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City Council Agenda

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

September 10, 2013

6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
John Campos II	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Nathan Schmidt	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	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

☐ Back ☐ Print

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. **PROCLAMATIONS:**
"Constitution Week"
2. **PRESENTATIONS:**
"None scheduled at this time."
3. **ROLL CALL:**
4. **CONSENT AGENDA:**

A. Board Appointment - Topeka/Shawnee County Riverfront Authority

☐
[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Greg Schwerdt to the Topeka/Shawnee County Riverfront Authority Board for a term ending August 31, 2016. *(Council District No. 7)*

B. Board Appointment - Topeka Sustainability Advisory Board

☐
[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Bill Naeger to the Topeka Sustainability Advisory Board for a two-year term ending September 30, 2015. *(Council District No. 6)*

C. Resolution - DTI, Inc. - Noise Exception

☐
[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown Topeka, Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No 1)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for live bands and amplified music during the hours of 2:30 p.m. and 7:00 p.m. on September 21, 2013, in the 700 block of Kansas Avenue.)

D. Resolution - Matilde Sanchez - Noise Exception

☐
[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Matilde Sanchez an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 3)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval will allow for a DJ and amplified music during the hours of 4:00 p.m. and 11:00 p.m. on September 14, 2013, at 410 SE Lime Street.)

E. Denial of Tort Claim - Graybeal Construction

DENIAL OF CLAIM for Graybeal Construction in the amount of \$68,011.55 due to additional expenses incurred in completing a street improvement project on NW Topeka Boulevard.

F. MINUTES of the regular meeting of August 20, 2013, and August 27, 2013.

G. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Resolution - Boss Hawg's - Noise Exception

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Michelle De La Isla, granting Boss Hawg's an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 5) (Deferred from the meeting of August 27, 2013.)

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for live bands during the hours of 9:00 p.m. and 11:59 p.m., October 12, 2013, at 2833 SW 29th Street.)

B. Ordinance - Public Building Commission

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.70.030 and specifically repealing said original section, concerning the functions of the Public Building Commission. Final Reading.

(Approval would amend the current provisions related to the acquisition of sites to be made available for use by governmental entities.)

C. Ordinance - USACE Kansas Levee/Flood Risk Management Project Amendment - Project No. T-831000.00

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-831000.00, which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 19293. Final Reading.

(Approval would increase the total project budget by \$100,000. The total design costs in 2009 were projected to be \$2,100,000 and has increased to \$2,509,300, an increase of \$409,300. The City's cost share portion of this increase is \$102,325 which will make the City's new total design cost share \$627,325. The project budget is for \$650,000 to allow for contingencies.)

D. Ordinance - General Obligation Bonds, Series 2013-B

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of \$9,800,000 aggregate principal amount of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended. Final Reading.

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

(Approval would fund various improvement projects in the amount of \$9,800,000 plus the cost of issuance and interest costs. The total debt service will be paid over 20 years.)

E. Ordinance - Taxable General Obligation Bonds, Series 2013-C

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of \$5,000,000 aggregate principal amount of Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding), of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, the home rule authority granted to the cities of the state of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Home Rule Ordinance No. 19841 of

the City, all as amended. Final Reading.

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

(Approval would fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.)

6. NEW BUSINESS:

A. Resolution - Temporary Notes, Series 2013-A

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, authorizing and directing the issuance of Temporary Notes, Series 2013-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of \$25,000,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2012-A Temporary Notes of said City, dated September 27, 2012, and (ii) pay a portion of the cost of certain improvements in said City.

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

(Approval would fund special assessment projects, fire station improvements, bridge improvement, street improvement projects, park improvement and two utilities projects.)

B. Resolution - General Obligation Bonds, Series 2013-B

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, in the aggregate principal amount of \$9,800,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds.

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

(Approval would fund various improvement projects in the amount of \$9,800,000 plus the cost of issuance and interest costs. Total debt service would be paid over 20 years.)

C. Resolution - Taxable General Obligation Bonds, Series 2013-C

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, prescribing the form and details of the Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City of Topeka, Kansas, in the aggregate principal amount of \$5,000,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds.

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

(Approval fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.)

D. Project Budget and Resolution - Great Overland Station Improvement Project No. T-131028.00

☐ [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$585,003 and **A RESOLUTION** introduced by City Manager Jim Colson, authorizing Improvement Project T-131028.00 which will restore three railroad cars and an authentic Santa Fe Depot, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *(Council District No. 2)*

(Approval would authorize the restoration and preservation of three railroad cars and an authentic Santa Fe Depot at the Great Overland Station Museum located at 701 N. Kansas Avenue. The project would be funded by the Railroad Heritage, Inc., and the Kansas Department of Transportation (Enhancement Grant) for a total project budget of \$585,003.)

E. Denial of Alarm License Appeal - Anthony Breazeal

☐ [ATTACHMENTS](#)

DENIAL of an Alarm License Appeal for Anthony Breazeal.

(The denial of alarm license was based on nondisclosure of information on the application.)

F. Resolution - Jazzin' It Up Downtown

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as Jazzin' It Up Downtown event. *(Council District No. 1)*

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

(Approval would allow for the sale, consumption and possession of alcoholic liquor on a barricaded portion of S. Kansas Avenue between SW 7th Street and SW 8th Street for the Jazzin' It Up Downtown special event on September 21, 2013, between the designated hours.)

G. 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.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

7. FIRST READINGS:

A. Ordinance - Human Relations Commission

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission. **First Reading.**

(Approval would amend the duties and responsibilities of the Human Relations Commission as outlined in City Code.)

B. Ordinance - Pump Station Rehabilitation Improvement Project No. T-281032.00

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281032.00 for rehabilitation of the Layne pump station at the Water 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. First Reading.

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

(Approval would authorize \$2,500,000 for rehabilitation of the Layne pump station at the Water Treatment Plant. The total debt service (principal and interest) is \$4,077,850.)

C. Ordinance - Real Estate Liens for Delinquent Utility Bills

☐ [ATTACHMENTS](#)

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

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$89,439.86.)

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

July 22, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
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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Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
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



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Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE: September 10, 2013
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



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July 22, 2013

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DATE:	September 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 12, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Mayor Larry Wolgast **DOCUMENT #:**
SECOND PARTY/SUBJECT: Appointment- **PROJECT #:**
Topeka/Shawnee County
Riverfront Authority
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Greg Schwerdt to the Topeka/Shawnee County Riverfront Authority Board for a term ending August 31, 2016. (Council District No. 7)

POLICY ISSUE:

Not Applicable

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Greg Schwerdt to the Topeka/Shawnee County Riverfront Authority Board. Mr. Schwerdt is a highly qualified professional who also meets the eligibility requirements defined by statute.

BACKGROUND:

KSA 12-5601, et seq., established the Topeka/Shawnee County Riverfront Authority Board in 2006. The purpose of the authority is to promote the general welfare and encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the river district. Members must be residents of Kansas. No member shall be an elected official. This is a statutory board wherein the Mayor nominates and recommends a nominee, and the Council has final approval.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[GSchwerdt Resume](#)

Greg Schwerdt, AIA, LEED AP

President, Principal-In-Charge

EXPERIENCE:

23 years as Principal of Schwerdt Design Group, Inc.
12 years prior Architectural experience

EDUCATION:

B.S. Environmental Design, University of Kansas, 1976
B.S. Architecture, University of Kansas, 1977
Harvard Graduate School of Design, 1994

ARCHITECTURAL REGISTRATION:

Kansas and 45 other States
Certified by the National Council of Architectural Registration Boards
USGBC LEED Accredited Professional

RELEVANT EXPERIENCE:

- ❖ Advisors Excel – 2950 McClure Renovation; Topeka, Kansas
- ❖ Hill's Pet Nutrition Corporate Office Renovation; Topeka, Kansas
- ❖ Security Benefit Group – Architect-of-Record; Topeka, Kansas
- ❖ KaMMCO/Kansas Medical Society Corporate Office Building; Topeka, Kansas
- ❖ McPherson/Equity Ventures Office Building; Topeka, Kansas
- ❖ Lutz Professional Office Building; Topeka, Kansas
- ❖ Aviva Training Center; Topeka, Kansas
- ❖ Bartlett and West Conference Room Renovation; Topeka, Kansas
- ❖ Kansas Bankers Association Corporate Offices; Topeka, Kansas
- ❖ St. Francis Health Center – Campus Master Plan; Topeka, Kansas
- ❖ St. Francis Health Center – Emergency Room Renovation; Topeka, Kansas
- ❖ St. Francis Health Center – Imaging Center and Medical Clinic; Topeka, Kansas
- ❖ Washburn University Whiting Fieldhouse Renovation; Topeka, Kansas
- ❖ Hill's Science and Technology Center – New Feline and Canine Facilities; Topeka, Kansas

AFFILIATIONS & RECOGNITIONS:

AIA Kansas – Member; Past President
AIA Topeka – Member; Past President
Greater Topeka Chamber of Commerce – Past Chairman
St. Francis Health Center – Board Member, Vice Chair
Leadership Topeka – 1990
Leadership Kansas – 2003

Greg is the founder of a diversified and accomplished firm dedicated to excellence in architecture, planning, interior design, management, and service to our clientele. With over thirty-five years of architectural practice, he continues to bring the highest level of project management and personal integrity to all his projects. He has served as principal-in-charge on numerous projects for clients in Kansas and throughout the United States. Through effective communication, he has skillfully managed large teams of consultants and related specialists. Greg's methodical approach to problem solving, together with his broad perspective in organizational matters, have been the hallmarks of the diverse Teams he has led.





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 16, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Mayor Larry Wolgast **DOCUMENT #:**
SECOND PARTY/SUBJECT: Appointment- Topeka **PROJECT #:**
Sustainability Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Bill Naeger to the Topeka Sustainability Advisory Board for a two-year term ending September 30, 2015. *(Council District No. 6)*

POLICY ISSUE:

Not Applicable

STAFF RECOMMENDATION:

Councilman Chad Manspeaker nominates and Mayor Wolgast recommends the appointment of Bill Naeger for a term ending September 30, 2015. Mr. Naeger's biographical information is attached to support his professional qualifications to serve on this board. He also meets the residency requirement to live in the City of Topeka.

BACKGROUND:

Ordinance No. 19165. The purpose of the board is to promote environmental awareness and to advocate for policies which support sustainability.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[BNaeger Biographical](#)

Item #7

I would like to express my interest in becoming a member of the Topeka Sustainability Advisory Board. My interest in being a member is based upon my belief that we, as a society, must be good stewards of our environment and the world's resources. I don't believe that this is an option, but a responsibility.

My education is a B.S. in Architectural Engineering from Kansas State University and I have practiced mechanical and electrical engineering since 1984. I am a licensed Professional Engineer and a LEED Accredited Professional, specializing in Building Design + Construction. I am also a member of American Society of Heating, Refrigeration and Air-Conditioning Engineers, Illuminating Engineering Society and American Society of Plumbing Engineers.

My professional experience in design and management opportunities involves project of many types within several different market sectors. My primary focus has been clients with utility, telecommunications, institutional, correctional, educational, theatrical, office and multiple residence facilities. I have also been involved in building system evaluations to determine improvements for operation and energy savings. My experience also includes involvement with technical assistance grants through the KCC for education facilities. Currently I am the engineering project manager for a performance contract being implemented at Washburn University.

My community involvement includes past president and member of Ward Meade NIA, president of Metropolitan Ballet of Topeka, and involvement with children and youth programs at First United Methodist Church. I have lived in Topeka for more than 25 years.

I look forward to the opportunity to participate as a member of the SAB.

Bill Naeger, PE, LEED AP BD+C
Vice-President - Facility & Site Division



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1200 SW Executive Drive



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214 SE 8th Street
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August 30, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
CONTACT PERSON:	Karen Hiller	DOCUMENT #:
SECOND PARTY/SUBJECT:	Edie Smith	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown Topeka, Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No 1*)

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for live bands and amplified music during the hours of 2:30 p.m. and 7:00 p.m. on September 21, 2013, in the 700 block of Kansas Avenue.)

POLICY ISSUE:

DTI, Inc., has requested a noise exception be granted for Jazzin' It Up Downtown to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the resolution.

BACKGROUND:

DTI, Inc., is requesting the noise exception due to live bands and amplified music.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Resolution](#)

Item #8

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown
4 Topeka, Inc. an exception to the provisions of City of Topeka
5 Code Section 9.45.150 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 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, Downtown Topeka, Inc. has requested that they be granted
17 an exception to the provisions of City of Topeka Code Section 9.45.150, et seq.
18 for the purposes, dates and times described herein, and

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

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
24 Topeka that Downtown Topeka, Inc. is hereby granted an exception from the
25 provisions of City of Topeka Code Section 9.45.150, et seq. during the Jazzin' It

Up Downtown event located on the 700 block of South Kansas Avenue from 2:30 p.m. until 7:00 p.m on September 21, 2013.

ADOPTED and APPROVED by the City Council _____.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

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DATE:	September 10, 2013	
CONTACT PERSON:	Sylvia Ortiz	DOCUMENT #:
SECOND PARTY/SUBJECT:	Matilde Sanchez	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Matilde Sanchez an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval will allow for a DJ and amplified music during the hours of 4:00 p.m. and 11:00 p.m. on September 14, 2013, at 410 SE Lime Street.)

POLICY ISSUE:

Matilde Sanchez has request a noise exception be granted for a birthday party to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending approval of the resolution.

BACKGROUND:

Matilde Sanchez is requesting the noise exception due to amplified music at the event.

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Resolution](#)

Item #9

1 RESOLUTION NO.

2
3 A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Matilde
4 Sanchez an exception to the provisions of City of Topeka Code
5 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, Matilde Sanchez has requested that he 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 Matilde Sanchez 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 Matilde Sanchez is hereby granted an exception from the provisions
24 of City of Topeka Code Section 9.45.150, et seq. for a Birthday Party featuring a
25 DJ and amplified music located at 410 SE Lime Street during the hours of 4:00
26 p.m. and 11:00 p.m. on September 14, 2013.

27

28 ADOPTED and APPROVED by the City Council _____.

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CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

35 ATTEST:

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39 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Chad Sublet, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Graybeal Construction
PROJECT #:
CATEGORY/SUBCATEGORY: 005 Claims / 006 Appeals
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DENIAL OF CLAIM for Graybeal Construction in the amount of \$68,011.55 due to additional expenses incurred in completing a street improvement project on NW Topeka Boulevard.

POLICY ISSUE:

The recommendation is to deny this claim because Graybeal's claim is not a negligence claim, but rather a breach of contract claim. Graybeal did encounter an unforeseen complication in completing a portion of the street improvement project. However, the City and Graybeal negotiated and executed two change orders to the contract which paid \$23,378 to cover the cost of any additional expenses that Graybeal may incur to complete the project.

STAFF RECOMMENDATION:

Staff recommends denial of the claim in the amount of \$68,011.55.

BACKGROUND:

The City and Graybeal Construction entered into a contract to complete a street improvement project along NW Topeka Boulevard. While working on the project, Graybeal encountered water lines near North Topeka and Grant, and the location of the water lines prevented Graybeal from completing the project. The City and Graybeal executed two change orders, which provided that Schmidlein would relocate the water lines while Graybeal worked on other sections of the project, and Graybeal would complete the work in the North Topeka and Grant area at a later time. Graybeal was paid \$23,378 as additional compensation for this work.

BUDGETARY IMPACT:

If the claim is approved, the budgetary impact to the City would be \$68,011.55 to be paid from the Special Liability Fund. Item #10

SOURCE OF FUNDING:

If the claim is approved, the funds would be paid with Special Liability Funds.

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 28, 2013

☐ Back ☐ Print

DATE:	September 10, 2013	
CONTACT PERSON:	Michelle De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Sara Burtch	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Michelle De La Isla, granting Boss Hawg's an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 5) (Deferred from the meeting of August 27, 2013.)

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for live bands during the hours of 9:00 p.m. and 11:59 p.m., October 12, 2013, at 2833 SW 29th Street.)

POLICY ISSUE:

Boss Hawg's has requested that a noise exception be granted for live band performances to take place during specified date and times.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the resolution.

BACKGROUND:

Boss Hawg's is requesting the noise exception due to live bands at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Resolution - amended](#)

Item #13

1 RESOLUTION NO.

2
3 A RESOLUTION introduced by Councilmember Michelle De La Isla, granting
4 Boss Hawg's 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, Boss Hawg's has requested that it 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 Boss Hawg's, the Council of
20 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 Boss Hawg's is hereby granted an exception from the provisions of
24 City of Topeka Code Section 9.45.150, et seq. for live band performances
25 located on the veranda at 2833 SW 29th Street during the hours of 9:00 p.m. and

11:59 p.m. on ~~Saturdays~~ in October 12, 2013. ~~The dates for the events are as follows: October 5, 12, 19, 26, 2013.~~

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

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Topeka, Kansas 66603

August 27, 2013

☐ Back ☐ Print

DATE:	September 10, 2013		
CONTACT PERSON:	Chad Sublet, City Attorney	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Public Building Commission Functions	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 002 Administration		
CIP PROJECT:	No		
ACTION OF COUNCIL:	08-27-13 First Reading	JOURNAL #:	13
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.70.030 and specifically repealing said original section, concerning the functions of the Public Building Commission. Final Reading.

(Approval would amend the current provisions related to the acquisition of sites to be made available for use by governmental entities.)

POLICY ISSUE:

These amendments would allow the Public Building Commission to move forward with construction of a crime lab on the Washburn University campus for use by the Kansas Bureau of Investigation.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

The Topeka Public Building Commission (TPBC) wants to issue leasehold revenue bonds to finance the design and construction of a crime lab on the campus of Washburn University for use by the Kansas Bureau of Investigation. Washburn wishes to enter into a ground lease with the TPBC for the project site and a sublease with the KBI/Kansas Department of Administration who will make payments on the bonds during the term of the bonds. The amendments make it clear that the TPBC may enter into leases with both state and municipal universities.

BUDGETARY IMPACT:

Item #14

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

[Map of Existing Boundaries](#)

[Map of Proposed Boundaries](#)

[List of PBC Members](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 2.70.030 and specifically repealing said original section, concerning the functions of the public building commission.

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

Section 1. That section 2.70.030, Functions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Functions.

That the commission shall be authorized to perform the following functions pursuant and subject to power and authority granted or contained herein under authority granted by the Act.

(a) To acquire a site or sites within the area bounded by ~~Topeka Boulevard~~SW MacVicar Avenue on the west, ~~I-70~~SE Adams Street on the east, ~~15th~~21st Street on the south, and the Kansas River on the north for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities, including the designs and engineering thereof, of a revenue-producing character, including parking facilities, and, in addition, to acquire and install equipment of a revenue-producing character. The commission is to provide facilities of a revenue-producing character to house offices or agencies of the state of Kansas, city, county, municipal university, or a school district. The commission may also provide parking facilities for offices of state and federal agencies as authorized by the city of Topeka city council. Such building or buildings, facilities or equipment shall be maintained and operated for the affairs of the city, or any federal, state, state or municipal university, city

29 school district, municipal corporation, quasi-municipal corporation, political subdivision,
30 or body politic, or agency thereof, doing business, maintaining an office, or rendering a
31 public service within the city ("governmental agencies"). The commission shall require
32 that wages paid to workers, laborers, and mechanics employed by a contractor or
33 subcontractor on these construction and reconstruction projects be not less than the
34 current prevailing per diem wage rate. The requirement that prevailing wages be paid
35 shall be interpreted as though synonymous with required wages and benefits paid in
36 Shawnee County to the greater number of workers, laborers, and mechanics in the
37 same trade, occupation or work of a similar nature during the one-year period before the
38 start of the project.

39 (b) To adopt a seal.

40 (c) To acquire fee simple title to real estate, or a leasehold interest in real
41 property located on the campus of any state university or any municipal university,
42 including easement and reversionary interests in streets, alleys and other public places
43 and personal property required for its purposes, by purchase, gift, devise or by the
44 exercise of the power of eminent domain, and to take title in the corporate name of the
45 commission.

46 (d) To rent all or any part of its buildings, facilities and/or equipment to any
47 governmental agencies and rent any space as may not be needed by such
48 governmental agencies or such buildings or other facilities as the commission may
49 determine will primarily serve the comfort and convenience of the occupants of its
50 buildings or other facilities.

51 (e) To issue revenue bonds of the commission after negotiation of a lease or
 52 leases with one or more governmental agencies ~~in~~is complete, to provide funds for the
 53 purpose of acquiring, designing, engineering, erecting, equipping, repairing, maintaining
 54 and operating buildings and other facilities; to acquire sites necessary and convenient
 55 therefor, and to acquire and install equipment to pay all costs and expenses incident
 56 thereto, or to refund its outstanding bonds.

57 (f) To sue and be sued.

58 (g) To convey title to the governmental agencies to the equipment and/or land
 59 and buildings thereof, for whose benefit the commission has held title, after the payment
 60 of revenue bonds issued for the purpose of acquiring such equipment and/or land and
 61 buildings thereof for the benefit of any such political subdivision. Conveyance may be
 62 made of portions of the land as portions of the revenue bonds are paid or retired, or
 63 provision is made for their payment to the deposit of a like amount of money.

64 (h) To do all things and acts necessary or incidental to the exercise of the
 65 powers granted to it under this chapter and under K.S.A. 12-1757 et seq., as amended.

66 (i) Any lease agreement entered into by the commission for a project under
 67 the provisions of the Act ~~shall~~may include a payment in lieu of taxes.

68 (j) For administrative purposes, the Topeka building commission shall be
 69 located within the office of the city manager ~~of the city~~. The city manager shall provide
 70 ~~or arrange to provide in accordance with all applicable city of Topeka procurement~~
 71 ~~ordinances~~ support on behalf of the Topeka public building commission consistent with
 72 the purposes established herein, including but not limited to hiring and retaining support
 73 staff, legal representation, bond counsel, consultants, developers, and others as

necessary for the performance of the functions and purposes of the commission. Any reasonable expenses to be incurred in providing services to the commission shall be reimbursed by the tenant of the commission, provided the expenses are approved in advance by the tenant. Such approval shall not be unreasonably withheld.

(k) The commission shall substantially comply with City procurement ordinances or state procurement statutes.

Section 2. That original § 2.70.030 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

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.

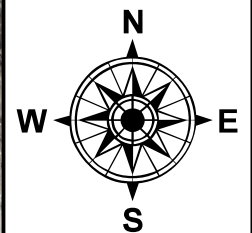
PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

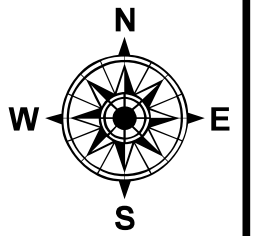
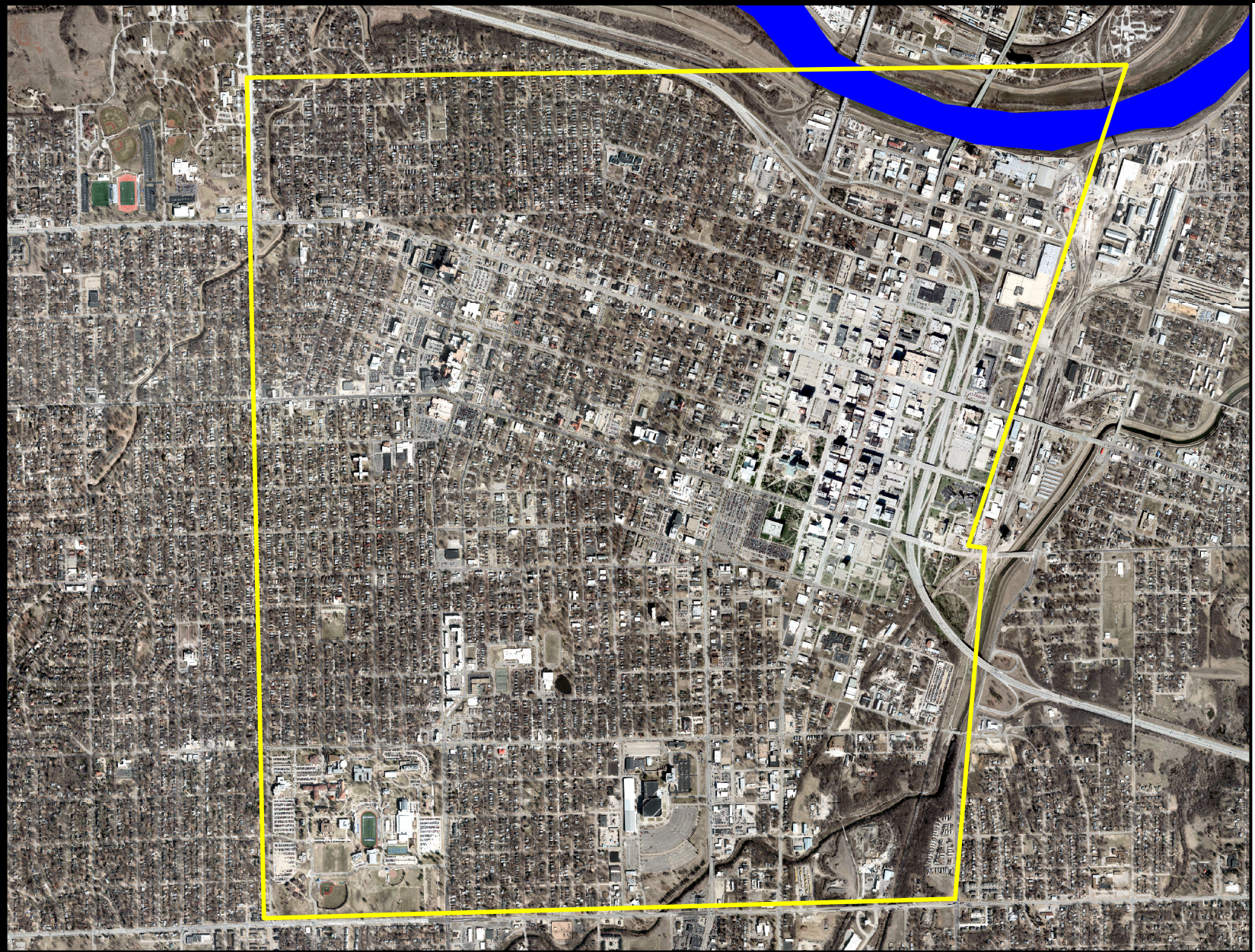
Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



Before



Members of the Topeka Public Building Commission

Chair: Ned Nusbaum

Mark McGivern

Dean Ferrell

Rick Wienckowski

Larry Robbins

Randy Clayton

Robert Storey



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2013

☐ Back ☐ Print

DATE: September 10, 2013

CONTACT PERSON: Don Rankin **DOCUMENT #:**

SECOND PARTY/SUBJECT: US Army Corps of Engineers/Flood Risk Management Project **PROJECT #:**

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

CIP PROJECT: No

ACTION OF COUNCIL: 08-27-13 First Reading **JOURNAL #:** 13

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-831000.00, which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 19293. Final Reading.

(Approval would increase the total project budget by \$100,000. The total design costs in 2009 were projected to be \$2,100,000 and has increased to \$2,509,300, an increase of \$409,300. The City's cost share portion of this increase is \$102,325 which will make the City's new total design cost share \$627,325. The project budget is for \$650,000 to allow for contingencies.)

POLICY ISSUE:

Approval would allow for the design phase services completed by the Corp of Engineers will provide field survey work and prepare engineering documentation for the re-construction of the levee system.

Funding project design cost increases due to more stringent design criteria for Levee design as determined by the Corps of Engineers.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the amended project budget and adopt the ordinance.

BACKGROUND:

The Topeka, Kansas Levee System consists of six levee units located on the Kansas River and two tributaries; Soldier Creek and Shunganunga Creek. The system includes more than 40 miles of levee, 1500 feet of floodwall, ten pump stations, and numerous flood control structures operated and maintained by the

City of Topeka and the North Topeka Drainage District. Over one billion dollars in investment including residential, commercial, industrial, public utilities and transportation infrastructure are protected by the levee system.

The Corps completed a Feasibility Study in 2009 which identified that the Topeka levee system does not provide the authorized level of protection to the City and recommends improvements to the levee system in a comprehensive and cost-effective project to restore an adequate level of reliability and safety to the levee system and increased flood protection for the City. The Final Report for the Feasibility Study was completed in 2009 and the City authorized a project budget for design of \$550,000 (Ordinance No. 19293).

In April 2013, the Corps notified the City that the design phase costs have increased, mainly due to changes in levee design improvements and new levee design requirements. The total design costs in 2009 were projected to be \$2,100,000 and that has increased to \$2,509,300, an increase of \$409,300. The City's cost share portion of this increase is \$102,325 which will make the City's new total design cost share \$627,325. The project budget in the amount of \$650,000 allows for contingencies.

BUDGETARY IMPACT:

The project budget increases from \$550,000 to \$650,000 which is an increase of \$100,000.

SOURCE OF FUNDING:

Stormwater Utility Operating Funds

ATTACHMENTS:

[Project Budget](#)

[FACT Sheet](#)

[Ordinance 19293](#)

[Ordinance](#)

PROJECT BUDGET AMENDMENT
Project No. 83100.00 (HTE # 83000)
Flood Risk Management Project (Topeka Levees)

LOCATION:

North Topeka Levee Unit, Oakland Levee Unit, South Topeka Levee Unit and Waterworks Levee Unit.

DESCRIPTION OF PROJECT:

This project will provide for the design of corrective measures recommended by the Corps of Engineers at four of the levee units within the Topeka Flood Protection System.

SOURCE OF FUNDS:

Combined Water, Wastewater and Stormwater Utility Operating Funds.

<u>COST ESTIMATE:</u>	<u>Original Funding</u>	<u>Amended Funding</u>	<u>Amended Total</u>
Construction:	\$0.00	\$0.00	\$0.00
Design:	\$525,000.00	\$627,325.00	\$627,325.00
Construction Service Fees:			
<i>Construction Inspection:</i>	\$0.00	\$0.00	\$0.00
<i>Construction Staking:</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$0.00	\$0.00	\$0.00
Right-of-Way	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$25,000.00	\$22,675.00	\$22,675.00
Temporary Note	\$0.00	\$0.00	\$0.00
Debt Reserve Fund	\$0.00	\$0.00	\$0.00
Cost of Issuance	\$0.00	\$0.00	\$0.00
Total:	\$550,000.00	\$650,000.00	\$650,000.00



FACT SHEET
Project Number T-831000.00
Topeka Levee Project
July 23, 2013

Prepared by: Don Rankin – Utilities Superintendent

Scope: This project budget amendment authorizes an increase of \$100,000 for the design of the Topeka, Kansas, Flood Risk Management Project (Topeka Levees). The City's cost share of the design phase increases from \$550,000 to \$650,000.

Project

Engineer: Michelle Neiswender, PE – Wastewater Engineer

Design by: Kansas City District, Corps of Engineers

Cost &

Financing: Utility Operating Funds
 Not in the CIB

Background: The Topeka, Kansas Levee System consists of six levee units located on the Kansas River and two tributaries; Soldier Creek and Shunganunga Creek. The system includes more than 40 miles of levee, 3,600 feet of floodwall, ten pump stations, and numerous flood control structures operated and maintained by the City of Topeka and the North Topeka Drainage District. Over one billion dollars in investment including residential, commercial, industrial, public utilities and transportation infrastructure are protected by the levee system.

The Corps completed a Feasibility Study in 2009 which identified that the Topeka levee system does not provide the authorized level of protection to the City and recommends improvements to the levee system in a comprehensive and cost-effective project to restore an adequate level of reliability and safety to the levee system and increased flood protection for the City. The Final Report for the Feasibility Study was completed in 2009 and the City authorized a project budget for design of \$550,000; Ordinance 19293.

In April 2013, the Corp notified the City that the design phase costs have increased, mainly due to changes in levee design improvements and new levee design requirements. The total design costs in 2009 were projected to be \$2,100,000 and that has increased to \$2,509,300, an increase of \$409,300. The City's cost share portion of this increase is \$102,325 which will make the City's new total design cost share \$627,325. The project budget is for \$650,000 to allow for contingencies.

Project

Description: The design phase services completed by the Corp of Engineers will provide field survey work and prepare engineering documentation for the re-construction of the levee system.

Schedule: Design phase services will continue through 2015. Final design and construction will commence after passage of a WRDA (Water Resources Development Act) giving congressional authorization of the construction funding for the Topeka Levee Project.

(Published in the Topeka Metro News August 19, 2009)

ORDINANCE NO. 19293

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-831000.00 (HTE #830070), which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That Improvement Project No. T-831000.00 (HTE #830070), with a project budget summarized herein and set forth fully in an attachment hereto, is hereby deemed advisable and necessary and it is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for the design of corrective measures recommended by the Corps of Engineers at four levee units within the Topeka Flood Protection System, specifically the North Topeka Levee Unit, Oakland Levee Unit, South Topeka Levee Unit and Waterworks Levee Unit.

B. TOTAL PROJECT BUDGET COST:

\$550,000.00

C. SOURCE OF FUNDS:

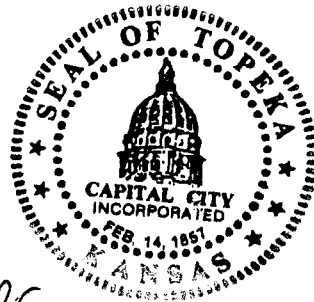
Combined Water, Wastewater and Stormwater Utility Operating Funds.

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

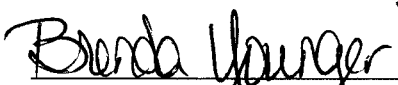
PASSED and APPROVED by the City Council August 11, 2009.

CITY OF TOPEKA, KANSAS

ATTEST:




William W. Buntin, Mayor


Brenda Younger, City Clerk

IMPROV.PRJ/T 831000.00 7/7/09

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-831000.00, which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 19293.

WHEREAS, City of Topeka Ordinance No. 19293 was passed on August 11, 2009, authorizing Improvement Project No. T-831000.00 with a project budget of \$550,000.00; and

WHEREAS, the design costs of the project have increased and the new budget must be authorized.

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

Section 1. That Improvement Project No. T-831000.00, with a project budget summarized herein and set forth fully in an attachment hereto, is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for the design of corrective measures recommended by the Corps of Engineers at four levee units within the Topeka Flood Protection System, specifically the North Topeka Levee Unit, Oakland Levee Unit, South Topeka Levee Unit and Waterworks Levee Unit.

B. TOTAL PROJECT BUDGET COST:

\$650,000.00

C. SOURCE OF FUNDS:

Combined Water, Wastewater and Stormwater Utility Operating Funds.

39 Section 3. This Ordinance shall take effect and be in force from and after its
40 passage, approval and publication in the official city newspaper.

41 PASSED and APPROVED by the City Council_____.

42 CITY OF TOPEKA, KANSAS

43

44 _____
45 Larry E. Wolgast, Mayor

46 ATTEST:

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51 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 27, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Pam Simecka **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 012 Bond Ordinances
CIP PROJECT: No
ACTION OF COUNCIL: 08-27-13 First Reading **JOURNAL #:** 13
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of \$9,800,000 aggregate principal amount of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended. Final Reading.

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

(Approval would fund various improvement projects in the amount of \$9,800,000 plus the cost of issuance and interest costs. The total debt service will be paid over 20 years.)

POLICY ISSUE:

Approval would allow the City to convert capital improvement projects from temporary note status to permanent financing through General Obligation Bonds to include City projects and special assessment projects the City has completed.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

The bond would fund one water line special assessment project, four sewer special assessment projects, two street special assessment projects, one bridge improvement project, one new fire vehicle, seven city street projects, five park improvement projects and one building improvement project.

BUDGETARY IMPACT:

The City's debt service would increase \$9,800,000 plus the cost of issuance and interest costs. The bonds would be paid over a period of 20 years.

Item #16

SOURCE OF FUNDING:

The bond payment would be paid through the Debt Service Fund which is supported by the property tax levy.

ATTACHMENTS:

[Bond Ordinance](#)

160813 2

(Published in The Topeka Metro News on September ___, 2013.)

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING THE ISSUANCE OF \$9,800,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2013-B OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-110c, K.S.A. 12-6a01 ET SEQ., AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-110c, K.S.A. 12-6a01 et seq., as amended, Charter Ordinance No. 89 of the City, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Topeka, Kansas, (the "City") has caused the following improvements (the "Improvements") to be made in the City, to-wit:

- (a) Water Line Improvement Project No. T-281036.00
- (b) Sanitary Sewer Improvement Project No. T-401025.00;
- (c) Sanitary Sewer Improvement Project No. T-401026.00;
- (d) Sanitary Sewer Improvement Project No. T-401027.00;
- (e) Sanitary Sewer Improvement Project No. T-401029.00;
- (f) Street Improvement Project No. T-601001.00;
- (g) Street Improvement Project No. T-601024.00;
- (h) Bridge Improvement Project No. T-121000.00;
- (i) Fire Equipment Project No. 17034.03;
- (j) Trafficway Improvement Project No. T-141009.00;
- (k) Trafficway Improvement Project No. T-141010.00;
- (l) Park Improvement Project No. T-301026.00;
- (m) Park Improvement Project No. T-301029.00;
- (n) Park Improvement Project No. T-301030.00;
- (o) Park Improvement Project No. T-601014.00;
- (p) Public Building Improvement Project No. T-131015.00;
- (q) Street Improvement Project No. T-141011.00;
- (r) Street Improvement Project No. T-701006.00;
- (s) Street Improvement Project No. T-701008.00;
- (t) Street Improvement Project No. T-601018.00;
- (u) Street Improvement Project No. T-601033.00; and
- (v) Park Improvement Project No. T-301034.00.

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements, including the payment of a portion of the City's outstanding Series 2012-A Temporary Notes dated September 27, 2012, which are due and payable October 1, 2013, and

related expenses are at least \$ _____ (the "Improvement Costs"), with \$1,812,872.93 of said Improvement Costs to be paid by the owners of the property within the City benefited by the Improvements (\$ _____ of which has been paid into the City Treasury on account of the Improvements), leaving \$ _____ to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2013-B in the aggregate principal amount of _____ Dollars (\$ _____) for the purpose of paying the Improvement Costs.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS:

Section 1. That there is hereby authorized and directed to be issued General Obligation Bonds, Series 2013-B of the City in the aggregate principal amount of _____ Dollars (\$ _____) (the "Bonds") for the purpose of paying the Improvement Costs as provided by K.S.A. 12-110c, K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed and approved by the governing body of the City of Topeka, Kansas, this 10th day of September, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ adopted and approved by the governing body of the City on September 10, 2013.

(SEAL)

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

August 27, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Pam Simecka **DOCUMENT #:**
SECOND PARTY/SUBJECT: City of Topeka **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 012 Bond Ordinances
CIP PROJECT: No
ACTION OF COUNCIL: 08-27-13 First Reading **JOURNAL #:** 13
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of \$5,000,000 aggregate principal amount of Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding), of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, the home rule authority granted to the cities of the state of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Home Rule Ordinance No. 19841 of the City, all as amended. Final Reading.

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

(Approval would fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.)

POLICY ISSUE:

The City has a large number of employees eligible for full retirement in FY2013 and FY2014 with the numbers of eligible employees declining significantly in subsequent years. By spreading the contributions over a five-year period, the City can moderate contribution rates in FY2013 and FY2014 without dramatic increases in subsequent years, resulting in General Fund savings of \$500,000 for FY2014. Actual contribution rates will depend in large part upon the number of retirements actually funded over this period.

The bonds would fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

The City's retirement reserve fund ended FY2012 with a negative fund balance, due to a large number of retirements in December 2012. The retirement reserve fund is financed through departmental contributions across the organization, charged as a fixed percentage of payroll.

In order to cover anticipated increased retirements in FY2014, the City doubled the contribution rate, negatively impacting projected General Fund budgetary balance. Despite this increase, the City faces potential retirement-related costs multiple times the amount budgeted. This financing also provides some catastrophic cost increase protection.

BUDGETARY IMPACT:

These bonds will be paid off by allocations to the various City departments as a percentage of employee wages.

SOURCE OF FUNDING:

Various City departments will contribute to the bond payment.

ATTACHMENTS:

[Ordinance](#)

270813 2

(Published in The Topeka Metro News on _____, 2013.)**ORDINANCE NO. _____**

AN ORDINANCE INTRODUCED BY CITY MANGER JIM COLSON AUTHORIZING THE ISSUANCE OF \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-C (EMPLOYEE SEPARATION BENEFIT FUNDING), OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND HOME RULE ORDINANCE NO. 19841 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Home Rule Ordinance No. 19841 of the City of Topeka, Kansas, (the "City") and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has authorized the issuance of general obligation bonds to (1) fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds (the "Project").

WHEREAS, all legal requirements pertaining to the Project have been complied with, and the governing body of the City now finds and determines that the total costs of the Project and related expenses are at least \$_____ (the "Project Costs"), to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) in the aggregate principal amount of _____ Dollars (\$_____) for the purpose of paying the cost of the Project.

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

Section 1. That for the purpose of funding the Project hereinbefore described, there is hereby authorized and directed to be issued Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City in the aggregate principal amount of _____ Dollars (\$_____) (the "Bonds") as provided by the home rule authority granted to the cities of the State of Kansas under Section 5 of Article 12 of the

47 Kansas Constitution, Home Rule Ordinance No. 19841 of the City and Article 1 of Chapter 10,
48 Kansas States Annotated, all as amended. The Bonds shall be dated and bear interest, shall
49 mature and be payable at such times, shall be in such form, shall be subject to redemption and
50 payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to
51 the provisions, covenants and agreements set forth in a resolution of the Governing Body of the
52 City adopted the same date as the date of the passage and approval of this Ordinance (the
53 "Resolution").
54

55 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
56 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
57 registered as required by law and the Governing Body shall annually make provisions for the
58 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
59 shall become due by levying a tax upon all the taxable property of the City.
60

61 **Section 3.** That the City shall, and the officers, agents and employees of the City are
62 hereby authorized and directed to, take such action and execute such other documents,
63 certificates and instruments as may be necessary or desirable to carry out and comply with the
64 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
65 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
66 transaction contemplated hereby and thereby.
67

68 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
69 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
70 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
71 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
72 provision had not been contained herein.
73

74 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
75 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
76

77 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
78 and publication in the official City newspaper.

79 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)
80

81 Passed and approved by the Council of the City of Topeka, Kansas, this 10th day of
82 September, 2013.

83
84 **CITY OF TOPEKA, KANSAS**

85
86
87
88 _____
89 **Larry E. Wolgast, Mayor**

90 **ATTEST:**

91
92 _____
93 **Brenda Younger, City Clerk**

94
95 **(SEAL)**

96
97
98 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
99 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No.
100 _____ adopted and approved by the City Council on September 10, 2013.

101
102
103
104 _____
105 **Brenda Younger, City Clerk**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Pam Simecka DOCUMENT #:
SECOND PARTY/SUBJECT: City of Topeka 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, authorizing and directing the issuance of Temporary Notes, Series 2013-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of \$25,000,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2012-A Temporary Notes of said City, dated September 27, 2012, and (ii) pay a portion of the cost of certain improvements in said City.

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

(Approval would fund special assessment projects, fire station improvements, bridge improvement, street improvement projects, park improvement and two utilities projects.)

POLICY ISSUE:

To provide funding for capital improvement projects that are in their construction phase.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the resolution.

BACKGROUND:

This temporary note will fund special assessment projects, fire station improvements, bridge improvement, street improvement projects, park improvement and two utilities projects.

BUDGETARY IMPACT:

There will not be an immediate budgetary impact for the note. However, once construction is done the recommendation will be to roll the notes into permanent bonds.

SOURCE OF FUNDING:

Temporary notes will not have a source of funding; however, when the temporary notes are refinanced into permanent bonds they will be paid through property taxes.

ATTACHMENTS:

[Temporary Note Resolution](#)

Item #18

160813 2

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RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES 2013-A (GENERAL IMPROVEMENTS) OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF (i) RENEWING A PORTION OF THE SERIES 2012-A TEMPORARY NOTES OF SAID CITY, DATED SEPTEMBER 27, 2012, AND (ii) PAY A PORTION OF THE COST OF CERTAIN IMPROVEMENTS IN SAID CITY.

15 **WHEREAS**, pursuant to K.S.A. 12-6a01 *et seq.*, as amended, the home rule authority
16 granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution,
17 and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the “City”) (Section A12-1 of the
18 Code of the City) and all other provisions of the laws of the State of Kansas applicable thereto,
19 by proceedings duly had and other actions duly and legally taken, the City has approved the
20 following internal improvements (the “Improvements”):

- 21 (a) Park Improvement Project No. T-131022.00
22 (b) Drainage Improvement Project No. T-151001.00;
23 (c) Drainage Improvement Project No. T-151011.00;
24 (d) Water Line Improvement Project No. T-281004.00;
25 (e) Water Line Improvement Project No. T-281062.00;
26 (f) Sanitary Sewer Improvement Project No. T-401011.00;
27 (g) Sanitary Sewer Improvement Project No. T-401017.00;
28 (h) Sanitary Sewer Improvement Project No. T-401034.00;
29 (i) Sanitary Sewer Improvement Project No. T-401039.00;
30 (j) Street Improvement Project No. 60632-01;
31 (k) Street Improvement Project No. T-601008.00;
32 (l) Street Improvement Project No. T-601030.00;

- (m) Bridge Improvement Project No. 12045-00;
- (n) Fire Station Improvement Project No. T-131023.00;
- (o) Trafficway Improvement Project No. T-141012.00;
- (p) Street Improvement Project No. 241016.00
- (q) Street Improvement Project No. 70123-01;
- (r) Street Improvement Project No. T-601020.01;
- (s) Street Improvement Project No. T-601028.00;
- (t) Street Improvement Project No. T-601029.00;
- (u) Street Improvement Project No. 601034.00;
- (v) Street Improvement Project No. 601035.00;
- (w) Park Improvement Project No. T-301041.00;
- (x) Utility System Improvement Project No. T-281000.03; and
- (y) Utility System Improvement Project No. T-291015.00.

WHEREAS, the cost of making the Improvements are to be paid in whole or in part by the issuance of general obligation bonds of the City in the manner provided by law; and

WHEREAS, pursuant to Resolution No. 8459 of the City adopted August 28, 2012, the City issued its Temporary Notes, Series 2012-A, dated September 27, 2012, aggregating the principal amount of \$16,540,000 and maturing on October 1, 2013, (the “Series 2012-A Notes”) to provide funds to finance certain improvements in the City including Projects Nos. T-151001.00, T-151011.00, T-281004.00, T-401011.00, T-401017, 60632-01, 60645-00, 12045-00, 70123-01, T-281000.03 and T-291015.00; as hereinbefore described (the “2012-A Projects”), and all aspects of said Projects will not be fully completed at the maturity of the Series 2012-A Notes; and

WHEREAS, it is necessary for the City to provide cash funds to (i) renew a portion of the Series 2012-A Notes issued to provide financing for the 2012-A Projects and (ii) to meet the City’s obligations incurred in connection with the Improvements prior to the completion of said work and the issuance of the City’s general obligation bonds, and it is desirable and in the

interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

Section 1.(a) For the purpose of providing funds to (i) renew a portion of the Series 2012-A Notes issued in connection with the 2012-A Projects as hereinbefore described, and (ii) to pay obligations incurred by the City in acquiring and constructing the Improvements, there shall be issued and are hereby authorized to be issued Temporary Notes, Series 2013-A (General Improvements), of the City, in the principal amount not to exceed \$_____ (the "Notes"). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated September 30, 2013, shall become due on October 1, 2014, and shall bear interest from said date at the rate of _____ percent (____%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on October 1, 2014, (the "Interest Payment Date") to the Registered Owner thereof appearing on the books of

86 the Note Registrar as of the 15th day of the month next preceding the applicable interest payment
87 date (the "Record Date").

88 (b) (1) If the City determines (A) that the Securities Depository is unable to properly
89 discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as
90 a securities depository and registered clearing agency under the Securities and Exchange Act of
91 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any
92 Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than
93 Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the
94 Note Registrar receives written notice from Participants having interests in not less than 50% of
95 the Notes which are outstanding and unpaid, as shown on the records of the Securities
96 Depository (and certified to such effect by the Securities Depository), that the continuation of a
97 book-entry system to the exclusion of any Notes being issued to any Registered Owner other
98 than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the
99 Note Registrar shall notify the Registered Owners of such determination or such notice and of
100 the availability of certificates to beneficial owners requesting the same, and the Note Registrar
101 shall register in the name of and authenticate and deliver replacement Notes to the beneficial
102 owners or their nominees in principal amounts representing the interest of each, making such
103 adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the
104 case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may, after
105 consultation with the Note Registrar, select a successor securities depository in accordance with
106 subsection (c) hereof to effect book-entry transfers. In such event, all references to the Securities
107 Depository herein shall relate to the period of time when the Securities Depository has
108 possession of at least one Note. Upon the issuance of any replacement Notes ("Replacement
109 Notes"), all references herein to obligations imposed upon or to be performed by the Securities
110 Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the
111 extent applicable with respect to such Replacement Notes. If the Securities Depository resigns
112 and the City is unable to locate a qualified successor of the Securities Depository in accordance

with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository, provided the Note Registrar receives written evidence satisfactory to it with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to The Depository Trust Company, New York, New York, by the Mayor or Deputy Mayor in the form attached hereto as Exhibit A with such changes, omissions, insertions and revisions as the Mayor or Deputy Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor or Deputy Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes.

Section 2. The Notes shall contain recitals and be in the form as prescribed by law. The Notes shall, in addition to all other requirements, be subject to the terms and conditions of the

agreement entitled "Agreement Between Issuer and Agent" by and between the City and the Treasurer of the State of Kansas, as Note Registrar.

Section 3. The Notes shall be executed by the facsimile or manual signature of the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon. After such execution and the registration of the Notes by the City Clerk and the Kansas State Treasurer, Topeka, Kansas, hereby designated as both the City's Note Registrar and Paying Agent in connection with the Notes, the Notes shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the Original Purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest thereon to the date of delivery. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of (i) renewing the Series 2012-A Notes previously issued to finance the 2012-A Projects as hereinbefore described, (ii) the costs of the Improvements and (iii) the costs of issuing the Notes.

Section 4. The Notes to be issued shall be in substantially the following form:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), **ANY TRANSFER, PLEDGE, OR OTHER USE THEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL IN AS MUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.**

Temporary Note No. R-1

\$ _____

\$ _____

UNITED STATES OF AMERICA

STATE OF KANSAS

COUNTY OF SHAWNEE

CITY OF TOPEKA

SERIES 2013-A (GENERAL IMPROVEMENTS)

Rate of _____ Maturity _____ Dated _____ CUSIP NO. _____

Interest: _____% Date: October 1, 2014 Date: September 30, 2013

Registered Owner: Cede & Co.

Principal Amount: _____ Dollars

KNOW ALL MEN BY THESE PRESENTS:

That the City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, unless called for redemption and payment prior to such maturity date as hereinafter provided, both the principal amount identified above and in like manner to pay interest on such principal amount from the date of this Note until said principal amount is paid. The Notes will not be subject to redemption prior to maturity.

The principal of and interest on this Note shall be payable in lawful money of the United States of America by check or draft at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Note Registrar" and "Paying Agent"), upon presentation of this Note for payment and cancellation. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS NOTE ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas; that this Note is negotiable and constitutes a general obligation of the City; that this Note and any outstanding notes and bonds previously issued for the improvement described herein do not exceed the estimated cost and expense of said improvement; and that the total indebtedness of said City, including this series of Notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its Governing Body, has caused this Temporary Note to be signed by its Mayor or Deputy Mayor and attested by its City Clerk, and has caused its corporate seal to be affixed hereto, all as of the 30th day of September, 2013.

ATTEST:

Mayor, City of Topeka, Shawnee County,
Kansas

City Clerk

(SEAL)

This Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(SEAL) _____ City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2013-A (General Improvements), described in the within mentioned Resolution.

Registration Date: _____.

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
As Note Registrar and Paying Agent

I.D. No. _____

By _____

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that the within Temporary Note of the City of Topeka, Kansas, was duly registered in my office according to law, and that the signatures thereto are genuine.

WITNESS My Hand and Official Seal as of this 30th day of September, 2013.

(SEAL)

City Clerk of the City of Topeka,
Shawnee County, Kansas

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, **RON ESTES**, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Temporary Note has been filed in my office and that this Note has been registered in my office according to law this ____ day of September, 2013.

WITNESS My Hand and Official Seal.

RON ESTES
Treasurer of the State of Kansas

BY: _____

(SEAL)

State Treasurer

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Note Assignment)

(Social Security or Taxpayer Identifying No.)

the Temporary Note to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of undersigned on the books of the Treasurer of the State of Kansas, Topeka, Kansas, the Note Registrar. The undersigned does (do) hereby irrevocably constitute and appoint _____ as attorney to transfer said Note on the books of the Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer Identifying No.

Signature (Sign Here Exactly as
Name(s) Appear on Face of Certificate)

Face of Certificate Signature Guaranteed By:

(Name of Eligible Guarantor Institution as
defined by SEC Rule 17Ad-15 (17CFR
240.17 Ad-15)

By: _____

FURTHER TERMS AND CONDITIONS

This Note is one of a duly authorized series of Temporary Notes aggregating the principal amount of \$_____ (the "Notes") issued by the City to finance, on an interim basis, the construction of certain improvements, heretofore duly authorized by the City, which are to be paid for either in whole or in part by the issuance of bonds of the City. This Note and the series of which it is a part are issued by the City to pay the cost of such improvements until money for such purpose and for the payment of this Note with accrued interest, if any, thereon can be raised by the City by the sale and issuance of its general obligation bonds. This Note and the series of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of Resolution No. _____ of the City (the "Resolution"), the Constitution and Laws of the State of Kansas, including Article 12, Section 5 of the Constitution to the State of Kansas, K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 *et seq.*, as amended, and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and all acts amendatory thereof and supplemental thereto.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Resolution. One Note certificate

with respect to each date on which the Notes are stated to mature, registered in the nominee name of the securities depository named in the Resolution, together with its successors and assigns (the "Securities Depository"), is being issued. The book-entry system will evidence positions held in the Notes by the Securities Depository's participants, beneficial ownership of the Notes in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to the rules and procedures established by the Securities Depository and its participants. The City will recognize the Securities Depository nominee, while the registered owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of and interest on this Note, (ii) notices and (iii) voting. Transfers of principal and interest payments to participants of the Securities Depository, and transfers of principal and interest payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the registered owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Note shall be made in accordance with existing arrangements among the City, its Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION, THIS NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY. The City may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of the principal hereof and interest due hereon and for all other purposes. This Note is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the office of the Note Registrar upon receipt by the Note Registrar of a duplicate original counterpart of the document by which the assignment or reassignment is made, disclosing the name and address of each such assignee. Upon receipt of such notice of assignment, the Paying Agent agrees to make all payments to the assignee designated in the assignment. The City shall pay out of the proceeds of the Notes, or from other lawfully available funds, all costs incurred in connection with the issuance, transfer, exchange, redemption or payment of the Notes except (a) fees and expenses in connection with the replacement of any of the Notes mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange or payment of the Notes.

Section 5. That the Notes shall be issued and sold to _____, _____, _____, in accordance with both the Note Purchase Agreement (the "Purchase Agreement") between such Original Purchaser and the City, the execution of which Purchase Agreement is hereby authorized and by the other terms and conditions of this Resolution.

Section 6. That the City covenants and certifies to and for the benefit of the Owners of the Notes from time to time outstanding that so long as any of the Notes remain outstanding, moneys on deposit in any fund or account in connection with the Notes, whether or not such moneys were derived from the proceeds of the sale of the Notes or from any other sources, will not be used in a manner which will cause the Notes to be classified as “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). Pursuant to such covenant, the City shall, to the extent permitted by law, comply throughout the term of the issue of the Notes and thereafter with the requirements of Section 148 of the Code including, but not limited to, the rebate of certain amounts, if any, to the United States.

Section 7. That the City covenants to take all action necessary in order to maintain the exclusion under Section 103 of the Code of the interest on the Notes from gross income for federal income tax purposes.

Section 8. That the forms of the *Preliminary Official Statement* and the *Official Statement*, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed, and the execution, circulation and distribution thereof are hereby approved, ratified and confirmed for and on behalf of the City, in substantially the form presented at this meeting.

Section 9. That the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City's obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

383 (SEAL)

386 ATTEST:

I, **BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
do hereby certify that the above and foregoing is a true and correct copy of Resolution No.
_____ adopted and approved by the governing body of the City on September 10, 2013.

399 (SEAL)

EXHIBIT A

LETTER OF REPRESENTATIONS

(ATTACHED)



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Pam Simecka **DOCUMENT #:**
SECOND PARTY/SUBJECT: City of Topeka **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, prescribing the form and details of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, in the aggregate principal amount of \$9,800,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds.

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

(Approval would fund various improvement projects in the amount of \$9,800,000 plus the cost of issuance and interest costs. Total debt service would be paid over 20 years.)

POLICY ISSUE:

This resolution sets up the detail procedures for the issuance of 2013-B General Obligation bonds. The bonds convert capital improvement projects from temporary note status to permanent financing through General Obligation Bonds. This will include city projects and special assessment projects the City has completed.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the resolution.

BACKGROUND:

This bond will fund one water line special assessment project, four sewer special assessment projects, two street special assessment projects, one bridge improvement project, one new fire vehicle, seven city street projects, five park improvement projects and one building improvement project.

BUDGETARY IMPACT:

Item #19

Debt service will be increased for the City by \$9,800,000 plus the cost of issuance and interest costs. Debt service will be paid over 20 years.

SOURCE OF FUNDING:

Debt service is paid through the debt service fund and it is funded by a property tax levy

ATTACHMENTS:

[Resolution GO Bonds 2013B](#)

160813 2

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

SEPTEMBER 10, 2013

\$
GENERAL OBLIGATION BONDS
SERIES 2013-B

RESOLUTION

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A RESOLUTION INTRODUCED BY CITY MANAGER JIM COLSON PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES 2013-B OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9,800,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. _____ ADOPTED AND APPROVED SEPTEMBER 10, 2013; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the City has by its Ordinance No. _____ adopted and approved September 10, 2013, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2013-B in the aggregate principal amount of \$_____ (the "Bonds") under the authority of K.S.A. 12-110c, K.S.A. 12-6a01 et seq., as amended, and Charter Ordinance No. 89 of the City to pay the cost of making the Improvements and pay the costs of issuing the Bonds; and

WHEREAS, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

DEFINITIONS

"Bond Counsel" means the firm of Nichols and Wolfe Chartered, or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing as selected by the City.

193
194 **"Bond Payment Date"** means any date on which principal of or interest on any Bond is
195 payable.
196

197 **"Bond Register"** means the books for the registration, transfer and exchange of Bonds
198 kept at the office of the Bond Registrar.
199

200 **"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and any
201 successors and assigns thereto to the duties and responsibilities described in this Resolution and
202 in the related agreement between the City and the State Treasurer.
203

204 **"Bonds"** means the General Obligation Bonds, Series 2013-B authorized and issued by
205 the City pursuant to the Ordinance.
206

207 **"Business Day"** means a day other than a Saturday, Sunday or holiday on which the
208 Paying Agent is scheduled in the normal course of its operations to be open to the public for
209 conduct of its operations.
210

211 **"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company,
212 New York, New York and any successors or assigns thereto.
213

214 **"City"** means the City of Topeka, Kansas, the issuer of the Bonds.
215

216 **"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's
217 absence, the duly appointed Deputy Clerk or Acting Clerk of the City.
218

219 **"Code"** means the Internal Revenue Code of 1986, as amended.
220

221 **"Costs of Issuance"** means all costs of issuing the Bonds, including all publication,
222 printing, signing and mailing expenses in connection therewith, registration fees, financial
223 advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses
224 incurred in connection with compliance with the Code and with the Disclosure Certificate, all
225 expenses, if any, incurred in connection with receiving ratings on the Bonds and any premiums
226 or expenses incurred in obtaining municipal bond insurance on the Bonds.
227

228 **"Dated Date"** means September 30, 2013.
229

230 **"Defaulted Interest"** means interest on any Bond which is payable but not paid on any
231 Interest Payment Date.
232

233 **"Defeasance Obligations"** means any of the following obligations:
234

235 (a) United States Government Obligations that are not subject to redemption in
236 advance of their maturity dates; or
237

238 (b) obligations of any state or political subdivision of any state, the interest on which
239 is excluded from gross income for federal income tax purposes and which meet the following
240 conditions:
241

242 (1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee
243 for such obligations has been given irrevocable instructions concerning their calling and
244 redemption and the issuer of such obligations has covenanted not to redeem such obligations
245 other than as set forth in such instructions;
246

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

"Disclosure Certificate" means the Continuing Disclosure Certificate attached to the City's Final Certificate as *Exhibit D* and included in the transcript of proceedings pertaining to the issuance of the Bonds.

"Event of Default" means any of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made on the Interest Payment Date when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

"Federal Tax Certificate" means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

"Fiscal Year" means the twelve month period ending on December 31.

"Funds and Accounts" means funds and accounts created or referred to in **Section 501** hereof.

"Improvements" means certain water line, sanitary sewer, street, bridges, fire equipment, trafficway, park, and public building improvements constructed in the City in accordance with the legal authority as described in the recitals to this Resolution and in the Ordinance.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 15 and August 15 of each year, commencing February 15, 2014.

"Maturity" means when used with respect to any Bond, the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or upon on call for redemption or otherwise.

301
302 **"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's
303 absence, the duly appointed Deputy Mayor or Acting Mayor of the City.
304

305 **"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any
306 successors or assigns to the Bond rating functions thereof which is deemed acceptable by the
307 City and Bond Counsel.
308

309 **"Original Purchaser"** means, with respect to the Bonds, _____,
310 _____.
311

312 **"Ordinance"** means Ordinance No. _____ adopted and approved September 10,
313 2013, and published as required by law, pursuant to which the issuance of the Bonds has been
314 authorized.
315

316 **"Outstanding"** means, when used with reference to the Bonds, as of a particular date of
317 determination, all Bonds theretofore authenticated and delivered, except the following Bonds:
318

319 (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent
320 for cancellation;
321

322 (b) Bonds deemed to be paid in accordance with the provisions of **Section 701**
323 hereof; and
324

325 (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated
326 and delivered hereunder.
327

328 **"Owner"** means when used with respect to any Bond, the Person in whose name such
329 Bond is registered on the Bond Register.
330

331 **"Participants"** means those financial institutions for whom the Securities Depository
332 effects book-entry transfers and pledges of securities deposited with the Securities Depository, as
333 such listing of Participants exists at the time of such reference.
334

335 **"Paying Agent"** means the State Treasurer, and any successors and assigns thereof to the
336 duties and responsibilities described in this Resolution and in the related agreement between the
337 City and the State Treasurer.
338

339 **"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and
340 amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a,
341 and amendments thereto; (c) direct obligations of the United States Government or any agency
342 thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments
343 thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties
344 in which the City is located; (f) obligations of the federal national mortgage association, federal
345 home loan banks, the federal home loan mortgage corporation or the government national
346 mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h)
347 investment agreements with or other obligations of a financial institution the obligations of
348 which at the time of investment are rated in either of the three highest rating categories by
349 Moody's, Inc. or Standard & Poor's; (i) investments in shares or units of a money market fund or
350 trust the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts
351 evidencing ownership interests in securities or portions thereof described in (c) or (f); (k)
352 municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A.
353 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any
354 municipality of the States as defined in K.S.A. 10-1101 which have been refunded in advance of

their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Person" means any natural person, as well as any corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the purchase price of the Bonds as set forth in the *Bid Proposal for Purchase of the Bonds* as submitted by the Original Purchaser and accepted by the City, plus accrued interest to the date of delivery.

"Record Dates" means, for the interest payable on any Interest Payment Date, the first day (whether or not a Business Day) of each month of such Interest Payment Date.

"Redemption Date" means when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Resolution.

"Redemption Price" means when used with respect to any Bond to be redeemed the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Replacement Bonds" means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

"Representation Letter" means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as *Exhibit B*.

"Resolution" means this resolution relating to the Bonds, and any Supplemental Resolution.

"Securities Depository" means, initially, The Depository Trust Company, New York, New York, and any successors and assigns.

"Series 2013-B Principal and Interest Account" means the Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2013-B, created herein within the City's Bond and Interest Fund.

"Series 2013-B Project Account" means the Project Account for the Improvements in the treasury of the City, created herein.

"Series 2013-B Rebate Fund" means the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2013-B, created herein.

"Special Record Date" means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

"Standard & Poor's" means Standard & Poor's Ratings Services, a Division of The McGraw Hill Companies, Inc., New York, New York and any successors or assigns to the Bond rating functions thereof which is deemed acceptable by the City and Bond Counsel.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors or assigns.

"Treasurer" means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated September 30, 2013, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

	MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
		SERIAL BONDS	
	2014	\$ _____	_____ %
	2015	_____	_____
	2016	_____	_____
	2017	_____	_____
	2018	_____	_____
	2019	_____	_____
	2020	_____	_____
	2021	_____	_____
	2022	_____	_____
	2023	_____	_____
	2024	_____	_____
	2025	_____	_____
	2026	_____	_____
	2027	_____	_____
	2028	_____	_____
	2029	_____	_____
	2030	_____	_____
	2031	_____	_____
	2032	_____	_____
	2033	_____	_____

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *Exhibit A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and as Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, if any, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any

560 authorized denomination of the same Stated Maturity and in the same aggregate principal
561 amount as the Bond that was presented for transfer or exchange.

562
563 Bonds presented for transfer or exchange shall be accompanied by a written instrument or
564 instruments of transfer or authorization for exchange, in a form and with guarantee of signature
565 satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly
566 authorized agent.

567
568 In all cases in which the privilege of transferring or exchanging Bonds is exercised, the
569 Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this
570 Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration,
571 transfer and exchange of Bonds provided for by this Resolution and the cost of printing a
572 reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred
573 in the secondary market, other than fees of the Bond Registrar, are the responsibility of the
574 Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification
575 number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient
576 to pay any governmental charge required to be paid as a result of such failure. In compliance
577 with Section 3406 of the Code, such amount may be deducted by the Paying Agent from
578 amounts otherwise payable to such Owner hereunder or under the Bonds.

579
580 The City and the Bond Registrar shall not be required (a) to register the transfer or
581 exchange of any Bond that has been called for redemption after notice of such redemption has
582 been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15
583 days next preceding the date of mailing of such notice of redemption; or (b) to register the
584 transfer or exchange of any Bond during a period beginning at the opening of business on the
585 day after receiving written notice from the City of its intent to pay Defaulted Interest and ending
586 at the close of business on the date fixed for the payment of Defaulted Interest pursuant to
587 **Section 204** hereof.

588
589 The City and the Paying Agent may deem and treat the Person in whose name any Bond
590 is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is
591 overdue or not, for the purpose of receiving payment of, or on account of, the principal or
592 Redemption Price of and interest on said Bond and for all other purposes. All payments so made
593 to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge
594 the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the
595 Paying Agent shall be affected by any notice to the contrary.

596
597 At reasonable times and under reasonable regulations established by the Bond Registrar,
598 the Bond Register may be inspected and copied by the Owners of 10% or more in principal
599 amount of the Bonds then Outstanding or any designated representative of such Owners whose
600 authority is evidenced to the satisfaction of the Bond Registrar.

601
602 **Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each
603 of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially
604 delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of
605 the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City
606 shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and
607 directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds
608 to be registered in the office of the Clerk, which registration shall be evidenced by the manual or
609 facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon.
610 The Bonds shall also be registered in the office of the State Treasurer, which registration shall be
611 evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State
612 Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on
613 any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall

nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a *Certificate of Authentication* substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the *Certificate of Authentication* on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such *Certificate of Authentication* has been duly executed by the Bond Registrar. Such executed *Certificate of Authentication* upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Original Purchasers upon instructions of the City or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Bond Registrar) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement. The *Preliminary Official Statement* dated September 3, 2013, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their

reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

The final *Official Statement* is hereby authorized to be prepared by supplementing, amending and completing the *Preliminary Official Statement*, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final *Official Statement* as so supplemented, amended and completed, and the use and public distribution of the final *Official Statement* by the Original Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such *Official Statement* as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final *Official Statement* to enable the Original Purchasers to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Sale of the Bonds. The sale of the Bonds to the Original Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

Section 211. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing its respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement

Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption of Bonds. The Bonds maturing prior to August 15, 2020, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2020, may be called for redemption and payment prior to maturity on August 15, 2019, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds of the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in \$5,000 units of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such

\$5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the \$5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the City desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice at least 45 days prior to the Redemption Date. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.

Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchasers of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the City. The balance of the principal of and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, redemption premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Series 2013-B Principal and Interest Account and, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, redemption premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS
DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

(a) In the treasury of the City, the "Series 2013-B Project Account";

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2013-B (the "Series 2013-B Principal and Interest Account"); and

(c) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2013-B (the "Series 2013-B Rebate Fund").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

Section 502. Disposition of Bond Proceeds. The Purchase Price of the Bonds, upon issuance and delivery thereof, shall be deposited as follows:

(a) Proceeds of the Series 2013-B Bonds in the amount of \$_____ shall be deposited in the Series 2013-B Project Account to pay costs of the Improvements and the cost of issuing the Bonds; and

(b) Proceeds of the Series 2013-B Bonds in the amount of \$_____, shall be deposited with the Treasurer of the State of Kansas to be used for the redemption of a portion of the City's Temporary Notes, Series 2012-A, on October 1, 2013.

Section 503. Withdrawals from the Series 2013-B Project Account. The Treasurer shall make withdrawals from the Series 2013-B Project Account solely for the purpose of paying costs and expenses of the Improvements, the redemption of a portion of the Series 2012-A Temporary Notes and paying the Costs of Issuance for the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 504. Surplus in the Series 2013-B Project Account. All moneys remaining in the Series 2013-B Project Account after the completion of the Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2013-B Principal and Interest Account and applied to the next installment of principal due on the Series 2013-B Bonds from which such surplus moneys remain.

Section 505. Application of Moneys in Series 2013-B Principal and Interest Account. All amounts paid and credited to the Series 2013-B Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Series 2013-B Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately

preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Series 2013-B Principal and Interest Accounts after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 506. Application of Moneys in the Series 2013-B Rebate Fund.

(a) There shall be deposited in the Series 2013-B Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Series 2013-B Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Series 2013-B Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2013-B Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Series 2013-B Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2013-B Principal and Interest Account of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be invested in accordance with the requirements of K.S.A. 10-131, as amended. All such investments constituting deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Series 2013-B Rebate Fund in accordance with

the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Series 2013-B Project Account may, at the direction of the governing body of the City, be paid and credited to the Series 2013-B Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

Section 508. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent, all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the Owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in

equity shall be instituted, had and maintained for the equal benefit of all Owners of Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Outstanding Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Resolution.

1091 ARTICLE VIII

1092 TAX COVENANTS

1093 **Section 801. General Covenants.**

1094
1095
1096
1097 (a) The City covenants and agrees that (1) it will comply with all applicable
1098 provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the
1099 exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2)
1100 it will not use or permit the use of any Bond proceeds or any other funds of the City in a manner
1101 which would adversely affect the exclusion from gross income of the interest on the bonds, and
1102 (3) will not take or permit any other action, or fail to take any action, if any such action or failure
1103 to take action would adversely effect the exclusion from gross income of the interest on the
1104 Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other
1105 actions as may be necessary to comply with the Code and with all other applicable future laws,
1106 regulations, published rulings and judicial decisions, in order to ensure that the interest on the
1107 Bonds will remain excluded from federal gross income, to the extent any such actions can be
1108 taken by the City.

1109
1110 (b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as
1111 soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are
1112 issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of
1113 the Bonds or any other funds of the City in any manner, and will not take or omit to take any
1114 action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a)
1115 of the Code.

1116
1117 (c) The City covenants and agrees that it will not use any portion of the proceeds of
1118 the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a
1119 manner that would cause any Bond to be a "private activity bond" within the meaning of Section
1120 141(a) of the Code.

1121
1122 **Section 802. Rebate Covenant.** The City covenants and agrees that it will pay, or
1123 provide for the payment of, from time to time all amounts required to be rebated to the United
1124 States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall
1125 survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended
1126 or replaced if, in the opinion of Bond Counsel such amendment or replacement will not
1127 adversely affect the exclusion from gross income for federal income tax purposes of interest on
1128 the Bonds.

1129
1130 **Section 803. Survival of Covenants.** The covenants contained in this Article shall
1131 remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article
1132 VII hereof or any other provision of this Resolution until the final maturity date of all Bonds
1133 Outstanding.

1134
1135 **Section 804. Qualified Tax-exempt Obligations.** The Bonds are not designated as
1136 "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

1137 ARTICLE IX

1138 CONTINUING DISCLOSURE REQUIREMENTS

1139
1140
1141
1142 **Section 901. Disclosure Requirements.** The City hereby covenants with the Original
1143 Purchasers and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and
1144 disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure

Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Original Purchasers and such Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Original Purchasers and/or any such Beneficial Owner may make demand for such compliance by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Original Purchasers or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy as the Original Purchasers and/or any such Beneficial Owner shall deem effectual to protect and enforce any of the duties of the City under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk, and a duplicate copy of the audit shall be mailed to the Original Purchasers. Such audit shall at all times during the usual business hours of the City be open to the examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the City and the Owners, and the terms and provisions of the Bonds or of this Resolution, may be amended or modified at any time in any respect by resolution of the City with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

Any provision of the Bonds or of this Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

With notice to or the consent of any Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond, or a prospective purchaser or owner of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk to any such Owner or prospective Owner. A copy of every amendatory or supplemental resolution shall be sent to Moody's.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Bond Registrar and to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Bond Registrar or the Paying Agent under this Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to make acknowledgements within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or

waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.

Section 1004. Further Authority. The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1005. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 1006. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1007. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the Council of the City.

PASSED and approved by the City of Topeka, Kansas, on September 10, 2013.

CITY OF TOPEKA, KANSAS

(SEAL)

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a regularly scheduled meeting held on September 10, 2013, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: September 10, 2013.

(SEAL)

Brenda Younger, City Clerk

EXHIBIT A
(FORM OF BONDS)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
GENERAL OBLIGATION BOND
SERIES 2013-B

No. R-_____

\$_____

Rate of
Interest:

Maturity

Date: August 15, 20__

Dated

Date: September 30, 2013

CUSIP _____

Registered Owner:

PRINCIPAL AMOUNT _____

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the "Owner"), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2014, until said principal amount is paid.

The principal of and redemption premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the Owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 1st day of February or August of the applicable interest payment date (the "Record Dates"), or in the case of an interest payment to any Owner of **\$500,000** or more in aggregate principal amount of the Bonds, by electronic transfer to such Owner upon written notice given to the Paying Agent by such Owner not less than **15** days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Owner wishes to have such transfer directed. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 30th day of September, 2013.

CITY OF TOPEKA, KANSAS

(manual)

Mayor

ATTEST: (manual)

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation Bonds, Series 2013-B described in the within mentioned Resolution.

Registration Date: _____

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

I.D.#: _____

FURTHER TERMS AND PROVISIONS

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$_____ (the "Bonds") issued for the purposes set forth in Ordinance No. _____ of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 12-110c, K.S.A. 12-6a01 et seq., K.S.A. 10-101 to 125, inclusive, Charter Ordinance No. 89 of the City, and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. _____ of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issuable in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the

Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds maturing on or after August 15, 2020, may be called for redemption and payment prior to maturity on August 15, 2019, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

Bonds will be redeemed in integral multiples of \$5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than \$5,000, treat each \$5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the Owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the Owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of the Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the city, the Paying Agent and the Securities Depository.

This Bond is transferable by the Owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds

all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint _____ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer
Identifying No.

Signature (Sign Here Exactly as
Name(s) Appear on Face of
Certificate)

Signature guaranty:

By _____

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of September 30, 2013.

WITNESS my hand and official seal.

(SEAL)

(manual)
City Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, RON ESTES, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this _____.

WITNESS my hand and official seal.

RON ESTES
TREASURER OF THE STATE OF KANSAS

By _____
State Treasurer

(SEAL)

1
2
3
4

EXHIBIT B
(DTC LETTERS OF REPRESENTATION)



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Pam Simecka **DOCUMENT #:**
SECOND PARTY/SUBJECT: City of Topeka **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, prescribing the form and details of the Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City of Topeka, Kansas, in the aggregate principal amount of \$5,000,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds.

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

(Approval fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.)

POLICY ISSUE:

The City has a large number of employees eligible for full retirement in FY2013 and FY2014 with the numbers of eligible employees declining significantly in subsequent years. By spreading the contributions over a five-year period, the City can moderate contribution rates in FY2013 and FY2014 without dramatic increases in subsequent years, resulting in General Fund savings of \$500,000 for FY2014. Actual contribution rates will depend in large part upon the number of retirements actually funded over this period.

The bonds would fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.

Item #20

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the resolution.

BACKGROUND:

The City's retirement reserve fund ended FY2012 with a negative fund balance, due to a large number of retirements in December 2012. The retirement reserve fund is financed through departmental contributions across the organization, charged as a fixed percentage of payroll. In order to cover anticipated increased retirements in FY2014, the City doubled the contribution rate, negatively impacting projected General Fund budgetary balance. Despite this increase, the City faces potential retirement-related costs multiple times the amount budgeted. This financing also provides some catastrophic cost increase protection.

BUDGETARY IMPACT:

Approval would allow the City to spread the cost of the payment of the accruals for the retiring city employees over five years. The departments will be charged an amount each year to pay off the bonds.

SOURCE OF FUNDING:

The departments will be charged a fee per employee each year to pay off the bonds.

ATTACHMENTS:

[Resolution](#)

260813 3

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

SEPTEMBER 10, 2013

\$ _____
TAXABLE GENERAL OBLIGATION BONDS
SERIES 2013-C (EMPLOYEE SEPARATION BENEFIT FUNDING)

RESOLUTION

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RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER JIM COLSON PRESCRIBING THE FORM AND DETAILS OF THE TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-C (EMPLOYEE SEPARATION BENEFIT FUNDING) OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,000,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. 19841 ADOPTED AND APPROVED SEPTEMBER 10, 2013; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the Governing Body of the City of Topeka, Kansas, (the "City") has authorized the issuance of taxable general obligation bonds in the maximum principal amount of \$7,500,000 to (1) fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds (the "Project") under the authority of the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. 19841 of the City, and other provisions of the laws of the State of Kansas applicable thereto; and

WHEREAS, the City has by its Ordinance No. _____ adopted and approved September 10, 2013, (the "Ordinance") authorized the issuance of its Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) in the aggregate principal amount of \$_____ (the "Bonds") under the authority of the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. 19841 of the City, and other provisions of the laws of the State of Kansas applicable thereto for the purpose of providing funds to pay the cost of the Project; and

WHEREAS, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by _____, _____, _____ (the "Original Purchaser"); and

WHEREAS, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

"Bond and Interest Fund" means the Bond and Interest Fund of the City for its general obligation bonds.

191
192 **"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney
193 or firm of attorneys with a nationally recognized standing in the field of municipal bond financ-
194 ing as selected by the City.

195
196 **"Bond Payment Date"** means any date on which principal of or interest on any Bond is
197 payable.

198
199 **"Bond Register"** means the books for the registration, transfer and exchange of Bonds
200 kept at the office of the Bond Registrar.

201
202 **"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and any
203 successors and assigns thereto to the duties and responsibilities described in this Resolution and
204 in the related agreement between the City and the State Treasurer.

205
206 **"Bonds"** means the Taxable General Obligation Bonds, Series 2013-C (Employee
207 Separation Benefit Funding), authorized and issued by the City pursuant to the Ordinance.

208
209 **"Business Day"** means a day other than a Saturday, Sunday or holiday on which the
210 Paying Agent is scheduled in the normal course of its operations to be open to the public for
211 conduct of its operations.

212
213 **"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company,
214 New York, New York and any successors or assigns thereto.

215
216 **"City"** means the City of Topeka, Kansas, the issuer of the Bonds.

217
218 **"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's
219 absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

220
221 **"Costs of Issuance"** means all costs of issuing the Bonds, including all publication,
222 printing, signing and mailing expenses in connection therewith, registration fees, financial
223 advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses
224 incurred in connection with compliance with the Disclosure Certificate and all expenses, if any,
225 incurred in connection with receiving ratings on the Bonds.

226
227 **"Dated Date"** means September 30, 2013.

228
229 **"Defaulted Interest"** means interest on any Bond which is payable but not paid on any
230 Interest Payment Date.

231
232 **"Defeasance Obligations"** means any of the following obligations:

233
234 (a) United States Government Obligations that are not subject to redemption in
235 advance of their maturity dates; or

236
237 (b) obligations of any state or political subdivision of any state, the interest on which
238 is excluded from gross income for federal income tax purposes and which meet the following
239 conditions:

240
241 (1) the obligations are (i) not subject to redemption prior to maturity or (ii) the
242 trustee for such obligations has been given irrevocable instructions concerning their calling and
243 redemption wherein the issuer of such obligations has covenanted not to redeem such obligations
244 other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, redemption premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations, together with cash in any escrow fund related thereto are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent therefor.

"Disclosure Certificate" means the Continuing Disclosure Certificate attached to the City's Final Certificate as *Exhibit D* and included in the transcript of proceedings pertaining to the issuance of the Bonds.

"Event of Default" means any of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made on the Interest Payment Date when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

"Fiscal Year" means the twelve month period ending on December 31.

"Funds and Accounts" means funds and accounts created or referred to in **Section 501** hereof.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 15 and August 15 of each year, commencing February 15, 2014.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or upon on call for redemption or otherwise.

"Mayor" means the duly appointed and/or elected Mayor of the City or, in the Mayor's absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

297 **"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any
 298 successors or assigns to the Bond rating functions thereof which is deemed acceptable by the
 299 City and Bond Counsel.

300 **"Original Purchaser"** means, with respect to the Bonds, _____,
 301 _____, _____.

302 **"Ordinance"** means Ordinance No. _____ adopted and approved September 10,
 303 2013, and published as required by law, pursuant to which the issuance of the Bonds has been
 304 authorized.

305 **"Outstanding"** means, when used with reference to the Bonds, as of a particular date of
 306 determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

307 (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent
 308 for cancellation;

309 (b) Bonds deemed to be paid in accordance with the provisions of **Section 701**
 310 hereof; and

311 (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated
 312 and delivered hereunder.

313 **"Owner"** when used with respect to any Bond means the Person in whose name such
 314 Bond is registered on the Bond Register.

315 **"Participants"** means those financial institutions for whom the Securities Depository
 316 effects book-entry transfers and pledges of securities deposited with the Securities Depository, as
 317 such listing of Participants exists at the time of such reference.

318 **"Paying Agent"** means the State Treasurer, and any successors and assigns thereof to the
 319 duties and responsibilities described in this Resolution and in the related agreement between the
 320 City and the State Treasurer.

321 **"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and
 322 amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a,
 323 and amendments thereto; (c) direct obligations of the United States Government or any agency
 324 thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments
 325 thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties
 326 in which the City is located; (f) obligations of the federal national mortgage association, federal
 327 home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for
 328 securities described in (c) or (f); (h) investment agreements with or other obligations of a finan-
 329 cial institution the obligations of which at the time of investment are rated in either of the three
 330 highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units
 331 of a money market fund or trust the portfolio of which is comprised entirely of securities
 332 described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof
 333 described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the
 334 State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the
 335 same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have
 336 been refunded in advance of their maturity and are fully secured as to payment of principal and
 337 interest thereon by deposit in trust, under escrow agreement with a bank, of securities described
 338 in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose
 339 market price is derived from the fluctuating value of an underlying asset, index, currency, futures
 340 contract, including futures, options and collateralized mortgage obligations.

351
352 **"Person"** means any natural person, as well as any corporation, partnership, joint
353 venture, association, firm, joint-stock company, trust, unincorporated organization, or
354 government or any agency or political subdivision thereof or other public body.
355

356 **"Principal and Interest Account"** means the Principal and Interest Account for the City
357 of Topeka, Kansas, Taxable General Obligation Bonds, Series 2013-C (Employee Separation
358 Funding), created herein within the City's Bond and Interest Fund.
359

360 **"Project"** means (1) funding the City's obligation to make final payments of accrued
361 leave, including but not limited to vacation leave, sick leave, compensatory time and other
362 accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or
363 pertinent labor agreements for City employees separating from City employment, (2) funding
364 capitalized interest on the Bonds, and (3) paying the costs of issuing the Bonds, and such other
365 costs, expenses and obligations in connection with the issuance of the Bonds .
366

367 **"Project Account"** means the Project Account in the treasury of the City, created in
368 Section 501 hereof.
369

370 **"Purchase Price"** means the purchase price of the Bonds as set forth in the *Bid Proposal*
371 *for Purchase of Series 2013-C* Bonds as submitted by the Original Purchaser and accepted by the
372 City, plus accrued interest to the date of delivery.
373

374 **"Record Dates"** means, for the interest payable on any Interest Payment Date, the first
375 day (whether or not a Business Day) of each month of such Interest Payment Date.
376

377 **"Redemption Date"** means when used with respect to any Bond to be redeemed, the
378 date fixed for the redemption of such Bond pursuant to the terms of this Resolution.
379

380 **"Redemption Price"** means when used with respect to any Bond to be redeemed the
381 price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including
382 the applicable redemption premium, if any, but excluding installments of interest whose Stated
383 Maturity is on or before the Redemption Date.
384

385 **"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in
386 accordance with **Section 211** hereof.
387

388 **"Representation Letter"** means the Blanket Issuer Letter of Representations from the
389 City and the Paying Agent to the Securities Depository with respect to the Bonds, substantially in
390 the form attached to this Resolution as *Exhibit B*.
391

392 **"Resolution"** means this resolution relating to the Bonds, and any Supplemental
393 Resolution.
394

395 **"Securities Depository"** means, initially, The Depository Trust Company, New York,
396 New York, and any successors and assigns.
397

398 **"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section**
399 **204** hereof for the payment of Defaulted Interest.
400

401 **"Standard & Poor's"** means Standard & Poor's Ratings Services, a division of Standard
402 & Poor's Financial Services LLC, a part of McGraw Hill Financial, Inc., New York, New York
403 and any successors or assigns to the Bond rating functions thereof which is deemed acceptable
404 by the City and Bond Counsel.

"State" means the State of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors or assigns.

"Stated Maturity" means (i) with respect to any Bond principal payment, the date on which payment of principal is due and payable on any Bond, as specified on that Bond and in this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of the year in which any Bond is Outstanding, beginning February 15, 2014.

"Treasurer" means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

"United States Government Obligations" means bonds, notes, certificates of indebtedness, U.S. Treasury or other securities consisting of direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in the future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation).

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding), of the City in the aggregate principal amount of \$_____ for the purpose of providing funds to pay the costs of the Project as described in the Bond Ordinance, in accordance with the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. _____ of the City, and other provisions of the laws of the State of Kansas applicable thereto.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated September 30, 2013, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
2015	\$ _____	____%
2016	_____	_____
2017	_____	_____
2018	_____	_____
2019	_____	_____

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *Exhibit A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and as Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, if any, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such

notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a *Certificate of Authentication* substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the *Certificate of Authentication* on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such *Certificate of Authentication* has been duly executed by the Bond Registrar. Such executed *Certificate of Authentication* upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Original Purchaser upon instructions of the City or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Bond Registrar) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement. The *Preliminary Official Statement* dated September 3, 2013, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

The final *Official Statement* is hereby authorized to be prepared by supplementing, amending and completing the *Preliminary Official Statement*, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final *Official Statement* as so supplemented, amended and completed, and the use and public distribution of the final *Official Statement* by the Original Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such *Official Statement* as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final *Official Statement* to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Sale of the Bonds. The sale of the Bonds to the Original Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

Section 211. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing its respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and

transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds. The Bonds are not subject to optional redemption prior to their stated maturity.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, redemption premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Principal and Interest Account, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, redemption premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS
DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

(a) In the treasury of the City, the "Project Account"; and

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) (the "Principal and Interest Account").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

Section 502. Disposition of Bond Proceeds. The proceeds of the Bonds, upon issuance and delivery thereof, shall be deposited as follows:

(a) In the Principal and Interest Account, a sum equal to the accrued interest and any premium paid on the Bonds.

(b) In the principal and Interest Account, a sum equal to \$_____ representing the interest due on the Bonds during 2014.

(c) In the Project Account, the sum of \$_____.

Section 503. Withdrawals from the Project Account. The Treasurer shall make withdrawals from the Project Account solely for the purpose of funding the Project, including making transfers to other City funds as necessary and paying the Costs of Issuance for the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 504. Surplus in the Project Account. All moneys remaining in the Project Account after the funding of the Project is complete, as determined by the governing body of the City, shall be applied to the next installment of principal due on the series of Bonds from which such surplus moneys remain.

Section 505. Application of Moneys in Principal and Interest Account. All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 506. [Reserved]

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be invested in accordance with the requirements of K.S.A. 10-131, as amended. All such investments constituting deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held

in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Project Account may, at the direction of the governing body of the City, be paid and credited to the Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

Section 508. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent, all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the Owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Outstanding Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the

941 respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably
 942 appropriated to the payment and discharge thereof. All money and Defeasance Obligations
 943 deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited
 944 in accordance with and subject to all of the provisions of this Resolution.

945 ARTICLE VIII

946 CONTINUING DISCLOSURE REQUIREMENTS

947
 948
 949 **Section 801. Disclosure Requirements.** The City hereby covenants with the Original
 950 Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and
 951 disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure
 952 Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the
 953 benefit of and enforceable by the Original Purchaser and such Beneficial Owners.
 954

955
 956 **Section 802. Failure to Comply with Continuing Disclosure Requirements.** In the
 957 event the City fails to comply in a timely manner with its covenants contained in the preceding
 958 section, the Original Purchaser and/or any such Beneficial Owner may make demand for such
 959 compliance by written notice to the City. In the event the City does not remedy such
 960 noncompliance within 10 days of receipt of such written notice, the Original Purchaser or any
 961 such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce
 962 compliance by a suit or suits in equity for the specific performance of such covenant or
 963 agreement contained in the preceding section or for the enforcement of any other appropriate
 964 legal or equitable remedy as the Original Purchaser and/or any such Beneficial Owner shall deem
 965 effectual to protect and enforce any of the duties of the City under such preceding section.
 966

967 ARTICLE IX

968 MISCELLANEOUS PROVISIONS

969
 970
 971 **Section 901. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the
 972 City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by a
 973 certified public accountant or firm of certified public accountants.
 974

975 Within 30 days after the completion of each such audit, a copy thereof shall be filed in
 976 the office of the Clerk, and a duplicate copy of the audit shall be mailed to the Original Purchas-
 977 er. Such audit shall at all times during the usual business hours of the City be open to the
 978 examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or
 979 on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and
 980 mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or
 981 prospective Owner.
 982

983 As soon as possible after the completion of the annual audit, the governing body of the
 984 City shall review such audit, and if the audit discloses that proper provision has not been made
 985 for all of the requirements of this Resolution, the City shall promptly cure such deficiency.
 986

987 **Section 902. Amendments.** The rights and duties of the City and the Owners, and the
 988 terms and provisions of the Bonds or of this Resolution, may be amended or modified at any
 989 time in any respect by resolution of the City with the written consent of the Owners of not less
 990 than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced
 991 by an instrument or instruments executed by such Owners and duly acknowledged or proved in
 992 the manner of a deed to be recorded, and such instrument or instruments shall be filed with the
 993 Clerk, but no such modification or alteration shall:
 994

- 995 (a) extend the maturity of any payment of principal or interest due upon any Bond;
 996
 997 (b) effect a reduction in the amount which the City is required to pay as principal of
 998 or interest on any Bond;
 999
 1000 (c) permit preference or priority of any Bond over any other Bond; or
 1001
 1002 (d) reduce the percentage in principal amount of Bonds required for the written
 1003 consent to any modification or alteration of the provisions of this Resolution.
 1004

1005 Any provision of the Bonds or of this Resolution may, however, be amended or modified
 1006 by resolution duly adopted by the governing body of the City at any time in any legal respect
 1007 with the written consent of the Owners of all of the Bonds at the time Outstanding.
 1008

1009 Without notice to or the consent of any Owners, the City may amend or supplement this
 1010 Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity
 1011 therein or in connection with any other change therein which is not materially adverse to the
 1012 interests of the Owners.
 1013

1014 Every amendment or modification of the provisions of the Bonds or of this Resolution, to
 1015 which the written consent of the Owners is given, as above provided, shall be expressed in a
 1016 resolution adopted by the governing body of the City amending or supplementing the provisions
 1017 of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every
 1018 such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall
 1019 always be kept on file in the office of the Clerk, and shall be made available for inspection by the
 1020 Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this
 1021 Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of
 1022 any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk to
 1023 any such Owner or prospective Owner.
 1024

1025 Any and all modifications made in the manner hereinabove provided shall not become
 1026 effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove
 1027 provided for, duly certified, as well as proof of any required consent to such modification by the
 1028 Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the
 1029 Outstanding Bonds any reference to such amendment or modification.
 1030

1031 The City shall furnish to the Bond Registrar and to the Paying Agent a copy of any
 1032 amendment to the Bonds or this Resolution which affects the duties or obligations of the Bond
 1033 Registrar or the Paying Agent under this Resolution.
 1034

1035 **Section 903. Notices, Consents and Other Instruments by Owners.** Any notice,
 1036 consent, request, direction, approval or other instrument to be signed and executed by the
 1037 Owners may be in any number of concurrent writings of similar tenor and may be signed or
 1038 executed by such Owners in person or by agent appointed in writing. Proof of the execution of
 1039 any such instrument or of the writing appointing any such agent and of the ownership of Bonds,
 1040 if made in the following manner, shall be sufficient for any of the purposes of this Resolution,
 1041 and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard
 1042 to any action taken, suffered or omitted under any such instrument, namely:
 1043

- 1044 (a) The fact and date of the execution by any person of any such instrument may be
 1045 proved by a certificate of any officer in any jurisdiction who by law has power to make
 1046 acknowledgements within such jurisdiction that the person signing such instrument
 1047 acknowledged before such officer the execution thereof, or by affidavit of any witness to such
 1048 execution.

1049
1050 (b) The fact of ownership of Bonds, the amount or amounts, numbers and other
1051 identification of Bonds, and the date of holding the same shall be proved by the Bond Register.
1052

1053 In determining whether the Owners of the requisite principal amount of Bonds
1054 Outstanding have given any request, demand, authorization, direction, notice, consent or waiver
1055 under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be
1056 Outstanding under this Resolution, except that, in determining whether the Owners shall be
1057 protected in relying upon any such request, demand, authorization, direction, notice, consent or
1058 waiver, only Bonds which the Owners know to be so owned shall be so disregarded.
1059 Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not
1060 be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the
1061 pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.
1062

1063 **Section 904. Further Authority.** The officers and officials of the City, including the
1064 Mayor and Clerk, are hereby authorized and directed to execute all documents and take such
1065 actions as they may deem necessary or advisable in order to carry out and perform the purposes
1066 of this Resolution and to make ministerial alterations, changes or additions in the foregoing
1067 agreements, statements, instruments and other documents herein approved, authorized and
1068 confirmed which they may approve, and the execution or taking of such action shall be con-
1069 clusive evidence of such necessity or advisability.
1070

1071 **Section 905. Severability.** If any section or other part of this Resolution is for any
1072 reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of
1073 this Resolution.
1074

1075 **Section 906. Governing Law.** This Resolution shall be governed exclusively by and
1076 construed in accordance with the applicable laws of the State.
1077

1078 **Section 907. Effective Date.** This Resolution shall take effect and be in full force from
1079 and after its passage by the Council of the City.
1080
1081

1082 PASSED and approved by the City of Topeka, Kansas, on September 10, 2013.

1083
1084 CITY OF TOPEKA, KANSAS

1085
1086
1087 (SEAL)

1088
1089 _____
1090 Larry E. Wolgast, Mayor

1091 ATTEST:

1092
1093
1094
1095 _____
1096 Brenda Younger, City Clerk

1097
1098
1099
1100
1101 CERTIFICATE

1102
1103 I, the undersigned, hereby certify that the above and foregoing is a true and correct copy
1104 of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a
1105 regularly scheduled meeting held on September 10, 2013, as the same appears of record in my
1106 office, and that the Resolution has not been modified, amended or repealed and is in full force
1107 and effect as of this date.

1108
1109 DATED: September 10, 2013.

1110
1111
1112
1113 _____
1114 Brenda Younger, City Clerk

1115
1116 (SEAL)

EXHIBIT A
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
TAXABLE GENERAL OBLIGATION BOND
SERIES 2013-C (EMPLOYEE SEPARATION BENEFIT FUNDING)

No. R-_____ \$ _____

Rate of _____ Maturity _____ Dated _____ CUSIP _____
Interest: Date: August 15, 20__ Date: September 30, 2013

Registered Owner:

PRINCIPAL AMOUNT _____

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the "Owner"), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2014, until said principal amount is paid.

The principal of and redemption premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the Owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 1st day of February or August of the applicable interest payment date (the "Record Dates"), or in the case of an interest payment to any Owner of **\$500,000** or more in aggregate principal amount of the Bonds, by electronic transfer to such Owner upon written notice given to the Paying Agent by such Owner not less than **15** days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Owner wishes to have such transfer directed. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 30th day of September, 2013.

CITY OF TOPEKA, KANSAS

(manual)

Mayor

ATTEST: (manual)

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) described in the within mentioned Resolution.

Registration Date: _____

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

I.D.#: _____

FURTHER TERMS AND PROVISIONS

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$_____ (the "Bonds") issued for the purposes set forth in Ordinance No. _____ of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Home Rule Ordinance No. 19841 of the City, K.S.A. 10-101 to 125, inclusive, as amended, the Ordinance, Resolution No. _____ of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issuable in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

The Bonds are not subject to optional redemption prior to maturity.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of the Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the city, the Paying Agent and the Securities Depository.

This Bond is transferable by the Owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint _____ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer
Identifying No.

Signature (Sign Here Exactly as
Name(s) Appear on Face of
Certificate)

Signature guaranty:

By _____

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of September 30, 2013.

WITNESS my hand and official seal.

(manual)

City Clerk

(SEAL)

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, RON ESTES, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this

WITNESS my hand and official seal.

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(SEAL)

RON ESTES
TREASURER OF THE STATE OF KANSAS

By _____
State Treasurer

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EXHIBIT B
(DTC LETTERS OF REPRESENTATION)



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 12, 2013

☐ Back ☐ Print

DATE: September 10, 2013

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

SECOND PARTY/SUBJECT: Railroad Park - Great Overland Station **PROJECT #:** T-131028.00
Project No. T-131028.00

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$585,003 and A RESOLUTION introduced by City Manager Jim Colson, authorizing Improvement Project T-131028.00 which will restore three railroad cars and an authentic Santa Fe Depot, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. (Council District No. 2)

(Approval would authorize the restoration and preservation of three railroad cars and an authentic Santa Fe Depot at the Great Overland Station Museum located at 701 N. Kansas Avenue. The project would be funded by the Railroad Heritage, Inc., and the Kansas Department of Transportation (Enhancement Grant) for a total project budget of \$585,003.)

POLICY ISSUE:

Approval would provide additional railroad exhibits to increase visitor interest in the Great Overland Station Museum.

STAFF RECOMMENDATION:

Staff is requesting that the Council move to approve the project budget and resolution.

BACKGROUND:

This project will restore and preserve three historic railroad cars and an authentic Santa Fe Depot, making them accessible to visitors, tourists and school groups providing a learning tool to learn about rail transportation. The project will specifically include 265 feet of track, power to the Depot and rail cars, HVAC rehabilitation, site work, design construction inspection of the project and any other related appurtenances required to complete the project. This project is located in Railroad Park at the Great Overland Station

Museum.

The City has received a Transportation Enhancement Grant from Kansas Department of Transportation for this project to cover 80% of the construction and inspection costs.

BUDGETARY IMPACT:

Total Project Budget Cost: \$585,003.00

SOURCE OF FUNDING:

Railroad Heritage, Inc.	\$134,550.69
Kansas Department of Transportation	<u>\$450,452.31</u>
Total Project Budget Cost:	\$585,003.00

ATTACHMENTS:

[Project Budget T-131028.00](#)

[Map T-131028.00](#)

[Fact Sheet T-131028.00](#)

[Resolution](#)

PROJECT BUDGET

Project No. T-131028.00

Railroad Park at the Great Overland Station Museum

LOCATION:

This project will be at 701 N Kansas Ave. in the City of Topeka.

DESCRIPTION OF PROJECT:

This project will restore three railroad cars and an authentic Sante Fe Depot, make them accessible to visitors, tourists and school groups providing a learning tool to learn about rail transportation. The project will specifically include 265 feet of track, power to Depot and rail cars, HVAC rehabilitation, site work, design, construction inspection of the project and any other related appurtenances required for the project.

SOURCE OF FUNDS:

Kansas Department of Transportation - Transportation Enhancement Grant
Railroad Heritage, Inc.

<u>COST ESTIMATE:</u>	<u>Railroad Heritage Inc</u>	<u>Kansas Department of Transportation</u>	<u>Total</u>
Construction:	\$129,613.05	\$433,921.95	\$563,535.00
Design	\$0.00	\$0.00	\$0.00
Geotech	\$0.00	\$0.00	\$0.00
Utility Adjustments	\$0.00	\$0.00	\$0.00
Project Service Fees:			\$0.00
<i>Construction Admin & Inspection</i>	\$4,937.64	\$16,530.36	\$21,468.00
<i>Construction Staking</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			\$0.00
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount	\$0.00	\$0.00	\$0.00
Temporary Note Interest	\$0.00	\$0.00	\$0.00
Cost of Issuance	\$0.00	\$0.00	\$0.00
Total:	\$134,550.69	\$450,452.31	\$585,003.00

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

Date: _____

PROJECT ENGINEER:

Jeff Hunt

U:\Jeff Hunt\Project Budget - T-131028.00

Project Number T131028-00

SW Topeka Blvd

NW Topeka Blvd

NW Topeka

NW Tyler St

NW Harrison St

NW Norris St

NW Van Buren

NW Jacks

N Kansas Ave

NE Quincy St

Veterans Park

NE Quincy St

NE Norris St

N Kansas Ave Bridge

NE Curtis St

NE Curtis Fly Off

NW Curtis St

NW Curtis St

The Great Overland Station

Project Site

Kansas River



While the City of Topeka, KS makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data, or services provided. In no event shall the City of Topeka, Kansas be liable in any way to the users of this data, users of the data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data map.

Date: 8/7/2013
Created by: dlsh

© 2010 NAVTEQ © AND © 2013 Microsoft Corporation, Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

Map created for the Novus System

FACT SHEET
Railroad Park at Great Overland Station Museum
Project No. T-131028.00

General Nature of Improvements:

This project will restore three railroad cars and an authentic Sante Fe Depot, making them accessible to visitors, tourists and school groups. The restoration will provide a learning tool to learn about rail transportation. The project will specifically include 265 feet of track, power to Depot and rail cars, HVAC rehabilitation, site work, design, construction inspection of the project and any other related appurtenances required for the project.

City Project Administration: City of Topeka, Jeff Hunt, P.E. (368-3842)

Construction Inspection: To be determined.

Construction Staking: To be determined.

Design Engineer: To be determined.

Cost: Project Budget - \$585,003.00

Financing: Topeka Railroad Heritage, Inc.
Kansas Department of Transportation Grant

CIP Year: N/A

Estimated Project Budget Cost: The total estimated cost for this project is \$585,003. The estimated construction cost is \$564,000 with the remaining funds for design, inspection, administration, and contingencies.

Council District: The project is located District 2.

Project Schedule: Construction: Summer 2014

Comments:

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Jim Colson, relating to and authorizing Project No. T-131028.00 which provides for the construction of the Railroad Park at the Great Overland Station Museum, as more specifically described herein.

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 Project No. T-131028.00 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will restore three railroad cars and an authentic Santa Fe Depot, make them accessible to visitors, tourists and school groups providing a learning tool to learn about rail transportation. The project will specifically include 265 feet of track, power to Depot and rail cars, HVAC rehabilitation, site work, design, construction inspection of the project and any other related appurtenances required for the project.

B. TOTAL PROJECT BUDGET COST:

\$585,003.00

C. SOURCE OF FUNDS:

Railroad Heritage Inc.	\$134,550.69
KDOT Transportation Enhancement Grant	<u>\$450,452.31</u>
TOTAL:	\$585,003.00

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: JaLynn Copp **DOCUMENT #:**
SECOND PARTY/SUBJECT: Anthony Breazeal **PROJECT #:**
CATEGORY/SUBCATEGORY 001 Appeals / 002 License Denial
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DENIAL of an Alarm License Appeal for Anthony Breazeal.

(The denial of alarm license was based on nondisclosure of information on the application.)

POLICY ISSUE:

This is an appeal from a license denial based on a past conviction and nondisclosure of the past conviction on the application.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the denial of the license appeal.

BACKGROUND:

Mr. Breazeal applied for an alarm license. Through the background information obtained, it was brought to our attention that Mr. Breazeal had been convicted of theft in June of 2013, which was not disclosed on the application. Based on that information, his license was denied. Mr. Breazeal has now appealed that denial.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Breazeal alarm license denial documents](#)

Item #22

Alarm Agent Application

Topeka Police Department, Alarm Licensing, 320 S. Kansas Ave. Suite 100, Topeka, Ks 66603, (785) 368-9039

Fees: \$30.00 (License fee may be cash, check or money order made payable to City of Topeka)
\$50.00 (KBI payment must be a cashier's check, company check, or money order made payable to KBI)

Name Breazeal Anthony William Aliases _____
Address 4570 94th St Meriden KS 66512 Phone (785) _____
Date of Birth _____ Age 33 Sex M Race W Height 5'8 Weight 170
Hair Color Brown Eye Color Blue Citizenship USA Birthplace Rogers Arkansas
Social Security # _____ Driver's License Kansas State _____

List past addresses for the last three (3) years: 1324 SW Summit Apts PR Apt 12 Topeka KS 66615
15 Newham Ln Bella Vista AR 72714

Certified by the NBFAA: ☒ YES ☐ NO Date of certification 06/15/13
City Code 5.15.030 requires an applicant be certified through the NBFAA as a Certified Alarm Technician (Level 1). If you are not certified at the time of this application, please visit www.alarm.org for a list of education and training courses through the NBFAA. Licensure by the City of Topeka to operate as an alarm agent will be restricted if this certification is not obtained.

Name of Company employing you: Zivint

List employment for the last three (3) years:

Name of Employer	Address	Nature of Work Performed
<u>Arkansas Automatic</u>	<u>Rogers AR</u>	<u>Put in file supervisor</u>
<u>Freedom Fire Pro</u>	<u>Rogers AR</u>	<u>Same as above</u>

Background Information

☐ YES ☒ NO Have you ever been convicted of a Felony?
☒ YES ☐ NO Have you ever been convicted of a misdemeanor, traffic infraction, or other ordinance violation? If "YES" explain below:

Date	Charge	Location	Disposition
	<u>Carless driving</u>	<u>Springfield MO</u>	

Have you ever had a conviction expunged or been granted diversion? Give details:

N/A

Have you ever had a judgment or conviction of fraud, deceit, or misrepresentation entered against you? Give details:

N/A

Have you ever received treatment or counseling for a mental disorder, or drug or alcohol dependency? Give details:

N/A

(Please attach additional sheets if necessary to complete form)

*****Signature*****

I hereby authorize a pre-employment investigation and the taking of photographs and fingerprints. I also authorize the Topeka Police Department to make any record or employment checks that may be necessary, and to release any information obtained to the aforementioned employer and/or officials of the City of Topeka as may be needed for the ultimate approval of this application. I understand the information on this application will be relied upon in determining whether to grant or deny an Alarm Agents license. Therefore, I certify, under penalty of perjury, that the information contained in this application is true, complete, and correct.

Anthony R. Bragg
Applicant's Signature

State of Kansas
(County) of Shawnee

Subscribed and sworn to (or affirmed) before me on this 27th day of June, 20 13

(Seal)



Linda A. Scott
(Signature of notarial officer)
Licensing / ID Tech
Title (and Rank)
6-28-16
(My Appointment Expires:)

This application has been reviewed by a representative of the below listed company. It is the company's intent to hire the applicant upon successful completion of the application process.

Name _____ Title _____

Company Name _____

Signature _____

<<For Office Use Only>>

Date this application was received by the Police Department 6-27-13

Temporary license: ☒ Approved ☐ Denied Date issued 6-28-13 Expires 8-28-13

Recommend Approval: ☐ Yes ☒ No Alvin Davis Date 7-29-13

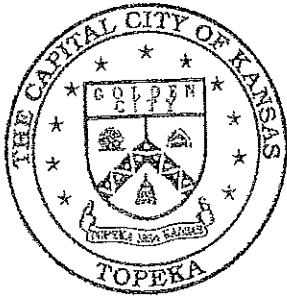
Application: ☐ Approved ☒ Denied MAJ. [Signature] Date 7/31/2013

If Denied:

Registered Letter Sent to Applicant 8-2-13 Date sent

8-2-13 Date signed for

Company Notified 8-2-13 Date Topeka Police Department Legal Advisor Notified 7-31-13 Date



CITY OF TOPEKA

DEPARTMENT OF POLICE
320 S. Kansas Ave., Suite 100
Topeka, KS 66603-3640
Tel: (785) 368-9551
Fax: (785) 368-9458
www.topeka.org

An Accredited
Law Enforcement Agency



August 2, 2013

ANTHONY BREAZEAL
4570 94TH ST
MERIDEN, KS 66512

Dear Mr. Breazeal:

This letter acknowledges your application for alarm licensure. The review of your application has been completed. It has been noted that on June 1, 2012, you were convicted of Theft of Property through the District Court of Benton County, Arkansas. Therefore, pursuant to City Code 5.15.060, your application for alarm licensure is denied. In addition, you did not disclose this information on your application; therefore, falsifying your alarm agent application.

Furthermore, City of Topeka Code 5.15.020 prohibits an individual from engaging in the operation of an alarm business within the city without a current and valid license.

Please be advised that you may appeal this decision and request a hearing before the City Council. Any appeals must be made in writing within ten (10) days of the above date. Please submit this request to Topeka City Clerk, 215 E. 7th, Topeka, KS 66603.

Should you have further questions, please do not hesitate to contact this office at (785)368-9039.

Sincerely,

MJS Kris Kramer

Major Kris Kramer

Alison K. Davis

Alison K. Davis, Alarm Licensing Clerk

cc: Vivint, Inc.

TC w/ Breazal, 8.2
Explained the appeal
process. He was under
the impression it was
off his record
gave him City Clerk
#

Recently I Applied for a license in Topeka
 And was denied I was told to write a appeal
 I thought you were looking for felons
 I do have a couple of convictions due to bad judges
 in the past. In december of 2010 I took a x-box
 and some games from a person I was dating, which
 I thought was expunged off my record, I also
 have a Dui that occurred in 2007 or 2008 I dont
 really remember and a careless an Inpment driving that
 happen in Springfield mo in 2012

Im not a bad person Yes I have some
 mistakes on my record.

The theft caught up to me in june of 2012
 And now that I've been stealing for even before
 that I realized, That I will do without before
 I take anything from anyone!

please reconsider Im not a hardcore
 Criminal I simply made a few mistakes in
 the past, And trying to make a future for my
 kids, wife, and myself

Thank you
 Anthony Beare

TOPEKA, KANSAS

2013 AUG - 8 A 11: 26

RECEIVED
 CITY CLERK



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Councilmember Karen Hiller **DOCUMENT #:**
SECOND PARTY/SUBJECT: Downtown Topeka, Inc. - Jazzin' It Up Downtown **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as Jazzin' It Up Downtown event. (Council District No. 1)

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

(Approval would allow for the sale, consumption and possession of alcoholic liquor on a barricaded portion of S. Kansas Avenue between SW 7th Street and SW 8th Street for the Jazzin' It Up Downtown special event on September 21, 2013, between the designated hours.)

POLICY ISSUE:

Approval allows the barricaded portion of S. Kansas Avenue between SW 7th Street and SW 8th Street to be closed to motor vehicle traffic for a special event, allowing special event attendees to buy, possess and consume alcoholic beverages in the specific area designated by the State of Kansas Division of Alcohol Beverage Control.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all 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 S. Kansas Avenue between SW 7th Street and SW 8th Street for the Jazzin' It Up Downtown special event on September 21, 2013 between the

item #23

hours of 2:30 p.m. and 7 p.m.

BUDGETARY IMPACT:

No budgetary impact to the City

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Resolution](#)

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event
4 known as Jazzin' It Up Downtown.
5

6 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,
7 KANSAS, that:

8 Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special
9 event to be held on designated public streets, alleys, and sidewalks when a temporary
10 permit has been issued by the Kansas Division of Alcohol Beverage Control (ABC) and the
11 governing body has approved the event as required by K.S.A. 41-719 and 41-2645 and
12 amendments thereto.

13 Section 2. Having considered the request of the sponsor of Jazzin' It Up
14 Downtown to allow the possession and consumption of alcoholic liquor, the governing body
15 hereby approves the event to be held on September 21, 2013, between the hours of 2:30
16 p.m. to 7:00 p.m. provided the sponsor secures a temporary permit from ABC and
17 complies with all state laws and ordinances regulating alcoholic liquor.

18 Section 3. The following streets/alleys shall be closed to motor vehicle traffic
19 during the dates and times identified in Section 2: S. Kansas Avenue between SW 7th
20 Street and SW 8th Avenue. Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall
21 ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked
22 by signs, a posted map or other means ("Designated Barricaded Area").

23 Section 4. Event attendees may purchase, possess and consume alcoholic
24 beverages within the Designated Barricaded Area. Pursuant to K.S.A. 41-719, no alcoholic
25 liquor may be removed from the Designated Barricaded Area or consumed inside vehicles
26 while on public streets or alleys at the event.

29 ADOPTED and APPROVED by the Governing Body on _____.

30 CITY OF TOPEKA, KANSAS

31

32

33

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35 Larry E. Wolgast, Mayor

36 ATTEST:

37

38

39

40

41 Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

☐ Back ☐ Print

DATE: September 10, 2013
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.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

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:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #24



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 16, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Chad Manspeaker,
Council Member
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 Councilmember Chad Manspeaker, amending City of Topeka Code Section 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission. First Reading.

(Approval would amend the duties and responsibilities of the Human Relations Commission as outlined in City Code.)

POLICY ISSUE:

Approval would allow the Human Relations Commission to support efforts to eliminate prejudice because of sexual orientation or gender identity.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Human Relations Commission is charged with supporting efforts to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin, age, or ancestry, and promoting goodwill, cooperation and conciliation within the city. This ordinance would add sexual orientation and gender identity to the Commission's efforts.

BUDGETARY IMPACT:

There is 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 Councilmember Chad Manspeaker, amending City of Topeka Code § 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission.

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

Section 1. That section 2.55.040, Duties and responsibilities, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Duties and responsibilities.

The commission will:

(a) Support efforts to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, ~~or age,~~ sexual orientation or gender identity and further goodwill among all people of the city and promote goodwill, cooperation and conciliation within the city;

(b) Promote and facilitate Town Hall meetings and public forums on issues of interest and concern to residents of Topeka;

(c) Participate in outreach activities and public education;

(d) Partner with groups that share similar goals;

(e) By February 1st of each year, prepare and submit an annual report to the city and the city council of the commission's activities, identifying issues and problem areas within the Topeka community and, after reviewing the performance of the commission during the year, propose any modifications to this chapter and Chapters 2.80, 2.135 and 9.20 TMC that would improve the effectiveness of the commission and better fulfill the antidiscrimination policies of the city.

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

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

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

39 PASSED AND APPROVED by the City Council on _____.

41 CITY OF TOPEKA, KANSAS

46 Larry E. Wolgast, Mayor

47 ATTEST:

52 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 21, 2013

☐ Back ☐ Print

DATE: September 10, 2013

CONTACT PERSON: Larry Wilms **DOCUMENT #:**

SECOND PARTY/SUBJECT: T-281032.00 Layne Pump Station Rehabilitation **PROJECT #:** T-281032.00

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

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281032.00 for rehabilitation of the Layne pump station at the Water 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. First Reading.

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

(Approval would authorize \$2,500,000 for rehabilitation of the Layne pump station at the Water Treatment Plant. The total debt service (principal and interest) is \$4,077,850.)

POLICY ISSUE:

The Layne pump station is the primary pump station that supplies water from the Water Treatment Plant to the city of Topeka. Authorization of this project and the expenditure of funds would allow for the rehabilitation of the pumps and motors, and replacement of the aged and malfunctioning flow meters and inoperable valves in the Layne pump station. It is critically important that the pumps, flow meters and station valves, in this pump station, operate during an emergency condition, such as a break in one of the major water transmission mains, at the Water Treatment Plant, that convey water to the city mains.

STAFF RECOMMENDATION:

Staff is requesting that the Governing Body move to approve the project budget and adopt the ordinance as presented.

BACKGROUND:

The Layne pump station was constructed in 1953. This project includes the replacement of non-functioning valves and flow meters, and pump and motor rehabilitation. If the budget permits, two or more of the large pumps will be configured for variable speed operation as an electrical cost saving and operational control advantage.

BUDGETARY IMPACT:

Project budget \$2,500,000. Total debt service interest to be paid from utility operating funds is \$1,577,850, for a total debt service of \$4,077,850.

SOURCE OF FUNDING:

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan.

ATTACHMENTS:

[Ordinance](#)

[Notice of Intent](#)

[Project Fact Sheet](#)

[Project Budget](#)

[Project Debt Service](#)

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by Jim Colson, City Manager, authorizing Improvement
6 Project No. T-281032.00 for rehabilitation of the Layne pump station
7 at the Water Treatment Plant, approving cost estimates of the
8 proposed improvements, and doing all other things necessary and
9 incidental thereto, and authorizing the use of utility operation funds,
10 authorizing the publication of the Notice of Intention of the governing
11 body of the City of Topeka, Kansas, to issue and sell revenue bonds
12 of said City to make such improvements which constitutes
13 improvements to the municipally owned water, water pollution control,
14 and stormwater utility system of the City of Topeka, Shawnee County,
15 Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
16 amendments thereto, authorizing issuance of general obligation
17 bonds to pay the costs of the project which further constitutes a
18 general improvement to the City's sanitary and/or stormwater and
19 sewage disposal system pursuant to City of Topeka Code § A12-1,
20 and authorizing the borrowing of funds from the KDHE SRF Loan to
21 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 rehabilitating the Layne pump station at
31 the Water Treatment Plant and any related appurtenances needed for a complete project
32 and doing all things necessary and incidental thereto (the "Project") and that the
33 preliminary plans, specifications and cost estimates for the Project heretofore duly
34 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 two million five hundred thousand dollars (\$2,500,000) 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 two million five hundred thousand dollars (\$2,500,000.00) 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: replacement of non-functioning valves, flow meters, pump rehabilitation, and motor rehabilitation.

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding

two million five hundred thousand dollars (\$2,500,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or loan funds or any combination thereof, payable from the rates, fees and charges of the System.

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

83 CITY OF TOPEKA, KANSAS

88 ATTEST:

89
90
91
92
93 Brenda Younger, City Clerk

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-281032.00
8 which provides for rehabilitation of the Layne pump station at
9 the Water Treatment Plant, and to use utility operation funds,
10 and to issue and sell revenue bonds of said City pursuant to
11 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments
12 thereto, and/or to issue general obligation bonds pursuant to
13 City of Topeka Code § A12-1, and/or to borrow funds from the
14 Kansas Department of Health and Environment, or any
15 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/or stormwater
20 utility system (the "System") under Improvement Project No. T-281032.00 which provides
21 for rehabilitation of the Layne pump station at the Water Treatment Plant. This project will
22 include, but is not limited to, replacement of non-functioning valves, flow meters, pump and
23 motor rehabilitation and related appurtenances for a complete project (the "Project").

24 Notice is further given that as provided by Ordinance No. _____ of the City, the
25 Governing Body of the City intends to issue and sell one or more separate series of
26 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
27 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or
28 to borrow funds from the Kansas Department of Health and Environment State Revolving
29 Loan Fund, or any combination thereof, payable from revenues of the System, in an
30 aggregate principal amount not to exceed two million five hundred thousand dollars
31 (\$2,500,000.00) and to so improve the System and make public improvements to the City

32 by completing the Project.

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

40 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
41 County, Kansas, this _____ day of _____, 2013.

42 CITY OF TOPEKA, KANSAS

43
44
45
46 _____
47 Larry E. Wolgast, Mayor

48 ATTEST:

49
50
51
52 _____
53 Brenda Younger, City Clerk



FACT SHEET

T-281032.00

Layne Pump Station

Water Treatment Plant, 3245 NW Waterworks Drive

PROJECT ADMINISTRATION

Don Rankin, Utilities Superintendent

Larry Wilms, Utilities Asset Manager (Interim)

PROJECT SUMMARY

The Layne Pump Station project involves rehabilitating pumps and motors, and replacing the aged and malfunctioning flow meters and inoperable valves in this pump station. This project may include costs for contracted engineering services for project planning, design, and construction administration and oversight, and contracted construction services. It is intended to use cash to fund this project if funds are available; however, project financing costs of bond issuance and costs for interim project financing may be necessary.

BACKGROUND

The Layne pump station was constructed in 1953, and is the primary pump station that supplies water from the Water Treatment Plant to the city of Topeka. It is critically important that these pumps, flow meters and station valves operate during an emergency condition, such as, a break in one of the major water transmission mains, at the Water Treatment Plant, that convey water to the City mains. The valves are essential for the process of isolating transmission mains in order to provide water to the City during an emergency, especially in the event of pumping equipment failure or being out of service for maintenance.

TOTAL PROJECT BUDGET COST

The requested project budget is \$2,500,000 and is currently in the adopted CIP/CIB.

Total Project Budget	\$2,500,000
Annual Debt Service	\$135,928
Annual Debt Service as Percent of Total	5.4%
Total Debt Service (principal and interest)	\$4,077,850
Difference Project Cost and Total Debt Service	\$1,577,850

SOURCE OF FUNDING

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan.

COUNCIL DISTRICT

All

DESIGN BY

To be determined by qualification statement submittals.

CONTRACTOR

To be determined by qualification statement submittals and by competitive bids for new equipment.

PROJECT SCHEDULE

Planning, engineering design and bidding – Fall 2013

Project administration and construction – Winter 2013 / Spring 2014



PROJECT BUDGET

T-281032.00

Layne Pump Station

LOCATION:

The Layne pump station is located at the Topeka Water Treatment Plant, 3245 NW Waterworks Drive.

DESCRIPTION OF PROJECT:

The Layne pump station was constructed in 1953 and is the primary pump station that supplies water from the Water Treatment Plant to the entire distribution system. The pump station pumps, motors, piping, flow meters and valves are aged and deteriorated. The pump station flow meters are no longer reliable and some valves are inoperable. This project includes the replacement of non-functioning valves, flow meters, pump and motor rehabilitation. If the budget permits, two or more of the large pumps will be configured for variable speed operation as an electrical cost saving and operational control advantage.

SOURCE OF FUNDS:

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan. 2013 CIB - \$2,500,000

COST ESTIMATE:

	<u>City Funds</u>
Construction:	\$2,000,000
Design:	\$112,643
Construction Service Fees:	
<i>Construction Staking (5%)</i>	\$5,000
<i>Construction Inspection (8%)</i>	\$8,000
<i>City of Topeka Admin. (2%)</i>	\$2,000
<i>Geotechnical Report</i>	\$0
Right-of Way Acquisition:	
Property Acquisition	\$0
Contingency Amount:	\$75,000
Temporary Note Interest	\$33,040
COI (2%)	\$44,053
Bond Reserve (10%)	\$220,264
Total:	\$2,500,000

PUBLIC HEARING:

PROJECT AUTHORITY:

- Statutes: _____
- Capital Budget Year: _____ 2013 _____
- Improvement District: _____
- City at Large: _____
- Method of Assessment: _____

PROJECT ENGINEER:

Larry Wilms



PROJECT DEBT SERVICE

T-281032.00

Layne Pump Station

Interest rate	3.50%
Number of Years	30

Cost of Issuance	2.00%
Bond Reserve	10.00%
Temp Note interest	1.500%

Principal	\$2,202,643
Plus Temp Note Interest	\$33,040
Plus Cost of Issuance	\$44,053
Bond Reserve	<u>\$220,264</u>
Total Project Budget	\$2,500,000

Annual Debt Service	\$135,928
Annual Debt Service as Percent of Total	5.4%

Total Debt Service (principal and interest)	\$4,077,850
Difference Project Cost and Total Debt Service	\$1,577,850



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 26, 2013

☐ Back ☐ Print

DATE: September 10, 2013
CONTACT PERSON: Nicole Malott **DOCUMENT #:**
SECOND PARTY/SUBJECT: Utility Bill Real Estate **PROJECT #:**
Liens
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

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

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$89,439.86.)

POLICY ISSUE:

Approval would institute liens against property to collect delinquent utility bills.

STAFF RECOMMENDATION:

Staff recommends the City Council moves to adopt the ordinance.

BACKGROUND:

The City of Topeka Utility provides utility services for water, wastewater, stormwater and fireline services to a variety of customers both inside the City and outside the City. When customer utility bills become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts. Some customers receive wastewater services and stormwater services for the City but not water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut their water service off. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City. The customers identified in this document are delinquent in payment

for services provided by the City. State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered.

BUDGETARY IMPACT:

Collection of delinquent utility accounts in the amount of \$89,439.86.

SOURCE OF FUNDING:

No funds required.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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

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
1083302011002000	A T & S F RR Co BNSF	132 NE Woodruff Ave	\$11,919.48
1051604007002000	ATS Mini Storage	2700 NE Grantville Rd	\$1,583.45
1041902019013000	Darla D Barnhart	1935 NW Lincoln St	\$70.72
1041902019004000	Darla D Barnhart	0 NW Lane St	\$70.72
0973604015017014	Broxterman Remodeling	1119 SW Buchanan St	\$459.87
1093203022001000	Capital Iron Works Company	701 SE Adams St	\$1,112.21
1330704017006000	Michael B. Drinkwater	2814 SE Madison St	\$158.07
1083303033002010	Homer Dean Fickel	608 SE Swygart St	\$272.58
1330601019002000	Ronald L Jones	411 SE 13th St	\$2,919.24
1420904010004000	K Douglas Inc	2831 SW Fairlawn Rd	\$1,168.58
1330704008006000	KDL Inc	210 SE 29th St	\$139.50
1330601015018000	KDL Inc	1221 S Kansas Ave	\$352.52
1093101007003000	KDL Inc	225 SW Jackson St	\$373.38
1330704008008000	KDL Inc	250 SE 29th St	\$451.01
1330704008007000	KDL Inc	200 SE 29th St	\$578.34
1093101008002000	KDL Inc	200 SW Jackson St	\$995.12
1093101007001000	KDL Inc.*	213 SW Jackson St	\$1,581.79
1093101007001000	KDL Inc**	213 SW Jackson St	\$188.93
1330704008009000	KDL Inc	240 SE 29th St	\$3,923.43
0951503002004000	KDL Inc.	5111 NW US 24 Hwy	\$710.99
1420904010007010	KDL Inc	5243 SW 28th Ct	\$336.21
1420904010002000	KDL Inc	5265 SW 28th Ct	\$1,887.62
1093102024005000	KDL Inc	612 SW Western Ave	\$110.39

1420904010005000	Lindemuth Inc	2835 SW Fairlawn Rd	\$348.11
1410201034010000	Lindemuth Inc.	2600 SW 17th St	\$141.44
1411201001001000	Lindemuth Inc.	801 SW 21st St	\$252.64
1341803002006000	Lindemuth Inc.	400 SW 33rd St	\$266.00
0973602029014000	Lindemuth Inc.	943 SW Mulvane St	\$294.84
1042003022005000	Lindemuth Inc.	1409 NW Topeka Blvd	\$330.26
1042002008004000	Lindemuth Inc.	1947 NW Topeka Blvd	\$188.93
1420904010006000	Lindemuth Inc.	2833 SW Fairlawn Rd	\$380.24
1341802004006000	Lindemuth Inc.	425 SW 30th St	\$429.59
1341802004017000	Lindemuth Inc.	3230 SW Topeka Blvd	\$1,404.48
1341902002014000	Lindemuth Inc.	3740 SE South Park Ave	\$401.80
1421001002007000	Kent & Vikki Lindemuth	2114 SW Seabrook Ave	\$53.20
1093004010005000	Willard G. Liska Jr.	218 W 1st Ave	\$157.08
1330602028001000	Joshua Mattox	1601 SW Van Buren St	\$70.14
1083303007005010	Midwest Professional Services	301 SE Swygart St	\$298.66
1093204030007000	Jorge M. Munoz	612 SE Lake St	\$228.58
1330803021004000	Juan Ortiz	610 SE 29th St	\$77.00
1330502004004000	P & Q Enterprises Inc.	603 SE 10th Ave	\$233.31
1330802022009000	Juan Ruelas	2429 SE Pennsylvania Ave	\$72.25
1330601021001000	Fred C. Sanders	430 SE 13th St	\$6,270.12
1041703001003000	Patricia H Spiker	133 NW Reo St	\$211.36
1330502012010000	Stardusters Crime Prevention	1135 SE Washington St	\$208.56
1093103006014000	Topeka Bank & Trust	811 SW Topeka Blvd	\$61.33
1093103021016000	Jenny E. Torrence	712 SW 12th St	\$65.75
1093102004006000	W.R. Portee Evangelistic World*	330 SW Western Ave	\$1,158.52
1093102004006000	W.R. Portee Evangelistic World**	330 SW Western Ave	\$102.41
1093203022009000	Zack Taylor Inc	709 SE Adams St	\$86.46
1361403014001030	Lori B. Allen	3636 SE Peck Rd	\$683.59
0910204007004000	Joshua L & Carrie Baxter	4122 NW Walnut Rd	\$345.38
0283402003001000	Allison Bell	5052 NW Pueblo Ct	\$140.28
0920301004016000	Randall D Bilderback	4321 NW Westgate Rd	\$321.52
0283402002012000	Jennifer Burkeen	5019 NW Pueblo Ct	\$231.54
0273601007002000	Kevin W Caughron	5220 NW Lincoln St	\$488.05
0273604001052000	Sara Jean Chinn	1644 NW 49th Ct	\$585.15
1361402012014000	Kenneth J Copeland	3800 SE 33rd St	\$647.99
0910204005017000	Sherryl Coufal	3908 NW Cherry Creek Dr	\$124.91
1351504002003000	Charles Crane	3540 SE 35th St	\$489.05
1311104010002000	Armando Cruz	2720 SE Shawnee Dr	\$928.96
0283402003009000	Brian E Dapkiewicz	4500 NW 50th Ct	\$796.34
1361402007014000	Renaldo Davis	3906 SE 31st St	\$356.55
0273601002016000	John & Sonya Eckhoff	5328 NW Green Hills Rd	\$477.29
1361403005018010	Jeannine Eklund	3412 SE Walnut Dr	\$664.45
1361402012023000	Edwin Eller	3813 SE 32nd Pl	\$153.70

0283401008005000	Tracy Francis	5200 NW 52nd St	\$535.13
1311103013024000	Tim Gaines	2841 SE Peck Rd	\$227.07
1311103005009000	Charles Geist	3640 SE Howard Dr	\$443.76
0273604003002000	Mark Grayson	2014 NW 48th St	\$487.30
0910204004003000	Robert S & Deeann J Grimes Jr	4251 NW Fielding Rd	\$677.52
1361404006015000	Denise M. Hamilton	3419 SE Arbor Ct	\$152.60
1361401006012000	Traci D. Harsch	3225 SE Arbor Dr	\$654.89
1361403005010000	Cole L. Hawkins	3431 SE Walnut Dr	\$308.22
1361404001002000	Michael Heil	4110 SE 34th St	\$529.75
1311102007005000	Pamela G Hill	2342 SE Croco Rd	\$867.58
0273601006008000	Jason R. & Tamara L. Hinton	5207 NW Courtland Dr	\$715.99
1311104008006000	Bill & Pam Hook	4320 SE 26th Ter	\$504.42
1311203009001000	Jessica Reneau Hook	4657 SE 26th Ter	\$385.91
1311101003011110	Joseph J. Hoytal Jr.	4333 SE 24th Pl	\$521.50
0910204006008000	Antonette T. Hubble	4210 NW Union Ct	\$477.46
1361403011001030	Jennifer & John Hudson	3424 SE Buckeye St	\$326.32
0283402003012000	Lewis & Guadalupe Hutfles Sr.	4519 NW 50th Ct	\$891.74
0920301003010000	Kimberly & Jason Jarrett	4521 NW Netherland Dr	\$212.84
1361402003006000	Charles O. Jester	2936 SE Meadowview Dr	\$581.33
1361401001023000	Peter & Tracy Jones	3201 SE Downing Dr	\$641.45
0283401008003000	Bruce A & Olga M Kahre	5216 NW 52nd St	\$768.19
0283402002014000	Amy L Kee	5033 NW Pueblo Ct	\$682.94
1361403003006000	Eric W Kennard	3314 SE Meadowview Dr	\$853.84
1311104010006000	Stanley J. Kmiec	4320 SE 28th St	\$550.84
0911101003013000	Amber F. Long	3708 NW Cherry Creek Dr	\$763.00
1311103002009000	Steve Longstaff	3820 SE Howard Dr	\$295.07
0910204005013000	Michael J & Diane M Malloy	4115 NW Union Dr	\$349.04
1361404007001000	Charles Markt	3927 SE 34th St	\$286.00
0910202007014000	Robert G. & Sandra Matthews	3922 NW Morley St	\$256.47
0910204005018000	Mike & Melissa McCracken	3914 NW Cherry Creek Dr	\$583.45
1361404003010000	Shawna D Mercer	4008 SE 34th St	\$245.10
0920301003005000	Melissa A. Mikkelsen	4520 NW Westgate Rd	\$695.46
1361403006002000	Janet S. Nevels	3501 SE Winston Dr	\$132.00
1311103007017000	Heather & Sean Nunamaker	2643 SE Connie Dr	\$796.58
1361403001003004	Kristin Y. Percell	3906 SE 33rd Ter	\$750.19
0911101002003000	Dustin T Pippin	3832 NW Cherry Creek Dr	\$386.01
1361403014001090	Diana L & Derek Pomeroy	3613 SE Peck Rd	\$731.95
1311103002016000	Sally Pritchett	2537 SE Connie Dr	\$1,152.74
1351504002011000	Debra L. Ramirez	3510 SE 35th St	\$423.25
1361401002010000	Humberto Mario Ramos Jr.	2907 SE Arbor Dr	\$1,246.12
1361401004001000	Dallas Mayrose Ratliff	3019 SE Burton St	\$317.86
0910204008006000	Keith R. Reimer Jr.	4107 NW Fielding Rd	\$277.99
1311101009031000	Ryan & Paula Reynolds	2252 SE Moorefield Ct	\$499.22

1311104013005000	Glen C. Roberts	4310 SE 29th St	\$1,073.46
1311102005022000	Darren Root	2437 SE Alexander Dr	\$220.20
1361403007007000	Michelle Root	3530 SE Walnut Dr	\$954.84
1311104002032000	Marvin Rues	2743 SE Shawnee Dr	\$187.71
1311103010005000	Joseph D Sass	3723 SE 27th St	\$132.48
0283401002023000	Leslie Shoff	5249 NW Brickyard Rd	\$364.29
0283402002019050	Matthew L & Trisha R Slimmer	5145 NW Arroyo Dr	\$834.38
0910202006001000	Loren Snell	4543 NW Geronimo Trl	\$686.15
0273604001021000	Todd Stallbaumer	4636 NW Kendall Dr	\$190.44
1311203001009000	Deborah F Starr	4704 SE 25th St	\$172.30
1311101007004000	Bonnie Stovall	2416 SE Bennett Dr	\$157.81
0273502004030000	Stephanie Tarman	3438 NW 49th Ter	\$395.35
1361401002017000	Jeffrey Tharp	2913 SE Starlite Dr	\$458.63
1311101002010000	Susan Tindall	2248 SE Stinson Dr	\$305.04
1311103004010000	Brenda M Trimble	2527 SE Alexander Dr	\$324.28
0911101004009000	Art R. Turner	3719 NW Cherry Creek Dr	\$622.85
0910204005010000	Delora K. Watson	4101 NW Dondee Ln	\$113.65
1311103012001000	Mike C Wederski	3731 SE 28th St	\$737.69
1311103010014000	Thurman G. Williams Sr.	3600 SE 27th Ter	\$729.21
0920301002013000	Rebecca J Windsor	4541 NW Mission Rd	\$950.65
0910204007011000	David J & Kathy A Wischropp	4206 NW Walnut Rd	\$353.05
1311104007007000	Jan Wise	2620 SE Bennett Dr	\$462.85
1361401007023000	Cheri L Zollicoffe	3025 SE Arbor Dr	\$202.85

* Fire Line Charges

** Stormwater Charges

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.

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

PASSED AND APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

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DATE:	September 10, 2013	
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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