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City Council Agenda

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

December 21, 2010
6:00 PM

Mayor: William W. Buntten
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:**
"Downtown Topeka Incorporated"
3. **ROLL CALL:**
4. **CONSENT AGENDA:**

A. Board Appointment - Board of Electrical Appeals

BOARD APPOINTMENT recommending the re-appointment of Dave Krug to the Board of Electrical Appeals for a term ending December 31, 2012. *(Council District No. 6)*

B. Board Appointment - Board of Electrical Appeals

BOARD APPOINTMENT recommending the re-appointment of Jim Grunewald to the Board of Electrical Appeals for a term ending December 31, 2012. *(Council District No. 5)*

C. Board Appointment - Jayhawk Area Agency on Aging Advisory Council

BOARD APPOINTMENT recommending the re-appointment of Noda Preston to the Jayhawk Area Agency on Aging Advisory Council for a term ending December 31, 2013. *(Council District No. 4)*

D. MINUTES of the regular meeting of December 14, 2010

E. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Ordinance - Business Improvement District - 2011 Service Fee

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. Final 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

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. Final 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. Resolution - 2011-2012 Capital Improvement Budget and 2011 - 2015 Capital Improvement Program



[ATTACHMENTS](#)



[ATTACHMENTS](#)



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2011-2015 Capital Improvement Program and the 2011-2012 Capital Improvement Budget. *(Deferred from the meeting of December 7, 2010.)*

(Approval would establish the two-year Capital Improvement Budget and the five-year Capital Improvement Program for the City of Topeka.)

D. Ordinance - The Office



[ATTACHMENTS](#)

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

(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.)

E. 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. **Final Reading.**

(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.)

6. 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. Ordinance - Weekly Expenditures - November 22-28, 2010



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period November 22, 2010, through November 28, 2010, and enumerating said expenditures therein. **First and Final Reading.**

7. MISCELLANEOUS:

-

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

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 7, 2010

+ Back Print

DATE: December 21, 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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ACTION OF COUNCIL:

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Downtown Topeka Incorporated"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
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December 1, 2010

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DATE:	December 21, 2010	
CONTACT PERSON:	Mayor Bunten	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Electrical Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Dave Krug to the Board of Electrical Appeals for a term ending December 31, 2012. *(Council District No. 6)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilwoman Swank nominates and Mayor Bunten recommends the re-appointment of Dave Krug to the Board of Electrical Appeals for a term that would end December 31, 2012. There is no official attendance policy, however, Mr. Krug has no absences.

BACKGROUND:

Ordinance 18382. The purpose of the board shall be to review and approve the issuance of licenses in accordance with the Topeka City Code, and to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers therefrom, provided such exceptions, variances or waivers meet the intent of the adopted code.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 1, 2010

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DATE:	December 21, 2010	
CONTACT PERSON:	Mayor Bunten	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Electrical Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Jim Grunewald to the Board of Electrical Appeals for a term ending December 31, 2012. *(Council District No. 5)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilman Wolgast nominates and Mayor Bunten recommends the re-appointment of Jim Grunewald to the Board of Electrical Appeals for a term that would end December 31, 2012. There is no official attendance policy, however, Mr. Grunewald has one absence.

BACKGROUND:

Ordinance 18382. The purpose of the board shall be to review and approve the issuance of licenses in accordance with the Topeka City Code, and to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers therefrom, provided such exceptions, variances or waivers meet the intent of the adopted code.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 3, 2010

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DATE: December 21, 2010
CONTACT PERSON: Mayor Bunten **DOCUMENT #:**
SECOND PARTY/SUBJECT: Jayhawk Area Agency on Aging Advisory Council **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Noda Preston to the Jayhawk Area Agency on Aging Advisory Council for a term ending December 31, 2013. *(Council District No. 4)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Mayor Bunten recommends the re-appointment of Noda Preston to the Jayhawk Area Agency on Aging Advisory Council for a term that would end December 31, 2013. There is an attendance policy which states that a member may be recommended for removal if they attend less than half of the regularly scheduled meetings, or if they have two consecutive unexcused absences. There have been fifty meetings during her term; she has attended forty-seven meetings, and has three non-consecutive absences.

BACKGROUND:

KSA 75-5926; Older Americans Act and Ordinance 18382. Line 339 of the ordinance states that statutory boards are appointed by the Mayor.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Topeka, Kansas 66603

December 7, 2010

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DATE: December 21, 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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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 Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 8, 2010

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DATE: December 21, 2010

CONTACT PERSON: Braxton B. Copley, Deputy City Attorney **DOCUMENT #:**

SECOND PARTY/SUBJECT: Downtown Topeka, Inc. **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments

CIP PROJECT: No

ACTION OF COUNCIL: 12-14-10 First Reading **JOURNAL #:** 10

PAGE #:

DOCUMENT DESCRIPTION:

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. Final 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.)

POLICY ISSUE:

Whether to continue charging a fee for businesses in the Capital City Downtown Business Improvement District.

STAFF RECOMMENDATION:

Approve ordinance.

BACKGROUND:

This ordinance establishes the method to be used to raise the funds necessary for the downtown business improvement as defined by K.S.A. 12-1782(b). The levy is based on the number of square feet of floor area occupied by each business within the district.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Item #11

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



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 8, 2010

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DATE:	December 21, 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:	12-07-10 First Reading	JOURNAL #:	10
		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. Final 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 #12

[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).

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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

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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...."

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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;

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- 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.

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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

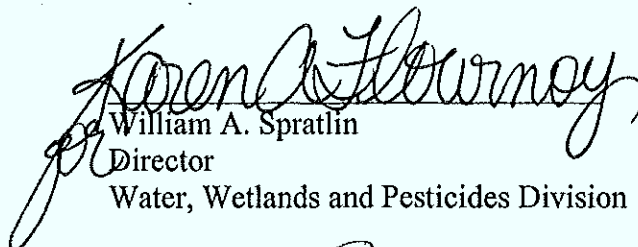
53. The terms of this Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Order is signed by EPA.

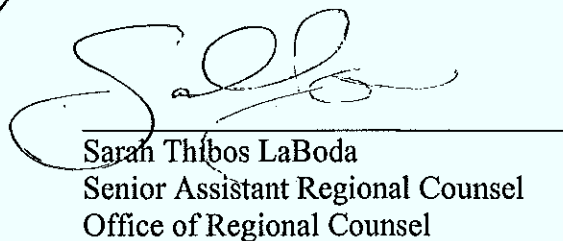
Termination

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.

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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

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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 Mueldener, 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.~~

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

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

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

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

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

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

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

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

479 ~~“Division” means the water pollution control division of the city of Topeka public~~
480 ~~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.

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

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

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

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

926 **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.

2160 Section 147. That section 14.90.120, Best management practices requirements,
2161 of the Code of the City of Topeka, Kansas, is hereby repealed.

2162 ~~**Best management practices requirements.**~~

2163 ~~(a) When a best management practices submittal is required, it shall include the~~
2164 ~~following information:~~

2165 ~~(1) Whether the best management practice is temporary or permanent;~~

2166 ~~(2) Where, in relation to other site features, the best management practice is to~~
2167 ~~be located;~~

2168 ~~(3) When, in relation to each phase of the construction procedures to complete~~
2169 ~~the project, the best management practice will be installed; and~~

2170 ~~(4) Site conditions that must be met before removal of the best management~~
2171 ~~practice, if the best management practice is not permanent.~~

2172 ~~(b) In addition, best management practices shall:~~

2173 ~~(1) Preserve existing vegetation where practical.~~

2174 ~~(2) Minimize areas of soil without vegetative cover to the extent practical.~~

2175 ~~(c) Where soil-disturbing activities will be stopped in an area for over 14 days, it~~
2176 ~~shall be the duty of the permit holder to protect the disturbed areas from erosion by~~
2177 ~~stabilizing the area with mulch or other similarly effective erosion control practices.~~

2178 Section 148. That section 14.90.130, Construction activity permit issuance –
2179 Criteria for approval, suspension, and revocation, of the Code of the City of Topeka,
2180 Kansas, is hereby repealed.

2181 **14.90.130 Construction activity permit issuance – Criteria for approval,**
2182 **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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 8, 2010

+ Back Print

DATE: December 21, 2010
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT: CIP
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2011-2015 Capital Improvement Program and the 2011-2012 Capital Improvement Budget.
(Deferred from the meeting of December 7, 2010.)

(Approval would establish the two-year Capital Improvement Budget and the five-year Capital Improvement Program for the City of Topeka.)

POLICY ISSUE:

Whether to approve a plan of future capital improvements for the City.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

Each year the City Council discusses and approves a two-year capital improvement budget (CIB) and a five-year capital improvement plan (CIP). Projects in the two-year budget can be brought forward to the City Council for approval of project budgets, which includes financing. The CIB and CIP do not appropriate any funding for projects. They are plans that guide City staff in project development and provide citizens with a picture of future improvements in the City.

BUDGETARY IMPACT:

None. The CIB and CIP do not authorize funding, rather they set forth a plan for projects and financing.

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Resolution](#)

[City Manager Recommendation](#)

Item #13

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2011-2015 Capital Improvement Program and the 2011-2012 Capital Improvement Budget.

WHEREAS, the 2011-2015 Capital Improvement Program has been prepared by staff; and

WHEREAS, a 2011-2012 Capital Improvement Budget has been prepared and recommended to the City Manager; and

WHEREAS, the City Manager has considered and recommends approval of said Program and Budget to the City Council.

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

Section 1. The 2011-2015 Capital Improvement Program (CIP), as contained in Attachment A, is hereby approved and adopted for the purpose of preliminary planning, long-range financial implications and analysis leading to the prioritization of projects to be included in the respective Capital Budget for the succeeding years.

Prior to the initiation and commencement of preliminary plans, acquisition of land or right-of-way, or other activities requiring the use of resources for any proposed project herein, the City Manager and, if appropriate, City Council shall approve and authorize the same.

The City Council shall not authorize any other capital improvement projects for the 2011-2015 period without rescinding this resolution and adopting a new resolution. All proposed changes shall be accompanied by a fiscal analysis demonstrating the financial

implications and the ability of the City to fund such projects.

Section 2. The 2011-2012 Capital Improvement Budget (CIB), consisting of the improvement projects and funding sources as contained in Attachment A, is hereby approved and adopted. Implementation of the projects contained in the 2011-2012 Capital Improvement Budget shall be approved by applicable ordinance or resolution as required by law. This resolution shall be rescinded and a new resolution adopted when the project budget exceeds the amount identified in the Capital Improvement Budget.

Section 3. The implementation of any 2010 project included in the 2010-2011 CIB approved by Resolution No. 8272 shall require approval of the City Council by passage of the applicable ordinance or resolution prior to March 31, 2011.

This Resolution shall become effective upon passage and approval by the City Council.

ADOPTED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

2010 - 2014 Capital Improvement Program	Adopted 2010	Adopted 2011	REQUEST 2011	City Manager 2011	Adopted 2012	REQUEST 2012	City Manager 2012	Adopted 2013	REQUEST 2013	City Manager 2013	Adopted 2014	REQUEST 2014	City Manager 2014	REQUEST 2015	City Manager 2015	Other Source	Other Contrib.
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Enterprise Funded Projects

Pub Wrks/Water Pollution Control Fund																	
PS07-Shunga PS Emerg. Backup Power	-	-	250,000	250,000	-	750,000	750,000	-	-	-	-	-	-	-	-		
South Kansas Pump Station - Phase I	4,000,000	7,000,000	5,000,000	5,000,000	-	2,449,089	2,449,089	-	-	-	-	-	-	-	-	RZEBD Bond	
Northland I Pump Station Replacement	615,000	-	1,000,000	1,000,000	-	-	-	-	-	-	-	-	-	-	-	Rev Bond	
Oakland WWTP - Biofilter	-	-	1,100,000	1,100,000	-	-	-	-	-	-	-	-	-	-	-	Rev Bond	
Oakland WWTP UV Expansion	500,000	1,000,000	1,000,000	1,000,000	-	400,000	400,000	-	-	-	-	-	-	-	-	Rev Bond	
Oakland WWTP - Emerg. Backup Power	-	-	300,000	300,000	-	-	-	-	-	-	-	-	-	-	-	Rev Bond	
N Topeka Pump Station	-	750,000	750,000	750,000	4,250,000	750,000	750,000	-	-	-	-	-	-	-	-	Rev Bond	
Southwest Interceptor	1,750,000	-	1,046,024	1,046,024	-	-	-	-	-	-	-	-	-	-	-	Bond/Devlper	460,000
Rehab/Replace Adams Interceptor	-	300,000	300,000	300,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	-	-	-	-	-	Rev Bond	
South Kansas Pump Station - Phase II	-	-	700,000	700,000	-	3,800,000	3,800,000	-	2,000,000	2,000,000	-	-	-	-	-	Rev Bond	
Oakland WWTP Solids Handling	-	1,300,000	300,000	300,000	-	2,000,000	2,000,000	-	5,000,000	5,000,000	-	-	-	-	-	Rev Bond	
Grant/Jefferson Pump Station Rehab	800,000	4,800,000	300,000	300,000	7,000,000	1,700,000	1,700,000	-	6,000,000	6,000,000	-	4,500,000	4,500,000	-	-	Rev Bond	
Rehab/Replace Main Interceptor	-	-	-	-	750,000	750,000	750,000	4,250,000	4,250,000	4,250,000	-	-	-	-	-	Rev Bond	
NTWWTP Rehab & Nutrient Removal	-	-	-	-	750,000	-	-	4,250,000	750,000	750,000	-	4,250,000	4,250,000	-	-	Rev Bond	
Oakland WWTP Digester Gas Utilization	-	-	-	-	-	-	-	-	-	-	4,700,000	2,000,000	2,000,000	2,700,000	2,700,000	Rev Bond	
Rehab/Replace Main Interceptor	-	-	-	-	-	-	-	-	-	-	-	750,000	750,000	4,250,000	4,250,000	Rev Bond	
Rehab/Replace Major Pump Station	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000,000	5,000,000	Rev Bond	
Inflow/Infiltration Correction Prg.	700,000	700,000	500,000	500,000	700,000	1,000,000	1,000,000	700,000	1,000,000	1,000,000	700,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	
Rehab/Replace of Sanitary Sewer	-	-	500,000	500,000	-	500,000	500,000	-	500,000	500,000	-	500,000	500,000	500,000	500,000	Operations	
Rehab/Replace Pump Stations	500,000	500,000	500,000	500,000	1,000,000	500,000	500,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	
New Sanitary Sewer Service Extension	-	-	-	-	1,000,000	-	-	1,000,000	-	-	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	
Replace Oakland WWTP Solids Processor	-	-	-	-	-	-	-	-	-	-	7,000,000	-	-	-	-		
Subtotal Water Pollution Control	8,865,000	16,350,000	13,546,024	13,546,024	19,450,000	18,599,089	18,599,089	15,200,000	24,500,000	24,500,000	14,400,000	15,000,000	15,000,000	15,450,000	15,450,000		
Public Works/Stormwater Fund																	
Hwy 24 Storm Project	800,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Levee System Rehab	251,000	1,444,000	1,444,000	1,444,000	2,101,000	2,101,000	2,101,000	2,101,000	2,101,000	2,101,000	2,102,000	2,102,000	2,102,000	-	-	Operations	
Levee Repairs	-	-	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	Operations	
SE 29th St Piping Replacement-Phase I	300,000	-	235,000	235,000	-	-	-	-	-	-	-	-	-	-	-	Rev Bond	
SE 29th St Piping Replacement-Phase II	-	-	700,000	700,000	-	-	-	-	-	-	-	-	-	-	-	Rev Bond	
Woodbury Ct	-	-	250,000	250,000	-	150,000	150,000	-	-	-	-	-	-	-	-	Rev Bond	
Source Water Protection "Wanamaker Wetlands"	500,000	400,000	400,000	400,000	-	-	-	-	-	-	-	-	-	-	-	Operations	
City Park Pump Station	-	-	200,000	200,000	-	1,000,000	1,000,000	-	-	-	-	-	-	-	-	Rev Bond	
Heartland Prk BMP	10,000	560,000	-	-	-	200,000	200,000	-	-	-	-	-	-	-	-	Operations	
Retrofit/New Storm Sewer System	1,000,000	1,000,000	750,000	750,000	1,000,000	1,000,000	1,000,000	1,000,000	2,000,000	2,000,000	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	Operations	
Furman Road Retention Pond	400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Rochester Drainage Correction	300,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-		
Subtotal Stormwater	3,561,000	4,604,000	5,979,000	5,979,000	3,101,000	4,451,000	4,451,000	3,101,000	4,101,000	4,101,000	3,102,000	4,102,000	4,102,000	2,000,000	2,000,000		

2010 - 2014 Capital Improvement Program	Adopted 2010	Adopted 2011	REQUEST 2011	City Manager 2011	Adopted 2012	REQUEST 2012	City Manager 2012	Adopted 2013	REQUEST 2013	City Manager 2013	Adopted 2014	REQUEST 2014	City Manager 2014	REQUEST 2015	City Manager 2015	Other Source	Other Contrib.
Public Works/Water Fund																	
Disinfection Modification at WTP	125,000	1,437,500	3,660,000	3,660,000	1,437,500	-	-	-	-	-	-	-	-	-	-	Rev Bonds	-
Waterline Extension along Fairlawn to 41st and Wanamaker	70,000	2,297,000	2,040,000	2,040,000	-	-	-	-	-	-	-	-	-	-	-	SRF	
12th St from Monroe to California	125,000	1,355,000	-	-	1,355,000	-	-	-	2,906,000	2,906,000	-	-	-	-	-	Rev Bonds	-
Reo -Kansas Ave to Topeka Blvd	30,000	670,000	-	-	-	717,500	717,500	-	-	-	-	-	-	-	-	Rev Bonds	
SE 45th-SE Topeka to SE California	1,525,000	-	1,600,000	-	-	-	-	-	-	-	-	-	-	-	-	Rev Bonds	Cnty 1/2 Cent
Water Treatment Plant Rehabilitation	-	-	-	-	-	-	-	4,161,000	-	-	-	-	-	4,265,025	4,265,025	Rev Bonds	
California from 33rd to 41st Street	-	-	-	-	-	-	-	1,062,000	1,062,000	1,062,000	-	-	-	-	-	Rev Bonds	
Fairlawn, Skyline Dr to 45th	-	-	-	-	-	-	-	737,000	737,000	737,000	-	-	-	-	-	Rev Bonds	-
45th St from Fairlawn to Gage	-	-	-	-	-	-	-	649,000	-	-	-	665,225	665,225	-	-	Rev Bonds	
17th & Belle Pressure Improvement	-	-	-	-	-	-	-	300,000	-	-	-	300,000	300,000	-	-	Rev Bonds	
Berryton Rd 50th to 53rd	-	-	-	-	-	-	-	240,000	240,000	240,000	-	-	-	-	-	Rev Bonds	-
37th St. - Kentucky to California	-	-	-	-	-	-	-	-	445,000	445,000	-	-	-	-	-	Rev Bonds	
South Elevated Tank - 65th Street	-	-	-	-	-	4,970,000	4,970,000	-	-	-	-	-	-	-	-	Rev Bonds	
W. Elevated Tank on Indian Hills Rd	-	-	-	-	-	-	-	-	-	-	5,545,000	5,545,000	5,545,000	-	-	Rev Bonds	-
California-12th to 6th to Market	-	-	-	-	-	-	-	-	-	-	1,308,000	1,308,000	1,308,000	-	-	Rev Bonds	
41st & Cal E. to W. Edge and so. to 45th	-	-	-	-	-	-	-	-	-	-	1,064,000	1,064,000	1,064,000	-	-	Rev Bonds	
Southeast Elevated Tank	-	-	-	-	-	-	-	-	-	-	985,000	985,000	985,000	-	-	Rev Bonds	
Kirklawn Booster St-Modify Pump Units	-	-	-	-	-	-	-	-	-	-	352,000	352,000	352,000	-	-	Rev Bonds	
Burlingame, 49th to 57th, E to Tpk Blvd	-	-	-	-	-	-	-	-	-	-	-	-	-	1,913,000	1,913,000	Rev Bonds	
57th & Wenger to 65th & Westview	-	-	-	-	-	-	-	-	-	-	-	-	-	1,075,000	1,075,000	Rev Bonds	
57th & Topeka Blvd to University Blvd to 65th and Westview Rd	-	-	-	-	-	-	-	-	-	-	-	-	-	1,515,000	1,515,000	Rev Bonds	
Fairlawn Booster St-New East Pump	-	-	-	-	-	-	-	-	-	-	-	-	-	550,000	550,000	Rev Bonds	
Meriden Booster Station	-	-	-	-	-	-	-	-	-	-	-	-	-	406,000	406,000	Rev Bonds	
Subtotal Water	1,875,000	5,759,500	7,300,000	5,700,000	2,792,500	5,687,500	5,687,500	7,149,000	5,390,000	5,390,000	9,254,000	10,219,225	10,219,225	9,724,025	4,265,025	Rev Bonds	
Sub-Total Enterprise Fund	14,301,000	26,713,500	26,825,024	25,225,024	25,343,500	28,737,589	28,737,589	25,450,000	33,991,000	33,991,000	26,756,000	29,321,225	29,321,225	27,174,025	21,715,025		

2010 - 2014 Capital Improvement Program	Adopted 2010	Adopted 2011	REQUEST 2011	City Manager 2011	Adopted 2012	REQUEST 2012	City Manager 2012	Adopted 2013	REQUEST 2013	City Manager 2013	Adopted 2014	REQUEST 2014	City Manager 2014	REQUEST 2015	City Manager 2015	Other Source	Other Contrib.
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General Fund

Fire Department																	
Lease Purchase 7 Fire Trucks (10 yr)	-	375,000	350,467	350,467	375,000	350,467	350,467	375,000	350,467	350,467	375,000	350,467	350,467	350,467	350,467		
Police Department																	
Electronic Ticketing	-	-	350,000	-	-	-	-	-	-	-	-	-	-	-	-		
Impound Lot/Towing Serv. Feasiblility Study	-	-	100,000	-	-	-	-	-	-	-	-	-	-	-	-		
Radios for Police and Fire	-	-	3,232,300	-	-	-	-	-	-	-	-	-	-	-	-		
Fleet Replacement	-	-	1,000,000	-	-	1,000,000	600,000	-	1,000,000	500,000	-	1,000,000	400,000	1,000,000	400,000		
Bomb Unit Total Containment Vessel	-	-	-	-	-	-	-	-	-	-	-	350,000	-	-	-		
Sub-Total General Fund	-	375,000	5,032,767	350,467	375,000	1,350,467	950,467	375,000	1,350,467	850,467	375,000	1,700,467	750,467	1,350,467	750,467		

Other Funding Sources

City Half-Cent Sales Tax Street Repair																	
Neighborhood Infrastructure (2009)	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Engineering and Design (2009)	700,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Maintain & Improve Existing Streets	11,431,000	12,325,000	12,190,000	12,190,000	12,625,000	12,390,000	12,390,000	13,425,000	12,590,000	12,590,000	13,725,000	12,790,000	12,790,000	12,990,000	12,990,000		
ADA Street Curb Repair	500,000	500,000	300,000	300,000	500,000	300,000	300,000	500,000	300,000	300,000	500,000	300,000	300,000	300,000	300,000		
Curbs, Gutters and Street Repair	1,000,000	1,000,000	500,000	500,000	1,000,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000		
Alley Repair	100,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000		
Sidewalk Repair 50-50	125,000	125,000	60,000	60,000	125,000	60,000	60,000	125,000	60,000	60,000	125,000	60,000	60,000	60,000	60,000		
Subtotal Half-Cent Sales Tax	15,056,000	14,200,000	13,300,000	13,300,000	14,500,000	13,500,000	13,500,000	14,800,000	13,700,000	13,700,000	15,100,000	13,900,000	13,900,000	14,100,000	14,100,000		
Federal Fund Exchange																	
Bridge SW 49th W over Topeka Blvd	-	-	-	-	-	946,000	946,000	-	-	-	-	-	-	-	-		
Bridge on Cherokee St over Ward Cr.	-	-	-	-	-	80,000	80,000	-	30,000	30,000	-	740,000	740,000	-	-		
Bridge on 3rd St over Ward Cr.	-	-	-	-	-	-	-	-	-	-	-	75,000	75,000	50,000	50,000		
Wanamaker Rd - SW 29th to SW 37th	-	-	600,000	600,000	-	5,600,000	5,600,000	-	-	-	-	-	-	-	-		
SW 10th Ave - Gage Blvd to Fairlawn Rd	-	-	450,000	450,000	-	150,000	150,000	-	5,400,000	5,400,000	-	-	-	-	-		
Subtotal Fed Fund Exchange	-	-	1,050,000	1,050,000	-	6,776,000	6,776,000	-	5,430,000	5,430,000	-	815,000	815,000	50,000	50,000		
Sub-Total Other Funding Sources	15,056,000	14,200,000	14,350,000	14,350,000	14,500,000	20,276,000	20,276,000	14,800,000	19,130,000	19,130,000	15,100,000	14,715,000	14,715,000	14,150,000	14,150,000		

2010 - 2014 Capital Improvement Program	Adopted 2010	Adopted 2011	REQUEST 2011	City Manager 2011	Adopted 2012	REQUEST 2012	City Manager 2012	Adopted 2013	REQUEST 2013	City Manager 2013	Adopted 2014	REQUEST 2014	City Manager 2014	REQUEST 2015	City Manager 2015	Other Source	Other Contrib.
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GO Bonded Projects

Neighborhoods/Citywide																	
Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000		-
Neighborhood Sustainability	100,000	100,000	-	-	100,000	-	-	100,000	-	-	100,000	-	-	-	-		
Johnson Control Update City Hall	225,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Boiler Replacement City Hall	-	225,000	199,250	199,250	-	-	-	-	-	-	-	-	-	-	-		
City Parking Lot Improvements	-	-	-	-	-	219,780	-	-	-	219,780	-	-	-	-	-		
Energy Audit Update	-	-	53,000	-	-	-	-	-	-	-	-	-	-	-	-		
Fire Station Driveway/Apron Repairs	-	-	66,600	-	-	-	-	-	-	-	-	-	-	-	-		
Holiday Parking Deck	-	-	116,000	-	-	-	-	-	-	-	-	-	-	-	-		
Carpet Replacement	-	-	111,000	-	-	-	-	-	-	-	-	-	-	-	-		
HVAC Replace/Electrical Upgrades	-	-	132,650	-	-	-	-	-	-	-	-	-	-	-	-		
City Facility Rehabilitation and Repair	-	-	-	427,000	-	-	-	-	-	-	-	-	-	-	-		
Subtotal	1,725,000	1,725,000	2,078,500	2,026,250	1,500,000	1,619,780	1,400,000	1,500,000	1,400,000	1,619,780	1,500,000	1,400,000	1,400,000	1,400,000	1,400,000		
Fire Department																	
Build Fire Station #13 (6th & Fairlawn)	116,375	3,340,000	116,600	116,600	-	3,551,000	3,551,000	-	-	-	-	-	-	-	-		
Purchase One Aerial Ladder Truck	1,360,000	-	-	-	-	-	-	-	-	-	-	-	-	1,300,000	1,300,000		
Purchase 2 Engine Co. Apparatus	-	918,000	-	-	-	-	-	-	-	-	-	-	-	-	-		
Purchase 1 Engine Co. Apparatus - Eng 6	-	-	-	-	-	487,500	487,500	-	-	-	-	-	-	-	-		
Build Fire Station - South	-	200,000	212,000	-	150,000	-	-	3,950,000	159,000	-	-	4,558,000	-	-	212,000		
Purchase 2 Pumper Apparatus	-	-	-	-	935,000	-	-	-	-	-	935,000	-	-	-	-		
Purchase 1 Engine Co. Apparatus - Trk 11	-	-	-	-	-	-	-	-	575,000	575,000	-	-	-	-	-		
Purchase 3 Pumper Apparatus	-	-	-	-	-	-	-	-	-	-	-	1,620,000	1,080,000	-	-		
Build Fire Station - Burn/Training Facility	-	-	-	-	-	-	-	-	-	-	1,075,000	-	-	-	-		
Subtotal	1,476,375	4,458,000	328,600	116,600	1,085,000	4,038,500	4,038,500	3,950,000	734,000	575,000	2,010,000	6,178,000	1,080,000	1,300,000	1,512,000		
Signals																	
Traffic Controller Upgrade	102,400	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
STP Safety Projects	120,000	185,000	120,000	120,000	185,000	185,000	185,000	185,000	185,000	185,000	185,000	185,000	185,000	185,000	185,000	FHWA Safety	4,650,000
Signals Replacement	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000	640,000		-
Subtotal	862,400	825,000	760,000	760,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000		
Streets																	
Complete Streets	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000		
Infill Sidewalks	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000		
Capitol District Project*	-	-	-	1,000,000	-	-	2,000,000	-	-	2,000,000	-	-	2,000,000	-	-		
SW 10th Sidewalk-Meadow to Civitan	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
US Hwy 24 and Topeka Blvd	-	-	-	-	-	795,000	-	-	795,000	1,590,000	-	-	-	-	-	State/Fed	5,750,000
Subtotal	500,000	250,000	250,000	1,250,000	250,000	1,045,000	2,250,000	250,000	1,045,000	3,840,000	250,000	250,000	2,250,000	250,000	250,000		
* Pending City Council approval of a project budget for this proposal.																	
Bridges																	
Bridge SW 49th W over Topeka Blvd	70,000	286,000	-	-	-	-	-	-	-	-	-	-	-	-	-		
Bridge on Cherokee St over Ward Cr.	-	-	-	-	300,000	-	-	300,000	300,000	300,000	300,000	-	-	-	-		
Subtotal	70,000	286,000	-	-	300,000	-	-	300,000	300,000	300,000	300,000	-	-	-	-		

2010 - 2014 Capital Improvement Program	Adopted 2010	Adopted 2011	REQUEST 2011	City Manager 2011	Adopted 2012	REQUEST 2012	City Manager 2012	Adopted 2013	REQUEST 2013	City Manager 2013	Adopted 2014	REQUEST 2014	City Manager 2014	REQUEST 2015	City Manager 2015	Other Source	Other Contrib.
Parks & Recreation																	
Trail Development	100,000	100,000	-	-	425,000	425,000	425,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	Trans Enhanc	2,416,000
Playground Equipment	100,000	-	250,000	250,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000		-
Garfield Pool Renovation	1,983,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
CC Window and Door Replacement	242,250	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Helen Hocker Office & Classroom	520,200	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Golf Course Cart Paths	695,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Gage Park Accessible Ball Field	399,700	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Gage Park ADA Walkways	-	153,000	202,884	202,884	153,000	-	-	-	-	-	-	-	-	-	-		-
Oakland Center Gym Floor Replace.	-	100,000	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Park Restrooms - M Palm	-	348,100	120,000	120,000	-	-	-	-	-	-	-	-	-	-	-		-
Water Spray Park – Crestview Park	-	-	-	-	1,043,350	-	-	-	1,044,000	-	-	-	-	-	-		-
Park Maintenance Building	-	-	-	-	357,000	600,350	-	-	-	-	-	-	-	-	-		-
Water Spray Park - Oakland/Billard	-	-	-	-	-	650,000	-	550,000	-	650,000	-	-	-	-	-		-
Golf Course Irrigation Replacement	-	-	950,000	950,000	-	-	-	950,000	-	-	-	-	-	-	-		-
Athletic Complex Renovations	-	-	130,000	130,000	-	-	-	-	-	-	-	-	-	-	-		-
Oakland -Garfield Gym Floors	-	-	208,000	208,000	-	-	-	-	-	-	-	-	-	-	-		-
Garfield Center Gym Floor Replace	-	-	-	-	-	-	-	110,000	-	-	-	-	-	-	-		-
Westlake Shelterhouse Renovation	-	-	-	-	-	-	-	-	-	-	478,800	-	-	-	-		-
Blaisdell Baby Pool Renovation/Upgrade	-	-	-	-	-	-	-	-	-	-	625,000	625,000	625,000	-	-		-
Gage Park Mini-Train Replacement	-	-	-	-	-	-	-	-	-	-	354,450	600,000	600,000	-	-		-
Snyders Cabin Replacement	-	-	-	-	-	-	-	-	-	-	-	400,000	400,000	-	-		-
Gage Park Perimeter Walks	-	-	-	-	-	-	-	-	-	-	-	-	-	160,807	160,807		-
ADA Upgrades	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000	250,000		-
Community Center Upgrades	-	-	-	-	-	-	-	-	-	-	-	-	-	1,400,000	1,400,000		-
Subtotal	4,040,150	701,100	1,860,884	1,860,884	2,078,350	1,775,350	525,000	1,810,000	1,244,000	850,000	1,658,250	1,825,000	1,825,000	2,010,807	2,010,807		
Zoo																	
Animals and Man Roof Replacement	150,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	FOTZ	1,334,534
Creatures of Darkness	184,375	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
Tropical Rain Forest Roof	-	-	-	2,299,776	2,000,000	2,299,776	-	-	-	-	-	-	-	-	-		-
Lrg Carnivore/Great Ape Quarantine Fac	-	-	555,540	-	-	-	-	-	-	-	-	-	-	-	-		-
Zoo Necropsy Room	-	-	112,115	112,115	-	-	-	-	-	-	-	-	-	-	-		-
Zoo Security	-	-	170,034	170,034	-	-	-	-	141,179	-	-	-	-	-	-		-
Zoo Asphalt Repair/Replace	-	-	122,237	122,237	-	-	-	-	-	-	-	-	-	-	-		-
Gorilla Off Exhibit Day Room	-	-	-	-	-	-	-	-	184,461	-	-	-	-	-	-		-
Subtotal	334,375	-	959,926	2,704,162	2,000,000	2,299,776	-	-	325,640	-	-	-	-	-	-		-
Subtotal GO Bond Projects	9,008,300	8,245,100	6,237,910	8,717,896	8,038,350	11,603,406	9,038,500	8,635,000	5,873,640	8,009,780	6,543,250	10,478,000	7,380,000	5,785,807	5,997,807		
Contingency		-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
TOTAL GO Bond PROJECTS	9,008,300	8,245,100	6,237,910	8,717,896	8,038,350	11,603,406	9,038,500	8,635,000	5,873,640	8,009,780	6,543,250	10,478,000	7,380,000	5,785,807	5,997,807		
Total Annual Target	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000		
Difference Target to Subtotal	(8,300)	754,900	2,762,090	282,104	961,650	(2,603,406)	(38,500)	365,000	3,126,360	990,220	2,456,750	(1,478,000)	1,620,000	3,214,193	3,002,193		
Total CIP	38,365,300	49,533,600	52,445,701	48,643,387	48,256,850	61,967,462	59,002,556	49,260,000	60,345,107	61,981,247	48,774,250	56,214,692	52,166,692	48,460,299	42,613,299		



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 15, 2010

+ Back Print

DATE: December 21, 2010

CONTACT PERSON: Councilmember Karen Hiller **DOCUMENT #:**

SECOND PARTY/SUBJECT: The Office **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 010 Alcoholic Beverages

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

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

(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.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for 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 15, 2010

+ Back Print

DATE: December 21, 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. Final Reading.

(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:

Minimal.

SOURCE OF FUNDING:

General fund.

ATTACHMENTS:

[Ordinance](#)

Item #15

(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.

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 7, 2010

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

DATE: December 21, 2010
CONTACT PERSON: Brenda Younger **DOCUMENT #:**
SECOND PARTY/SUBJECT: Applications **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage License Applications.

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

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

POLICY ISSUE:

None

STAFF RECOMMENDATION:

Approve the licenses.

BACKGROUND:

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

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 8, 2010

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

DATE: December 21, 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 November 22, 2010, through November 28, 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 22, 2010 through November 28, 2010, in the amount of \$1,490,107.38.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures](#)

[DETAIL REPORT AP WEEK ENDING 11/28/10](#)

[DETAIL REPORT CB55 WEEK ENDING 11/28/10](#)

(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 22, 2010, through November 28, 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 152 vendor checks written this period	373,604.59
	Total vendor payments voided in this period (net)	(1,177.00)
	Total of 107 electronic transfers to vendors this period	1,117,679.79
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	<u>000,000.00</u>
	Total for expenditures in this period	<u>\$1,490,107.38</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

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/22/2010 and 11/28/2010

Attachment number 2
Page 1 of 20

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
Electronic Payments			
8680	11/26/2010	BROOKS, JOSEPH 641	1,000.00
11505	11505		1,000.00
8681	11/26/2010	CHARAY, BECKY 6625	323.05
40484.6878		ADV-ST PAUL MN 11/29-12/3/10	323.05
8682	11/26/2010	COFFLAND, DARRIN 1003	130.73
40497.3655		EE-SAFETY BOOTS	130.73
8684	11/26/2010	CORONEL, DORA A 1123	19.00
40444.5183		ADV-ATLANTA GA 9/26-30/10	-244.00
40458.6246		RCN-ATLANTA GA 9/26-30/10	263.00
8685	11/26/2010	HAYDEN, RYAN B 2133	379.50
40483.3263		ADV-ENNIS TX 12/3-11/10	379.50
8686	11/26/2010	LESTER, LISA K 3038	44.00
40438.5007		ADV - ATLANTA GA 9/26-30/10	-244.00
40457.3911		RCN-ATLANTA GA 9/26-30/10	288.00
8687	11/26/2010	MCGEE, MICHAEL E 3292	11.00
40490.6490		WICHITA KS 11/4/10 APWA MEET	11.00
8688	11/26/2010	SCHRAEDER JR, EDWARD R 4414	147.95
40494.6475		EE-SAFETY BOOTS	147.95
8689	11/26/2010	WHISMAN, JON DAMON 5403	379.50
40476.3224		ADV-ENNIS TX 12/3-11/10	379.50
8690	11/26/2010	AAA ALLIED GROUP INC 22	1,155.00
245063	558632		38.50
245067	558632		38.50
261943	558632		38.50
261944	558632		38.50
261947	558457		38.50
261948	558632		38.50
262457	558632		38.50
262500	558632		38.50
262501	558632		38.50
262554	558632		38.50
262555	558632		38.50
262556	558632		38.50
262361	558632		38.50
262401	558632		38.50
262402	558457		38.50
262450	558632		38.50
262452	558457		38.50
262455	558632		38.50
262272	558632		38.50
262308	558632		38.50
262309	558632		38.50
262311	558632		38.50
262312	558632		38.50
262313	558632		38.50
261949	558632		38.50
261973	558632		38.50
262081	558632		38.50
262084	558632		38.50
262270	558632		38.50
262271	558632		38.50
8691	11/26/2010	ADVENTURETECH GROUP INC 74	225.00
4474	10093		225.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/22/2010 and 11/28/2010

Attachment number 2
Page 2 of 20

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8692	11/26/2010	AMERIPRIDE 197	114.05
T728987	558591		17.75
T729373	10127		66.55
T729383	558591		29.75
8693	11/26/2010	ANIMAL CLINIC OF NORTH TOPEKA 235	1,835.62
71404	558422		1,835.62
8694	11/26/2010	APEX TECHNOLOGY SOLUTIONS LLC 239	368.75
5677	11592		368.75
8695	11/26/2010	ARMSTRONG CONSTRUCTION 255	9,165.00
2013	559442		2,200.00
2014	10339	1832 SW Hope	6,965.00
8696	11/26/2010	BARTLETT & WEST ENGINEERS 391	8,213.40
730026944	537926		5,035.90
730027036	558037		3,177.50
8697	11/26/2010	BINSWANGER GLASS INC 493	75.00
59326301	558465		75.00
8698	11/26/2010	BLUE CROSS BLUE SHIELD INC 528	98,720.68
W/E 11/23/10	DE		98,720.68
8699	11/26/2010	BOETTCHER SUPPLY INC 543	60.00
657349 1	558545		60.00
8700	11/26/2010	CASA OF SHAWNEE COUNTY 838	2,826.24
2010 3	559383		2,826.24
8701	11/26/2010	CASCO INDUSTRIES INC 839	2,450.50
090072	559411		2,450.50
8702	11/26/2010	COMITER, CARLA J 1043	720.00
W37	10495		720.00
8703	11/26/2010	CREATIVE LANDSCAPING 1166	2,219.10
15930	559776		1,122.03
15932	559776		1,097.07
8704	11/26/2010	CROSS MIDWEST TIRE INC 1183	10,764.89
20143043	558477		3,560.48
20143139	558477		29.40
20143639	558477		641.58
20143704	558477		35.40
20143900	558477		29.40
20143902	558477		29.40
20143904	558477		640.52
20143982	558477		15.75
20144080	558477		29.40
20143715	558477		29.40
20143716	558477		21.00
20143850	558477		230.10
20143891	558477		117.90
20143896	558477		21.00
20143898	558477		29.40
20143705	558477		671.66
20143709	558477		1,028.30
20143710	558477		117.90
20143711	558477		29.40
20143712	558477		3,428.10

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20143713	558477		29.40
8705	11/26/2010	DIAMOND INTERNATIONAL INC 1347	984.92
TI55912	558481		24.00
TW50200	558481		960.92
8706	11/26/2010	EMBROIDERY PLUS 1522	1,055.75
28469	10590		168.55
28606	11365		84.00
28607	11413		161.20
28609	11263		642.00
8707	11/26/2010	EMERGENCY FIRE EQUIPMENT 1526	163.44
22892	558485		163.44
8708	11/26/2010	EPCO CARBON DIOXIDE PRODUCTS 1551	2,776.48
77196	560178		1,395.61
78611	560178		1,380.87
8709	11/26/2010	ISS FACILITY SERVICES INC 2447	1,399.35
16898	10409		1,399.35
8710	11/26/2010	ITG CONSULTING INC 2449	4,580.00
2908	558732		4,580.00
8711	11/26/2010	J W LAWN SERVICE 2468	875.72
77819	559518		875.72
8712	11/26/2010	JOINT ECONOMIC DEVELOPMENT 6898	619,556.40
11/29/10 TRANSFE	JEDO	JEDO Allocation for Nov 10	619,556.40
8713	11/26/2010	KAN EQUIPMENT INC 2621	67.39
6 165411	558504		33.31
6 165887	558504		34.08
8714	11/26/2010	KEY STAFFING INC 2849	520.00
3011973	10065		520.00
8715	11/26/2010	LAWYERS TITLE OF TOPEKA INC 3002	100.00
IVC17718	11811		100.00
8716	11/26/2010	LIBERTY FRUIT COMPANY INC 3057	254.15
475693	10683		254.15
8717	11/26/2010	LP S EXCAVATING INC 3125	29,513.50
11120	11120		25,297.50
11428	11428		4,216.00
8718	11/26/2010	LT TRUCKING & TRENCHING 3126	53,926.50
1607	11340	522 SW Tyler	13,234.60
1608	10958		35,516.90
1610	11429		5,175.00
8719	11/26/2010	MANGROVE 3186	467.40
35053	558553		467.40
8720	11/26/2010	MICHAEL & SONS INC 3377	11,195.36
675308	11337		6,764.36
675310	11500		4,431.00
8721	11/26/2010	MID-STATES SUPPLY CO INC 3402	352.61
1301987 02	10790		352.61

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
8722	11/26/2010	MILLS, RANDY W 3456	670.20
11491	11491		670.20
8723	11/26/2010	MISSISSIPPI LIME CO INC 3471	11,640.60
930398	560180		2,926.68
930580	560180		2,855.92
930673	560180		2,954.52
930862	560180		2,903.48
8724	11/26/2010	NEENAN COMPANY 3649	1,551.55
S1720236 001	558449		42.71
S1720236 002	558449		1,225.00
S1721945 001	558449		143.21
S1723550 001	558449		140.63
8725	11/26/2010	NEKAN WEATHERPROOFING INC 3655	10,292.00
5784 CHANGE ORI	10852	1401 SW Washington	1,846.00
66367	10852		8,446.00
8726	11/26/2010	RANDY LONG TRUCKING LLC 4105	17,760.00
4365	10788		17,760.00
8727	11/26/2010	SANTA FE SIDING COMPANY 4373	4,445.00
1497	10055		4,445.00
8728	11/26/2010	SELLERS EQUIPMENT INC 4470	3,515.88
IC214257	558522		100.58
IC214293	558522		1,488.11
IC214304	558522		1,735.39
IC214307	558583		191.80
8729	11/26/2010	STIRLING LAWN & LANDSCAPE INC 6542	920.00
5037	559775		920.00
8730	11/26/2010	TOPEKA SOD FARM 5053	490.00
4375	11575		280.00
4388	11575		210.00
8731	11/26/2010	TRUCK PARTS & EQUIPMENT INC 5102	3,459.45
272141	558531		640.67
272144	558531		259.80
272166	558586		273.25
272171	558531		504.18
272346	558531		-58.40
272383	558531		415.23
272435	558531		892.94
272444	558586		164.74
272515	558531		53.08
272766	558586		309.43
272767	558531		4.53
8732	11/26/2010	UMB BANK NA 5127	49,901.54
PCARD11192010			49,901.54
8733	11/26/2010	WALKER TOWEL & UNIFORM SERVICE 5266	449.75
1287384	559050		28.15
1287385	559050		13.20
1287386	559050		32.35
1287387	559050		10.35
1290133	559050		28.15
1290135	559050		32.35
1295702	559050		32.35
1295703	559050		10.35
1311916	558927		95.95

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
1312466	558620		12.45
1313046	558620		7.65
1313047	558620		23.90
1290136	559050		10.35
1292929	559050		28.15
1292930	559050		13.20
1292931	559050		32.35
1292932	559050		10.35
1295700	559050		28.15
8734	11/26/2010	WICHERT CONSTRUCTION INC 7107	2,000.00
512086	11515		2,000.00
8735	11/26/2010	WINGFOOT COMMERCIAL TIRE 5494	809.51
123 1037615	558589		264.09
123 1037616	558536		93.10
123 1037635	558536		452.32
8736	11/26/2010	BETZ, KENNEE 471	475.00
COL103-1210		S+C December 2010 Payment	475.00
8737	11/26/2010	BRATTON, MICKI 594	1,095.00
ALL101-1110		S+C November 2010 Payment	195.00
ALL101-1210		S+C December 2010 Payment	450.00
ALL101-DEP		DEPOSIT	450.00
8738	11/26/2010	COZY HOME RENTAL MGMT LLC 1155	3,176.00
BAR100-1210		S+C December 2010 Payment	316.00
BUR101-1210		S+C December 2010 Payment	475.00
EDM1038-1210		S+C December 2010 Payment	395.00
FRE1039-1210		S+C December 2010 Payment	385.00
KEN101-1210		S+C December 2010 Payment	456.00
KOZ1041-1210		S+C December 2010 Payment	385.00
SAN1043-1210		S+C December 2010 Payment	264.00
SMI1045-1210		S+C December 2010 Payment	500.00
8739	11/26/2010	DEL PERCIO, DANIEL 1314	650.00
KIN1050-1210		S+C December 2010 Payment	650.00
8740	11/26/2010	DENNIS D STAFFORD 6359	114.00
GIK101-1210		S+C December 2010 Payment	114.00
8741	11/26/2010	DUNCAN, CLAUDE 1442	320.00
SPA1055-1210		S+C December 2010 Payment	320.00
8742	11/26/2010	HAYNES, EDWARD L 6967	655.00
SMI1094-1210		S+C December 2010 Payment	655.00
8743	11/26/2010	DABNEY, EMERSON 6891	535.00
SCH0810-1210		S+C December 2010 Payment	535.00
8744	11/26/2010	FAIRLAWN GREEN APARTMENTS 1604	2,757.00
ALP1010-1210		S+C December 2010 Payment	250.00
AND1059-1210		S+C December 2010 Payment	388.00
FRI1060-1210		S+C December 2010 Payment	561.00
HUG1061-1210		S+C December 2010 Payment	267.00
RUS1062-1210		S+C December 2010 Payment	257.00
SIS1063-1210		S+C December 2010 Payment	291.00
STE1064-1210		S+C December 2010 Payment	468.00
THO1065-1210		S+C December 2010 Payment	275.00
8745	11/26/2010	GARNER REMODELING 1843	3,571.00
BEV1068-1210		S+C December 2010 Payment	314.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
CAL1070-1210		S+C December 2010 Payment	257.00
KID1071-1210		S+C December 2010 Payment	284.00
LLA10H1-1210		S+C December 2010 Payment	138.00
MAR0810-1210		S+C December 2010 Payment	568.00
RIL1072-1210		S+C December 2010 Payment	322.00
SCO101-1210		S+C December 2010 Payment	370.00
TAL1073-1210		S+C December 2010 Payment	515.00
TEV1074-1210		S+C December 2010 Payment	328.00
VEN0810-1210		S+C December 2010 Payment	475.00
8746	11/26/2010	COX, GARY W 7052	595.00
JON1052-1210		S+C December 2010 Payment	595.00
8747	11/26/2010	GEARY, LEE A 1857	624.00
BRO1075-1210		S+C December 2010 Payment	624.00
8748	11/26/2010	GLENN OAKS CITY CENTRE LP 1903	295.00
WHT0810-1210		S+C December 2010 Payment	295.00
8749	11/26/2010	GRIFFITH, MARTHA K 6790	487.00
CUL101-1210		S+C December 2010 Payment	487.00
8750	11/26/2010	MILLER, CRYSTAL K 3436	630.00
JAM1010-1210		S+C December 2010 Payment	630.00
8751	11/26/2010	MTJ PROPERTIES LLC 3563	6,936.00
BAK1011-1210		S+C December 2010 Payment	330.00
BIN1012-1210		S+C December 2010 Payment	641.00
BUS1013-1210		S+C December 2010 Payment	262.00
DEA1014-1210		S+C December 2010 Payment	515.00
DIC1015-1210		S+C December 2010 Payment	343.00
MAT101-1210		S+C December 2010 Payment	535.00
MCI1020-1210		S+C December 2010 Payment	343.00
PRO1021-1210		S+C December 2010 Payment	343.00
ROB101-1110		S+C November 2010 Payment	268.00
ROB101-1210		S+C December 2010 Payment	535.00
SHO1023-1210		S+C December 2010 Payment	284.00
HAS1017-1210		S+C December 2010 Payment	343.00
HEI10-1210		S+C December 2010 Payment	337.00
JEF1018-1210		S+C December 2010 Payment	515.00
JON101-1210		S+C December 2010 Payment	535.00
JUD1019-1210		S+C December 2010 Payment	646.00
KOL10H1-1210		S+C December 2010 Payment	161.00
8752	11/26/2010	PARADISE PLAZA I LLC 3813	1,000.00
BOY10H1-1210		S+C December 2010 Payment	550.00
HUG1039-1210		S+C December 2010 Payment	450.00
8753	11/26/2010	PARADISE PLAZA II LLC 3814	401.00
ARC1040-1210		S+C December 2010 Payment	68.00
REA1040-1210		S+C December 2010 Payment	333.00
8754	11/26/2010	RENT TOPEKA HOMES 4175	495.00
ENL1061-1210		S+C December 2010 Payment	495.00
8755	11/26/2010	ROBERT LAUCK 6390	409.00
WAL1099-1210		S+C December 2010 Payment	409.00
8756	11/26/2010	SIMS FAMILY TRUST 4573	631.00
BIL1074-1210		S+C December 2010 Payment	631.00
8757	11/26/2010	TRINITY PROPERTIES LLC 5098	16,724.00
AKI101-1210		S+C December 2010 Payment	655.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
ARN101-1210		S+C December 2010 Payment	452.00
AVE101-1210		S+C December 2010 Payment	257.00
BAK1012-1210		S+C December 2010 Payment	323.00
BAR101-1210		S+C December 2010 Payment	343.00
TRI101-1210		S+C December 2010 Payment	275.00
TUC10H1-1210		S+C December 2010 Payment	289.00
WAR101-1210		S+C December 2010 Payment	343.00
WIL101-1210		S+C December 2010 Payment	830.00
WYA101-1210		S+C December 2010 Payment	277.00
WYL101-1210		S+C December 2010 Payment	268.00
RIC0810-1210		S+C December 2010 Payment	535.00
SHE101-1210		S+C December 2010 Payment	317.00
SMI101-1210		S+C December 2010 Payment	515.00
SMI1021-1210		S+C December 2010 Payment	96.00
STA102-1210		S+C December 2010 Payment	331.00
TAY1021-1210		S+C December 2010 Payment	317.00
MIL101-1210		S+C December 2010 Payment	226.00
MYE101-1210		S+C December 2010 Payment	343.00
NEL101-1210		S+C December 2010 Payment	515.00
NIC101-1210		S+C December 2010 Payment	337.00
NOR101-1210		S+C December 2010 Payment	535.00
OSB101-1210		S+C December 2010 Payment	343.00
JON102-1210		S+C December 2010 Payment	397.00
KNI102-1210		S+C December 2010 Payment	50.00
KYL101-1210		S+C December 2010 Payment	515.00
LAN102-1210		S+C December 2010 Payment	339.00
MAN102-1210		S+C December 2010 Payment	535.00
MCC101-1210		S+C December 2010 Payment	515.00
DES101-1210		S+C December 2010 Payment	330.00
DRO101-1210		S+C December 2010 Payment	535.00
FRE101-1210		S+C December 2010 Payment	578.00
GRI103-1210		S+C December 2010 Payment	535.00
HOW101-1210		S+C December 2010 Payment	535.00
HRA101-1210		S+C December 2010 Payment	535.00
CHA102-1210		S+C December 2010 Payment	535.00
CHE101-1210		S+C December 2010 Payment	535.00
CHR101-1210		S+C December 2010 Payment	535.00
CLE101-1210		S+C December 2010 Payment	221.00
CUN101-1210		S+C December 2010 Payment	242.00
DEA102-1210		S+C December 2010 Payment	535.00
8758	11/26/2010	PEREZ, UBALDO	7090
STA101-1210		S+C December 2010 Payment	495.00
8759	11/26/2010	WARDEN, JOSEPH	5296
MAR103-1210		S+C December 2010 Payment	625.00
8760	11/26/2010	WHAM INC	5391
HUS101-1210		S+C December 2010 Payment	689.00
8761	11/26/2010	WHEAT, RANDY	5392
DEC101-1210		S+C December 2010 Payment	625.00
MAR102-1210		S+C December 2010 Payment	432.00
SMI103-1210		S+C December 2010 Payment	490.00
8762	11/26/2010	FIRST CLASS TRANSPORTATION INC	6837
10 4924		WCCOT2010009540	20.00
10 4996		WCCOT2010009540	40.00
8763	11/26/2010	BECK, PAUL	415
11/21/10AVBPB		Adult Volleyball	36.00
8764	11/26/2010	CORWIN, BILL	1128
11/21/10AVBBC		Adult Volleyball	84.00

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8765	11/26/2010	DEAN, ROBERT	1290
11/21/10ABBRD		Adult Basketball	48.00
11/21/10AVBRD		Adult Volleyball	63.00
8766	11/26/2010	KENNEDY, BRIAN	2832
11/21/10AVBBK		Adult Volleyball	96.00
8767	11/26/2010	LUTTERMAN, ERIC	3144
11/21/10ABBEL		Adult Basketball	136.00
8768	11/26/2010	WELBORN, PAYTON M	6945
10900 FINAL	10900		7.50
8769	11/26/2010	RUTTER, PAM	4318
11/21/10AVBPR		Adult Volleyball	36.00
11/21/10YVBPR		Youth Volleyball	48.00
8770	11/26/2010	SALERNO, MICHAEL A	4346
10757	10757		75.00
10764 FINAL	10764		71.25
8771	11/26/2010	BETTIS ASPHALT & CONSTRUCTION	470
1011 026	10407		2,873.44
8772	11/26/2010	CAPITAL CITY OIL CO INC	778
88660	558621		23,809.07
DE 061	558621		1,152.79
8773	11/26/2010	CHAMPION BRANDS LLC	883
395317	558559		1,061.64
395318	558559		72.00
8774	11/26/2010	FERGUSON ENTERPRISES INC	1639
1593715	558844		286.98
1596325	558844		35.10
1597085	558844		20.36
1599771	558844		69.88
1599961	558844		377.84
8775	11/26/2010	FLU CON INC	1729
P 72332 0	558489		113.74
P 72375 0	558489		53.02
8776	11/26/2010	IBT	2377
5444342	558500		147.09
8777	11/26/2010	KRIZ DAVIS COMPANY	2916
S100076633 001	558898		356.51
S100077698 002	558898		112.80
S100091543 001	558898		45.54
S100091697 001	558898		120.10
8778	11/26/2010	LINDYSPRING WATER LLC	3071
573342	559005		8.00
8779	11/26/2010	MCELROY'S INC	3289
0664462 IN	558904		699.54
0666038 IN	558904		1,732.18
0666465 IN	11556		1,998.07
0666494 IN	11142		2,101.27
8780	11/26/2010	NEPTUNE TECHNOLOGY GROUP INC	3658

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
N264350	10699		1,840.00
8781	11/26/2010	SALISBURY SUPPLY COMPANY INC 4352	85.81
00971452	558521		
8782	11/26/2010	TOPEKA ELECTRIC MOTOR REPAIR I 5025	1,182.50
31702	11518		
8783	11/26/2010	TRAFFIC SIGNAL CONTROLS 5079	882.50
60820	11453		
8784	11/26/2010	WHITE STAR MACHINERY & SUPPLY 5408	2,707.86
06051660	10118		2.49
06051678	558535		2,371.76
06051800	558535		333.61
Total for Electronic Payments			1,067,679.79
Check Payments			
680436	11/26/2010	CORBIN, RON 6892	765.36
TTD11/13/10	WCCOT201000941		
680437	11/26/2010	WARNER, MARY E 7136	57.48
FRANCHISE FEE 2	FRAN FEE	2009 Claim Year Franchise Fee	
680438	11/26/2010	ADS LLC 60	2,400.00
31055 1010A	10408		
680439	11/26/2010	AT&T GLOBAL SERVICES 286	12,320.13
SB625690	558783		414.85
SW099127	558783		
680440	11/26/2010	BERRY TRACTOR & EQUIPMENT CO 463	140.91
03006286	558464		
680441	11/26/2010	BERRYS ARCTIC ICE LLC 465	54.00
132620	559003		
680442	11/26/2010	BIERI MD, PETER V 5702	700.00
10/12/10BIERI		WCCOT2009009316	
680443	11/26/2010	BIRCH COMMUNICATIONS 5899	10.96
8726555	DE		
680444	11/26/2010	CHRYSLER GROUP GLOBAL ELECTRIC 7031	2,070.00
90159340	10935		
680445	11/26/2010	COMPUNETICS SYSTEMS INC 1058	663.97
26751	11236		
680446	11/26/2010	CURRENT ELECTRICAL CO 1207	34,983.90
10063 3	10063		
680447	11/26/2010	CUSTOM TREE CARE 1216	450.00
1182	10860		
680448	11/26/2010	DOWNTOWN TOPEKA INC 1408	118,750.00
10 1117	558135		23,179.04
10 1117A	11544		
680449	11/26/2010	ESPOSITO, JOHN 1566	210.40
PS0722010	559774		36.00
SUD5112010	559774		174.40

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680450	11/26/2010	FACTORY MOTOR PARTS COMPANY 5676	1,397.96
2 2852576	558486		103.42
8 470350	558486		43.71
8 470689	558486		86.14
8 470768	558565		874.70
8 470949	558486		132.84
8 471193	558486		157.15
680451	11/26/2010	HENKE MANUFACTURING CORP 2191	144.73
2955583 RI	558980		144.73
680452	11/26/2010	HERRMAN'S EXCAVATING INC 2218	925.00
11516	11516		925.00
680453	11/26/2010	J WARREN COMPANY INC 2469	28,053.90
559973 2	559973		28,145.70
559973 2	559973		-91.80
680454	11/26/2010	KANSAS AUTOMOTIVE INC 2639	2,533.45
2343085	558505		14.20
2343225	558602		26.67
2343245	558602		17.99
2343274	558505		4.56
2343334	558575		134.81
2345830	558575		28.52
2345868	558505		26.22
2346041	558505		7.00
2346065	558603		23.19
2346081	558505		10.41
2345584	558505		9.16
2345619	558505		5.56
2345652	558575		143.31
2345666	558575		52.44
2345690	558505		13.50
2345737	558505		28.13
2345468	558505		8.15
2345487	558603		1.67
2345513	558505		79.60
2345518	558505		7.12
2345520	558505		3.56
2345583	558505		57.70
2344804	558505		15.44
2344861	558603		90.00
2345137	558505		14.86
2345161	558602		11.56
2345302	558575		938.16
2345462	558505		10.39
2344606	558505		3.83
2344697	558505		34.00
2344708	558575		82.18
2344712	558505		19.31
2344740	558505		67.25
2344742	558575		28.53
2344194	558603		10.78
2344371	558505		11.04
2344462	558505		14.86
2344517	558602		1.92
2344585	558505		6.90
2344596	558505		39.73
2343880	558505		253.55
2343884	558505		17.22
2343896	558505		118.17
2343939	558575		2.16
2343947	558505		26.66

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
2344018	558505		11.48
680455	11/26/2010	KANSAS CITY FREIGHTLINER SALES 2654	106.50
1234583	558506		106.50
680456	11/26/2010	KANSAS DEPT OF AGRICULTURE 2669	50.00
CERT #11959 LIBY	11571		50.00
680457	11/26/2010	KANSAS DEPT OF LABOR 2686	440.00
421497	DE		350.00
421642	DE	Inspect SW 37th St FS #10	90.00
680458	11/26/2010	KANSAS LEGAL SERVICES INC 2724	3,501.13
CESG1003	560208		3,501.13
680459	11/26/2010	KANSAS POWERTRAIN & 6935	1,054.28
2230	11462		1,054.28
680460	11/26/2010	LAIRD NOLLER FORD INC 2939	317.17
1071511	558510		14.80
1071514	558510		109.17
1071515	558510		20.29
1071730	558510		18.53
2061182	558510		154.38
680461	11/26/2010	LOVES ENTERPRISES 3112	855.00
62824	11440		855.00
680462	11/26/2010	LUBRICATION ENGINEERS 3130	3,755.88
IN151783	11577		3,529.78
IN153274	11577		226.10
680463	11/26/2010	MICHAEL T WARD 5288	3,700.00
558918 4	558918		3,700.00
680464	11/26/2010	MIKE'S FRAME SHOP INC 3423	2,608.38
12066	558623		709.37
12167	558623		276.38
12168	558623		1,622.63
680465	11/26/2010	MOTOROLA 3548	25,482.80
13814312	10801		25,482.80
680466	11/26/2010	NATIONAL CRIME PREVENTION 3619	351.12
118754	11027		351.12
680467	11/26/2010	POWERPLAN 5769	26.25
329946	558516		26.25
680468	11/26/2010	SECOND WAVE INC 4450	568.43
SW 0574	11053		568.43
680469	11/26/2010	SHAWNEE COUNTY DISTRICT ATTORN 4505	2,100.00
702	10804		2,100.00
680470	11/26/2010	SOUTHWEST PUBLISHING & MAILING 4675	1,975.00
0047871 IN	11590		1,975.00
680471	11/26/2010	STANDARD BATTERY INC 4718	659.17
R019778	558584		424.70
R019825	558584		234.47
680472	11/26/2010	STARLITE SOUTH SKATE CENTER IN 4730	78.75

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
444935	11619		78.75
680473	11/26/2010	THE LAUNDRY CHUTE 4931	96.15
1977 14	10950		96.15
680474	11/26/2010	THE UPS STORE 4943	134.96
3013	558864		19.42
3037	558864		71.58
8321228249383788	558864		43.96
680475	11/26/2010	TIFCO INDUSTRIES 4988	957.98
70646554	559580		957.98
680476	11/26/2010	TOPEKA FOUNDRY & IRON WORKS IN 5029	659.14
761 BS11	10414		659.14
680477	11/26/2010	TRANSACT TECHNOLOGIES INC 5084	88.36
1104486	11581		88.36
680478	11/26/2010	TRAVELERS INSURANCE COMPANY 5087	2,379.00
1501044	DE	Vehicle Pd Loss Recovery 9/30	2,379.00
680479	11/26/2010	TRAVELERS INSURANCE COMPANY 5089	331.00
1507315	DE	Paid Loss Recovery as of 10/31	331.00
680480	11/26/2010	W WALTER MENNINGER MD 5658	300.00
11373	11373		300.00
680481	11/26/2010	WELLS, MARIE 5361	1,992.00
232	10294		1,992.00
680482	11/26/2010	WYNN'S 5559	454.38
0003282554	558590		454.38
680483	11/26/2010	AREA, ROBERT E 250	1,476.00
FIK101-1110		S+C November 2010 Payment	140.00
FIK101-1210		S+C December 2010 Payment	525.00
FIK101-DEP		DEPOSIT	400.00
MOO103-1210		S+C December 2010 Payment	411.00
680484	11/26/2010	BENAKA, THOMAS R 436	595.00
SMI102-1210		S+C December 2010 Payment	595.00
680485	11/26/2010	BREAKTHROUGH HOUSE INC 599	179.00
COFF104-1210		S+C December 2010 Payment	179.00
680486	11/26/2010	BRIAN CULLISS 6371	334.00
KIN1048-1210		S+C December 2010 Payment	334.00
680487	11/26/2010	BRITTANY PLACE 626	463.00
GOM105-1210		S+C December 2010 Payment	463.00
680488	11/26/2010	BROOKWOOD TERRACE APARTMENTS 644	3,927.00
BAT106-1210		S+C December 2010 Payment	420.00
BER107-1210		S+C December 2010 Payment	296.00
BOL108-1210		S+C December 2010 Payment	369.00
COR109-1210		S+C December 2010 Payment	445.00
GRE101-1210		S+C December 2010 Payment	328.00
HAT1010-1210		S+C December 2010 Payment	271.00
UNI101-1210		S+C December 2010 Payment	212.00
HAU1011-1210		S+C December 2010 Payment	288.00
HEN1012-1210		S+C December 2010 Payment	153.00
HEN1013-1210		S+C December 2010 Payment	275.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
HUB1014-1210		S+C December 2010 Payment	267.00
OLS1015-1210		S+C December 2010 Payment	317.00
PFA1016-1210		S+C December 2010 Payment	286.00
680489	11/26/2010	CLINTSMAN-THOMS, LOU ANN	6370
SCH1017-1210		S+C December 2010 Payment	416.00
680490	11/26/2010	CORNERSTONE OF TOPEKA INC	1117
BRO1019-1210		S+C December 2010 Payment	129.00
DEL1020-1210		S+C December 2010 Payment	390.00
DON1021-1210		S+C December 2010 Payment	315.00
HAR1023-1210		S+C December 2010 Payment	550.00
LAD1024-1210		S+C December 2010 Payment	289.00
MAG1025-1210		S+C December 2010 Payment	273.00
NOR1027-1210		S+C December 2010 Payment	365.00
PAY1028-1210		S+C December 2010 Payment	475.00
PRI1029-1210		S+C December 2010 Payment	450.00
REI1030-1210		S+C December 2010 Payment	238.00
RID1031-1210		S+C December 2010 Payment	37.00
WAB101-1210		S+C December 2010 Payment	375.00
680491	11/26/2010	COX, WILLIAM	1151
KIM1032-1210		S+C December 2010 Payment	750.00
680492	11/26/2010	CUEVAS, EMILIO	1197
HIG1047-1210		S+C December 2010 Payment	41.00
680493	11/26/2010	DCAL LLC	1287
HOL1049-1210		S+C December 2010 Payment	298.00
680494	11/26/2010	DELAPP, PATRICK	1315
ALC1051-1210		S+C December 2010 Payment	495.00
680495	11/26/2010	DONALD HANRAHAN	6407
RAD1080-1210		S+C December 2010 Payment	259.00
680496	11/26/2010	DONALD JOSEPH	6402
ROL1052-1210		S+C December 2010 Payment	259.00
680497	11/26/2010	DONNELLY, PATRICK J	6644
ACU1053-1210		S+C December 2010 Payment	500.00
680498	11/26/2010	DOROTHY S HILL ESTATE	1388
PIT1054-1210		S+C December 2010 Payment	285.00
THE101-1210		S+C December 2010 Payment	365.00
680499	11/26/2010	DURST RENTALS LLC	1452
JAC1056-1210		S+C December 2010 Payment	216.00
680500	11/26/2010	ELDER, JERRY	1501
RAY1057-1210		S+C December 2010 Payment	566.00
680501	11/26/2010	FAAMANUIAGA, MARINER T	6387
PER108-1210		S+C December 2010 Payment	429.00
680502	11/26/2010	FRED S HILL JR FAMILY TRUST	7140
HAR101-1110		S+C November 2010 Payment	293.00
HAR101-1210		S+C December 2010 Payment	400.00
HAR101-DEP		DEPOSIT	150.00
680503	11/26/2010	GRACE, BERNARD J	1957
SPR1078-1210		S+C December 2010 Payment	438.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
680504	11/26/2010	HD GERLACH REALTY 2145	2,653.00
AND1081-1210		S+C December 2010 Payment	217.00
BAL1082-1210		S+C December 2010 Payment	142.00
BEL1083-1210		S+C December 2010 Payment	136.00
JOH103-1210		S+C December 2010 Payment	435.00
JOH1085-1210		S+C December 2010 Payment	183.00
PER1086-1210		S+C December 2010 Payment	223.00
SCH1087-1210		S+C December 2010 Payment	216.00
SMI1088-1210		S+C December 2010 Payment	318.00
STA1089-1210		S+C December 2010 Payment	250.00
WIL1090-1210		S+C December 2010 Payment	395.00
WIL1091-1210		S+C December 2010 Payment	138.00
680505	11/26/2010	HEARTLAND COMMUNITY 6793	212.00
HAH1060-1210		S+C December 2010 Payment	212.00
680506	11/26/2010	HILLSDALE APARTMENTS LLC 2250	366.00
BRO1092-1210		S+C December 2010 Payment	366.00
680507	11/26/2010	IREY, PATRICIA L 6372	233.00
YEA1093-1210		S+C December 2010 Payment	233.00
680508	11/26/2010	KANATZAR, MITCHELL K 2622	296.00
LAN1096-1210		S+C December 2010 Payment	296.00
680510	11/26/2010	KEY ASSOCIATES 2846	425.00
SNO1097-1210		S+C December 2010 Payment	425.00
680511	11/26/2010	LAIRD SR, RICHARD D 6519	600.00
REE103-1210		S+C December 2010 Payment	600.00
680512	11/26/2010	LENTZ, MARILYN 3033	350.00
JES101-1210		S+C December 2010 Payment	350.00
680513	11/26/2010	LUELLEN, MICHAEL DEAN 3135	42.00
WEI102-1210		S+C December 2010 Payment	42.00
680514	11/26/2010	MACVICAR 21 APARTMENTS 3168	2,030.00
HED103-1210		S+C December 2010 Payment	455.00
PRY104-1210		S+C December 2010 Payment	395.00
PRY105-1210		S+C December 2010 Payment	390.00
RIE106-1210		S+C December 2010 Payment	395.00
SIE107-1210		S+C December 2010 Payment	395.00
680515	11/26/2010	MCKAY, JAMES E 6351	432.00
THO102-1210		S+C December 2010 Payment	432.00
680516	11/26/2010	MEDFORD PROPERTY MANAGEMENT IN 6791	273.00
WIL104-1210		S+C December 2010 Payment	273.00
680517	11/26/2010	OAKBROOK APARTMENTS 3716	5,678.00
ALE1024-1210		S+C December 2010 Payment	490.00
ARM1010-1210		S+C December 2010 Payment	317.00
BAK1025-1210		S+C December 2010 Payment	420.00
DOU101-1110		S+C November 2010 Payment	202.00
DOU101-1210		S+C December 2010 Payment	550.00
DOU101-DEP		DEPOSIT	400.00
POR1033-1210		S+C December 2010 Payment	290.00
ROD1034-1210		S+C December 2010 Payment	266.00
WEL1035-1210		S+C December 2010 Payment	430.00
WIL1036-1210		S+C December 2010 Payment	288.00
GRI1026-1210		S+C December 2010 Payment	136.00
HIL1027-1210		S+C December 2010 Payment	530.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
JON1028-1210		S+C December 2010 Payment	320.00
KEE1029-1210		S+C December 2010 Payment	430.00
MCG1031-1210		S+C December 2010 Payment	430.00
POH1032-1210		S+C December 2010 Payment	179.00
680518	11/26/2010	OAKWOOD MANOR L P	3719
COO101-1210		S+C December 2010 Payment	245.00
SCH1037-1210		S+C December 2010 Payment	201.00
680519	11/26/2010	PETERSEN, LONNIE	3909
HAN1041-1210		S+C December 2010 Payment	376.00
SHA1042-1210		S+C December 2010 Payment	422.00
680520	11/26/2010	PIONEER OLDE TOWN APARTMENTS	3944
DAU0810-1210		S+C December 2010 Payment	400.00
JOH1044-1210		S+C December 2010 Payment	269.00
680521	11/26/2010	POORE, JAY	6395
COR1046-1210		S+C December 2010 Payment	613.00
680522	11/26/2010	POTTS, GERALD	6378
WIL1047-1210		S+C December 2010 Payment	62.00
680523	11/26/2010	RAK INVESTMENTS LLC	4082
ALC1048-1210		S+C December 2010 Payment	500.00
BAR1049-1210		S+C December 2010 Payment	495.00
BIS1050-1210		S+C December 2010 Payment	525.00
PEN0810-1210		S+C December 2010 Payment	535.00
ROB1055-1210		S+C December 2010 Payment	337.00
STO0811-1210		S+C December 2010 Payment	510.00
THO101-1210		S+C December 2010 Payment	420.00
WOE1058-1210		S+C December 2010 Payment	295.00
ZAB101-1210		S+C December 2010 Payment	308.00
680524	11/26/2010	RENTAL MANAGEMENT SOLUTIONS LL	4176
ALE1033-1210		S+C December 2010 Payment	220.00
ARC1034-1210		S+C December 2010 Payment	278.00
DEA101-1110		S+C November 2010 Payment	495.00
DEA101-1210		S+C December 2010 Payment	495.00
HAR1040-1210		S+C December 2010 Payment	256.00
MAN1042-1210		S+C December 2010 Payment	515.00
PAR1062-1210		S+C December 2010 Payment	156.00
PIK1063-1210		S+C December 2010 Payment	575.00
SMA1044-1210		S+C December 2010 Payment	385.00
SMI1046-1210		S+C December 2010 Payment	495.00
680525	11/26/2010	RIDGEWOOD ESTATES	4211
HAY1065-1210		S+C December 2010 Payment	654.00
ROY1066-1210		S+C December 2010 Payment	635.00
680526	11/26/2010	RIOS, GWEN L	4221
RES1067-1210		S+C December 2010 Payment	482.00
680527	11/26/2010	RODENBAUGH, DANIEL	4261
HAN1069-1210		S+C December 2010 Payment	213.00
680528	11/26/2010	SANTE FE PLACE APARTMENTS	4374
HAR1071-1210		S+C December 2010 Payment	291.00
HOR1072-1210		S+C December 2010 Payment	141.00
680529	11/26/2010	SOMERSET MANAGEMENT COMPANY LL	4657
ANH1076-1210		S+C December 2010 Payment	525.00
ATK1077-1210		S+C December 2010 Payment	425.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
BOW1088-1210		S+C December 2010 Payment	450.00
BOX1089-1210		S+C December 2010 Payment	214.00
BRO1090-1210		S+C December 2010 Payment	425.00
MAR101-1210		S+C December 2010 Payment	134.00
PAN101-1210		S+C December 2010 Payment	405.00
ELD1091-1210		S+C December 2010 Payment	475.00
GOR101-1210		S+C December 2010 Payment	460.00
HAM1092-1210		S+C December 2010 Payment	164.00
HAY1093-1210		S+C December 2010 Payment	206.00
KNI101-1210		S+C December 2010 Payment	303.00
LAW101-1210		S+C December 2010 Payment	159.00
680530	11/26/2010	SOUTHBROOK APARTMENTS 4666	543.00
HER101-1210		S+C December 2010 Payment	543.00
680531	11/26/2010	SOUTHBROOK II 4667	393.00
BEL101-1210		S+C December 2010 Payment	393.00
680532	11/26/2010	ST GREGORY LLC 4712	1,288.00
AND101-1210		S+C December 2010 Payment	229.00
GON101-1210		S+C December 2010 Payment	103.00
GRA0810-1210		S+C December 2010 Payment	266.00
HER1094-1210		S+C December 2010 Payment	146.00
MCF101-1210		S+C December 2010 Payment	236.00
ROC101-1210		S+C December 2010 Payment	308.00
680533	11/26/2010	TAYLOR, ELIZABETH 4881	5,141.00
BEA101-1210		S+C December 2010 Payment	337.00
BIN101-1210		S+C December 2010 Payment	515.00
CLA101-1210		S+C December 2010 Payment	515.00
STE101-1210		S+C December 2010 Payment	535.00
TIL101-1210		S+C December 2010 Payment	535.00
EDW101-1210		S+C December 2010 Payment	535.00
GOO101-1210		S+C December 2010 Payment	301.00
HER102-1210		S+C December 2010 Payment	535.00
HUL101-1210		S+C December 2010 Payment	515.00
ROD101-1210		S+C December 2010 Payment	303.00
SCO102-1210		S+C December 2010 Payment	515.00
680534	11/26/2010	TOPEKA RENTALS LLC 5046	1,045.00
DOM101-1210		S+C December 2010 Payment	237.00
HAG101-1210		S+C December 2010 Payment	500.00
MAR1095-1210		S+C December 2010 Payment	308.00
680535	11/26/2010	VANHOUSE, DANIEL W 5201	593.00
DUN101-1210		S+C December 2010 Payment	593.00
680536	11/26/2010	WCW ENTERPRISES INC 5339	289.00
ROO101-1210		S+C December 2010 Payment	289.00
680537	11/26/2010	WESTAR ENERGY 5377	2,981.00
ACU101-1210E		1123 SW TAYLOR	115.00
AKI101-1210E		2332 SE KENTUCKY	57.00
ALC1051-1210E		2002 SE ILLINOIS	67.00
ALE1024-1210E		3120 SW TWILIGHT CT # 209	48.00
BAT106-1210E		3304 SW 29TH STREET #9	30.00
BOY10H1-1210E		1180 SW BUCHANAN	51.00
SMI1045-1210E		1809 SW GREEN ACRES	11.00
UNI101-1210E		3201 SW 29TH TERRACE #6	82.00
WEL1035-1210E		3222 SW TWILIGHT CT. #203	65.00
WIL1036-1210E		3227 SW TWILIGHT CT. #202	50.00
WIL1090-1210E		5985 SW 22ND PARK #4	44.00
RES1067-1210E		722 SE GILLMORE	260.00
RIE106-1210E		1514 SW 17TH STREET #3	60.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
ROO101-1210E		3101 SW MACVICAR #A106	50.00
ROY1066-1210E		4134 SE RIDGEVIEW TERRACE	82.00
SIE107-1210E		1514 SW 17TH STREET #4	50.00
SMA1044-1210E		3624 SW 29TH TERRACE #24	38.00
PIK1063-1210E		207 SE 17TH STREET	256.00
PRI1029-1210E		1645 SW WESTERN	52.00
PRY104-1210E		1516 SW 17TH STREET #5	60.00
PRY105-1210E		1514 SW 17TH STREET #19	80.00
RAY1057-1210E		431 NE WILSON	116.00
REE103-1210E		5529 SW 13TH STREET	61.00
HUG1039-1210E		2100 SE 12TH STREET	60.00
KIM1032-1210E		2749 SW BELLE	108.00
KIN1050-1210E		1816 SE 23RD STREET	51.00
KOZ1041-1210E		1307 SW HARRISON #16	45.00
MCG1031-1210E		3120 SW TWILIGHT CT #206	68.00
NOR1027-1210E		1402 SE 27TH STREET	82.00
FRE1039-1210E		1306 SW HARRISON #34	110.00
HAN1041-1210E		1143 SE PINECREST	49.00
HAR1040-1210E		2111 N. TOPEKA #7	18.00
HED103-1210E		2130 SW MACVICAR #3	65.00
HER101-1210E		5201 SW 34TH STREET #1401	112.00
HIL1027-1210E		3960 SW TWILIGHT CT #201	14.00
BUR101-1210E		1306 SW HARRISON #9	138.00
COL103-1210E		3309 SE COLFAX	35.00
COR109-1210E		3400 SW 29TH TERRACE #6	35.00
DEC101-1210E		1712 SE 23RD STREET	14.00
DOU101-1210E		3125 SW TWILIGHT CT. #102	97.00
EDM1038-1210E		1301 SW HARRISON #C22	95.00
680538	11/26/2010	WOLFE, JO ANN	5517
ALL104-1210		S+C December 2010 Payment	289.00
680539	11/26/2010	WOODLAND PARK LLC	5527
PHA10H1-1210		S+C December 2010 Payment	230.00
680540	11/26/2010	MASSEY, ZENA	7027
ROB105-1210		S+C December 2010 Payment	535.00
680541	11/26/2010	ANESTHESIA SERV MEDICAL GROUP	5804
360558		WCCOT2010009540	438.75
680542	11/26/2010	ATHLETIC AND REHABILITATION CE	294
169694X225745		WCCOT2010009539	97.53
169781X225768		WCCOT2010009430	188.79
169793X225736		WCCOT2010009366	129.20
169814X225759		WCCOT2010009447	133.36
170001X226771		WCCOT2010009539	130.04
170573X227273		WCCOT2010009430	242.55
170594X227246		WCCOT2010009366	127.54
680543	11/26/2010	JAYHAWK PHARMACY	6528
49148 AMEND 2		WCCOT2010009447	6.25
680544	11/26/2010	KANSAS ORTHOPEDIC & SPORTS MED	2729
6013216120		WCCOT2010009540	79.16
6013224633		WCCOT2008008904	41.06
6013232178		WCCOT2010009540	90.55
6013255630		WCCOT2010009447	78.43
6013276093		WCCOT2009009192	89.49
6013277780		WCCOT2010009493	116.51
6013286410		WCCOT2009009199	160.04
6013297867		WCCOT2010009540	38.43
680545	11/26/2010	MIDWEST REHABILITATION PA	3418
			60.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
MWR77054X12093		WCCOT2007008659	60.00
680546	11/26/2010	RADIOLOGY & NUCLEAR MEDICINE 4073	183.11
4051216274		WCCOT2010009551	70.77
4051216274A		OT2010009551	94.21
4051216274B		WCCOT2010009551	18.13
680547	11/26/2010	SAINT FRANCIS HEALTH CENTER 4338	7,303.63
3985797001		WCCOT2008008904	2,346.37
3986438 001		WCCOT2010009548	32.30
3986438001		WCCOT2010009548	363.95
3992778001		WCCOT2010009540	677.88
3993969001		WCCOT2009009192	639.35
3997629001		WCCOT2010009540	3,243.78
680548	11/26/2010	SAINT FRANCIS PHYSICIAN CLINIC 4341	520.17
SFT420374		WCCOT2010009558	89.49
SFT420374A		WCCOT2010009558	38.49
SFT421573		WCCOT2010009540	126.34
SFT421589		WCCOT2010009558	12.17
SFT421589A		WCCOT2010009540	51.33
SFT422171		WCCOT2010009533	25.66
SFT422295		WCCOT2010009558	51.33
SFT422295A		WCCOT2010009558	12.17
SFT422537		WCCOT20010009558	51.33
SFT423112		WCCOT2010009558	10.53
SFT423112A		WCCOT2010009558	51.33
680549	11/26/2010	MALDONADO, SALVADOR 6904	86.85
MILEAGE REIMB8/		WCCOT2009009339	86.85
680560	11/26/2010	BECK, LOREN 412	36.00
11/21/10AVBLB		Adult Volleyball	36.00
680561	11/26/2010	LEWIS, BYRON 7115	32.00
11/21/10YVBBL		Youth Volleyball	32.00
680562	11/26/2010	CARTER, VICTOR R 829	122.00
11/21/10ABBVC		Adult Basketball	90.00
11/21/10AVBVC		Adult Volleyball	32.00
680563	11/26/2010	CLOUSE, PHILLIP J 981	72.00
11/21/10AVBPC		Adult Volleyball	72.00
680564	11/26/2010	DOEL, SYDNEY D 1378	60.00
11377	11377		60.00
680565	11/26/2010	DORITY, SHELBY L 1387	102.00
11/21/10AVBSD		Adult Volleyball	54.00
11/21/10YVBSD		Youth Volleyball	48.00
680566	11/26/2010	EZELL, HARRY 1597	273.00
11/21/10ABBHE		Adult Basketball	153.00
11/21/10AVBHE		Adult Volleyball	36.00
11/21/10YVBHE		Youth Volleyball	84.00
680567	11/26/2010	HAMUUD JR, ESLAYMAN 6596	32.00
11/21/10ABBEH		Adult Basketball	32.00
680568	11/26/2010	HEWITT, ALYSSA 2225	60.00
11/21/10YVBAH		Youth Volleyball	60.00
680569	11/26/2010	HUNT, RON 6013	132.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/22/2010 and 11/28/2010

Attachment number 2
Page 19 of 20

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
11/21/10AVBRH		Adult Volleyball	132.00
680570	11/26/2010	POWELL, JOHNNIE G 6928	81.00
11/21/10AVBJP		Adult Volleyball	81.00
680571	11/26/2010	MONTNEY, JUSTIN 7113	40.00
11/21/10YVBJM		Youth Volleyball	40.00
680572	11/26/2010	LUNA, NARCISO 3138	162.00
11/21/10ABBNL		Adult Basketball	102.00
11/21/10AVBNL		Adult Volleyball	60.00
680573	11/26/2010	MONTNEY, NATALIE K 3501	40.00
11/21/10YVBNM		Youth Volleyball	40.00
680574	11/26/2010	PATTERSON, RICHARD A 3845	72.00
11/21/10AVBRP		Adult Volleyball	72.00
680575	11/26/2010	PAUL WOBUS 6165	48.00
11/21/10AVBPW		Adult Volleyball	48.00
680576	11/26/2010	QUARLES II, NORMAN W 4051	161.00
11/21/10ABBNQ		Adult Basketball	84.00
11/21/10AVBNQ		Adult Volleyball	27.00
11/21/10YVBNQ		Youth Volleyball	50.00
680577	11/26/2010	ROSS, THOMAS L 4296	74.00
11/21/10ABBTR		Adult Basketball	42.00
11/21/10AVBTR		Adult Volleyball	32.00
680578	11/26/2010	SMITH, ERNEST E 6156	186.00
11/21/10ABBES		Adult Basketball	126.00
11/21/10AVBES		Adult Volleyball	60.00
680579	11/26/2010	THEIS, KENNY 4947	144.00
11/21/10AVBKT		Adult Volleyball	144.00
680580	11/26/2010	LEWIS, TYLER 7114	32.00
11/21/10YVBTL		Youth Volleyball	32.00
680581	11/26/2010	WRIGHT, DENNIS 5547	36.00
11/21/10AVBDW		Adult Volleyball	36.00
680582	11/26/2010	DANIEL R HOUSER INC 7046	4,812.50
20100154	11096		4,812.50
680583	11/26/2010	KANSAS SAND & CONCRETE 2744	1,046.00
175171	558856		871.50
175206	558856		174.50
680584	11/26/2010	MEIERS READY MIX 3338	6,428.67
301288	11152		573.30
301298	558447		222.68
301354	11152		305.76
301375	10406		528.71
301384	11152		191.10
301744	10406		211.41
301750	11152		382.20
301751	11152		382.20
301753	11152		382.20
301871	11152		427.20
301873	11152		427.20
301440	10406		857.85

COUNCIL REPORT OF VENDOR PAYMENTS

Between 11/22/2010 and 11/28/2010

Attachment number 2
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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
301629	11152		152.88
301695	558447		160.94
301741	11152		267.54
301742	11152		573.30
301743	11152		382.20
680585	11/26/2010	NORTHEAST KANSAS HYDRAULICS IN 3705	712.82
25443	558517		593.93
25447	558517		118.89
680586	11/26/2010	TESSENDORF WELDING & MACHINE I 4909	96.71
56370	11578		
680587	11/26/2010	TFM COMM INC 4914	262.27
91556	558617		31.91
91561	558441		230.36
Total for Check Payments			372,027.28
TOTAL OF PAYMENTS			1,439,707.07

Payment Listing

Attachment number 3

CB255 Date: 11/29/10
Time: 10:18

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: 112210 - 112810
Check Nbr: -
Company: 1

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

Payment Listing

Attachment number 3

CB255 Date 11/29/10
Time 10:18

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
HERRERA BA	680550	1	11/18/10	11/26/10		725.26	Historical	BARTOLO HE
STANLEY CH	680551	1	11/18/10	11/26/10		38.55	Historical	CHRISTIE S
LICK LAVON	680552	1	11/15/10	11/26/10		298.50	Historical	LAVONNA L
DOTY RANDA	680553	1	11/15/10	11/26/10		166.00	Historical	RANDALL J
DIZADARE A	680554	1	11/15/10	11/26/10		40.00	Historical	ANTOINETTE
GALLENTINE	680555	1	11/16/10	11/26/10		43.00	Historical	CHAD M GAL
SCHRODER C	680556	1	11/04/10	11/26/10		16.00	Historical	CEEJA NICO
TROTTER DI	680557	1	11/10/10	11/26/10		50.00	Historical	DIANA TROT
BAHRET ERI	680558	1	11/16/10	11/26/10		100.00	Historical	ERNIE BAHR
GARNER LIN	680559	1	11/16/10	11/26/10		100.00	Historical	LINDA GARN

Transaction Code SYS Total 1577.31

Cash Code 02 Total 1577.31

Report Total 1577.31

*** REPORT COMPLETED ***



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 7, 2010

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DATE: December 21, 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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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available