



A Capital City Serving You...

www.topeka.org

City Council Agenda

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

September 18, 2012

6:00 PM

Mayor: William W. Bunten

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
John Alcala	District No. 2	Robert E. Archer	District No. 7
Sylvia E. Ortiz	District No. 3	Andrew P. Gray	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Larry Wolgast	District No. 5		

City Manager: Jim Colson

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) consecutive 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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:
"Constitution Week"

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

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - City of Topeka ADA Advisory Council

BOARD APPOINTMENT recommending the re-appointment of Marilyn Lind to the City of Topeka ADA Advisory Council for a term ending September 30, 2014. *(Council District No. 8)*

B. Board Appointment - Topeka Board of Zoning Appeals

BOARD APPOINTMENT recommending the re-appointment of Marty Hazen to the Topeka Board of Zoning Appeals for a term ending September 30, 2015. *(Council District No. 1)*

C. Board Appointment - Topeka Board of Zoning Appeals

BOARD APPOINTMENT recommending the re-appointment of Aaron Classi to the Topeka Board of Zoning Appeals for a term ending September 30, 2015. *(Council District No. 6)*

D. Board Appointment - Topeka Planning Commission

BOARD APPOINTMENT recommending the re-appointment of Mike Lackey to the Topeka Planning Commission for a term ending September 30, 2015. *(Council District No. 7)*

E. Resolution - NOTO - Noise Exception

A RESOLUTION introduced by Councilmember John Alcala granting NOTO an exception to the provisions of City of Topeka Code Section 9.45.150. et seq., concerning noise prohibitions. *(Council District No. 2)*

(A Blues and BBQ event will take place on September 30, 2012 during the hours of 3:00 p.m. and 6:00 p.m. on North Kansas Avenue.)

F. Resolution - Laudena Polk - Noise Exception

A RESOLUTION introduced by Councilmember Denise Everhart, granting Laudena Polk an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 4)*

(A 78th Birthday Celebration will take place during the hours of 2:00 p.m. and 6:00



[ATTACHMENTS](#)



[ATTACHMENTS](#)

p.m. on September 22, 2012 at 1302 SE 22nd Street.)

G. MINUTES of the regular meeting of September 11, 2012

H. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Ordinance - Arts Fund



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, repealing City of Topeka Code Section 3.55.210, concerning the transfer of money to the arts fund. Final Reading.

(Approval would eliminate the requirement to budget \$100,000 for the Arts fund.)

B. Ordinance - Historic Asset Tourism Fund



[ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 3.25.100, concerning the historic asset tourism fund and specifically repealing said original section. Final Reading.

(Approval would allow a portion of the transient guest tax funds to be used for marketing of historic sites and matching of state and federal grants and adding the Topeka Landmarks Commission members to the Historic Tourism Committee.)

C. Ordinance - Scrap Metal Dealer Registration



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.10.300, concerning the renewal fee for scrap metal dealer registration and specifically repealing said original section. Final Reading.

(Approval would conform with recent state law, House Bill 2470, authorizing cities to charge between \$25 and \$50 for renewal of registrations.)

D. Ordinance - Utility Bill Real Estate Liens



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-808c. Final Reading.

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

(Approval would grant permission to collect on delinquent rural wastewater sewer accounts in the amount of \$54,213.94.)

E. Resolution - 2012-2016 Capital Improvement Program and 2012-2013 Capital Improvement Budget



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, authorizing and adopting for the City of Topeka, Kansas, the 2012-2016 Capital Improvement Program and the 2012-2013 Capital Improvement Budget and rescinding Resolution No. 8404. *(Deferred from the meeting of September 11, 2012.)*

(Approval would amend the 2012-2013 Capital Improvement Budget to allow the addition of two projects, the Oakland Secondary Digester Lid Replacement at a cost of \$5,976,053 and Flood Protection Relief Well Rehabilitation at a cost of \$1,239,315; and increase the Ape and Large Carnivore Quarantine Facilities project amount from \$994,592 to \$1,047,917.)

F. Notice of Intention, Project Budget and Ordinance - Flood Protection Relief Well Rehabilitation Project No. T-281039.01

 [ATTACHMENTS](#)

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$1,239,315 and AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281039.01 for the rehabilitation of flood protection relief wells approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1. Final Reading. *(Deferred from the meeting of September 11, 2012.)*

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

(Approval would authorize \$1,239,315 for the rehabilitation of the Flood Protection Relief Wells at the Water Treatment Plant. The debt service for the project is \$2,418,577 and would be paid with utility operating funds.)

G. Notice of Intention, Project Budget and Ordinance - Oakland Secondary Digester Lid Replacement Project No. T-291023.00

 [ATTACHMENTS](#)

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$5,976,053 and AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291023.00 for secondary digester lid replacements at the Oakland Wastewater Treatment Plant, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof. Final Reading. *(Deferred from the meeting of September 11, 2012.)*

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

(Approval would authorize \$5,976,053 for the replacement of three Secondary Digester Lid Replacements at the Oakland Wastewater Treatment Facility. The total debt service for the project is \$11,660,109 would be paid with utility operating funds.)

6. NEW BUSINESS:

A. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

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

(Pursuant to K.S.A. 41-2702, Retail Cereal Malt Beverage License application must be approved by the Governing Body prior to the issuance of the license. Pursuant to TMC 5.170.040 and L. 2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.)

B. Final Plat - MacVicar and I-70 Subdivision (P12/7)

 [ATTACHMENTS](#)

A FINAL PLAT for MacVicar and I-70 Subdivision located in the southwest quadrant of NW MacVicar Avenue and Interstate 70 located in the City of Topeka, Shawnee County, Kansas. (P12/7) (Council District No. 1)

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

(Approval would allow for development of a Kenworth heavy duty truck dealership.)

7. FIRST READINGS:

A. Ordinance - NOTO Blues and BBQ

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember John Alcala, authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time and the special event permit pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645 (e)(1) for the NOTO Blues and BBQ. First Reading. (Council District No. 2)

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

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of the sidewalk in front of Weller's Grill and Bar located at 220 N. Independence on September 30, 2012, from 2:00 p.m. to 6:00 p.m.)

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

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

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Constitution Week"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

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

DATE:	September 18, 2012	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 6, 2012

Back Print

DATE: September 18, 2012
CONTACT PERSON: Mayor Bunten **DOCUMENT #:**
SECOND PARTY/SUBJECT: City of Topeka ADA **PROJECT #:**
Advisory Council
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Marilyn Lind to the City of Topeka ADA Advisory Council for a term ending September 30, 2014. *(Council District No. 8)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilman Archer nominates and Mayor Bunten recommends the re-appointment of Marilyn Lind. There is no official attendance policy, however, Ms. Lind has attended all the meetings.

BACKGROUND:

Ordinance 18920. The ADA Advisory Council supports the civil rights of full integration into Topeka community life for all people with disabilities. At least six of the members must be individuals with disabilities, having each of the major life functions represented as much as possible.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #6



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

May 23, 2012

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

DATE:	September 18, 2012	
CONTACT PERSON:	Mayor Bunten	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Board of Zoning 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 Marty Hazen to the Topeka Board of Zoning Appeals for a term ending September 30, 2015. *(Council District No. 1)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilman Manspeaker nominates and Mayor Bunten recommends the re-appointment of Marty Hazen for a term that would end September 30, 2015. The attendance policy states that any member missing three consecutive meetings without extenuating circumstances shall be reported by the chair to the appointing authority for possible replacement. Mr. Hazen has no absences.

BACKGROUND:

Ordinance 18288 and 18382. The Board of Zoning Appeals administers the details of appeals, or other matters referred to it, regarding the application of the zoning regulations of the city and conducts business in accordance with the Comprehensive Zoning Regulations as codified in the Topeka City Code.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #7



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

May 23, 2012

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

DATE:	September 18, 2012	
CONTACT PERSON:	Mayor Bunten	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Board of Zoning 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 Aaron Classi to the Topeka Board of Zoning Appeals for a term ending September 30, 2015. *(Council District No. 6)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Council Archer nominates and Mayor Bunten recommends the re-appointment of Aaron Classi for a term that would end September 30, 2015. The attendance policy states that any member missing three consecutive meetings without extenuating circumstances shall be reported by the chair to the appointing authority for possible replacement. Mr. Classi has no absences.

BACKGROUND:

Ordinance 18288 and 18382. The Board of Zoning Appeals administers the details of appeals, or other matters referred to it, regarding the application of the zoning regulations of the city and conducts business in accordance with the Comprehensive Zoning Regulations as codified in the Topeka City Code.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #8



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

May 23, 2012

 Back  Print

DATE:	September 18, 2012	
CONTACT PERSON:	Mayor Bunten	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Planning Commission	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Mike Lackey to the Topeka Planning Commission for a term ending September 30, 2015. *(Council District No. 7)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Councilman Archer nominates and Mayor Bunten recommends the re-appointment of Mike Lackey for a term that would end September 30, 2015. There is an attendance policy which states that members missing four meetings in one calendar year, or failure to attend three consecutive meetings in one calendar year, shall be considered for removal from the commission. During his term, there have been 45 meetings; Mr. Lackey has 5 absences, none have been consecutive.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and any amendments thereto.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #9



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2012

Back Print

DATE: September 18, 2012
CONTACT PERSON: John Alcalá **DOCUMENT #:**
SECOND PARTY/SUBJECT: Carole Jordan **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Alcalá granting NOTO an exception to the provisions of City of Topeka Code Section 9.45.150. et seq., concerning noise prohibitions. (*Council District No. 2*)

(A Blues and BBQ event will take place on September 30, 2012 during the hours of 3:00 p.m. and 6:00 p.m. on North Kansas Avenue.)

POLICY ISSUE:

Whether or not to grant a noise exception.

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for live bands during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

Item #10

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember John Alcala granting NOTO an
4 exception to the provisions of City of Topeka Code Section
5 9.45.150. et seq. concerning noise prohibitions.
6

7 WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it
8 unlawful for any person to make, continue or cause to be made or continued any
9 loud, unnecessary or unusual noise or any noise which either annoys, disturbs,
10 injures or endangers the comfort, repose, health or safety or others within the
11 limits of the city; and

12 WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the
13 City Council to grant exceptions to the prohibitions of this code section upon
14 request and a showing that the proposed activity does not offend the spirit of the
15 findings of City of Topeka Code Section 9.45.150, et seq., and

16 WHEREAS, NOTO has requested that they be granted an exception to
17 the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes,
18 dates and times described herein, and

19 WHEREAS, upon review of the application of NOTO, the Council of the
20 City of Topeka does hereby find that the requested activity does not offend the
21 spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

22 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
23 Topeka that NOTO is hereby granted an exception from the provisions of City of
24 Topeka Code Section 9.45.150, et seq. for amplified music and sound during its

25 Blues & BBQ event located on North Kansas Avenue from NE Gordon to NE
26 Norris during the hours of 3:00p.m. and 6:00p.m. on September 30, 2012.

27
28 ADOPTED and APPROVED by the City Council _____.

29

30

31

32

William W. Bunten, Mayor

33

34

35

Brenda Younger, City Clerk

36



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 13, 2012

Back Print

DATE: September 18, 2012
CONTACT PERSON: Denise Everhart **DOCUMENT #:**
SECOND PARTY/SUBJECT: Laudena Polk **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Denise Everhart, granting Laudena Polk an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions.
(Council District No. 4)

(A 78th Birthday Celebration will take place during the hours of 2:00 p.m. and 6:00 p.m. on September 22, 2012 at 1302 SE 22nd Street.)

POLICY ISSUE:

Whether or not to grant a noise exception.

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for amplified music during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

Item #11

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Denise Everhart, granting
4 Laudena Polk an exception to the provisions of City of Topeka
5 Code Section 9.45.150, et seq. concerning noise prohibitions.
6

7 WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it
8 unlawful for any person to make, continue or cause to be made or continued any
9 loud, unnecessary or unusual noise or any noise which either annoys, disturbs,
10 injures or endangers the comfort, repose, health or safety or others within the
11 limits of the city; and

12 WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the
13 City Council to grant exceptions to the prohibitions of this code section upon
14 request and a showing that the proposed activity does not offend the spirit of the
15 findings of City of Topeka Code Section 9.45.150, et seq.; and

16 WHEREAS, Laudena Polk has requested that she be granted an
17 exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for
18 the purposes, dates and times described herein, and

19 WHEREAS, upon review of the application of Laudena Polk, the Council
20 of the City of Topeka does hereby find that the requested activity does not offend
21 the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

22 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
23 Topeka that Laudena Polk is hereby granted an exception from the provisions of
24 City of Topeka Code Section 9.45.150, et seq. for amplified music at a 78th

COUNRES
LPolk-Noise Exception
09/13/12

Birthday celebration located at 1302 SE 22nd Street during the hours of 2:00 p.m.
and 6:00 p.m. on September 22, 2012.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

COUNRES
LPolk-Noise Exception
09/13/12



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2012

 Back  Print

DATE:	September 18, 2012		
CONTACT PERSON:	Pam Simecka, Finance Director	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Arts fund money transfer	PROJECT #:	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:	09-11-12 First Reading.	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, repealing City of Topeka Code Section 3.55.210, concerning the transfer of money to the arts fund. Final Reading.

(Approval would eliminate the requirement to budget \$100,000 for the Arts fund.)

POLICY ISSUE:

Whether or not to eliminate the requirement that the city manager include in his budget an annual appropriation of \$100,000 for the arts fund.

STAFF RECOMMENDATION:

Pass and approve

BACKGROUND:

The office of the arts and the art fund of the city are not active. However, City Code requires the city manager to budget annually \$100,000 for the arts fund. The Council has the discretion whether to appropriate the funds. As there is no office of the arts nor an art fund, this ordinance is no longer necessary.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, repealing City of Topeka Code § 3.55.210, concerning the transfer of money to the arts fund.

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

Section 1. That section 3.55.210, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Transfer of general fund moneys to the arts fund for economic development.~~

~~(a) Each year the city manager, or his or her designee, shall calculate the amount of the city's pro rata share of tax revenue it would have received from the tax exemptions reduced by the city council under the provisions of TMC [3.55.090](#)(c).~~

~~(b) The city manager shall, as part of his budget, include the amount of \$100,000 as an appropriation to the arts fund for economic development in the city of Topeka.~~

~~(c) The city council may, in its sole discretion, each year as part of the budget approval process authorize the transfer of general funds to the arts fund in the full amount identified as economic tax exemption savings in the city manager's proposed budget or such lesser amount as the council may authorize.~~

Section 2. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2012

Back Print

DATE:	September 18, 2012		
CONTACT PERSON:	David Thurbon, Planning Director	DOCUMENT #:	
SECOND PARTY/SUBJECT:	PROJECT #:		
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 080 Historic Preservation		
CIP PROJECT:	No		
ACTION OF COUNCIL:	09-11-12 First Reading.	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 3.25.100, concerning the historic asset tourism fund and specifically repealing said original section. Final Reading.

(Approval would allow a portion of the transient guest tax funds to be used for marketing of historic sites and matching of state and federal grants and adding the Topeka Landmarks Commission members to the Historic Tourism Committee.)

POLICY ISSUE:

Proposed changes include:

1. Specifically stating the purpose of the program is to promote tourism.
2. Allow a maximum of 15% of the transient guest tax funds dedicated to this program for marketing and matching of grants.
3. Allows the City Manager to approve expenditures from this fund that are not from the transient guest tax (i.e. other general funds, CDBG funds, donations, etc.)
4. Adds the Landmarks Commission members to the historic tourism committee; the committee that reviews grants and makes recommendations to the Transient Guest Tax Committee.
5. Requires the Transient Guest Tax Committee to appoint members, other than Landmarks Commission members, to the historic tourism committee.

STAFF RECOMMENDATION:

The Transient Guest Tax Committee voted unanimously to recommend approval. The Planning Department also recommends the City Council move to adopt the ordinance.

Item #15

BACKGROUND:

This program provides funding with transient guest tax funds for the preservation of hisotric assets that attract tourists. Past recipients include: Constitution Hall, Curtis House, Ritchie House, Council of Colored Women's Club Building, Jayhawk Theater. Due to the limited number of properties eligible for this program and the need to identify a source of matching funds for federal and state grants the Transient Guest Tax Committee asked that changes be proposed to the current ordinance. Benefits of the proposed changes will allow the City to receive additional federal grant funds for historic preservation activities, such as City-wide preservation plans, development of design guidelines for our historic districts and promotion of our historic assets.

Alternatively, if the Council decides not to approve the ordinance revisions, the historic asset grant program will continue as it has the past three years. Funds will be used solely for improvements to properties listed on an historic register.

BUDGETARY IMPACT:

No additional City funds will be obligated. Approval will allow the matching of state and federal grants. Approximately \$200,000 transient guest tax funds will be available next year for awards to local projects. If the ordinance revisions are approved, a maximum of 15%, or \$30,000, would be eligible for matching grants and promotional activities.

SOURCE OF FUNDING:

Transient Guest Tax funds.

ATTACHMENTS:

[Memo Explaining Changes](#)

[Ordinance](#)

MEMORANDUM

Planning Department

TO: City Manager, Mayor and City Council
FROM: David Thurbon, Planning Director
DATE: August 28, 2012
SUBJECT: Proposed Ordinance Changes – Historic Asset Tourism Fund

This memorandum outlines the proposed major changes to the Historic Asset Tourism Fund recommended for approval by the City Council's Transient Guest Tax Committee.

Background

This program provides funding with bed tax funds for the preservation of historic assets that attract tourists. Past recipients include: Free State Capital (Constitution Hall), Charles Curtis House, Hale Ritchie House, Topeka Council of Colored Women's Club Building, and Jawhawk Theater. Total awarded to date (FY 2009 through FY 2011) is \$562,029.

The reasons for the ordinance changes are threefold. First, there are a limited number of historic sites that are eligible and have applied for these funds. Second, a wider use of the funds, for marketing and promotion for example, may lead to increased tourism related to the history of Topeka. Third, the State Historic Preservation Office has funds for yearly grants, but they require a 60/40 match.

Proposed Changes

Please see the line numbers on the attached ordinance.

1. Lines 19-23: Change in wording to specifically state the purpose of this program is to "facilitate tourism."
2. Lines 28-33: Allows a maximum of 15% of the funds to be used for marketing and matching of historic preservation related grants. Previously, only brick & mortar type of grants were eligible.
3. Allows the City Manager to approve the expenditure of funds that are not generated by bed tax receipts, such as other general fund dollars that may be budgeted for historic preservation, CDBG funds, funds from foundations, etc. (To date, no other funds have been deposited into the historic grant fund.)
4. Line 46: Adds the Landmarks Commission members to the historic tourism committee. The historic tourism committee reviews applications for funding and makes recommendations to the Transient Guest Tax Committee.
5. Lines 47 through 57: States the Transient Guest Tax Committee shall appoint members to the historic tourism committee and may remove members from the committee. (The bylaws and guidelines of the historic tourism committee will be reviewed for potential revisions, including criteria for replacing members.)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code § 3.25.100, concerning the historic asset tourism fund and specifically repealing said original section.

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

Section 1. That section 3.25.100, Historic asset tourism fund, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Historic ~~asset tourism~~ preservation fund.

(a) There is hereby created in the city a special fund to be known as the historic ~~asset tourism~~preservation fund. Moneys from the ~~city's~~ general fund, community block grant funds, ~~any~~ transient guest tax funds ~~allocated to this fund~~, or funds from any other source legally available for such purpose shall be credited to this ~~special~~ fund.

(b) ~~Moneys deposited into this fund shall be expended only on projects of a public heritage tourism benefit located within the city and shall not be expended on projects that are private or primarily commercial in nature, unless open or intended to be open to the public on a regularly scheduled basis that facilitate tourism resulting from the preservation and promotion of the City's historical assets, including but not limited to:~~

(1) Restoring and preserving sites listed on a local, state or national register of historic sites that are not private or primarily commercial in nature unless open or intended to be open to the public on a regularly scheduled basis.

(2) Marketing the City's historical assets.

(3) Providing financial commitments associated with securing grant funding from government or private sources.

Disbursement of funds for projects identified in subsections (b)(2) and (3) shall not exceed fifteen percent (15%) of the total amount of historic preservation funds allocated for each calendar year.

(c) Projects funded by these funds shall be subject to the review and recommendations of the historic sites for heritage tourism committee ~~(The historic tourism committee) consisting~~shall:

(1) Make recommendations to the transient guest tax committee which shall determine whether to approve disbursement of transient guest tax funds for projects identified in subsection (b).

(2) Make recommendations to the city manager who shall determine whether to approve disbursement of funds, other than transient guest tax funds, credited to the historic preservation fund for projects identified in subsection (b).

(3) Establish bylaws and guidelines for grant applications, subject to review and approval by the transient guest tax committee.

(d) The historic tourism committee shall consist of the following members:

(a1) ~~Two~~All members of the landmarks commission;

(b2) ~~Two~~One members of the Topeka tourism alliance selected by the transient guest tax committee;

(c3) ~~Two~~One members of the Topeka and Shawnee County area "Freedom's Frontier" heritage tourism alliance selected by the transient guest tax committee; and

(d4) ~~One member~~ The president or designee of the Topeka lodging association;

(5) The chief executive officer or designee of Visit Topeka, Inc.

The individuals selected by the transient guest tax committee shall serve for as long as each is a member of the respective organization identified in subsection (d) or until removed by the transient guest tax committee. The chairperson of the landmarks commission shall chair the historic tourism committee which shall meet at the call of the chairperson.

~~Bylaws for the historic tourism committee, as well as guidelines for grant application and the grant application form, will be established and may be amended by the historic tourism committee, subject to approval by the city council transient guest tax committee.~~

~~The expenditure recommendations of the historic tourism committee, for disbursement of transient guest tax moneys from this fund, shall be forwarded to the city council transient guest tax committee for final approval of the expenditures. The expenditure recommendations of the historic tourism committee, for disbursement of moneys from this fund that are from sources other than transient guest tax, shall be forwarded to the city manager for final approval of the expenditure.~~

Section 2. That original § 3.25.100 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.



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2012

 Back  Print

DATE:	September 18, 2012		
CONTACT PERSON:	Mary Feighny, Deputy City Attorney	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Scrap Metal Dealer Registration Renewal Fee	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 001 General Provisions		
CIP PROJECT:	No		
ACTION OF COUNCIL:	09-11-12 First Reading.	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.10.300, concerning the renewal fee for scrap metal dealer registration and specifically repealing said original section. Final Reading.

(Approval would conform with recent state law, House Bill 2470, authorizing cities to charge between \$25 and \$50 for renewal of registrations.)

POLICY ISSUE:

Whether to enact the amendment necessary to conform with new state law - 2012 Substitute for H.B. 2470.

STAFF RECOMMENDATION:

approve

BACKGROUND:

State law was amended last session to clarify that the renewal fee does not include the original fee (i.e. \$400). (2012 Substitute for House Bill 2470). Accordingly, it's necessary to amend the City renewal fee ordinance to comport with the new state law. State law now authorizes cities to charge between \$25 and \$50 for renewals. Registrations must be renewed every 10 years.

BUDGETARY IMPACT:

None. Registration renewals occur every 10 years. As the first registrations were issued in 2012, the City

Item #16

won't collect renewal fees until 2022.

SOURCE OF FUNDING:

n/a

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code § 5.10.300, concerning the renewal fee for scrap metal dealer registration and specifically repealing said original section.

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

Section 1. That section 5.10.300, Regulated scrap metal dealer, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Regulated scrap metal dealer.

(a) The initial registration fee for a regulated scrap metal dealer shall be \$400.00.

(b) The renewal fee shall be ~~the fee prescribed in subsection (a) of this section plus an additional fee of \$40.00~~ \$50.00.

Section 2. That original § 5.10.300 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 all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

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

PASSED AND APPROVED by the 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

September 4, 2012

Back Print

DATE:	September 18, 2012		
CONTACT PERSON:	Nicole Malott	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Utility Bill Real Estate Liens	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 126 Special Assessments		
CIP PROJECT:	No		
ACTION OF COUNCIL:	09-11-12 First Reading	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-808c. Final Reading.

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

(Approval would grant permission to collect on delinquent rural wastewater sewer accounts in the amount of \$54,213.94.)

POLICY ISSUE:

Whether to institute liens to collect delinquent utility bills.

STAFF RECOMMENDATION:

Adopt ordinance.

BACKGROUND:

The utility is challenged in collecting past due amounts from sanitary sewer customers outside the city who purchase water from rural water districts and refuse or otherwise fail to pay their sewer bills. Inside the city the utility can protect itself by turning off city water service to customers with delinquent accounts. Since the customers listed in the ordinance live outside the city and are served by rural water districts, the utility does not have the same means of seeking collection of delinquent accounts. State law permits the city to institute a lien on utility customers who are delinquent on their sewer bills.

Item #17

Customers may pay a delinquent account up to the date the Lien Ordinance will be considered by the Council. To avoid having a lien placed on a property for which the account has been paid, staff will, if necessary, present a list of individuals who have paid at the council meeting, so that an amendment can be made to remove those properties from the Lien ordinance.

BUDGETARY IMPACT:

Collection of unpaid sewer accounts in the amount of \$54,213.94.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-808c.

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

Section 1. That there be and is hereby instituted a real estate lien upon the following described lots and pieces of ground in Shawnee County, Kansas, pursuant to K.S.A. 12-808c:

Property ID Number	Property Owner of Record	Address	Amount
0910204007007000	LORI BARR	4134 NW WALNUT RD	127.95
0910204006015000	DARRELL D BENTON	4131 NW DONDEE LN	107.90
0920301004016000	RANDALL D BILDERBACK	4321 NW WESTGATE RD	284.72
0911101002001000	JUSTIN BRAMLETT	3843 NW DONDEE LN	102.96
0273601007002000	KEVIN W CAUGHRON	5220 NW LINCOLN ST	223.38
0911101006001000	MATTHEW COMBS	3347 NW 38TH TER	1028.58
0910204005017000	SHERRYL COUFAL	3908 NW CHERRY CREEK DR	350.10
0283402003009000	BRIAN E DAPKIEWICZ	4500 NW 50TH CT	756.32
0273601002016000	JOHN & SONYA ECKHOFF	5328 NW GREEN HILLS RD	398.07
0920301010005000	BONNIE L EDWARDS	4330 NW WESTGATE RD	167.00
0283401008005000	TRACY FRANCIS	5200 NW 52ND ST	770.74
0910202006009000	DAVID E. FULLER	3924 NW 44TH TER	349.98
0283402002019060	BARRY GALBRAITH	5203 NW ARROYO DR	184.04
0910202003004010	CHAD I GERHARDT	4428 NW HIAWATHA PL	285.62
0273604003002000	MARK GRAYSON	2014 NW 48TH ST	699.35
0910204007014000	TONYA R GREEVE	4218 NW WALNUT RD	764.60
0283401008009000	LA RAY & CHERYL L HALL	5116 NW 52ND ST	482.16
0273601006008000	JASON R. & TAMARA L. HINTON	5207 NW COURTLAND DR	1023.70
0910204006008000	ANTONETTE T. HUBBLE	4210 NW UNION CT	613.67
0283402003012000	LEWIS & GUADALUPE HUTFLES SR.	4519 NW 50TH CT	1181.59
0920301003010000	KIMBERLY & JASON JARRETT	4521 NW NETHERLAND DR	292.20
0283401008003000	BRUCE A & OLGA M KAHRE	5216 NW 52ND ST	889.25
0283402002014000	AMY L KEE	5033 NW PUEBLO CT	734.92

0273604001051000	JASON F & JAMIE R KRAMER	1641 NW 49TH CT	406.30
0911101003013000	AMBER F. LONG	3708 NW CHERRY CREEK DR	336.55
0273601007004000	MAHNOPLY LLC	5200 NW LINCOLN ST	198.92
0910204005013000	MICHAEL J & DIANE M MALLOY	4115 NW UNION DR	422.17
0910203006012000	JAMES L. MARCHELLO JR.	3912 NW KRYSTEN RD	669.02
0283402001016000	BRANNON MARLOW	5101 NW PUEBLO CT	266.00
0910202007014000	ROBERT G. & SANDRA MATTHEWS	3922 NW MORLEY ST	296.46
0910204005018000	MIKE & MELISSA MCCracken	3914 NW CHERRY CREEK DR	652.10
0911101003011000	KIMBERLEE A MCPHERSON	3718 NW CHERRY CREEK DR	175.08
0910204011018000	DEAN MCWILLIAMS	3929 NW CHERRY CREEK DR	1126.92
0283402002019030	JOSEPH F & E SUE MICHALSKI	5133 NW ARROYO DR	209.64
0920301003005000	MELISSA A. MIKKELSEN	4520 NW WESTGATE RD	680.38
0910204010003000	KEITH T. MOHAN	4011 NW FIELDING RD	389.06
0911101008003000	CHANDLER PEKAREK	3423 NW 38TH TER	876.07
0273502010040000	TERESA A. SALTS	5213 NW STERLING CHASE DR	130.00
0283401002023000	LESLIE SHOFF	5249 NW BRICKYARD RD	344.52
0283402002019050	MATTHEW L & TRISHA R SLIMMER	5145 NW ARROYO DR	1062.79
0910202006001000	LOREN SNELL	4543 NW GERONIMO TRL	362.50
0273601007025000	JENNIFER A. STEINHOFF	5209 NW KENDALL DR	203.18
0273604001044000	CHRIS STUBBLEFIELD	4811 NW REDWOOD DR	743.72
0283401010016000	BREANN SULLIVAN	5320 NW ARROYO DR	207.48
0273502004030000	STEPHANIE TARMAN	3438 NW 49TH TER	416.30
0920301007003000	PATRICIA L TODA	4440 NW MISSION RD	253.66
0910204005002000	JEFFREY & BRANDE TODACK	3411 NW 42ND TER	635.00
0911101004009000	ART R. TURNER	3719 NW CHERRY CREEK DR	682.27
0910204005010000	DELORA K. WATSON	4101 NW DONDEE LN	360.00
0920301002013000	REBECCA J WINDSOR	4541 NW MISSION RD	961.97
0910204007011000	DAVID J & KATHY A WISCHROPP	4206 NW WALNUT RD	294.20
1361403014001030	LORI B. ALLEN	3636 SE PECK RD	\$254.88
1361402006016000	ANDREW BERVET	3812 SE 31ST ST	\$172.50
1311102009002000	JASON BROWN	2300 SE ALEXANDER DR	\$473.93
1311203001012000	REBECCA S BROWN	4705 SE 25TH ST	\$316.92
1361402001010000	TERRI CLARK	2912 SE SKYLARK DR	\$596.54
1311102005019000	STEVEN D. CLOUD	3706 SE 25TH ST	\$201.54
1361402012014000	KENNETH J COPELAND	3800 SE 33RD ST	\$492.80
1351504002003000	CHARLES CRANE	3540 SE 35TH ST	\$151.91
1311102006011000	JASON C CRAWFORD	2330 SE ALAMAR RD	\$142.38
1311104010002000	ARMANDO CRUZ	2720 SE SHAWNEE DR	\$1,185.31
1361401001009000	LEONARD CULLISON	3012 SE STARLITE DR	\$174.08
1351504003027000	MICHAEL C. DAVIS	3521 SE TOMAHAWK CT	\$315.03
1361402007014000	RENALDO DAVIS	3906 SE 31ST ST	\$701.28

1311103006016000	DANIEL M DAY	3742 SE 27TH ST	\$125.25
1351504002029000	MICHELLE & JOSE DE LA ISLA	3501 SE 36TH ST	\$458.93
1311103005005000	RICHARD DUNCAN	2512 SE CROCO RD	\$727.07
1361403005018010	JEANNINE EKLUND	3412 SE WALNUT DR	\$594.06
1361402012023000	EDWIN ELLER	3813 SE 32ND PL	\$182.04
1361404002002000	TOM FLOYD	3310 SE ARBOR DR	\$206.12
1352201007054000	KELLY A FOSTER	3436 SE 39TH TER	\$202.08
1311103005009000	CHARLES GEIST	3640 SE HOWARD DR	\$262.71
1311103005002000	CHARLES J GEIST	2523 SE BLAIR DR	\$307.92
1311102005020000	JOE GONZALEZ	3712 SE 25TH ST	\$256.75
1361404006015000	DENISE M. HAMILTON	3419 SE ARBOR CT	\$141.80
1361401006012000	TRACI D. HARSCH	3225 SE ARBOR DR	\$530.09
1311101003011200	DAVID HENRY	4311 SE 24TH CT	\$712.22
1311104008009000	VALENTINE HERNANDEZ JR.	4350 SE 26TH TER	\$474.78
1311102007005000	PAMELA G HILL	2342 SE CROCO RD	\$725.27
1311104008006000	BILL & PAM HOOK	4320 SE 26TH TER	\$564.33
1311203009001000	JESSICA RENEAU HOOK	4657 SE 26TH TER	\$230.92
1311101003011110	JOSEPH J. HOYTAL JR.	4333 SE 24TH PL	\$389.20
1361403011001030	JENNIFER & JOHN HUDSON	3424 SE BUCKEYE ST	\$785.32
1361402003006000	CHARLES O. JESTER	2936 SE MEADOWVIEW DR	\$137.28
1361401001023000	PETER & TRACY JONES	3201 SE DOWNING DR	\$452.57
1361403003006000	ERIC W KENNARD	3314 SE MEADOWVIEW DR	\$678.06
1311104010006000	STANLEY J. KMIEC	4320 SE 28TH ST	\$1,054.67
1311102004002000	MELISSA L LEWIS	3900 SE 23RD TER	\$121.89
1311104002046000	MELVIN LEWIS	2529 SE SHAWNEE DR	\$338.00
1311103002009000	ERNEST STEVE LONGSTAFF	3820 SE HOWARD DR	\$470.43
1361403001007004	EVAN LOY	3310 SE BUCKEYE ST	\$366.34
1361404007001000	CHARLES MARKT	3927 SE 34TH ST	\$344.12
1361401010011000	PERRY MARNEY	4112 SE 33RD ST	\$104.00
1083401003001000	KELSEY M MCGINLEY	3624 SE 2ND ST	\$403.24
1311102005029000	JAMIE L MEREDITH	2325 SE ALEXANDER DR	\$213.69
1361403008008050	RHONDA D. MOTEN	3536 SE PECK RD	\$104.00
1311203001014000	ERIN C MYERS	4713 SE 25TH ST	\$260.40
1361403006002000	JANET S. NEVELS	3501 SE WINSTON DR	\$104.00
1311103007017000	HEATHER & SEAN NUNAMAKER	2643 SE CONNIE DR	\$481.50
1361403001003004	KRISTIN Y. PERCELL	3906 SE 33RD TER	\$698.29
1361403014001090	DIANA L & DEREK POMEROY	3613 SE PECK RD	\$341.75
1311103002016000	SALLY PRITCHETT	2537 SE CONNIE DR	\$814.82
1361403014003000	STACIE RAINE	3600 SE WALNUT DR	\$478.34
1351504002011000	DEBRA L. RAMIREZ	3510 SE 35TH ST	\$751.55
1361401004001000	DALLAS MAYROSE RATLIFF	3019 SE BURTON ST	\$221.29
1311101009031000	RYAN & PAULA REYNOLDS	2252 SE MOOREFIELD CT	\$413.26

Section 2. That the City Clerk shall certify a copy of this Ordinance and deliver the same to the County Clerk of Shawnee County, Kansas, who shall place the several amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to be collected as one tax in the same manner as other taxes and assessments are collected.

PASSED AND APPROVED by the Governing Body _____.

William W. Bunten, Mayor

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2012

Back Print

DATE:	September 18, 2012		
CONTACT PERSON:	Pam Simecka/Stacey Harden	DOCUMENT #:	
SECOND PARTY/SUBJECT:	2012-2013 CIB	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous		
CIP PROJECT:	No		
ACTION OF COUNCIL:	09-11-12 Defer One Week	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, authorizing and adopting for the City of Topeka, Kansas, the 2012-2016 Capital Improvement Program and the 2012-2013 Capital Improvement Budget and rescinding Resolution No. 8404. *(Deferred from the meeting of September 11, 2012.)*

(Approval would amend the 2012-2013 Capital Improvement Budget to allow the addition of two projects, the Oakland Secondary Digester Lid Replacement at a cost of \$5,976,053 and Flood Protection Relief Well Rehabilitation at a cost of \$1,239,315; and increase the Ape and Large Carnivore Quarantine Facilities project amount from \$994,592 to \$1,047,917.)

POLICY ISSUE:

Amendment of the Capital Budget to allow one project to increase and to add two new utilities projects.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

On March 6, 2012 the Council passed Resolution 8404 to adopt the Capital Improvement Budget for 2012-2013 and the Capital Improvement Plan for 2012-2016. Since the passage of the budget one project scope has been increased. Due to the AZA inspection the original scope of the Ape and Large Carnivore Quarantine Facilities was enlarged to be able to deal with hooved animals as well. That changed the price from \$994,592 to \$1,047,917 an increase of \$53,325.

Item #18

Two new projects for the Combined Utilities also are needed to be added to the 2012 Capital Improvement

Budget. Oakland Secondary Digester Lid Replacement at a cost of \$5,976,053 and Flood Protection Relief Well Rehabilitation at a cost of \$1,239,315.

BUDGETARY IMPACT:

This will increase the amount of GO Bond projects from \$8,441,692 to \$8,495,017. This is still under the \$9 million cap established by the City Council.

It will also increase The amount to be bonded under the combined utilities.

SOURCE OF FUNDING:

The Zoo project will be paid for with GO Bonds. The utilities projects will be paid with State Revolving Loans or Revenue Bonds.

ATTACHMENTS:

[Resolution](#)

[CIP and CIB Spreadsheet](#)

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Jim Colson, City Manager, authorizing and adopting for
4 the City of Topeka, Kansas, the 2012-2016 Capital Improvement
5 Program and the 2012-2013 Capital Improvement Budget and
6 rescinding Resolution No. 8404.
7

8 WHEREAS, the 2012-2016 Capital Improvement Program has been prepared by
9 staff; and

10 WHEREAS, a 2012-2013 Capital Improvement Budget has been prepared and
11 recommended to the City Manager; and

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

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

16 Section 1. The 2012-2016 Capital Improvement Program, as contained in
17 Attachment A, is hereby adopted and approved for the purpose of preliminary planning,
18 long-range financial implications and analysis leading to the prioritization of projects to be
19 included in the respective Capital Budget for the succeeding years.

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

24 The City Council shall not authorize any other capital improvement projects for the
25 2012-2016 period without rescinding this resolution and adopting a new resolution. All
26 proposed changes shall be accompanied by a fiscal analysis demonstrating the financial
27 implications and the ability of the City to fund such projects.

35 Section 3. City of Topeka Resolution No. 8404 is hereby rescinded.

38 ADOPTED and APPROVED by the City Council_____.

40
41
42
43

William W. Bunten, Mayor

45
46
47
48
49 Brenda Younger, City Clerk

Capital Improvement Program

2012-2016 (Revised 3/7/12)

City Manager 2012	City Manager 2013	City Manager 2014	City Manager 2015	City Manager 2016
----------------------	----------------------	----------------------	----------------------	----------------------

GO Bond Projects**Neighborhoods/Citywide/City Facilities**

Neighborhood Infrastructure

1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Subtotal	1,400,000	1,400,000	1,400,000	1,400,000

Fire Department

Build Fire Station #13 (6th & Fairlawn)
 Purchase One Aerial Ladder Truck
 Purchase 1 Engine Co. 6 Apparatus
 Build Fire Station - South
 Purchase 1 Truck Co. Apparatus-Trk 11
 Purchase 2 Pumper Apparatus
 Purchase 2 Pumper Apparatus

2,484,600	1,183,000	-	-	-
-	-	-	1,300,000	-
487,500	-	-	-	-
-	-	-	212,000	2,132,720
-	575,000	-	-	-
-	-	720,000	-	-
-	-	-	-	830,000
Subtotal	2,972,100	1,758,000	720,000	1,512,000
				2,962,720

Traffic

Traffic Safety Projects
 Signals Replacement

185,000	185,000	185,000	185,000	185,000
640,000	640,000	640,000	640,000	640,000
Subtotal	825,000	825,000	825,000	825,000

Streets

Complete Streets
 Infill Sidewalks
 Capitol District Project
 SE California Ave. -- 33rd St. to 37th St.
 SE California Ave. -- 29th St. to 33rd St.
 NE Seward Avenue Streetscape

100,000	100,000	100,000	100,000	100,000
150,000	150,000	150,000	150,000	150,000
2,000,000	2,000,000	-	-	-
-	-	300,000	100,000	3,350,000
-	-	-	-	200,000
-	50,000	450,000	-	-
Subtotal	2,250,000	2,300,000	1,000,000	350,000
				3,800,000

Topeka Zoo

Zoo Security- Phase 1 and Phase 2
Ape Carnivore Quarantine
 Zoo Pond Improvements

-	234,884	-	-	-
1,047,917	-	-	-	-
-	198,516	-	-	-
Subtotal	1,047,917	433,400	-	-
				-

TOTAL GO Bond Projects**Total Annual Target****Difference Target to Subtotal**

8,495,017	6,716,400	3,945,000	4,087,000	8,987,720
9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
504,983	2,283,600	5,055,000	4,913,000	12,280

Enterprise Funded Projects

Shaded projects will be operational cash

Pub Wrks/Water Pollution Control Fund**Oakland Secondary Digester Lid Rpl**

PS07-Shunga PS Emerg. Backup Power
 Oakland WWTP UV Expansion
 Oakland WWTP - Emerg. Backup Power
 N Topeka Pump Station
 South Kansas Pump Station - Ph. II
 Oakland WWTP Solids Handling
 Grant/Jefferson Pump Station Rehab
 NTWWTP Rehab & Nutrient Removal
 Oakland WWTP Digester Gas Utilization
 Eastside IS-CIPP-CSO#3 to Ash Street PS
 Eastside IS-Relief-CSO#3 to Ash Street PS
 Ash Street PS Capacity Improvements
 Adams St. IS Rehab and Separation Eval
 Adams St. IS SW Removal-KS River to 10
 Adams St. IS Rehab P1-KS River to 13th S
 Quinton IS-CSO#5 to S. KS PS
 S. KS River Relief IS-Jefferson to Structure

5,976,053				
2,003,400	-	-	-	-
156,000	1,800,200	-	-	-
439,000	-	-	-	-
-	200,000	1,846,000	-	-
-	-	-	-	696,000
-	-	-	-	786,000
-	-	-	1,321,000	5,555,000
-	510,000	2,975,000	2,910,000	-
-	-	564,000	3,290,000	3,219,000
384,700	1,280,700	-	-	-
975,200	3,123,750	3,852,250	-	-
75,000	-	267,000	2,936,100	-
578,000	-	-	-	-
504,400	1,332,400	1,643,000	-	-
-	-	1,133,100	3,223,550	3,967,850
-	250,700	713,000	877,600	-
-	-	-	-	327,200

Capital Improvement Program

2012-2016 (Revised 3/7/12)

	City Manager 2012	City Manager 2013	City Manager 2014	City Manager 2015	City Manager 2016
S. KS River Relief IS-VanBuren to Jeffers	-	-	-	-	293,700
S. KS River Relief IS-CSO#6 to Van Buren	-	-	-	-	372,900
Adams St. IS Rehab P2-14th St. Extension	-	-	-	736,000	2,093,600
CSO Study Area (Downtown and West)	262,900	453,200	317,200	-	-
System Flow Monitoring Station Additions	-	-	-	-	492,000
Subtotal Water Pollution Control	34,055,603	8,950,950	13,310,550	15,294,250	17,803,250
Public Works/Stormwater Fund					
Levee System Rehab	502,000	-	-	1,444,000	3,546,500
Flood Protection Relief Well Rehab	1,239,315	-	-	-	-
SE 29th St Piping Replacement-Phase II	-	84,000	770,000	-	-
Wanamaker Wetlands	100,000	-	990,000	-	-
City Park Pump Station	-	129,600	1,188,000	-	-
Heartland Prk BMP	-	-	200,000	-	-
Levee Repairs - Valve Replacement	500,000	1,500,000	-	-	-
Downtown Storm Mains	-	252,000	2,324,000	-	-
Subtotal Stormwater	2,341,315	1,965,600	5,472,000	1,444,000	3,546,500
Public Works/Water Fund					
Waterline Ext- Fairlawn to 41st & Wana	2,040,000	-	-	-	-
12th St from Monroe to California	500,800	3,282,900	-	-	-
Reo -Kansas Ave to Topeka Blvd	130,200	743,000	-	-	-
Water Treatment Plant Rehabilitation	-	-	-	-	870,200
California from 33rd to 41st Street	-	-	151,700	1,134,300	-
Fairlawn, Skyline Dr to 45th	165,100	774,500	-	-	-
45th St from Fairlawn to Gage	-	177,700	1,328,100	-	-
17th & Belle Pressure Improvement	-	-	-	402,600	-
Berryton Rd 50th to 53rd	-	-	-	269,800	-
37th St. - Kentucky to California	-	149,600	1,118,100	-	-
South Elevated Tank - 65th Street	321,200	4,018,500	-	-	-
W. Elevated Tank on Indian Hills Rd	-	550,300	5,970,800	-	-
California-12th to 6th to Market	-	252,400	1,887,200	-	-
41st & Cal E. to W. Edge and so. to 45th	-	-	195,800	1,463,700	-
Southeast Elevated Tank	-	-	-	-	251,200
Burlingame, 49th to 57th, E to Tpk Blv	-	-	436,700	3,264,500	-
57th & Wenger to 65th & Westview	-	-	-	199,400	1,490,700
Meriden Booster Station	-	-	-	-	699,200
South Pressure Zone Improvements	427,600	2,909,700	-	-	-
6th Street - Market to Norwood	-	-	298,400	2,231,000	-
Topeka Blvd- University to Ormsby	-	166,400	1,244,100	-	-
Disinfection Modification (Ozone)	14,000,000	-	-	-	-
Billing System	-	2,000,000	1,000,000	-	-
Weir Study (Operating funds & Donations)	50,000	-	-	-	-
Subtotal Water	17,634,900	15,025,000	13,630,900	8,965,300	3,311,300
Total Enterprise Fund	54,031,818	25,941,550	32,413,450	25,703,550	24,661,050

Other Funding Sources**City Half-Cent Sales Tax Street Repair**

Maintain & Improve Existing Streets	12,390,000	12,590,000	12,790,000	12,990,000	13,190,000
ADA Street Curb Repair	300,000	300,000	300,000	300,000	300,000
Curbs, Gutters and Street Repair	500,000	500,000	500,000	500,000	500,000
Alley Repair	250,000	250,000	250,000	250,000	250,000
Sidewalk Repair 50-50	60,000	60,000	60,000	60,000	60,000
Subtotal Half-Cent Sales Tax	13,500,000	13,700,000	13,900,000	14,100,000	14,300,000
Federal Fund Exchange					
Bridge SW 49th W of Topeka Blvd	946,000	-	-	-	-
Bridge on Cherokee St over Ward Cr.	-	-	-	110,000	740,000
Bridge on 3rd St over Ward Cr.	-	-	-	-	125,000
Wanamaker Rd - SW 29th to SW 37th	5,600,000	-	-	-	-
SW 10th Ave - Gage Blvd to Fairlawn Rd	150,000	2,700,000	2,700,000	-	-

Capital Improvement Program

2012-2016 (Revised 3/7/12)

	City Manager 2012	City Manager 2013	City Manager 2014	City Manager 2015	City Manager 2016
SW 10th Ave. - Fairlawn Rd. to Wan. Rd.	-	-	-	-	500,000
Subtotal Fed Fund Exchange	6,696,000	2,700,000	2,700,000	110,000	1,365,000
Motor Fuel Tax					
Street Maintenance.- Fleet Rplcmnt	400,000	400,000	400,000	-	-
Subtotal Motor Fuel Tax	400,000	400,000	400,000	-	-
Insurance and Other Sources					
Railroad Bridge Lift (Stormwater)	1,200,000	-	-	-	-
Subtotal Insurance	1,200,000	-	-	-	-
Total Other Sources	21,796,000	16,800,000	17,000,000	14,210,000	15,665,000

Funding Source Not Determined

Equipment & Fleet Replacement					
Fire- Lease/Pur 7 Fire Trucks (10 yr)	350,467	350,467	350,467	350,467	350,467
Police- Fleet Replacement	-	1,000,000	1,000,000	1,000,000	1,000,000
City-wide Fleet Replacement (Lease/Pur)	326,350	429,300	429,300	-	-
Street- Fleet Replacement (Lease/Pur)	-	753,000	731,000	-	-
City 4 Television Equipment	-	70,000	70,000	70,000	70,000
Police Department					
Radios- Police and Fire	-	3,232,300	-	-	-
Police- Tasers	50,000	-	-	-	-
Facilities Operations					
Zoo- Animal & Man Mechanical System	179,222	-	-	-	-
Fire- Station Improvements	141,310	176,410	-	-	-
Total- Source Not Determined	1,047,349	6,011,477	2,580,767	1,420,467	1,420,467
Total Capital Improvements	85,370,184	55,469,427	55,939,217	45,421,017	50,734,237



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2012

Back Print

DATE:	September 18, 2012		
CONTACT PERSON:	Larry Wilms - Water Engineer	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Flood Protection Relief Well Rehabilitation	PROJECT #:	T-281039.01
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 004 Public Improvements		
CIP PROJECT:	No		
ACTION OF COUNCIL:	08-27-12 First Reading 09-11-12 Defer One Week	JOURNAL #:	12
PAGE #:			

DOCUMENT DESCRIPTION:

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$1,239,315 and AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281039.01 for the rehabilitation of flood protection relief wells approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1. Final Reading. (Deferred from the meeting of September 11, 2012.)

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

(Approval would authorize \$1,239,315 for the rehabilitation of the Flood Protection Relief Wells at the Water Treatment Plant. The debt service for the project is \$2,418,577 and would be paid with utility operating funds.)

POLICY ISSUE:

To authorize the project and the expenditure of money to correct a deficiency identified in the US Army Corp of Engineers periodic inspection.

Stamp #19

STAFF RECOMMENDATION:

Staff recommends approval of the project budget and ordinance as presented.

BACKGROUND:

Nine (9) of the eleven (11) existing flood protection relief wells and connected well discharge piping (header system) were constructed in circa 1958-59. In 1980, the water treatment plant was expanded and two (2) additional relief wells were installed that same year.

A US Army Corps of Engineers (US-ACE) Flood Protection Inspection was performed in 2010. Based on age and operational testing results, the US-ACE questioned the ability of the relief wells to operate at a capacity acceptable to provide flood protection to the water treatment facility. The City retained the services of the Layne-Christensen Company to pull each of the Flood Protection Relief Well pumps, bail the well, install a test pump and perform a well capacity test, and then conduct a CCTV inspection of each well. The test results determined that all relief wells were ineffective and needed rehabilitation or replacement.

BUDGETARY IMPACT:

Project budget \$1,239,315. Debt service to be paid from Utility Operating Funds.

SOURCE OF FUNDING:

Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes. Currently not in adopted CIB.

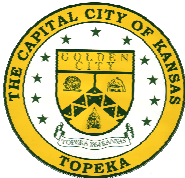
ATTACHMENTS:

[Fact Sheet](#)

[Project Budget and Debt Service](#)

[Notice of Intent](#)

[Ordinance](#)



FACT SHEET
Project Number T-281039.01
Flood Protection Relief Well Rehabilitation
July 03, 2012

Prepared by: Don Rankin – Director Utilities Infrastructure Division

Scope: The project consists of rehabilitation of eleven (11) existing Flood Protection Relief Wells, nine constructed in 1958-59 and two constructed in 1980, to protect the critical water plant structures in the event of a major flood on the Kansas River which is located immediately adjacent to the water treatment plant complex. These eleven Flood Protection Relief Wells are an integral part of the City's overall Kansas River Flood Protection Levee/Relief Well system. All eleven wells were deemed inoperative when pumping assessment tests were performed in Fall 2011. A contractor was selected to evaluate, develop concepts/methods for and implement the necessary flood relief well rehabilitation strategies in accordance with US Army Corp of Engineers (US-ACE) directives and requirements.

Project

Engineer: Larry Wilms

Design by: Contractor selected based on Qualification Statement submittals.

Contractor: Contractor selected based on Qualification Statement submittals.

Cost &

Financing: Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes

Project Budget - \$1,239,315

Currently not in adopted CIB

Background: Nine (9) of the eleven (11) existing flood protection relief wells and connected well discharge piping (header system) were constructed in circa 1958-59. In 1980, the water treatment plant was expanded and two (2) additional relief wells were installed that same year.

A US Army Corps of Engineers (US-ACE) Flood Protection Inspection was performed in 2010. Based on age and operational testing results, the US-ACE questioned the ability of the relief wells to operate at a capacity acceptable to provide flood protection to the water treatment facility. The City retained the services of the Layne-Christensen Company to pull each of the Flood Protection Relief Well pumps, bail the well, install a test pump and perform a well capacity test, and then conduct a CCTV inspection of each well. The test results determined that all relief wells were ineffective and needed rehabilitation or replacement.

Project

Description: Contractor was selected to evaluate, develop concepts/methods for and implement the following general flood relief well rehabilitation strategies in accordance with US-ACE directives and requirements:

- Rehabilitation of eleven (11) existing flood protection relief wells or replacement by constructing new wells;
- Size, furnish and install complete new pumping units in each well;
- Size, furnish and install complete new pump motor starters in 4-X stainless steel panels;
- Motor starters shall have additional contactors for SCADA System integration, alarms and water level sensors for individual pump operational control;
- Install new or replacement piezometers in close proximity to relief wells and as required;
- Water level sensors will be mutually selected with Owner approval;
- Reconnect all hydraulic and electrical connections in each well;
- Test operation of each installed unit to validate performance.

Schedule: The project will proceed with:

1. an assessment of each relief well biological condition and develop up to three strategies for rehabilitation of each well,
2. sizing for replacement pumping equipment,
3. procurement and installation of pumps and new piezometers and level sensing/ SCADA controls and
4. final performance testing for each well, requiring about one year, including US-ACE approvals required on overall and respective project elements.

PROJECT BUDGET
Project No. T-281039.01
Rehabilitation of Flood Protection Relief Wells

LOCATION:

The project is located on the Water Treatment Plant site at 3245 NW Water Works Drive, which is immediately adjacent to the Kansas River.

DESCRIPTION OF PROJECT:

The project consists of rehabilitation of eleven (11) existing Flood Protection Relief Wells, nine constructed in 1958-59 and two constructed in 1980, to protect the critical plant piping and in-ground structures in the event of a major flood on the Kansas River located immediately adjacent to the water plant complex. These eleven Flood Relief Wells are an integral part of the overall City's Kansas River Flood Protection Levee/Relief Well system. All eleven wells were deemed inoperative when pumping assessment tests were performed in Fall 2011. Contractor was selected to evaluate, develop concepts/methods for and implement the following flood relief well rehabilitation strategies in accordance with US-ACE directives and requirements:

- Rehabilitation of eleven (11) existing flood protection relief wells or replacement by constructing new wells;
- Size, furnish and install complete new pumping units in each well;
- Size, furnish and install complete new pump motor starters in 4-X stainless steel panels;
- Motor starters shall have additional contactors for SCADA System integration, alarms and water level sensors for individual pump operational control;
- Install new or replacement piezometers in close proximity to relief wells and as required;
- Water level sensors will be mutually selected with Owner approval;
- Reconnect all hydraulic and electrical connections in each well;
- Test operation of each installed unit to validate performance.
- All other items necessary with making the Flood Protection Relief Wells fully operational.

SOURCE OF FUNDS:

Utility Operation Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes,
 Currently not in the adopted CIB

	Proposed		Total
<u>COST ESTIMATE:</u>			
Construction:	\$1,021,900	\$0.00	\$1,021,900
Design:	\$0	\$0.00	\$0
Construction Service Fees:			
<i>Construction Staking (5%)</i>	\$0	\$0.00	\$0
<i>Construction Inspection (8%)</i>	\$0	\$0.00	\$0
<i>City of Topeka Admin. (2%)</i>	\$0	\$0.00	\$0
<i>Geotechnical Report</i>	\$0	\$0.00	\$0
Right-of Way Acquisition:	\$0	\$0.00	\$0
Property Acquisition	\$0	\$0.00	\$0
Contingency Amount:	\$51,100	\$0.00	\$51,100
Temporary Note Interest	\$37,555	\$0.00	\$37,555
COI (2%)	\$21,460	\$0.00	\$21,460
Bond Reserve (10%)	\$107,300	\$0.00	\$107,300
Total:	\$1,239,315	\$0.00	\$1,239,315

PUBLIC HEARING:**PROJECT AUTHORITY:**

- a. Statutes: _____
- b. Capital Budget Year.: _____ 2012-2013
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER: _____ Larry Wilms

PROJECT:

Interest rate	5.00%
Number of Years	30
Cost of Issuance	2.00%
Bond Reserve	10.00%
Temp Note interest	3.500%
Principal	\$1,073,000
Bond Reserve	\$107,300
Plus Temp Note Interest	\$37,555
Plus Cost of Issuance	<u>\$21,460</u>
Total Project Budget	\$1,239,315
Annual Debt Service	\$80,619
Annual Debt Service as Percent of Total	6.5%
Total Debt Service (principal and interest)	\$2,418,577
Difference Project Cost and Total Debt Service	\$1,179,262

1 (Published in the Topeka Metro News _____)

2
3
4 NOTICE OF INTENTION

5
6 NOTICE OF INTENTION of the Governing Body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-281039.01
8 which provides for rehabilitation of flood protection relief wells
9 and to use utility operation funds, and to issue and sell
10 revenue bonds of said City pursuant to K.S.A. 10-101 and 10-
11 1201, *et seq.*, and all amendments thereto, and to issue
12 general obligation bonds pursuant to City of Topeka Code §
13 A12-1, or any combination thereof, to pay the cost of the
14 project.
15

16 Notice is hereby given that as provided by Ordinance No. _____ of the City of
17 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
18 to make improvements to the City-owned water, water pollution control, and stormwater
19 utility system (the "System") under Improvement Project No. T-281039.01 which provides
20 for improvements to its System by the rehabilitation of flood protection relief wells and
21 related appurtenances for a complete project (the "Project").

22 Notice is further given that as provided by Ordinance No. _____ of the City, the
23 Governing Body of the City intends to issue and sell one or more separate series of
24 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
25 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, or any
26 combination thereof, payable from revenues of the System, in an aggregate principal
27 amount not to exceed one million two hundred thirty-nine thousand three hundred fifteen
28 dollars (\$1,239,315.00) and to so improve the System and make public improvements to
29 the City by completing the Project.

30 Unless written protests against the proposed Project signed by not less than twenty
31 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen

(15) days after the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to complete the Project and issue and sell its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas Department of Health and Environment, payable from revenues of the System as above stated.

Done by order and direction of the Governing Body of the City of Topeka, Shawnee County, Kansas, this _____ day of _____, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement
6 Project No. T-281039.01 for the rehabilitation of flood protection relief
7 wells approving cost estimates of the proposed improvements, and
8 doing all other things necessary and incidental thereto, and
9 authorizing the use of utility operation funds, authorizing the
10 publication of the Notice of Intention of the governing body of the City
11 of Topeka, Kansas, to issue and sell revenue bonds of said City to
12 make such improvements which constitutes improvements to the
13 municipally owned water, water pollution control, and stormwater
14 utility system of the City of Topeka, Shawnee County, Kansas,
15 pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments
16 thereto, authorizing issuance of general obligation bonds to pay the
17 costs of the project which further constitutes a general improvement
18 to the City's sanitary and/or stormwater and sewage disposal system
19 pursuant to City of Topeka Code § A12-1.
20

21 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
22 *seq.* and all amendments thereto; and

23 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
24 sell revenue bonds of the City for the improvement of its water, water pollution control, and
25 stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all
26 amendments thereto; and

27 WHEREAS, it is deemed by the Governing Body of the City to be necessary and
28 advisable that the City to improve its System by rehabilitation of flood protection relief
29 wells. This project will include, but is not limited to, rehabilitation or replacement of eleven
30 (11) existing flood protection relief wells with new pumping units, new pump motor starters,
31 installation of new or replacement piezometers, new water level sensors and any related
32 appurtenances needed for a complete project and doing all things necessary and incidental
33 thereto (the "Project") and that the preliminary plans, specifications and cost estimates for

the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the improvements to be approximately one million two hundred thirty-nine thousand three hundred fifteen dollars (\$1,239,315.00) be approved; and

WHEREAS, it is found by the Governing Body that such Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of one million two hundred thirty-nine thousand three hundred fifteen dollars (\$1,239,315.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

The project consists of rehabilitation of eleven (11) existing Flood Protection Relief Wells, to protect the critical plant piping and in-ground structures in the event of a major flood on the Kansas River located immediately adjacent to the water plant complex. A

contractor was selected to evaluate, develop concepts/methods for and implement the following flood relief well rehabilitation strategies in accordance with US-ACE directives and requirements:

- Rehabilitation of eleven (11) existing flood protection relief wells or replacement by constructing new wells;
- Size, furnish and install complete new pumping units in each well;
- Size, furnish and install complete new pump motor starters in 4-X stainless steel panels;
- Motor starters shall have additional contactors for SCADA System integration, alarms and water level sensors for individual pump operational control;
- Install new or replacement piezometers in close proximity to relief wells and as required;
- Water level sensors will be mutually selected with Owner approval;
- Reconnect all hydraulic and electrical connections in each well;
- Test operation of each installed unit to validate performance.
- All other items necessary with making the Flood Protection Relief Wells fully operational.

The project will include an assessment of each relief well biological condition and develop up to three strategies for rehabilitation of each well; sizing for replacement pumping equipment; procurement and installation of pumps and new piezometers and level sensing/ SCADA controls; and final performance testing for each well, requiring about one year, including US-ACE approvals required on overall and respective project elements.

80 Section 3. That notice be given by the governing body of the City of its intention
81 to complete the Project in accordance with the plans, specifications and cost estimates and
82 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of
83 the City in a total amount not exceeding one million two hundred thirty-nine thousand three
84 hundred fifteen dollars (\$1,239,315.00) to pay the cost thereof. Such notice shall be
85 signed by the Mayor and attested by the City Clerk and shall be published in the official
86 City newspaper. Such notice shall describe the nature of the proposed improvements and
87 shall state the amount of revenue and/or general obligation bonds proposed to be issued
88 or any combination thereof for the payment of the cost of the project and otherwise, the
89 notice shall be in the form as provided by law.

90 Section 4. That unless written protests against such proposed improvements
91 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
92 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
93 the City both reasonably expects and intends to finance the costs as hereinbefore
94 described from the proceeds of revenue bonds and/or general obligation bonds or any
95 combination thereof, payable from the rates, fees and charges of the System. The City
96 does hereby express its official intent to reimburse any expenditures made in connection
97 with the Project from System enterprise fund, or obligations incurred by, on or after the
98 date which is sixty (60) days before the effective date of this Ordinance from the proceeds
99 of its revenue bonds as aforesaid in the maximum principal amount previously described in
100 accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of
101 the governing body's official intent regarding the matters described herein, will be available,

for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2012

Back Print

DATE: September 18, 2012

CONTACT PERSON: Michelle Neiswender - **DOCUMENT #:**
Wastewater Engineer

SECOND PARTY/SUBJECT: Oakland Secondary **PROJECT #:** T-291023.00
Digester Lid
Replacement

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL: 08-27-12 First **JOURNAL #:** 12
Reading. 9/11/12
Deferred for one week.

PAGE #:

DOCUMENT DESCRIPTION:

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$5,976,053 and AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291023.00 for secondary digester lid replacements at the Oakland Wastewater Treatment Plant, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof. Final Reading. *(Deferred from the meeting of September 11, 2012.)*

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

(Approval would authorize \$5,976,053 for the replacement of three Secondary Digester Lid Replacements at the Oakland Wastewater Treatment Facility. The total debt service for the project is \$11,660,109 would be paid with utility operating funds.)

POLICY ISSUE:

Item #20

To authorize the project and the expenditure of money to replace all three secondary digester lids prior to failure which will allow the City to remain in compliance with KDHE regulatory requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the project and ordinance as presented.

BACKGROUND:

One of the three Secondary Digester Lids at the Oakland Wastewater Treatment Facility has deteriorated to the point of structural failure. This prompted hiring a consulting firm to evaluate the failure and the condition of the two remaining operational Secondary Digester Lids and to propose solutions. After a thorough evaluation, the Consultant presented two options to the City:

- 1) Replacement of the failed Digester Lid
- 2) Replacement of all three Digester Lids which would result in a minimum estimated savings of \$482,000 if all three lids were done concurrently instead of separately.

This project will replace the lids on all three Anaerobic Digesters. It will be more cost effective to replace all three lids now as well as reducing the risk of noncompliance with the City NPDES permit should the other digester lids fail.

BUDGETARY IMPACT:

Project budget \$5,976,053. Debt service to be paid from Utility Operating Funds.

SOURCE OF FUNDING:

Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes. Currently not in adopted CIB.

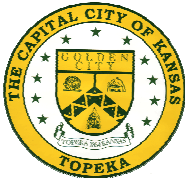
ATTACHMENTS:

[Fact Sheet](#)

[Project Budget and Debt Service](#)

[Notice of Intent](#)

[Ordinance](#)



FACT SHEET

Project Number T-291023.00

Oakland Secondary Digester Lid Replacement

Oakland Wastewater Treatment Plant - 1115 NE Poplar Street

June 30, 2012

Prepared by: Don Rankin, Director Utilities Infrastructure Division

Scope: Design and construct replacement Secondary Floating Digester Lids to support the Anaerobic Digestion process at the Oakland Wastewater Treatment Plant.

Design by: CDM Smith, Inc

Contractor: To be determined by competitive bid.

Cost &

Financing: Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes, or Kansas Department of Health and Environment SRF Loan

Project Budget - \$5,976,053

Currently not in the adopted CIB.

Schedule: Design fall 2012. Construction spring 2013.

Background: The Secondary Floating Digester Lids are a part of the wastewater treatment process called Anaerobic Digestion (AD). AD is the treatment of organic material under anaerobic conditions, that is, in the absence of air. The digestion process involves microbial degradation of material similar to composting. The outputs from AD systems are biogas and a solid residual.

- Biogas is mostly methane and carbon dioxide, with the most useful component being methane which can be used to generate power.
- The residual is called digestate which is a solid material similar to compost. The digestate is dried and then applied to land.

The Floating Digester Lids in the AD process are what create the absence of oxygen and collect the biogas. The City has 3 Anaerobic Digesters at the Oakland Wastewater Treatment Facility. Currently, one Anaerobic Digester out of service because it's digester lid has a structural failure which resulted in instability and some gas leakage. The lids on the remaining two Anaerobic Digesters are in poor shape and structural failure is likely within 3 to 5 years.

The project started as a result of the failure in one of the Floating Digester Lids. This prompted hiring CDM Smith consulting firm to evaluate the failure, the condition of the two remaining operational Digester Lids, and to propose solutions. After a thorough evaluation, they presented two options to the City:

- 1) Replacement of the failed Digester Lid

- 2) Replacement of all three Digester Lids which would result in a minimum estimated savings of \$482,000 if all three lids were done concurrently instead of separately.

Project

Description: The project will replace the lids on all three Anaerobic Digesters. Because it will be more cost effective to replace all three lids now as opposed to waiting for the likely failure in the remaining two digester lids. The electrical and control systems for each Digester will also be replaced.

The consulting firm of CDM Smith has already been hired. Upon approval of this project, CDM Smith will commence design of the replacement Digester Lids, the project will be bid for construction. It is anticipated the project will be completed in 2013.

PROJECT BUDGET
Project No. T-291023.00
OWWTP - Secondary Digester Lid Replacement

LOCATION:

The project is located at the Oakland Wastewater Treatment Plant 1115 NE Poplar Street.

DESCRIPTION OF PROJECT:

This project is for the design, and replacement of all three Secondary Floating Digester Lids at the Oakland Wastewater Treatment Plant. Including all electrical, instrumentation and control equipment, procurement of long lead items and reveiw and investigation of gas production capacity.

Currently Secondary Digester No. 1 was taken out of service due to the deterioration of the floating steel cover, which resulted in instability and some gas leakage. With this digester out of service, the WWTP's solids processing capacity and redundancy capabilities are being compromised.

SOURCE OF FUNDS:

Utility Operation Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes, Kansas Department of Health and Environment SRF Loan or any other legally available funds.

Currently not in the adopted CIB

	Proposed		Total
<u>COST ESTIMATE:</u>			
Construction:	\$4,445,000	\$0.00	\$4,445,000
Design:	\$444,500	\$0.00	\$444,500
Construction Service Fees:			
<i>Construction Staking (5%)</i>	\$0	\$0.00	\$0
<i>Construction Inspection (8%)</i>	\$355,600	\$0.00	\$355,600
<i>City of Topeka Admin. (2%)</i>	\$0	\$0.00	\$0
<i>Geotechnical Report</i>	\$0	\$0.00	\$0
Right-of Way Acquisition:	\$0	\$0.00	\$0
Property Acquisition	\$0	\$0.00	\$0
Contingency Amount:	\$351,200	\$0.00	\$351,200
Temporary Note Interest	\$181,055	\$0.00	\$181,055
COI (2%)	\$103,460	\$0.00	\$103,460
Bond Reserve (10%)	\$95,238	\$0.00	\$95,238
Total:	\$5,976,053	\$0.00	\$5,976,053

PUBLIC HEARING:**PROJECT AUTHORITY:**

- a. Statutes: _____
- b. Capital Budget Year.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER: Michelle Neiswender P.E. _____

Oakland WWTP - Biofilter

PROJECT:

Interest rate	5.00%
Number of Years	30
Cost of Issuance	2.00%
Bond Reserve	10.00%
Temp Note interest	3.500%
Principal	\$5,173,000
Bond Reserve	\$517,300
Plus Temp Note Interest	\$181,055
Plus Cost of Issuance	<u>\$103,460</u>
Total Project Budget	\$5,974,815
Annual Debt Service	\$388,670
Annual Debt Service as Percent of Total	6.5%
Total Debt Service (principal and interest)	\$11,660,109
Difference Project Cost and Total Debt Service	\$5,685,294

1 (Published in the Topeka Metro News _____)
2
3

4 NOTICE OF INTENTION
5

6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-291023.00
8 which provides for secondary digester lids replacements at the
9 Oakland Wastewater Treatment Plant and to use utility
10 operation funds, and to issue and sell revenue bonds of said
11 City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
12 amendments thereto, and to issue general obligation bonds
13 pursuant to City of Topeka Code § A12-1, and to borrow funds
14 from the Kansas Department of Health and Environment, or
15 any combination thereof, to pay the cost of the project.
16

17 Notice is hereby given that as provided by Ordinance No. _____ of the City of
18 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
19 to make improvements to the City-owned water, water pollution control, and stormwater
20 utility system (the "System") under Improvement Project No. T-281049.00 which provides
21 for the design and replacement of three secondary digester lids. This project will include,
22 but is not limited to, design and replacement of the lids including all electrical,
23 instrumentation and control equipment, procurement of long lead items and review and
24 investigation of gas production capacity and related appurtenances for a complete project
25 (the "Project").

26 Notice is further given that as provided by Ordinance No. _____ of the City, the
27 Governing Body of the City intends to issue and sell one or more separate series of
28 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
29 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or
30 to borrow funds from the Kansas Department of Health and Environment State Revolving
31 Loan Fund, or any combination thereof, payable from revenues of the System, in an

32 aggregate principal amount not to exceed five million nine hundred seventy-six thousand
33 fifty-three dollars (\$5,976,053.00) and to so improve the System and make public
34 improvements to the City by completing the Project.

35 Unless written protests against the proposed Project signed by not less than twenty
36 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen
37 (15) days after the publication of this Notice, the Governing Body will proceed in
38 accordance with the intention as set forth above to complete the Project and issue and sell
39 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas
40 Department of Health and Environment, payable from revenues of the System as above
41 stated.

42 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
43 County, Kansas, this _____ day of _____, 2012.

44 CITY OF TOPEKA, KANSAS

45
46
47
48 _____
49 William W. Bunten, Mayor

50 ATTEST:

51
52
53
54 _____
55 Brenda Younger, City Clerk

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement
6 Project No. T-291023.00 for secondary digester lid replacements at
7 the Oakland Wastewater Treatment Plant, approving cost estimates
8 of the proposed improvements, and doing all other things necessary
9 and incidental thereto, and authorizing the use of utility operation
10 funds, authorizing the publication of the Notice of Intention of the
11 governing body of the City of Topeka, Kansas, to issue and sell
12 revenue bonds of said City to make such improvements which
13 constitutes improvements to the municipally owned water, water
14 pollution control, and stormwater utility system of the City of Topeka,
15 Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et*
16 *seq.*, and all amendments thereto, authorizing issuance of general
17 obligation bonds to pay the costs of the project which further
18 constitutes a general improvement to the City's sanitary and/or
19 stormwater and sewage disposal system pursuant to City of Topeka
20 Code § A12-1, and authorizing the borrowing of funds from the KDHE
21 SRF Loan to pay the cost thereof.
22

23 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
24 *seq.* and all amendments thereto; and

25 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
26 sell revenue bonds of the City for the improvement of its water, water pollution control, and
27 stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all
28 amendments thereto; and

29 WHEREAS, it is deemed by the governing body of the City to be necessary and
30 advisable that the City to improve its System by replacing all three secondary floating
31 digester lids at the Oakland Wastewater Treatment Plant and any related appurtenances
32 needed for a complete project and doing all things necessary and incidental thereto (the
33 "Project") and that the preliminary plans, specifications and cost estimates for the Project
34 heretofore duly prepared and filed in the office of the City Clerk of said City, which

estimates show a total cost of the improvements to be approximately five million nine hundred seventy-six thousand fifty-three dollars (\$5,976,053.00) be approved; and

WHEREAS, it is found by the governing body that such Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of five million nine hundred seventy-six thousand fifty-three dollars (\$5,976,053.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

This project is for the design and replacement of all three secondary floating digester lids at the Oakland Wastewater Treatment Plant including all electrical, instrumentation and control equipment, procurement of long lead items, and review and investigation of gas production capacity.

57 Section 3. That notice be given by the governing body of the City of its intention

58 to complete the Project in accordance with the plans, specifications and cost estimates and
59 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of
60 the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding
61 five million nine hundred seventy-six thousand fifty-three dollars (\$5,976,053.00) to pay the
62 cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and
63 shall be published in the official City newspaper. Such notice shall describe the nature of
64 the proposed improvements and shall state the amount of revenue and/or general
65 obligation bonds proposed to be issued and/or loan funds to be borrowed, or any
66 combination thereof for the payment of the cost of the project and otherwise, the notice
67 shall be in the form as provided by law.

68 Section 4. That unless written protests against such proposed improvements

69 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
70 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
71 the City both reasonably expects and intends to finance the costs as hereinbefore
72 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan
73 funds or any combination thereof, payable from the rates, fees and charges of the System.

74 The City does hereby express its official intent to reimburse any expenditures made in
75 connection with the Project from System enterprise fund, or obligations incurred by, on or
76 after the date which is sixty (60) days before the effective date of this Ordinance from the
77 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously
78 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the
79 expression of the governing body's official intent regarding the matters described herein,

will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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 and Scrap Metal Dealers License Applications.

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

(Pursuant to K.S.A. 41-2702, Retail Cereal Malt Beverage License application must be approved by the Governing Body prior to the issuance of the license. Pursuant to TMC 5.170.040 and L. 2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.)

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. Pursuant to TMC 5.170.040 and L. 2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 1, 2012

Back Print

DATE:	September 18, 2012		
CONTACT PERSON:	David Thurbon/Bill Hoover	DOCUMENT #:	P12/7
SECOND PARTY/SUBJECT:	Michael Murphy, Pres. of Murphy-Hoffman Company	PROJECT #:	
CATEGORY/SUBCATEGORY	017 Plats/002 Final		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A FINAL PLAT for MacVicar and I-70 Subdivision located in the southwest quadrant of NW MacVicar Avenue and Interstate 70 located in the City of Topeka, Shawnee County, Kansas. (P12/7) (Council District No. 1)

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

(Approval would allow for development of a Kenworth heavy duty truck dealership.)

POLICY ISSUE:

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

STAFF RECOMMENDATION:

The Planning Commission recommended that the preliminary and final plat phases of MacVicar / I-70 Subdivision be APPROVED by a vote of 6-0-1 at their June 18, 2012 meeting, as referenced in their attached minutes. The Planning Department recommended that the Governing Body move to approve the MacVicar and I-70 final plat.

BACKGROUND:

See attached staff report.

Governing Body options:

Item #22

- **Accept** the plat as presented for recording by the Shawnee County Register of Deeds, or
- **Reject** the plat so it would not be eligible for recording by the Shawnee County Register of Deeds

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Staff report](#)

[Aerial](#)

[Final Plat Page 1](#)

[Final Plat Page 2](#)

[Planning Commission Minutes](#)

June 18, 2012
Agenda Item #E-3

SUBDIVISION REPORT

(Major Plats)

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: MacVicar / I-70 Subdivision - [P12/7]

OWNER/DEVELOPER: Murphy-Hoffman Company, by its President, Michael P. Murphy, as owner and developer.

ENGINEER/SURVEYOR: CFS Engineers.

GENERAL LOCATION: Southwest quadrant of Interstate-70 and NW MacVicar Avenue.

JURISDICTION: Class "A" subdivision within the City of Topeka.

ANNEXATION: Not applicable.

Area	# of Lots	Density	Proposed Land Use	Zoning
9.40 acres	1	N/A	Heavy truck sales and service dealership.	PUD* with C-4 Use Group
*Related Zoning Case: PUD12/1 MacVicar Development was approved on April 3, 2012 by the Governing Body, from a PUD with "I-1" Light Industrial District uses to the new MacVicar Development PUD with "C-4" Commercial District uses.				
Design: The subject plat contains 9.40 acres and is irregular in shape. The proposal is to have a one-block, one-lot commercial area to accommodate development of the property for a large truck sales and service facility.				

SERVICES AND FACILITIES:

1. **WATER SERVICE:** The development will be serviced by the City of Topeka with all water extensions and water connections at developer expense.
2. **SEWAGE DISPOSAL:** The development will be serviced by public sewer from the City of Topeka with all sewer extensions and sewer connections at developer expense.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within a Planned Growth Area as shown on the Land Use & Growth Management Plan - 2025 of the Comprehensive Plan.
4. **STORMWATER CONDITIONS:** The stormwater report prepared by the consultant for the City of Topeka Department of Public Works is still being reviewed by that Department.
5. **STREET PLAN/ACCESS:** The project has legal access to the east onto NW MacVicar Avenue via an existing 60-foot wide private access road along the southern boundary of the State of Kansas printing plant.

June 18, 2012
Agenda Item #E-3

6. FIRE DISTRICT: City of Topeka.
7. STREAM BUFFER: Not applicable.
8. SCHOOL DISTRICT: It is within Topeka Unified School District #501.
9. PARKS/OPEN SPACE: Not applicable.

WAIVER/VARIANCE TO STANDARDS: A Waiver of Extension so that the Preliminary and Final plats can be reviewed by the Planning Commission simultaneously has been signed by the applicant and approved by the Planning Director.

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no transportation projects in the City's CIP (2011-2015) affecting this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The 2034 Future Land Use Map designates this area as "Mixed Use" and the land uses approved in the recent rezoning of the site are in compliance with the Comprehensive Plan.

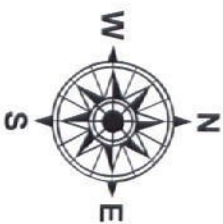
STAFF ANALYSIS:

Approval of this plat and the previous rezoning will promote the development of this site for commercial uses. Providing staff recommendations are implemented, the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria; and the design appears compatible with existing and planned conditions.

Based upon the above findings and staff analysis, the Planning Department recommends the preliminary and final plat phases of MacVicar Subdivision be **APPROVED**, subject to:

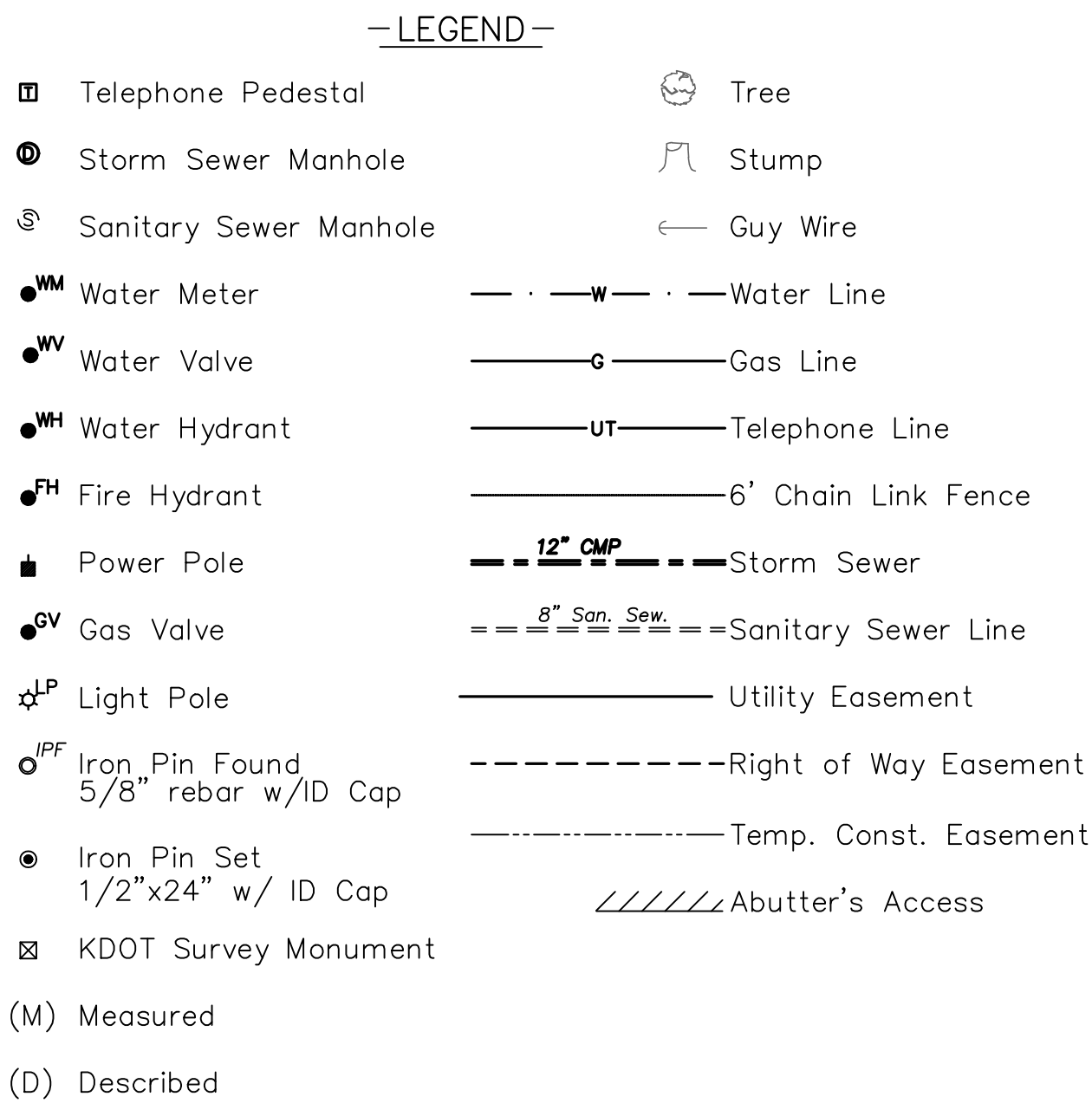
1. On the Final Plat correct the misspelling of "Stormwater" on General Note 12, and add General Note 13 stating, "Twelve-foot temporary construction easements shall be provided on each side of the permanent easements, for the initial construction of utilities in the subdivision. These temporary easements shall be automatically vacated upon installation of all appropriate utilities."
2. On the Final Plat add the Channel Drainage Easement note as General Note 14, "Channel drainage easements shall not be obstructed by any permanent or semi-permanent obstruction. This includes, but is not limited to, new trees or shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access and egress of maintenance vehicles and equipment or obstruct the flow of water in the channel such that the design conditions are not present. Any permanent or semi-permanent obstruction located in the easement may be removed by personnel representing the City of Topeka to provide for the proper operation and maintenance of the channel without cost or obligation for replacement. Cost of removal and replacement shall be the responsibility of the property owner."
3. Receive approval for the stormwater report from the Department of Public Works and make any amendments necessary to the Final Plat, prior to it being placed on the agenda for the City Council Meeting.

Prepared by: Bill Hoover
Planner III



P12/7 Macvicar / I-70 Subd.

A tract of land located in the Northeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in Shawnee County, Kansas



FINAL PLAT
MacVicar / I-70 SUBDIVISION

A tract of land located in the Northeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in Shawnee County, Kansas

BOOK: PAGE:
DATE: TIME:

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS, THIS DAY OF , 2012, AT O'CLOCK M.

Marilyn L. Nichols, Register of Deeds

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence North 00 degrees 08 minutes 34 seconds West on the East line of said Northeast Quarter a distance of 1467.42 feet; thence South 89 degrees 51 minutes 26 seconds West a distance of 509.41 feet to the point of beginning; thence South 07 degrees 08 minutes 58 seconds West a distance of 578.90 feet; thence North 78 degrees 48 minutes 44 seconds West a distance of 889.05 feet; thence North 00 degrees 07 minutes 53 seconds West a distance of 214.53 feet; thence along a curve to the right having a radius of 2720.37 feet, a chord which bears North 70 degrees 24 minutes 01 seconds East a distance of 591.94 feet, an arc distance of 593.11 feet; thence North 86 degrees 18 minutes 46 seconds East a distance of 190.78 feet; thence South 83 degrees 11 minutes 40 seconds East a distance of 198.07 feet to the point of beginning.

Contains 9.40 acres of land.

Closure: 1:234,850

CERTIFICATE OF APPROVALS:

APPROVED BY THE TOPEKA PLANNING COMMISSION, THIS DAY OF , 2012.

Mike Lackey, Chairman

David F. Thurbon, Planning Director

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE DAY OF , 2012, FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES.

By the City Council
City of Topeka, Kansas

William W. Bunten, Mayor

Brenda Younger, City Clerk

DEDICATION: Know all men by these presents that the undersigned owners to the above described tract of land have caused the same to be subdivided into lots, blocks and public ways which shall be known as MacVicar / I-70 SUBDIVISION.

NOTICE: In the event there are others owners or those holding any proprietary interest in any land contained in this subdivision who do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.

EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easements" to locate, construct and maintain or authorize the locations, construction, maintenance and use of conduits for all and any purpose, water, gas, sewer mains, poles and wires or any or all of them over, under and along the strips marked "Utility Easements". A temporary construction easement of 12 feet adjacent to the side of utility easement is dedicated for the use of the public utilities while construction is in progress.

ACCESS EASEMENTS: The access easements shown on this plat are for the purpose of access, ingress and egress by vehicular and pedestrian traffic including emergency vehicles, and are for the mutual non-exclusive benefit of every owner of the real property described herein, their respective successors, assigns, tenants, contractors, employees, agents, customers, licensees, and invitees.

IN TESTIMONY WHEREOF:

The Owner, Murphy-Hoffman Company, by its President, Michael P. Murphy, has caused these presents to be signed this day of , 2012.

Michael P. Murphy, President
Murphy-Hoffman Company

STATE OF KANSAS ss)
COUNTY OF SHAWNEE ss)

BE IT REMEMBERED, That on this day of A.D., 2012, before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Michael P. Murphy, President of Murphy-Hoffman Company, a Missouri corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Missouri, who is personally known to me to be such officer who executed the within instrument of writing on behalf of said corporation and such officer duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY THEREOF, I have hereunto set my hand, and affixed my seal the day and year last above mentioned.

My Commission Expires:

Notary Public

CFS ENGINEERS
2930 SW Woodside Drive, Topeka, Kansas 66614

Michael A. Adams, L.S. 1126

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, THIS DAY OF , 2012.

Cynthia A. Beck, County Clerk

REVIEWED BY SHAWNEE COUNTY SURVEYOR ONLY FOR COMPLIANCE WITH KSA 58, ARTICLE 20, THIS DAY OF , 2012.

Deborah J. Thomas, LS 1461

CERTIFICATE OF SURVEYOR: I hereby certify the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented, that iron pins are set as shown on the attached plat this day of , 2012.

GENERAL NOTES:

- 1. Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings, or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
2. Easements shown on plat are centered on lot lines unless otherwise noted.
3. Flood Zone: According to Flood Insurance Rate Map (FIRM) community panel no. 20177C0204E, effective Sept. 29, 2011, the subject property is protected from the 1-percent-annual chance for or greater floodhazard by a levee system that has been provisionally accredited. Overtopping or failure of any levee system is possible . For additional information, see the "Provisionally Accredited Levee Note" in Notes to Users.
4. Basis of bearings: Assumed N 00°08'32" W along the East line of Northeast Quarter of Section 26, Township 11 South, Range 15 East.
5. Utility Easements dedicated by this Plat contain 41,646 square feet.
6. Water service shall be by the City of Topeka.
7. Sewage disposal shall be by the City of Topeka.
8. All Subdivision boundary corners either found or set, are set in concrete.
9. No building permit shall be issued until arrangements for the installation of water mains and/or connection charges have been made with the City of Topeka Water Department.
10. Restricted access line defines portion of subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision. The Governing Body may cross this line in order to gain access to the subdivision.
11. All utilities shall be placed underground pursuant to the City's right-of-way management standards.
12. No building permit shall be issued until all Stromwater Management requirements set forth in Topeka Municipal Code (TMC) Chapter 13.35 are met including: approval of Stormwater Management Plan and granting of any necessary Stormwater Management Easements.

Attachment number 4 to Page 1 of 1

**Minutes of the
Topeka Planning Commission
Monday, June 18, 2012**

A. Roll call

Present: Kevin Beck, Richard Beardmore, Michelle Cuevas-Stubblefield, Scott Gales, Peter Hancock, Dennis Haugh, and Mike Lackey – Chairman **(7)**

Absent: June Ewing, Brett Klausman **(2)**

Staff Present: Annie Driver-Planner II, Bill Hoover- Planner III, and David Thurbon-Planning Director

B. Approval of minutes – April 16, 2012

C. Communications to the Commission – David Thurbon invited the public and the Planning Commissioners to the Smart Growth Forum scheduled for June 27 – 28. He mentioned the June 25th Planning Commission Agenda and with accompanying data would be e-mailed to the Commissioners on Tuesday, June 19th.

D. Declarations of conflict of interest:

Beardmore -
Beck – E-3
Cuevas-Stubblefield -
Ewing - absent
Gales – E-1
Hancock -
Haugh -
Klausman - absent
Lackey –

E. Subdivision/Zoning Amendments – new business

1. Capital Ridge Center Development

- a. **PUD12/4 Capital Ridge Center Planned Unit Development** by Benjamin F. Blair, B.F. Blair, Trustee, Benjamin F. Blair Trust; Donald G. Schwart, Trustee, Hall E. Harrison Family Trust requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District **TO** “PUD” Planned Unit Development (“C-1” Commercial District use group; including residential dwelling units above the ground floor) on property located at the northwest corner of SW 21st Street and SW Arvon Place. **(Driver)** Annie Driver summarized the staff reports for both the PUD and accompanying plats (Item E-1b).

Discussion by members: Peter Hancock asked if they were proposing a two-story structure with commercial uses on the first floor and residential uses on the second floor. David

Thurbon responded that the staff had recommended residential uses on the second floor.

Proponents: Angela Sharp, PE of Bartlett & West, said that Ben Blair, the property owner was a local developer with a reputation for quality development. He previously owned the Legend Ridge site which is located just to the north and east and he rezoned it before selling it to them. This project is intended to tie-in architecturally with that project. They want versatility in marketing the project and the property is narrow along SW 21st Street and deep. It will not be a heavy -traffic oriented development, but rather makes an excellent site for a pedestrian-oriented development. Since the individual commercial units will face the east, signs on the front of the building will not be visible for travelers along SW 21st Street. She said this was the last piece of this larger area that included Menards and loft residential units would provide excellent views for residents but it is possible that some potential developers of the site may only do commercial uses so they only wanted the flexibility of doing residential on the second floor. They would also like the limitation of 2,000 square feet per unit changed to 4,000 square feet per unit as some neighborhood users may need more than 2,000 square feet. This would only need to be done for one or two units and the balance would meet the 2,000 square feet standard. The stone monument sign at SW Arvonja and SW 21st Street is desired to be taller for more versatility and to show all the tenants on the sign including Legend Ridge.

Kevin Beck asked if the building would be a single grade or have a stepped grade. Angela Sharp replied that it would be one level or two levels. Richard Beardmore asked if the 3:1 elevation on the sign exhibit was correct as it appeared incorrect. Angela Sharp said it was confusing but it was twelve feet to the bottom of the sign with thirty inches at the bottom for landscaping.

Peter Hancock asked if there needed to be a restriction to having residential on the second floor and there being a required 50/50 mix of commercial/residential. David Thurbon responded that the Comprehensive Plan shows any commercial at this location should be at a neighborhood scale and the key issue is whether the commercial is appropriate or not. He added that staff would like the residential on the second floor but would not object if the Planning Commission approves it without requiring residential on the second floor.

Richard Beardmore asked if the C-1 uses require all commercial uses to be inside a structure. David Thurbon answered that past interpretations have allowed restaurants to have exterior seating in the C-1 District.

Kevin Beck suggested that he prefers using the finished floor elevation of the adjacent structure. David Thurbon said he agreed. Richard Beardmore said there were two issues remaining, which were the sign and concerns with the second floor. David Thurbon said staff would delete Condition #2. Peter Hancock said he likes the staff recommendations and added on Condition #3 he would like to limit the sign to seven and one-half feet in height and go with the staff recommendation on signage since the city council has recently shown us they want to be strict on signage. Mike Lackey said he was not too passionate about requiring a two-story building with residential uses on the second floor and then asked what the other members thought of the 2,000 square foot limitation for individual units. Richard Beardmore said he is OK with the 4,000 square foot limitation. Peter Hancock asked if a 4,000 square foot unit was a C-2 use.

Mike Lackey said it seems we agree to leave the signage as in the staff condition of

approval, increase the size limitation to 4,000 square feet, delete the second floor residential requirement and use Kevin Beck's suggestion for the finished floor elevation.

Mike Lackey asked if the applicant was OK with the conditions of approval on the plat and Annie Driver responded that yes they were OK with them.

Opponents: None.

Richard Beardmore moved approval, seconded by Michelle Cuevas-Stubblefield.
APPROVAL. (6-0-1)

- b. Capital Ridge Center Subdivision (Preliminary and Final Plat Phases)(P12/5)** by Benjamin F. Blair, B.F. Blair, Trustee, Benjamin F. Blair Trust; Donald G. Schwart, Trustee, Hall E. Harrison Family Trust on property located at the northwest corner of SW 21st Street and SW Arvonla Place. **(Driver)** Annie Driver summarized the staff report for the plats during her presentation on the accompanying PUD (Item E-1a).

Discussion by members: See above discussion on the accompanying PUD (Item E-1a).

Proponents: Angela Sharp of Bartlett & West.

Opponents: None.

Dennis Haugh moved approval, seconded by Kevin Beck. **APPROVAL. (6-0-1)**

- 2. Z12/7 by D&B Partnership** requesting to amend the District Zoning Classification from "O&I-2" Office and Institutional District **TO** "C-2" Commercial District on property located at the southeast corner of SW Huntoon Street and SW Hillsdale Street. **(Hoover)** Bill Hoover summarized the staff report.

Discussion by members: Richard Beardmore stated that proposed zone change appears to be a logical transition.

Proponents: Pete Gierer, Trevis Architects, representing the applicant, stated he and the property owners are available for questions.

Opponents: None.

Richard Beardmore moved approval, seconded by Dennis Haugh. **APPROVAL. (7-0-0)**

- 3. MacVicar/I-70 Subdivision (Preliminary and Final Plat Phases)(P12/7)** by M-H Olathe, L.L.C. on property located at the southwest corner of I-70 and SW MacVicar Avenue. **(Hoover)** Bill Hoover summarized the plats.

Discussion by members: Peter Hancock pointed out an error in the description, and asked whether this development would be served by the new wind energy system. Kevin Holland, representing the applicant replied, no.

Richard Beardmore asked if the access agreement was in place to serve this development. Mr. Holland stated the access agreement is in place and is for common usage, built to the typical 29 foot width, which will accommodate large trucks.

Proponents: Kevin Holland, engineer with Cook Flat and Strobel was available to answer questions.

Opponents: None.

Michelle Cuevas-Stubblefield moved approval, seconded by Richard Beardmore. **APPROVAL. (6-0-1)**

4. **Dreamland Subdivision (Preliminary and Final Plat Phases)(P12/8)** by William G. Lang, Connie E. Lang and Daniel W. Florence on property located on the west side of SE Rice Road approximately 300 feet north of SE 6th Avenue. **(Driver)** Annie Driver summarized the staff report for the plats.

Discussion by members: None.

Proponents: Terry Coder, PE of Coder Engineering, said that the owners wanted to build a new single-family home on Lot 1 and he was pleased someone was building in East Topeka. He said the platting would allow them to vacate an unneeded roadway so their home could meet the setbacks.

Peter Hancock asked what school district it was and Annie Driver replied that it was USD 501. Mike Lackey said it was a good deal for the City to vacate SE 5th Terrace as it would eliminate an access onto SE Rice Road.

Opponents: None.

Peter Hancock moved approval, seconded by Kevin Beck. **APPROVAL. (7-0-0)**

F. Adjournment @ 6:55 PM.



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 13, 2012

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

DATE: September 18, 2012
CONTACT PERSON: Councilmember John Alcala **DOCUMENT #:**
SECOND PARTY/SUBJECT: NOTO Blues and BBQ **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 010 Alcoholic Beverages
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember John Alcala, authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time and the special event permit pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645 (e)(1) for the NOTO Blues and BBQ. First Reading. (Council District No. 2)

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

(Approval would allow state-licensed vendors to serve alcoholic beverages at the barricaded portion of the sidewalk in front of Weller's Grill and Bar located at 220 N. Independence on September 30, 2012, from 2:00 p.m. to 6:00 p.m.)

POLICY ISSUE:

Whether or not to authorize the removal of portion of the sidewalk in front of Weller's Grill & Bar located at 220 N. Independence from City right of way to facilitate the sale, possession and consumption of alcoholic liquor.

STAFF RECOMMENDATION:

BACKGROUND:

This ordinance would remove a portion of the sidewalk in front of Weller's Grill & Bar located at 220 N. Independence from City right of way to facilitate the sale, possession, and consumption of alcoholic liquor on the barricaded portion of the sidewalk on September 30, 2012, from 2:00 p.m. to 6:00 p.m.

As of 9/13/12, Wellers has not paid the occupancy tax required by City Code to operate a drinking

Item #23

establishment. Occupancy tax was due in June.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time and the special event permit pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) for the NOTO Blues and BBQ.

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 in front of Weller's Grill & Bar located at 220 N. Independence on September 30, 2012, from 2:00 p.m. to 6:00 p.m. for the NOTO Blues and BBQ event. Attendance to the celebration is open to the public between these hours.

Section 2. The barricaded portion of the sidewalk in front of Weller's Grill & Bar located at 220 N. Independence shall be temporarily removed from the City's right-of-way in accordance with TMC 9.15.020(a) for a special event to be held on September 30, 2012, from 2:00 p.m. to 6:00 p.m. 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 in front of Weller's Grill & Bar located at 220 N. Independence on September 30, 2012, from 2:00 p.m. to 6:00 p.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 in front of Weller's Grill & Bar located at 220 N. Independence on September 30, 2012, from 2:00 p.m. to 6:00 p.m.

Section 4. The NOTO Blues and BBQ is hereby approved by the governing body as a special event as required by K.S.A. 41-2645(e)(1) and K.S.A. 41-719(a)(2).

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 Governing Body on _____.

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

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

Back Print

DATE:	September 18, 2012	
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 27, 2012

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

DATE:	September 18, 2012	
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