following:~~

(a)	One to three acre construction sites—	\$40.00
(b)	Three to five acre construction sites—	\$75.00

Section 151. That section 14.90.190, Citizen participation, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Citizen participation.~~

~~The water pollution control division of public works will receive citizen reports by telephone, in writing, and in person concerning any and all suspected illicit discharges into the municipal stormwater sewer system.~~

~~The water pollution control division of public works will keep a written record of each citizen report on file for a period of five years. This record will be furnished to the reporting citizen, upon request, along with information on any action undertaken by the city.~~

Section 152. That original § 14.80.390, § 14.80.490, § 14.80.500, § 14.80.560, § 14.90.160, § 14.90.170 and §14.90.180 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 153. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 154. This ordinance shall supersede any ordinances, resolutions or rules, or portions thereof, in conflict with the provisions of this ordinance.

Section 155. 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. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office and The Celtic Fox for New Year's Eve.

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

Section 1. Authorization is given to barricade a portion of the sidewalk adjacent to 124 SW 8th Street and 118 SW 8th Street from December 31, 2010, at 4:00 p.m. through January 1, 2011, at 1:00 a.m. Attendance to the celebration is open to the public between these hours.

Section 2. The barricaded portion of the sidewalk adjacent to 124 SW 8th Street and 118 SW 8th Street shall be temporarily removed from the City's right-of-way and the provisions of K.S.A. 41-719. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of the sidewalk adjacent to 124 SW 8th Street and 118 SW 8th Street from December 31, 2010, at 4:00 p.m. through January 1, 2011, at 1:00 a.m.

Section 3. Event attendees may buy, possess and consume alcoholic beverages in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of the sidewalk adjacent to 124 SW 8th Street and 118 SW 8th Street from December 31, 2010, at 4:00 p.m. through January 1, 2011, at 1:00 a.m.

Section 4. This Ordinance shall be null and void at 1:01 a.m. on January 1, 2011.

Section 5. This Ordinance shall take effect and be in force after its passage,
approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 10, 2010

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DATE: December 14, 2010

CONTACT PERSON: Jacque Russell, Human Resources Director **DOCUMENT #:**

SECOND PARTY/SUBJECT: Police and Fire Compulsory Retirement **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the effective date of retirement, amending City of Topeka Code Section 2.140.280 and specifically repealing said original section. First Reading.

This item was added at the meeting.

(Approval would change the retirement date for police and fire employees from the first day of the month that follows the date on which they attain the retirement age, to the last day of the quarter within which they attain retirement age.)

POLICY ISSUE:

Whether or not to approve the ordinance.

STAFF RECOMMENDATION:

Pass and Approve

BACKGROUND:

This slight change in the retirement date provides employees with greater flexibility in setting their final day of employment and in earning full quarter KPERS credits so as to maximize retirement benefits.

BUDGETARY IMPACT:

The only impact would come from the few extra weeks an employee would be allowed to work. The expense would be paid from the approved budget of the affected department.

SOURCE OF FUNDING:

General Fund.

Item #17

ATTACHMENTS:

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the effective date of retirement, amending City of Topeka Code § 2.140.280 and specifically repealing said original section.

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

Section 1. That section 2.140.280, Compulsory retirement, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Compulsory retirement.

All employees of the police department, excepting the chief thereof, shall be retired from employment in the department ~~on~~ no later than the ~~first~~ last day of the ~~month~~ quarter ~~within following the date on~~ which they attain the age of 67 years. All employees of the fire department, excepting the chief thereof, shall be retired from employment in the department ~~on~~ no later than the ~~first~~ last day of the ~~month~~ quarter ~~within following the date on~~ which they attain the age of 60 years. ~~Provided, however, no employee of the police or fire departments on the effective date of the ordinance from which this section was derived shall be retired by virtue of the provisions of this section until the employee has completed 22 years of service in such department.~~

Section 2. That original § 2.140.280 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

Section 4. This ordinance shall supersede any ordinances, resolutions or rules, or portions thereof, in conflict with the provisions of this ordinance.

CITY OF TOPEKA, KANSAS

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 28, 2010

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DATE: December 14, 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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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available