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City Council Agenda

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

December 11, 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:

"None scheduled at this time."

2. PRESENTATIONS:

"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of December 4, 2012

B. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Project Budget and Resolution - Street Improvement Project No. T-601020.02 - New Proposal

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$8,448,032 and **A RESOLUTION** introduced by City Manager Jim Colson, relating to and authorizing Improvement Project No. T-601020.02, which provides for street improvements to South Kansas Avenue between 6th Street and 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. (Council District No. 1) (Deferred from the meeting of November 27, 2012.)

(Approval would authorize improvements to the South Kansas Avenue corridor to be funded by general obligation bonds, half-cent retailers' sales tax, utility operating funds and private sector contributions. The project is included in the City's 2011-2013 Capital Improvement Program.)

6. NEW BUSINESS:

A. Resolution - Heartland Visioning

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, supporting the Joint Economic Development Organization to direct the Growth Organization of Topeka/Shawnee County to provide funding on behalf of the City of Topeka in support of the Heartland Visioning Project.

(Approval would authorize a contribution on behalf of the City of Topeka in the amount of \$30,000 from GO Topeka's 2012 budgeted funds to support the Heartland Visioning Project.)

B. Resolution - Legislative Agenda



A RESOLUTION introduced by City Manager Jim Colson, approving the 2013 Legislative agenda.

(Approval would outline legislative priorities identified by the Governing Body to be addressed or monitored during the 2013 Legislative Session.)

C. 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.)

7. FIRST READINGS:

A. Ordinance - Possession of Firearms/Misdemeanors


[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, concerning possession of a firearm during certain misdemeanors, creating City of Topeka Code Section 9.40.045. First Reading.

(Approval would allow for suspects to be charged with the additional violation of possessing a firearm while committing certain misdemeanor crimes.)

B. Ordinance - Compliance with State Smoking Prohibition Statutes


[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, concerning the prohibition of smoking in public places, amending City of Topeka Code Sections 8.20.020, 8.20.030, 8.20.070, 8.20.080, 8.20.110, 8.20.120 and 8.20.130 and specifically repealing said original sections, as well as, repealing in its entirety Section 8.20.140. First Reading.

(Approval would amend current City ordinance to comply with current State statutes.)

C. Ordinance - Business Licenses - Payment of Real Estate Taxes


[ATTACHMENTS](#)

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code Section 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section. First Reading.

(City ordinance requires denial/revocation of a business license when there are delinquent real estate taxes on the property. Approval would create an exception when the license applicant is a tenant and has no control over the payment of delinquent real estate taxes.)

D. Ordinance - Redistricting City Council Boundaries


[ATTACHMENTS](#)

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code Section 2.15.090, concerning redistricting and specifically repealing said original section and Ordinance No. 19779. First Reading.

(Approval would amend the redistricting ordinance passed last month to add a precinct to Ward 13 in District 8. Precinct 4 is currently unpopulated. However, the Shawnee County Election Commissioner has requested that the Council include this precinct in the event people move into this area.)

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2012

Back Print

DATE:	December 11, 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



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BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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		PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 28, 2012

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DATE: December 11, 2012

CONTACT PERSON: Shawn Bruns/Mike Teply **DOCUMENT #:**

SECOND PARTY/SUBJECT: South Kansas Avenue Improvements **PROJECT #:** T-601020.02

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: 11/27/12 Deferred to 12/11/12. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$8,448,032 and **A RESOLUTION** introduced by City Manager Jim Colson, relating to and authorizing Improvement Project No. T-601020.02, which provides for street improvements to South Kansas Avenue between 6th Street and 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. (Council District No. 1) (Deferred from the meeting of November 27, 2012.)

(Approval would authorize improvements to the South Kansas Avenue corridor to be funded by general obligation bonds, half-cent retailers' sales tax, utility operating funds and private sector contributions. The project is included in the City's 2011-2013 Capital Improvement Program.)

POLICY ISSUE:

This project will replace aging public infrastructure and encourage further development in Downtown Topeka.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the project budget and resolution.

BACKGROUND:

Council has deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and on July 17, 2012.

Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for a conceptual design of improvements to the South Kansas Avenue downtown corridor and to

Item #8

also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$8,448,032 to provide for improvements to South Kansas Avenue between SW 6th Street and SW 10th Street. The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes. This project will include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement. Private Sector Contributions will fund enhancements to include pocket parks, information kiosks, and bronze statues.

Funding of the project is proposed from \$3,759,000 of General Obligation Bonds, \$1,050,000 of Half-Cent Retailers' Sales Tax Funds, \$950,000 Utility Operating Funds, \$888,032 from the 2014 CIP and \$1,801,000 of Private Sector Contributions.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015. At the time of construction no vehicular access will be available during the approximately 4 months. Pedestrian access will be available throughout construction.

BUDGETARY IMPACT:

Project Budget: \$8,448,032

The project is included in the City's 2011-2013 Capital Improvement Program for \$2,000,000 in both 2012 and 2013 for a total of \$4,000,000 to be funded by General Obligation Bonds.

SOURCE OF FUNDING:

\$3,759,000 - General Obligation Bonds
\$1,050,000 - Half-Cent Retailers' Sales Tax
\$ 950,000 - Utility Operating Funds
\$1,801,000 - Private Sector Contributions
\$ 888,032 - 2014 CIP
\$8,448,032 - TOTAL

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Resolution](#)

[Informational Sheet](#)

[Revised Proposal](#)

PROJECT BUDGET
Project No. T- 601020.02
S. Kansas Avenue Improvements

LOCATION:

S. Kansas Avenue between SW 6th Street and SW 10th Street

DESCRIPTION OF PROJECT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

SOURCE OF FUNDS:

General Obligation Bonds , Half Cent Retailers' Sales Tax, Utility Operating Funds, and Private Sector Contributions.

COST ESTIMATE:

Description of Improvement	Estimated Cost	Payer	Source of Funds
Infrastructure			
Water Line Replacement and Fiber Optics Conduit	\$375,000	COT	Utility Operating Funds
Storm Sewer Improvements	\$575,000	COT	Utility Operating Funds
Lighting and Electrical Service	\$600,000	COT	GO Bonds
Sidewalks Improvements (Colored Concrete)	\$860,000	COT	GO Bonds
Existing Brick Sidewalk Refurbishment	\$60,000	COT	GO Bonds
Median Replacement	\$170,000	COT	GO Bonds
Mid-Block Crosswalks	\$80,000	COT	GO Bonds
Intersection Crosswalks	\$187,000	COT	GO Bonds
Cutback Parking Improvements	\$450,000	COT	GO Bonds
Project Traffic Control	\$200,000	COT	GO Bonds
Design, Inspection and Bond Financing Fees	\$1,152,000	COT	GO Bonds
Street Pavement Improvements	\$825,000	COT	1/2 Cent Sales Tax
Curbs and Gutters Improvements	\$225,000	COT	1/2 Cent Sales Tax
Total Infrastructure	\$5,759,000		
Private Pedestrian Enhancements			
Information Kiosks	\$60,000	Private	
Bronze Topekans	\$600,000	Private	
Bronze Plaques	\$60,000	Private	
Bronze State Animals	\$56,000	Private	
Crosswalk Structures	\$225,000	Private	
Pocket Parks	\$800,000	Private	
Total Pedestrian Enhancement	\$1,801,000		
2014 Pedestrian Enhancements			
Guard Hand Rails	\$13,080	COT	2014 CIP
Park Benches and Seating	\$52,800	COT	2014 CIP
Curbs and Landscape Curbs	\$100,036	COT	2014 CIP
Softscape (Mulch, Irrigation, Landscape and Trees)	\$141,836	COT	2014 CIP
Street and Walk Light Poles	\$378,720	COT	2014 CIP
Trash/Recycle Bins	\$42,560	COT	2014 CIP
Planters (Corner)	\$60,000	COT	2014 CIP
Planters (Center Island)	\$20,600	COT	2014 CIP
Planters (Walk)	\$78,400	COT	2014 CIP
Total 2014 Pedestrian Enhancements	\$888,032		
Total Estimated Project Costs	\$8,448,032		
Utility Operating Funds	\$950,000		
GO Bonds	\$3,759,000		
Special 1/2 Cent Sales Tax	\$1,050,000		
2014 CIP	\$888,032		

GO Bond Cost of Project

PROJECT: T-601020.02

Interest rate	3.50%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	1.500%

Principal	\$3,759,000
Plus Temp Note Interest	\$56,385
Plus Cost of Issuance	\$75,180
Total Project Budget	\$3,890,565

Annual Debt Service	\$273,744
Annual Debt Service as Percent of Total	7.0%

Total Debt Service (principal and interest)	\$5,474,887
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Difference Project Cost and Total Debt Service	\$1,584,322
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GO Bonded Indebtedness as of May 2012	\$161,130,000
Heartland Park STAR Bonds	\$9,855,000
College Hill TIF	\$5,605,000
2011 Temporary Notes that Finance Future GO Bond projects	\$15,230,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$10,566,448
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	\$4,195,923
Total Indebtedness	<u>\$206,582,371</u>
Plus Project	\$210,472,936

RESOLUTION NO. _____

A RESOLUTION introduced by Jim Colson, City Manager, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka, Improvement Project No. T-601020.02 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

B. ESTIMATED OR PROBABLE COST:

\$8,448,032.00

C. APPORTIONMENT OF COSTS:

Utility Operating Funds	\$ 950,000.00
General Obligation Bonds or any other lawfully available funds	\$3,759,000.00
Citywide Half-Cent Special Purpose Retailers' Sales Tax	\$1,050,000.00
Private Sector Contributions	\$1,801,000.00
2014 CIP	<u>\$ 888,032.00</u>
TOTAL:	\$8,448,032.00

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ADOPTED and APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

INFORMATION SHEET

PROJECT NO. T-601020.02

S. Kansas Avenue – 6th Street to 10th Street

General Nature of Improvement: Phase 2 of this project will provide for improvements on South Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

Background: Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for conceptual design of improvements to the South Kansas Avenue downtown corridor and to also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$8,448,032. Council has previously deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and July 17, 2012.

The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes. Private sector contributions will fund enhancements to include pocket parks, information kiosks, and bronze statues.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015. While under construction no vehicular access will be available. Pedestrian access will be available throughout construction.

CIP Year: The project is included in the City's 2011 - 2013 Capital Improvement Program for \$2,000,000 in both 2012 and 2013 for a total of \$4,000,000 to be funded by General Obligation Bonds.

Project Budget: The requested Project Budget is \$8,448,032.00

Source of Funding:

\$3,759,000 – General Obligation Bonds
 \$1,050,000 – Half-Cent Retailers' Sales Tax
 \$1,801,000 – Private Sector Contributions
 \$ 950,000 – Utility Operating Funds
 \$ 888,032 – 2014 CIP
 \$8,448,032 – Total

Council District: 1

Project Administration:

Engineering Division -- Shawn Bruns

Project Schedule:

Design: 2013
 Construction: 2014 – 7th Street to 9th Street
 2015 – 6th Street to 7th Street and 9th Street to 10th Street

South Kansas Avenue

In an effort to clarify the request being made regarding South Kansas Avenue, staff is amending the project budget and recommendation being brought forward to council for consideration. The amended project budget is reduced from \$8,448,032 to \$4,967,000. The amended budget reflects the following:

- Reduce the city infrastructure portion of the budget by \$792,000 from \$5,759,000 to \$4,967,000.
 - This amount is being removed because \$1,000,000 was approved by the Council in 2011 for the project. \$208,000 was already spent on planning and design work. The remaining \$792,000 will displace the planned expenditure of Utility Operating Funds.
 - These funds will be limited to infrastructure improvements including:
 - Water Line Replacement and Fiber Optics Conduit
 - Storm Sewer Improvements
 - Lighting and Electrical Service
 - Sidewalk Improvements (Colored Concrete)
 - Existing Brick Sidewalk Refurbishment
 - Median Replacement
 - Mid-Block Crosswalks
 - Intersection Crosswalks
 - Cutback Parking Improvements
 - Project Traffic Control
 - Design, Inspection and Bond Financing Fees
 - Street Pavement Improvements
 - Curbs and Gutters Improvements
- Remove the \$1.8 million private sector investment dedicated to Private Pedestrian Enhancements.
 - The private sector has identified \$1.8 million in improvements and has received approximately just less than \$1 million in commitments and pledges.
 - The city is not obligated for any of these funds, but to clarify that point the funds are removed from the city approved budget.
 - The private sector will work with city to coordinate design and construction if the project is approved.
- Remove the \$888,032 included as 2014 Pedestrian Enhancements.
 - This amount was included in the budget to cover pedestrian enhancements that are generally paid for by the public sector. No funding source was identified.
 - It is staff's intention to remove this from the current budget and come back later if the project is approved and alternative funding sources are identified.

Proposed amendments are show in double underline and ~~double strikethrough~~.

RESOLUTION NO. _____

A RESOLUTION introduced by Jim Colson, City Manager, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka, Improvement Project No. T-601020.02 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. ~~Private sector contributions will enhance this downtown corridor by adding amenities to the area.~~

B. ESTIMATED OR PROBABLE COST:

~~\$8,448,032.00~~ \$4,967,000.00

C. APPORTIONMENT OF COSTS:

Utility Operating Funds	\$ 950,000.00
	<u>\$ 158,000.00</u>
General Obligation Bonds or any other lawfully available funds	\$3,759,000.00
Citywide Half Cent Special Purpose Retailers' Sales Tax	\$1,050,000.00
Private Sector Contributions	\$1,801,000.00
2014 CIP	\$ 888,032.00
TOTAL:	\$8,448,032.00 <u>\$4,967,000.00</u>

Proposed amendments are show in double underline and ~~double-strikethrough~~.

ADOPTED and APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

INFORMATION SHEET

PROJECT NO. T-601020.02

S. Kansas Avenue – 6th Street to 10th Street

General Nature of Improvement: Phase 2 of this project will provide for improvements on South Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement.

Background: Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for conceptual design of improvements to the South Kansas Avenue downtown corridor and to also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$4,967,000. Council has previously deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and July 17, 2012.

The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015.

Project Budget: The requested Project Budget is \$4,967,000.00

Source of Funding:

\$3,759,000 – General Obligation Bonds
 \$1,050,000 – Half Cent Retailers' Sales Tax
 \$ 158,000 – Utility Operating Funds
 \$4,967,000 – Total

Council District: 1

Project Administration:

Engineering Division -- Shawn Bruns

Project Schedule:

Design: 2013
 Construction: 2014 – 7th Street to 9th Street
 2015 – 6th Street to 7th Street and 9th Street to 10th Street

PROJECT BUDGET
Project No. T- 601020.02
S. Kansas Avenue Improvements

LOCATION:

S. Kansas Avenue between SW 6th Street and SW 10th Street

DESCRIPTION OF PROJECT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement.

SOURCE OF FUNDS:

General Obligation Bonds , Half Cent Retailers' Sales Tax, and Utility Operating Funds.

COST ESTIMATE:

Description of Improvement	Estimated Cost	Payer	Source of Funds
Infrastructure			
Water Line Replacement and Fiber Optics Conduit	\$79,000	COT	Utility Operating Funds
Storm Sewer Improvements	\$79,000	COT	Utility Operating Funds
Lighting and Electrical Service	\$600,000	COT	GO Bonds
Sidewalks Improvements (Colored Concrete)	\$860,000	COT	GO Bonds
Existing Brick Sidewalk Refurbishment	\$60,000	COT	GO Bonds
Median Replacement	\$170,000	COT	GO Bonds
Mid-Block Crosswalks	\$80,000	COT	GO Bonds
Intersection Crosswalks	\$187,000	COT	GO Bonds
Cutback Parking Improvements	\$450,000	COT	GO Bonds
Project Traffic Control	\$200,000	COT	GO Bonds
Design, Inspection and Bond Financing Fees	\$1,152,000	COT	GO Bonds
Street Pavement Improvements	\$825,000	COT	1/2 Cent Sales Tax
Curbs and Gutters Improvements	\$225,000	COT	1/2 Cent Sales Tax
Total Infrastructure	\$4,967,000		
Utility Operating Funds	\$158,000		
GO Bonds	\$3,759,000		
Special 1/2 Cent Sales Tax	\$1,050,000		

Kansas Avenue Project

Infrastructure Improvements

Infrastructure Improvement	6th Street to 10th Street	
	3 Lanes, Sidewalks Widened to 24 Ft. Estimated Cost	Comments
Water Line Replacement and Fiber Optics Conduit	\$ 375,000	No costs for pavement
Storm Sewer Improvements (Both sides of street and tie-ins; does not include 8th Street project)	\$ 575,000	
Lighting and Electrical Service (Poles, fixtures and wiring)	\$ 600,000	Dual power outlets 10-12 /side/block
Sidewalks Improvements- colored concrete	\$ 860,000	16 feet/block/side new
Existing Brick Sidewalk Refurbishment	\$ 60,000	
Median Replacement (Shortened; curbs and pedestrian wall)	\$ 170,000	No plantings; water
Mid-block Crosswalks	\$ 80,000	PCC- colored
Intersection Crosswalks	\$ 187,000	Four per intersection
Street Pavement Improvements (Removal, subgrade preparation, asphalt pavement and pavement markings)	\$ 825,000	
Curbs and Gutters Replacement	\$ 225,000	Total removal/replacement
Cutback Parking Improvements	\$ 450,000	
Project Traffic Control	\$ 200,000	
Design, Inspection and Bond Financing Fees	\$ 1,152,000	Appx. 25% of construction
Project Total	\$ 5,759,000	
Breakdown by Funding Sources:		
Remaining Funding (Approved)	\$ 792,000	
Utility Operating	\$ 158,000	
G O Bonds	\$ 3,759,000	
Special 1/2 Cent Sales Tax	\$ 1,050,000	
Project Total	\$ 5,759,000	

Notes:

All costs are estimates. Final design and construction may result in variations.

6th-10th option improvements provide for 3 (12') lanes, buffer areas and expanded 24' wide sidewalks.

2 year construction cycle after relocation of KGS lines.

DRAFT- For Discussion Only 12/11/2012



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 19, 2012

Back Print

DATE:	December 11, 2012	
CONTACT PERSON:	Jim Colson, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Heartland Visioning	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, supporting the Joint Economic Development Organization to direct the Growth Organization of Topeka/Shawnee County to provide funding on behalf of the City of Topeka in support of the Heartland Visioning Project.

(Approval would authorize a contribution on behalf of the City of Topeka in the amount of \$30,000 from GO Topeka's 2012 budgeted funds to support the Heartland Visioning Project.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

2012 GO Topeka funds

ATTACHMENTS:

[Request Letter and Program Budget](#)

[Resolution](#)

Item #9



November 27, 2012

Mr. Jim Colson
City Manager
City of Topeka
215 Southeast 7th Street
Room 352
Topeka, KS 66603

Dear Topeka City Council:

I am writing to request a continuing contribution from the City of Topeka in the amount \$30,000 from the economic development funds overseen by JEDO, as has been committed in the past for the Heartland Visioning project. This continued contribution will allow the visioning project to continue moving forward.

Your continued contribution has enabled Heartland Visioning to communicate and market the community-wide vision; increase citizen engagement; support strategic alliances and partnerships such as the North Topeka Arts District and to assist building the leadership capacity in our community.

We continue to review our progress, revising as needed and refocusing our vision as we end 2012 and move into 2013. In the next six to eight months, Heartland Visioning will complete our reviewing, revising and refocusing efforts by checking back in with the community through multiple community meetings where we intend to engage community members in a meaningful discussion and ask them what's going well and what can be better in Topeka and Shawnee County.

We ask for your continued financial support to allow Heartland Visioning to continue to be a sustainable community-wide project for Topeka and Shawnee County many years into the future.

Sincerely,

William Beteta
Executive Director
Heartland Visioning

CC: City Clerk

Heartland Visioning 2012 Budget

Personnel Expenses	2011	2011 Actl	2012
	149,005	135,959	135,834
Fixed Expenses			
Office Maintenance	4,500	4,500	4,500
Rent	3,775	3,600	3,600
Accounting	1,200	1,632	1,650
Audit	1,500	1,634	1,700
HR Contract	1,200	1,000	1,200
Bank Fees		40	40
Insurance & Taxes	1,525	1,982	2,030
Copier Rental and Maintenance	900	825	900
IT service and Maintenance	1,915	2,114	2,900
Telephone	2,000	1,244	2,000
Office	1,292	620	620
Cell	708	678	700
ACCE Retirement Program Fees	123	123	130
Parking	2,439	2,439	2,440
Professional Association Dues	1,185	1,085	1,250
Variable Expenses			
Office Supplies	2,400	506	800
Postage	1,200	432	600
Printing (projects, contracts and paper)	2,700	1,371	1,700
Capital Improvements	2,000	59	2,000
Professional Services	5,500	5,034	2,650
Annual Report	12,520	8,286	10,000
Marketing and Promotions	23,444	22,000	18,000
Website	2,000	850	850
Meeting Expenses	1,800	3,509	4,000
Travel / Mileage Reimbursement	561	1,161	1,000
Inter-city Visit	2,100	2,600	1,800
Staff Training and Development	5,500	1,740	2,500
Volunteer Recognition	1,000	322	800
Contingency / Other Expenses	1,000	100	1,000
Total	236,992	207,345	209,194



Heartland Visioning 2012 Program Budget

Strategic Alliance / Partnership Support:

To bring together and build the collaboration of strategic alliances and provide support to help them start and become sustainable.

Projects like the North Topeka Arts District, Mayor and Township quarterly meetings and the Washburn U. Leadership Challenge Event.

Personnel Expenses	24,450
Fixed Cost	6,415
Variable Expenses	
Office Operation, Supplies and Equipment	1,330
Professional Services	663
Travel and Meeting Expenses	1,906
Staff Training and Development	1,075

35,839

Group and Meeting Facilitation:

Building the community's capacity to participate in facilitated and effective meetings. Providing facilitation the serves and building the skill in the community. Partially funded through the KHF grant.

Facilitation services provided to the Capital District Project for downtown revitalization. In 2012 providing facilitation and meeting training to improve meeting effectiveness in the community.

Personnel Expenses	38,034
Fixed Cost	6,415
Variable Expenses	
Office Operation, Supplies and Equipment	1,330
Professional Services	663
Travel and Meeting Expenses	1,640
Staff Training and Development	1,075

49,157

Leadership:

Continuing the development of leadership in the community to help lead the way toward our community-wide vision. Partially funded by the KHF grant.

Incorporating the compentenices and principles of the Kansas Leadership Center by engaging the alumni of the KLC in Shawnee County to meet and conintue to hone their skills.

Personnel Expenses	33,958
Fixed Cost	6,415
Variable Expenses	
Office Operation, Supplies and Equipment	1,330
Professional Services	663
Meeting and Travel Expenses	1,585
Training and Development	1,075

45,026

Communications and Marketing

To communicate, promote and celebrate community successes and the work of Heartland Visioning.

The monthly news letter and reports back to the community in 2009, '10 and '11 have provided information on what has benn accomplished and by whom.

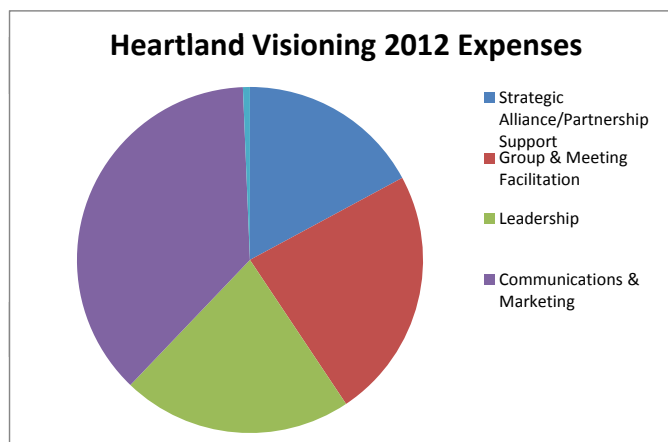
Personnel Expenses	38,034
Fixed Cost	6,415
Variable Expenses	
Office Operation, Supplies and Equipment	2,110
Professional Services	663
Communications and Marketing	28,850
Meeting and Travel Expenses	667
Training and Development	1,075

77,814

Seed Funds:

To administer the distribution of seed funds from a Kansas Health Foundation grant.

Personnel Expenses	1,358
---------------------------	-------

TOTAL **209,194**



CURRENT FUNDING PARTNERS

As of September 24, 2012

Bartlett & West
 Blue Cross BlueShield of Kansas
 Brewster Place
 Capital City Bank
 Capitol Federal Foundation
 City of Topeka
 Coldwell Banker Griffith & Blair American Home
 Community National Bank
 CoreFirst Bank & Trust
 Cox Communications
 Downtown Topeka, Inc.
 Ferrell Construction of Topeka, Inc.
 FHL Bank Topeka
 Foley Equipment
 Greater Topeka Chamber of Commerce/ GO Topeka Private
 Funds
 Hallmark Cards, Incorporated
 Heartland Park Topeka
 Hill's Pet Nutrition, Inc.
 INTRUST Bank
 KBS Construction
 Konni Flynn
 KS Commercial
 McPherson Contractors, Inc.
 Metropolitan Topeka Airport Authority (MTAA)

Parrish Hotel Corporation
 PTs Coffee
 Security Benefit Group
 Shawnee County
 St. Francis Health Center
 Stormont-Vail Healthcare
 T and T Management Co- McDonalds Restaurants
 Topeka & Shawnee Co. Public Library
 Topeka Capital Journal
 Topeka Community Foundation
 U.S. Bank
 United Way of Greater Topeka
 US Bank
 Valeo Behavioral Health Care
 VisionBank
 Visit Topeka, Inc.
 Washburn University
 Westar Energy
 WIBW Channels

The Kansas Health Foundation showed strong support for Heartland Visioning with a very generous two year grant in 2009. The Kansas Health Foundation is a private philanthropy dedicated to improving the health of all Kansans. For more information about the Kansas Health Foundation visit www.kansashealth.org.

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Jim Colson, City Manager, supporting the Joint
4 Economic Development Organization to direct the Growth
5 Organization of Topeka/Shawnee County to provide funding on
6 behalf of the City of Topeka in support of the Heartland Visioning
7 Project.
8

9 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
10 TOPEKA, KANSAS, that the City of Topeka supports the Joint Economic Development
11 Organization (JEDO) to direct the Growth Organization of Topeka/Shawnee County (GO
12 Topeka) to make a contribution on behalf of the City of Topeka in the amount of
13 \$30,000.00 from GO Topeka's 2012 budgeted funds to support the Heartland Visioning
14 Project.

15 ADOPTED and APPROVED by the City Council on _____.

16 CITY OF TOPEKA, KANSAS
17
18
19

20 _____
21 William W. Bunten, Mayor
22

23 ATTEST:
24
25
26

27 _____
28 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 27, 2012

Back Print

DATE: December 11, 2012
CONTACT PERSON: Jim Colson **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: Approve Resolution **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, approving the 2013 Legislative agenda.

(Approval would outline legislative priorities identified by the Governing Body to be addressed or monitored during the 2013 Legislative Session.)

POLICY ISSUE:

Whether the Council will approve the resolution or not outlining the following legislative priorities identified by the Governing Body to be addressed or monitored during the 2013 Legislative Session:

- To the extent it is consistent with our priorities and agenda, the City of Topeka supports the League of Kansas Municipalities' 2013 municipal policy. Supports the continued operation of Kansas Neurological Institute.
- Continues to oppose efforts to exempt the Statehouse renovation project from state and local sales tax.
- Supports the continued development of the Capitol Complex and State operations in downtown Topeka.
- Supports review and discussion of tax policy in Kansas, but opposes changes, which would negatively impact or shift state responsibilities to the local units of government.
- Opposes the reduction or elimination of motor fuel tax payments to local municipalities.
- Supports the expansion of the Moderate Income Housing Program to larger sized cities.
- Supports legislation to repeal filing notice of appeal of a municipal court conviction with the clerk of the municipal court.
- Supports legislation that enhances the business and community interests of the City of Topeka.
- Supports stricter regulation of the sale and purchase of salvage and scrap materials.
- Supports the development of Amtrak in the Midwest to include state funding initiatives for continuation of the current Southwest Chief route and for the extension of the Heartland Flyer route. Item #10

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The City Council provides issues that they would like addressed during the next Legislative Session and the Deputy Mayor coordinates the issues for a complete agenda.

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[2013 Legislative Agenda](#)

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Jim Colson, City Manager, relating to the City of
4 Topeka's legislative agenda for the 2013 legislative session.

5
6 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
7 TOPEKA, KANSAS, that the following is hereby adopted as the City of Topeka's
8 legislative agenda for the 2013 legislative session:

- 9 • To the extent it is consistent with our priorities and agenda, the City of Topeka
10 supports the League of Kansas Municipalities' 2013 municipal policy.
- 11 • Supports the continued operation of Kansas Neurological Institute.
- 12 • Continues to oppose efforts to exempt the Statehouse renovation project from
13 state and local sales tax.
- 14 • Supports the continued development of the Capitol Complex and State
15 operations in downtown Topeka.
- 16 • Supports review and discussion of tax policy in Kansas, but opposes changes,
17 which would negatively impact or shift state responsibilities to the local units of
18 government.
- 19 • Opposes the reduction or elimination of motor fuel tax payments to local
20 municipalities.
- 21 • Supports the expansion of the Moderate Income Housing Program to larger sized
22 cities.
- 23 • Supports legislation to repeal filing notice of appeal of a municipal court
24 conviction with the clerk of the municipal court.
- 25 • Supports legislation that enhances the business and community interests of the
26 City of Topeka.

- Supports stricter regulation of the sale and purchase of salvage and scrap materials.
- Supports the development of Amtrak in the Midwest to include state funding initiatives for continuation of the current Southwest Chief route and for the extension of the Heartland Flyer route.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2012

 Back  Print

DATE: December 11, 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.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #11



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 26, 2012

Back Print

DATE:	December 11, 2012	
CONTACT PERSON:	Dave Starkey, City Attorney	DOCUMENT #:
SECOND PARTY/SUBJECT:	Criminal Code/Possession of Firearms	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 054 Criminal Code	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, concerning possession of a firearm during certain misdemeanors, creating City of Topeka Code Section 9.40.045. First Reading.

(Approval would allow for suspects to be charged with the additional violation of possessing a firearm while committing certain misdemeanor crimes.)

POLICY ISSUE:

Whether the Council will adopt the ordinance or not prohibiting possession of a firearm during the commission of certain misdemeanors.

STAFF RECOMMENDATION:

Staff recommends Council to move to adopt the ordinance.

BACKGROUND:

Until the 2012 UPOC was issued, the UPOC has always prohibited transporting a firearm in an occupied motor vehicle unless the firearm is unloaded and encased in a container. This provision was accidentally left out of the 2012 UPOC by the League of Kansas Municipalities.

As part of adopting the 2012 UPOC, the provision was reinserted. Some Councilmembers expressed concern that a law-abiding citizen would be unable to transport a loaded firearm in a vehicle if the citizen did not possess a concealed-carry license. As a result, the adoption of the 2012 UPOC was deferred.

Chief Miller suggested an alternative to the firearm prohibition by making it illegal to possess a firearm

Item #12

during the commission of certain misdemeanors. In this way, loaded firearms in vehicles would be illegal only if one or more occupants had possessed the firearm during the commission of a crime.

BUDGETARY IMPACT:

No budgetary impact on the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, concerning possession of a firearm during certain misdemeanors, creating City of Topeka Code §9.40.045.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.40.045, which said section reads as follows:

Possession of firearm during commission of certain misdemeanors.

(a) Definitions:

(1) "Firearm" shall mean any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.

(2) "Possess" shall mean to have on one's person or within the person's immediate control.

(b) It shall be unlawful to possess a firearm during the commission or attempted commission of any of the following misdemeanors: battery, battery against a law enforcement officer, sexual battery, assault, assault of a law enforcement officer, unlawful restraint, violation of a protective order, stalking, theft, criminal trespass, disorderly conduct, endangerment, and possession of controlled substances prohibited by Chapter 9.50 TMC.

(c) Any person who violates section (b) within the corporate limits of the city shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,500, or by imprisonment not to exceed one year, or both such fine and imprisonment.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 26, 2012

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

DATE:	December 11, 2012	
CONTACT PERSON:	Dave Starkey, City Attorney	DOCUMENT #:
SECOND PARTY/SUBJECT:	Smoking Prohibition	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 078 Health and Sanitation	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, concerning the prohibition of smoking in public places, amending City of Topeka Code Sections 8.20.020, 8.20.030, 8.20.070, 8.20.080, 8.20.110, 8.20.120 and 8.20.130 and specifically repealing said original sections, as well as, repealing in its entirety Section 8.20.140. First Reading.

(Approval would amend current City ordinance to comply with current State statutes.)

POLICY ISSUE:

Whether or not Council will adopt the amendments to the smoking ordinance so that it complies with state law (Kansas Indoor Clean Air Act).

STAFF RECOMMENDATION:

Staff recommends Council moves to adopt the ordinance.

BACKGROUND:

State law authorizes cities to regulate smoking provided the ordinance is as strict as the Kansas Indoor Clean Air Act, K.S.A. 21-6109 *et seq.*

The City's ordinance was questioned in a recent district court decision, *City of Topeka v. James M. Suwalski*, in this regard. The purpose of the amendments is to head off potential legal challenges by making revisions so that the ordinance is as strict as the Act.

BUDGETARY IMPACT:

No budgetary impact to the City.

Item #13

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, concerning the prohibition of smoking in public places, amending City of Topeka Code §8.20.020, §8.20.030, §8.20.070, §8.20.080, §8.20.110, §8.20.120 and §8.20.130 and specifically repealing said original sections as well as repealing in its entirety § 8.20.140.

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

Section 1. That section 8.20.020, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(a) "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit or not for profit purposes, including places where goods or services are sold at retail or wholesale as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

(b) "Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

(c) "Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs in consideration for direct or indirect monetary wages or profit the services of one or more individual persons.

29 (d) “Enclosed area” means all space between a floor and ceiling which is
30 enclosed on all sides by solid walls or windows (exclusive of door or passage ways)
31 which extend from the floor to the ceiling, including all space therein screened by
32 partitions which do not extend to the ceiling or are not solid, “office landscaping” or
33 similar structures.

34 For the purposes of this chapter, the following shall not be considered an
35 enclosed area:

36 (1) Rooms or areas enclosed by walls or windows having neither a
37 ceiling nor a roof and which are completely open to the elements and weather at
38 all times.

39 (2) Rooms or areas, enclosed by walls or windows and a roof or
40 ceiling, having an opening at least 80 percent of the total perimeter wall area
41 completely and permanently open to the elements and weather.

42 (e) “Food service establishment” shall mean any place in which food or
43 alcoholic liquor or cereal malt beverages, or both, is served or is prepared for sale or
44 service on the premises or elsewhere. Such term shall include, but not be limited to,
45 fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill,
46 tea room, sandwich shop, soda fountain, tavern, private club, roadside kitchen,
47 commissary and any other private, public or nonprofit organization or institution that
48 routinely serves or prepares food or drink with or without charge.

49 (f) “Licensed premises” shall mean any premises where alcoholic liquor or
50 cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41,
51 and amendments thereto, is served or provided for consumption or use on the premises

52 with or without charge. Such term shall include drinking establishments, Class A private
53 clubs, Class B private clubs, and cereal malt beverage or alcoholic liquor retailer
54 establishments, all as defined by K.S.A. Chapter 41, and amendments thereto, and this
55 chapter.

56 (g) "Place of employment" means any enclosed area under the control of a
57 public or private employer which employees normally frequent during the course of
58 employment, including, but not limited to, work areas, employee lounges and restrooms,
59 conference and classrooms, employee cafeterias and hallways. A private residence is
60 not a "place of employment" unless it is used as a childcare, adult day care or health
61 care facility.

62 (h) "Private place" means any enclosed area to which the public is not invited
63 or in which the public is not permitted, including, but not limited to, personal residences
64 or personal motor vehicles. A privately owned business, open to the public, is not a
65 "private place."

66 (i) "Public place" means any enclosed area to which the public is invited or in
67 which the public is permitted, including, but not limited to, banks, educational facilities,
68 health facilities, health care facilities, laundromats, public transportation facilities,
69 reception areas, production and marketing establishments, retail service
70 establishments, retail stores, theaters, and waiting rooms. A private residence is not a
71 "public place."

72 ~~(j) "Retail tobacco store" means a retail store where 65 percent of the sales are~~
73 ~~derived from tobacco products and in which the sale of other products is merely~~
74 ~~incidental.~~

(k) “Smoking” means possession of a cigarette, cigar, or pipe partially or wholly consisting of or containing burning vegetation, or possession of any other device containing burning vegetation that is used for the introduction of smoke from the burning vegetation into the human body. For the purposes of this definition, the term “vegetation” includes, but is not limited to, tobacco, but does not include any controlled substance listed in K.S.A. 65-4105 through 65-4113, inclusive, and amendments thereto.

(l) “Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

(m) “Tobacco Shop” means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and which derives not less than 65% of its gross receipts from the sale of tobacco.

(n) “Wall” means a side of a room, building or structure connecting the floor and ceiling or foundation and roof, including temporary, moveable, and retractable sides.

Section 2. That section 8.20.030, Prohibition of smoking in public places, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Prohibition of smoking in public places.

Smoking shall be prohibited in all enclosed public places within the city of Topeka, including, but not limited to, the following places:

(a) Elevators.

(b) Restrooms, lobbies, reception areas, hallways, and any other common-use areas.

(c) Buses, bus terminals, taxicabs, train stations, the airport, and other facilities and means of public transit under the authority of the city of Topeka, as well as ticket, boarding, and waiting areas of public transit depots.

(d) Service lines.

(e) Retail stores.

(f) All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public including, but not limited to, attorneys' offices, and other offices, banks, laundromats, and hotels and motels in which at least 80 percent of the rooms are available for rent by guests.

(g) Food service establishments and licensed premises, excluding areas of a food service establishment or licensed premises that are not enclosed such as patios, outdoor dining areas, and courtyards.

(h) Within a 10 foot radius of the main entrance any doorway, open window or air handling unit of a public place intake leading into a building or facility that is not exempted pursuant to TMC 8.20.070.

(i) Galleries, libraries and museums.

(j) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, ~~except that performers may smoke when the smoking is a part of a theatrical production.~~

(k) Sports arenas and convention halls, including bowling facilities.

(l) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city of Topeka or any political subdivision of the state to the extent such place is subject to the jurisdiction of the city of Topeka.

(m) Waiting rooms, hallways, wards and rooms of health care facilities, including, but not limited to, hospitals, clinics, nursing homes, physical therapy facilities, doctors' offices, and dentists' offices.

(n) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(o) Polling places.

(p) Private clubs and fraternal organization facilities.

Section 3. That section 8.20.070, Where smoking is not regulated – Private and public places, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Where smoking is not regulated – Private and public places.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

(a) Private residences, except when used as a ~~child care~~ day care home as defined in K.S.A. 65-530, and amendments thereto, adult day care as defined in K.S.A. 923, and amendments thereto, or health care facility.

(b) No more than 20 percent of hotel or motel rooms which are available to be rented to guests.

(c) ~~Retail tobacco stores~~ Tobacco shops.

(d) Outdoor places of employment.

(e) Private places.

Section 4. That section 8.20.080, Posting of signs, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Posting of signs.

(a) Any owner, manager, operator or employee of any premises regulated by this chapter shall be responsible for informing persons violating this chapter of the provisions through appropriate signage.

(b) The owner, manager or other person having control of such building or other areas where smoking is prohibited by this chapter shall have a conspicuously posted sign at each entrance clearly stating that smoking is prohibited.

(c) Such “no smoking” signs shall have bold lettering of not less than one inch in height. The international “no smoking” symbol ~~may also~~ shall be used (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with red bar across it).

Section 5. That section 8.20.110, Enforcement, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcement.

(a) The purpose of this article is to provide for the ~~administrative~~ adjudication of violations of provisions under this chapter regulating smoking in public places within the city and to establish a fair and efficient system for the enforcement of such provisions.

(b) The police chief or his or her designee shall be responsible for enforcing the provisions of this chapter within the city, ~~but nothing in this section shall be interpreted to prohibit any other person who would otherwise be lawfully entitled to enforce the provisions of this chapter from taking enforcement action under this chapter.~~

(c) Any person may register a complaint under this chapter to initiate enforcement with the police chief or his or her designee.

~~(d) The police chief or his or her designee~~Any law enforcement officer shall be authorized to issue a uniform complaint and notice to appear.:

~~(1) Issue notice of violations and additional notices, collect money paid as fines and penalties for violations of the provisions of this chapter;~~

~~(2) Establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and~~

~~(3) Adopt administrative rules and regulations pertaining to the administration of this chapter, including, but not limited to, the content of forms and procedures, and the daily operation of the administrative adjudication of violations of this chapter.~~

Section 6. That section 8.20.120, Administrative monetary penalties, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Administrative monetary penalties~~Penalties for violations.

(a) Persons. ~~The following fine schedule is hereby adopted for a violation by any~~Any person who smokes in an area where smoking is prohibited by theviolates any provisions of this chapter shall be punished by a fine:

(1) ~~Fifty dollars per violation~~ Not exceeding \$100 for ~~at the~~ first violation.

(2) ~~One hundred dollars per violation~~ Not exceeding \$200 for a second violation within a continuous 12-month period of the first violation.

(3) ~~Two hundred dollars per violation~~ Not exceeding \$500 for a third or subsequent violation within a continuous 12-month period of the ~~two~~ previous ~~first~~ violations.

(b) Owner, Manager, or Operator of Public Places or Place of Employment.

~~The following fine schedule is hereby adopted for a violation by a~~ Each person allowed to smoke by an owner, manager or operator of a public place or place of employment where smoking is prohibited, in violation of TMC 8.20.090 shall be considered a separate violation for purposes of determining the number of violations under subsection (a). ~~who fails to comply with the provisions of this chapter:~~

~~(1) One hundred dollars per violation for a first violation.~~

~~(2) Two hundred fifty dollars per violation for a second violation within a continuous 12-month period of the first violation.~~

~~(3) Five hundred dollars per violation for a third or subsequent violation within a continuous 12-month period of the two previous violations.~~

~~(4)~~ 1 In addition to the fines established in this ~~subsection (a)~~, a third or subsequent violation within a continuous 12-month period of any provisions of this chapter by an owner, manager or operator of a public place or place of employment may result in the suspension or revocation of a business permit or license issued by the city to the person for the premises on which the violation occurred.

211 Section 7. That section 8.20.130, Record of violations, of The Code of the City
212 of Topeka, Kansas, is hereby amended to read as follows:

213 ~~Notice~~**Record of violations.**

214 ~~(a) The notice of violation shall state the following information:~~

215 ~~(1) The section of this chapter allegedly violated; and~~

216 ~~(2) The name and address of violator; and~~

217 ~~(3) The place, date and time of the alleged violation.~~

218 ~~In addition, the notice of violation shall state the applicable administrative~~
219 ~~monetary penalty, the fee which shall be automatically assessed for late payment, that~~
220 ~~payment of the indicated administrative monetary penalty, and any applicable late fee,~~
221 ~~shall operate as a final disposition of the violation, and information about the availability~~
222 ~~of the administrative hearing in which the violation may be contested on its merits and~~
223 ~~the time and manner in which such hearing may be had.~~

224 ~~(b) The police chief~~clerk of the municipal court ~~or his or her designee shall~~
225 ~~compile and maintain complete and accurate records relating to all violations of this~~
226 ~~chapter and the dispositions thereof.~~

227 Section 8. That section 8.20.140, Appeals, of The Code of the City of Topeka,
228 Kansas, is hereby repealed.

229 **Appeals.**

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

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 28, 2012

Back Print

DATE: December 11, 2012
CONTACT PERSON: Mary Feighny, Deputy City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: Business Licenses **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code Section 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section. First Reading.

(City ordinance requires denial/revocation of a business license when there are delinquent real estate taxes on the property. Approval would create an exception when the license applicant is a tenant and has no control over the payment of delinquent real estate taxes.)

POLICY ISSUE:

City ordinance requires denial/revocation of a business license when there are delinquent real estate taxes on the property. The policy question is whether to create an exception when the license applicant is a tenant and has no control over the payment of real estate taxes.

STAFF RECOMMENDATION:

Staff recommends the City Council move to adopt the ordinance.

BACKGROUND:

Applicants for dance hall licenses and other business licenses involving the use of real estate are placed in a precarious situation when they rent from property owners who don't pay their real estate taxes. City ordinance mandates denial/revocation of a business license if there are delinquent real estate taxes on the premises housing the business. The proposed amendment will require that real estate taxes not be in arrears only if: (1) the license applicant is the owner of the premises; (2) the license applicant is a family member of the owner; (3) the license applicant is a business entity and the owner is associated with the entity; or (4) the owner is a business entity and the license applicant is associated with the entity.

Item #14

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code § 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section.

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

Section 1. That section 5.05.090, Grounds for mandatory denial, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Grounds for mandatory denial.

The following shall constitute grounds for mandatory denial of a license under this title:

(a) The building or premises of the establishment does not comply with the provisions and terms of the building code, zoning ordinance, fire regulations, health regulations or any other ordinances and regulations of the city.

(b) The building or premises of the establishment are in such unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(c) ~~The owner of the establishment or such legal entity comprising the establishment~~ applicant is indebted to the city.

(d) There are delinquent real estate taxes on the premises. For purposes of this section, "premises" shall mean and include the real estate as described in the license application and which is subject to inspection by the city. "Taxpayer" shall mean the person responsible for paying the real estate taxes on the premises pursuant to K.S.A. 79-2004 and amendments thereto. This requirement shall apply only under the following circumstances:

(1) The license applicant is also the taxpayer;

(2) The license applicant is the spouse, parent, child, brother, or sister of the taxpayer;

(3) The license applicant is a business entity and the taxpayer is a partner, officer, director, stockholder, or member of such entity; or

(4) The taxpayer is a business entity and the license applicant is a partner, officer, director, stockholder or member of such entity.

Section 2. That original § 5.05.090 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 on _____.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 4, 2012

Back Print

DATE: December 11, 2012
CONTACT PERSON: Judy Olander, Sr. Asst. City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code Section 2.15.090, concerning redistricting and specifically repealing said original section and Ordinance No. 19779. First Reading.

(Approval would amend the redistricting ordinance passed last month to add a precinct to Ward 13 in District 8. Precinct 4 is currently unpopulated. However, the Shawnee County Election Commissioner has requested that the Council include this precinct in the event people move into this area.)

POLICY ISSUE:

Whether or not to adopt the ordinance amending the recently-passed redistricting ordinance to add Precinct 4 to Ward 13 in Council District 8.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

The Council passed a redistricting ordinance last month - Ordinance No. 19779. The Shawnee County Election Commissioner noticed that the ordinance didn't include precinct 4 in Ward 13 in District 8. This precinct is currently unpopulated. However the Commissioner wants to include the precinct in the ward in case that precinct becomes populated in the next 10 years.

BUDGETARY IMPACT:

No budgetary impact to the City

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

Item #15

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, amending City of Topeka Code § 2.15.090, concerning redistricting and specifically repealing said original section and Ordinance No. 19779.

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

Section 1. That section 2.15.090, Council districts, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Council districts.

The districts from which the city of Topeka council members shall be nominated shall be based on the ward and precinct descriptions as follows, effective January 1, 2013:

<i>District Number</i>	<i>Ward</i>	<i>Precinct</i>
1	2	11
	3	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
	4	14
	7	1, 2, 3, 7
2	1	1, 2, 3, 4, 5, 6, 7, 8
	2	1, 2, 3, 5, 8, 9, 10
3	2	4, 6, 7
	4	1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 15
	6	1
4	4	7, 8
	5	1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 91
	15	1, 2, 3, 4
5	5	7
	6	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
	9	4, 5, 6, 9, 10, 11
	12	12

41	6	7	5, 6, 10, 11
42		8	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
43		9	1, 2, 3, 12
44			
45	7	9	8
46		11	10
47		12	5, 6, 7, 8, 9, 11, 16
48		13	1, 6, 7
49		14	1, 2, 3, 4, 5
50			
51	8	11	4, 5, 6, 7, 8, 9
52		12	2, 3, 4, 13, 14, 15, 20, 31, 41
53		13	2, <u>4</u> , 9, 12, 13, 21, 22
54			
55	9	7	4, 9
56		10	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
57		11	1, 2, 3
58		12	1, 19, 81, 91, 92, 93
59		13	3, 5, 8, 30

60 Section 2. That original § 2.15.090 of The Code of the City of Topeka, Kansas,
61 is hereby specifically repealed.

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

64 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
65 or portions thereof, which are in conflict with the provisions of this ordinance.

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

69

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2012

Back Print

DATE:	December 11, 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



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October 16, 2012

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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No Attachments Available



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No Attachments Available