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City Council Agenda

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

September 19, 2006
12:00 AM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Lana Kennedy	District No. 1	Clark Duffy	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
John Nave	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

PLEDGE OF ALLEGIANCE:

- 1. **ROLL CALL:**
- 2. **CONSENT AGENDA:**

- A. APPLICATIONS:**
- B. MINUTES of the regular meeting of September 12, 2006**

3. UNFINISHED BUSINESS:

- A. Ordinance - Municipal Court Code of Procedure Amendment**  [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Sylvia Ortiz amending City of Topeka Code Sections 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court, and specifically repealing said original sections. **Final Reading.** *(The Public Health and Safety Committee recommended "Do Not Pass" by a vote of 3-0-0 on September 7, 2006.)*

(The amendment would change the code of procedure for municipal court by allowing the Municipal Court Judge the authority to issue search warrants to code compliance inspectors, animal control officers, fire department employees with authority to enforce the UFC, and set procedure relating to the issuance of search warrants.)

- B. Ordinance - Weekly Expenditures August 21-27, 2006**  [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein. **First and Final Reading.** *(Deferred from the meeting of September 12, 2006.)*

4. NEW BUSINESS:

- A. Contract- Teamsters**  [ATTACHMENTS](#)

A CONTRACT between the City of Topeka and the Teamsters Local No. 696 (Street Section) amending Contract No. 35752.

(This contract is a wage reopener for 2006.)

- B. Resolution and Budget for Project No. 13122-04**  [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$100,000 and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13122-04 which provides for the preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue, as more specifically described herein. (Council District No. 2)

(This Resolution will allow for the master planning of the park area around the Great Overland Station.)

- C. Budget, Resolution and Petition for Project #40948-00**  [ATTACHMENTS](#)

A PETITION, a **PROJECT BUDGET** in the amount of \$218,706, and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sewer Improvement Project No. 40948-00 which provides for sanitary sewer service to an area generally bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek, as more specifically described herein. (Council District #2)

(This Petition Project to be paid 100% by the Improvement District will provide sanitary sewer service to the area bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek.)

D. Condemnation Resolution for Project #12053-03

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River. (Council District #1)

(This Resolution will initiate condemnation proceedings to acquire property for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.)

E. Authorization of Weekly Expenditures for Week Ended September 3, 2006

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period August 28, 2006, through September 3, 2006, and enumerating said expenditures therein. First and Final Reading.

5. FIRST READINGS:

A. Authorizing the Issuance of Refunding Revenue Bonds, Series 2006-A and Series 2006-B

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$32,610,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-A, and the issuance of not to exceed \$23,190,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a and K.S.A. 10-1201 et seq., and all amendments thereto. First Reading.

B. Ordinance - El Centro Blue Moon Bash event - CMB

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember John Alcala authorizing the purchase, possession and consumption of cereal malt beverages during El Centro's Blue Moon Bash event, at specified locations and times. First Reading. (Council District 1)

(The Blue Moon Bash is an event sponsored by El Centro which will be held on October 6th and 7th, 2006.)

C. Ordinance - Water service outside city limits

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmembers Clark Duffy and Jeff Preisner, amending City of Topeka Code Section 146-37 concerning water service to an owner of real property outside city limits, and specifically repealing said original section. First Reading.

(Would require annexation of new or redeveloped parcels outside of the city's corporate boundaries that are not contained within the current Municipal Services Area prior to water service being provided.)

D. Ordinance and Budget for Project No. 70123-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70123-01, which provides for a traffic study to determine proper traffic control and geometry, and preparation of plans, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District No. 7)

(This Ordinance will allow for the design of improvements on SW Fairlawn Road at the SW 29th Street intersection and I-470 off-ramp.)

6. MISCELLANEOUS:

-

Contract - Ronald L. Miller - Chief of Police

CONTRACT NO. 36731 between the City of Topeka and Ronald L. Miller defining the terms of employment as Chief of Police.

(Contract was added to the agenda at the meeting.)

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

-

8. PUBLIC COMMENT:

-

9. ADJOURNMENT:

-



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

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DATE:	September 6, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
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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CIP PROJECT:	No	
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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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September 7, 2006

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CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
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

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September 7, 2006

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SECOND PARTY/SUBJECT:		
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
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July 12, 2006

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DATE:	September 6, 2006		
CONTACT PERSON:	Lana Kennedy - Council Office	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Municipal Court Procedures	PROJECT #:	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:	Referred to ECD Com. 05/02/06 Referred to PHS Com. 07/11/06	JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Sylvia Ortiz amending City of Topeka Code Sections 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court, and specifically repealing said original sections. **Final Reading.** *(The Public Health and Safety Committee recommended "Do Not Pass" by a vote of 3-0-0 on September 7, 2006.)*

(The amendment would change the code of procedure for municipal court by allowing the Municipal Court Judge the authority to issue search warrants to code compliance inspectors, animal control officers, fire department employees with authority to enforce the UFC, and set procedure relating to the issuance of search warrants.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Adopt ordinance.

BACKGROUND:

The amendment was recommended by the Development Services Committee to provide the Municipal Court Judge the authority to issue search warrants to code compliance inspectors, animal control offices, fire department employees with authority to enforce the uniform fire code and sets procedure relating to the issuance of search warrants. At the present time, issuance of a search warrant is authorized by a District Court Judge.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Item #6

ATTACHMENTS:

[Code of Procedure Municipal Code Amended](#)

[Committee Referral Sheet](#)

[Committee Referral Sheet](#)

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee: Economic and Community Development

Referred by Deputy Mayor at Council meeting: May 12, 2006

Assigned to Committee by: _____

Date referred from Committee: June 19, 2006

Title: An Ordinance amending the City of Topeka Code Sections 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court

Committee Action: xx Do Pass
Do Not Pass
Without Recommendation

Comments: None

Amendments: None

Vote: 3-0

Members of Committee:

Chairperson John Nave

Lana Kennedy

B ret Blackburn

Signed: _____, Committee Chair

**Agenda Date Requested: Per City Manager

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Sylvia Ortiz amending City of Topeka Code §§ 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court, and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 50-41, Municipal judge; powers and duties, is hereby amended to read as follows:

Municipal judge; powers and duties.

(a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge; may issue search warrants based on probable cause for violations of municipal ordinance, ~~excluding~~ including search warrants sought by the public works director or designated employees of that department; and may fine or imprison for contempt committed in court or for failure to obey process issued by such municipal judge, the city attorney or an assistant city attorney, a law enforcement officer, an animal control officer, parking control officer as specifically authorized by Topeka City Code section 142-429, property maintenance inspectors as specifically authorized by Topeka City Code section 142-355 or a fire department employee with authority to enforce the uniform fire code, in the same manner and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine all cases properly brought before such municipal judge and to: issue search or arrest warrants for violations of municipal ordinance, excluding warrants sought by the environmental code services director or employees of that agency; grant continuances; sentence those

found guilty to a fine or confinement in jail, or both; commit accused persons to jail in default of bond; determine applications for parole; release on probation; grant time in which a fine may be paid; correct a sentence; suspend imposition of a sentence; set aside a judgment; permit time for post trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause commenced before such municipal judge shall be entered. Such docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the Supreme Court.

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for class A and B misdemeanors under Kansas Criminal Statutes is forwarded to the Kansas Bureau of Investigation central repository. This information shall be transmitted, on a form or in a format approved by the attorney general, within thirty (30) days of final disposition.

Section 2. That City of Topeka Code § 50-48, Definitions, is hereby amended to read as follows:

Definitions.

As used in this Act:

(1) *Appearance bond* means an undertaking, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions of the undertaking.

(2) *Accused person* means a person, corporation or other legal entity accused by a complaint of the violation of a city ordinance.

(3) *Arraignment* means the formal act of calling the person accused of violating an ordinance before the municipal court to inform the person of the offense with which the person is charged, to ask the person whether the person is guilty or not guilty and, if guilty, to impose sentence.

(4) *Arrest* means the taking of a person into custody in order that the person will appear to answer for the violation of an ordinance. The giving of a notice to appear is not an arrest.

(5) *Bail* is the security given for the purpose of insuring compliance with the terms of an appearance bond.

(6) *City attorney* means any attorney who represents the city in the prosecution of an accused person for the violation of a city ordinance.

(7) *Complaint* means a sworn written statement, or a written statement by a law enforcement officer, the city attorney or an assistant city attorney, an animal control officer, parking control officer as specifically authorized by Topeka City Code section 142-429, property maintenance inspector as specifically authorized by Topeka City

Code section 142-355 or a fire department employee with authority to enforce the Uniform Fire Code of the essential facts constituting a violation of an ordinance.

(8) *Custody* means the restraint of a person pursuant to an arrest.

(9) *Detention* means the temporary restraint of a person by a law enforcement officer.

(10) *Law enforcement officer* means any person who by virtue of office or public employment is vested by law with a duty to maintain public order and to make arrests for violation of the laws of the State of Kansas or ordinances of any municipality thereof. For the purposes of signing and serving a uniform complaint and notice to appear or a subpoena, the term shall also mean the city attorney or an assistant city attorney, an animal control officer, parking control officer as specifically authorized by Topeka City Code section 142-429, property maintenance inspector as specifically authorized by Topeka City Code section 142-355 or a fire department employee with authority to enforce the Uniform Fire Code.

(11) *Notice to appear* is a written notice to a person accused by a complaint of having violated an ordinance of a city to appear at a stated time and place to answer to the charge of the complaint.

(12) Search warrant is a written order made by a municipal judge directed to any law enforcement officer, animal control officer, fire department employee with authority to enforce the uniform fire code, or public works director or designated employees of that department authorizing a person, place or means of conveyance to be searched and things to be seized.

(123) *Subpoena* is a process issued by the court to cause a witness to appear and give testimony at a time and place therein specified.

(134) *Ordinance traffic infraction* is a violation of an ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 1998 Supp. 8-2118 and amendments thereto.

(145) *Warrant* is a written order made by a municipal judge directed to any law enforcement officer commanding the officer to arrest the person named or described in it.

(156) *Ordinance cigarette or tobacco infraction* is a violation of an ordinance that proscribes the same behavior as proscribed by subsection (13) or (14) of K.S.A. 79-3321 and amendments thereto.

Section 3. That City of Topeka Code § 50-60, Warrants; when issued; limitations, is hereby amended to read as follows:

Warrants; when issued; limitations.

A. A warrant may be issued:

(1) When an accused person fails to appear as required in a notice to appear after its service.

(2) In all other cases where a complaint has been filed and the municipal judge determines that a warrant should be issued. No warrant shall issue unless the complaint giving rise to its issuance is supported by oath or affirmation. No warrant shall issue for an ordinance traffic infraction or an ordinance cigarette or tobacco infraction unless the person charged has received service of a notice to appear and has failed to appear for the infraction.

119 B. Search warrant issuance:

120 (1) A search warrant shall be issued only upon the oral or written
121 statement, including those conveyed or received by telefacsimile
122 communication, of any person under oath or affirmation which states facts
123 sufficient to show probable cause that a crime has been or is being committed
124 and which particularly describes a person, place or means of conveyance to be
125 searched and things to be seized. Any statement which is made orally shall be
126 sworn to under oath before the municipal judge from whom the search warrant
127 is requested and made part of the application for a search warrant. Any
128 statement orally made shall be reduced to writing by the affiant as soon
129 thereafter as possible. If the municipal judge is satisfied that grounds for the
130 application exist or that there is probable cause to believe that they exist, the
131 municipal judge may issue a search warrant for the seizure of the following:

132 (a) Any things which have been used in the commission of a
133 crime, or any contraband or any property which constitutes
134 or may be considered a part of the evidence, fruits or
135 instrumentalities of a crime under the laws of this state,
136 any other state or of the United States. The term "fruits" as
137 used in this act shall be interpreted to include any property
138 into which the thing or things unlawfully taken or
139 possessed may have been converted.

(2) Before ruling on a request for a search warrant, the municipal judge may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce.

(3) Affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

(4) As used in this section, telefacsimile communication means the use of electronic equipment to send or transfer a copy of an original document via telephone lines.

Section 3. That City of Topeka Code §§ 50-41, 50-48, and 50-60 are hereby specifically repealed.

Section 4. 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 _____.

William W. Buntten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE _____ BY _____
TO BE CODIFIED _____
NOT TO BE CODIFIED _____

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee:	Public Health and Safety
Referred by City Council at Council meeting:	July 11, 2006
Date referred from Committee:	September 7, 2006
Title:	Ordinance amending City of Topeka Code Sections 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court.
Committee Action:	Alcala moved to recommend Do Not Pass
Vote:	3-0 in favor
Comments:	Committee Chair to send a letter to Shawnee County Administrative Judge Nancy Parrish requesting a meeting to discuss any procedural problems in getting City warrants signed by district court judges.
Amendments:	
Members of Committee:	Chair Sylvia Ortiz, John Alcala, Bill Haynes
Agenda Date Requested:	September 19, 2006



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 13, 2006

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DATE:	September 6, 2006	
CONTACT PERSON:	Linda Wood or Jim Langford	DOCUMENT #:
SECOND PARTY/SUBJECT:	Weekly Expenditures Authorization, Week Ended August 27, 2006	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	Deferred for one week 09/12/06	JOURNAL #:
	PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein. First and Final Reading. *(Deferred from the meeting of September 12, 2006.)*

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period August 21, 2006, through August 27, 2006, in the amount of \$726,896.30.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditure Ordinance](#)

Item #7

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures herein.

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

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 98 vendor checks written in this period	\$655,091.04
	Total vendor checks voided in this period (net)	(729.00)
	Total electronic transfers to vendors in this period	72,534.26
	Total net payroll to employees this period	-0-
	Total payroll related electronic transfers this period	<u>-0-</u>
	Total for expenditures in this period	<u>\$726,896.30</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2006

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DATE:	September 6, 2006	
CONTACT PERSON:	Ken Benjamin	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Street Section, Teamsters Local No. 696	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	Approve wage reopener	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A CONTRACT between the City of Topeka and the Teamsters Local No. 696 (Street Section) amending Contract No. 35752.

(This contract is a wage reopener for 2006.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Approve the contract amendment attached.

BACKGROUND:

The contract amendments establishes retroactive wage scales for 2006 for the 38 person bargaining unit; off-budget (Fuel Tax funded), 2006 only (no direct 2007 budget impact). See attached wage scale.

BUDGETARY IMPACT:

5.43% overall aggregate increase from 2005 (\$60,331.00)

SOURCE OF FUNDING:

Street Division budget.

ATTACHMENTS:

[Contract](#)

[Wage scale](#)

2006 Street Section Employee by Employee Increases									
Name	Date of Hire	Current Wage	2005 Cost	1 PP 2006 # of days	ANN. 2006 # of days	2006 Cost	Increase %		
Eugene Glenn	6/1/1971	\$ 16.60	\$ 34,528.00	18.56		\$ 38,605.00	4077/11.81		
Dave Parr	4/17/1972	\$ 16.60	\$ 34,528.00	18.56		\$ 38,605.00	4077/11.81		
Dale Avila	8/16/1976	\$ 13.83	\$ 28,766.00	15.09		\$ 31,387.00	2621/9.11		
Denis Calderwood	9/9/1978	\$ 16.60	\$ 34,528.00	18.56		\$ 38,605.00	4077/11.81		
Harold Halstead	6/17/1985	\$ 16.29	\$ 33,883.00	18.56		\$ 38,605.00	4722/13.94		
David Bedwell	11/21/1988	\$ 16.29	\$ 33,883.00	18.24/231	18.56/29	\$ 38,013.00	4130/12.19		
Richard Malloy	8/14/1989	\$ 16.29	\$ 33,883.00	17.90/160	18.24/100	\$ 37,504.00	3621/10.69		
Terry Tillman	7/23/1990	\$ 16.29	\$ 33,883.00	17.57/145	17.90/115	\$ 36,849.00	2966/8.75		
Tina Criqui	8/20/1990	\$ 15.40	\$ 32,032.00	17.57/165	17.90/95	\$ 36,796.00	4764/14.87		
Floren Terry	4/29/1991	\$ 15.40	\$ 32,032.00	17.24/85	17.57/175	\$ 36,321.00	4289/13.39		
Pat Smedra	5/20/1991	\$ 15.25	\$ 31,720.00	16.45/100	16.77/160	\$ 34,626.00	2906/9.16		
Gerald Schweitzer	1/18/1993	\$ 14.96	\$ 31,117.00	15.84/222	16.14/38	\$ 33,038.00	1921/6.17		
G. Hernandez	7/18/1994	\$ 14.96	\$ 31,117.00	15.54/35	16.29/105	\$ 33,971.00	2854/9.17		
Willie Bell	12/16/1996	\$ 14.68	\$ 30,534.00	14.96/250	15.25/10	\$ 31,140.00	606/1.98		
Terry Fisher	10/27/1997	\$ 14.82	\$ 30,826.00	15.40/214	15.69/46	\$ 32,139.00	1313/4.26		
Pat Robinson	1/12/1998	\$ 14.28	\$ 29,702.00	15.11/8	15.40/252	\$ 32,013.00	2311/7.78		
Claude Trusty	11/23/1998	\$ 13.60	\$ 28,288.00	14.40/233	14.68/27	\$ 30,012.00	1724/6.09		
Darrell White	11/23/1998	\$ 13.60	\$ 28,288.00	14.40/233	14.68/27	\$ 30,012.00	1724/6.09		
Leroy Alston	10/16/2000	\$ 14.28	\$ 29,702.00	14.40/55	14.82/55	\$ 30,317.00	615/2.07		
Ken Anderson	12/18/2000	\$ 13.60	\$ 28,288.00	13.87/250	14.13/10	\$ 28,870.00	582/2.06		
Lauree Edgar	12/17/2001	\$ 13.35	\$ 27,768.00	13.60/249	13.87/11	\$ 28,312.00	544/1.96		
Tim Lierz	11/12/2003	\$ 12.85	\$ 26,728.00	13.10/225	13.35/35	\$ 27,318.00	590/2.21		
John Kendall	11/12/2003	\$ 12.85	\$ 26,728.00	13.10/225	13.35/35	\$ 27,318.00	590/2.21		
Ed Arrendondo	2/23/2004	\$ 12.85	\$ 26,728.00	12.85/38	13.10/222	\$ 27,172.00	444/1.66		
Larry Epke	2/23/2004	\$ 12.85	\$ 26,728.00	12.85/38	13.10/222	\$ 27,172.00	444/1.66		
Ed Day	3/1/2004	\$ 12.85	\$ 26,728.00	12.85/42	13.10/218	\$ 27,164.00	436/1.63		
Mike Degand	3/1/2004	\$ 12.85	\$ 26,728.00	12.85/42	13.10/218	\$ 27,164.00	436/1.63		
Herschell Johnson	5/3/2004	\$ 12.85	\$ 26,728.00	12.85/87	13.10/173	\$ 27,074.00	346/1.29		
Troy Raber	8/2/2004	\$ 11.69	\$ 24,315.00	11.94/152	12.19/108	\$ 25,051.00	736/3.03		
Jeff League	1/31/2005	\$ 11.69	\$ 24,315.00	11.69/22	11.94/238	\$ 24,791.00	476/1.96		
Steve Christian	2/14/2005	\$ 11.69	\$ 24,315.00	11.69/31	11.94/229	\$ 24,773.00	458/1.88		
Jason Ward	7/5/2005	\$ 11.69	\$ 24,315.00	11.69/132	11.94/128	\$ 24,571.00	256/1.05		
Corey Overstreet	8/1/2005	\$ 11.69	\$ 24,315.00	11.69/151	11.94/109	\$ 24,533.00	218/0.90		
Millard Murphy	8/1/2005	\$ 11.69	\$ 24,315.00	11.69/151	11.94/109	\$ 24,533.00	218/0.90		
Theodore Wright	10/10/2005	\$ 11.45	\$ 23,816.00	11.45/70	11.69/136	\$ 24,289.00	473/1.99		
Kim Coffman	10/10/2005	\$ 9.80	\$ 20,384.00	9.80/70	10.00/136	\$ 20,770.00	386/1.89		
Keevin Craig	10/24/2005	\$ 11.45	\$ 23,816.00	11.45/80	11.69/131	\$ 24,260.00	444/1.86		
Fred Hilton	10/24/2005	\$ 11.45	\$ 23,816.00	11.45/80	11.69/131	\$ 24,260.00	444/1.86		
New EO I		\$ 11.45		11.45	11.69	\$ 24,260.00			
New EO I		\$ 11.45		11.45	11.69	\$ 24,260.00			
Charles Spaulding	1/14/2002	\$ 13.35	\$ 27,768.00						
			\$1,111,882.00		\$60,331.00	\$ 1,172,213.00	DATE: 8/16/06		
					5.43%				

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT

CITY OF TOPEKA CONTRACT NO. 35752

THIS AGREEMENT, entered into this _____ day of _____ 2006,
is by and between the Governing Body of the City of Topeka, a duly organized Municipal
Corporation hereinafter referred to as the “Employer,” and the City of Topeka Street
Section, Teamsters Local No. 696, hereinafter referred to as the “Union.”

WHEREAS the Employer and the Union have previously entered into City of
Topeka Contract No. 35752, dated November 2, 2005, which provides for the
employment relationship between the Employer and the Union;

WHEREAS Article 18 of that document contains a re-opener clause stipulating
that wages for the calendar year 2006 would be the subject of further discussion;

WHEREAS the parties have negotiated in good faith to reach an agreement on
those 2006 wage schedules;

WHEREAS the Employer and the Union accordingly desire to amend the said
Contract to include the new wage rates; and

WHEREAS, as a matter ancillary to the negotiation precipitating this
Amendment, an oversight in incorporating prior agreed-upon changes having to do with
the incentive for non-use of Sick Leave was discovered; and

WHEREAS the Employer and the Union also wish to correct that threshold for
entitlement to extra days of leave,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO AMEND THE PROVISIONS OF CITY OF TOPEKA CONTRACT NO. 35752 AS FOLLOWS:

1. **ARTICLE 13, SICK LEAVE, Section 9. Sick Leave Reimbursement** shall be amended as follows:

On page 49, line 17, un-capitalize “Employees” and insert prior thereto the phrase, “Beginning in 2005,”.

On page 49, lines 17 and 18, strike “one hundred-twenty (120) days” and insert in lieu thereof, “three (3) months”.

2. **ARTICLE 18, WAGES, Section 1. Wage Schedule for 2004, 2005, and 2006**, shall be amended as follows:

On page 66, at the end thereof, add the following:

For the calendar year 2006, retroactive to January 1, the wage schedule shall be adjusted in individual amounts varying from .90% to 14.87% as set out in the Union-prepared matrix entitled “2006 STREET SECTION EMPLOYEE-BY-EMPLOYEE INCREASES.”

The resulting overall aggregate increase of 5.43% for the bargaining unit as a whole comprises what would otherwise have been across-the-board 2.1% Cost Of Living Allowances, 1.65% incentive pay, and step authorizations to eligible employees. It is being reapportioned in the designated manner at the Union’s request, consistent with the expressed wishes of its members, as a one-time remediation of its longevity scale which has become compressed over time. It is in no way to be construed otherwise as any kind of position or performance-related reward arrangement.

In exchange for this concession, the Union resolves to work cooperatively and diligently with the Employer to jointly develop a new competency-based Merit Promotion Plan to take effect January 1, 2007. Such Plan will include both initial placement determinations; job qualification standards with descriptions of tasks and proficiency levels; skill evaluation techniques and review mechanisms; and corresponding pay rates for individual achievement and advancement, *provided, however*, that no beginning wage scale for any bargaining unit member shall, regardless of assignment, be less than that received prior to implementation. It is understood that this program will serve as a replacement for the existing, longevity-based "step" system, such that no further consideration will be given to wage increases based on years of service alone.

In the event that, despite the best efforts of both sides, the target date for commencement of the new Plan becomes impossible to meet, the Union -- as a manifestation of its commitment and determination -- pledges to neither seek nor expect future wage adjustments of any kind until such time as the Plan is put in place. That means, for example, that if the effective date should slip to April 1, 2007, they would be accepting of a "freeze" on 2006 pay levels, with no retroactivity on other than a COLA, for the intervening three-month period. This would also be regardless of any perceptions or allegations about the underlying reasons for the ensuing delay.

3. All other terms and conditions of City of Topeka Contract No. 35752 not amended herein shall remain in full force and effect.

DATED AND ACKNOWLEDGED THIS _____ DAY OF _____
2006 IN THE CITY OF TOPEKA, KANSAS, BY:

Kenny Clark
Business Agent

Ken Benjamin
Labor Relations Director

Richard Malloy
Bargaining Unit Representative

Bill Wettengel
Manager, Street Maintenance

Terry Tillman
Bargaining Unit Representative

Michael Pfender
Superintendent of Transportation

Leroy Alston
Bargaining Unit Representative

Mike Teply
Acting Director of Public Works

ATTEST:

Iris Walker
City Clerk

Norton N. Bonaparte, Jr.
City Manager



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 30, 2006

+ Back Print

DATE:	September 6, 2006		
CONTACT PERSON:	Jeff Hunt	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Building Project	PROJECT #:	13122-04
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approve Project Budget and Resolution	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$100,000 and a RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13122-04 which provides for the preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue, as more specifically described herein. (Council District No. 2)

(This Resolution will allow for the master planning of the park area around the Great Overland Station.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Resolution.

BACKGROUND:

This project will provide for preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue. Design and engineering services will establish a master development plan, a phased construction plan for land acquisition for park purposes, demolition or relocation of existing buildings, cleaning and clearing the land for development, and will also include the creation of engineering drawings for Phase I of the project. Additionally, the master design plan will include access roads, pedestrian pathways, parking, lighting, signage, landscaping, pedestrian trailhead, and river recreation access trailhead.

BUDGETARY IMPACT:

Project Budget: \$100,000.00

SOURCE OF FUNDING:

Transient Guest Tax Funds or any other lawfully available funds.

ATTACHMENTS:

[Project Budget](#)

Item #9

[Vicinity Map](#)

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13122-04 which provides for the preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue, 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. 13122-04 with a project budget summarized herein and more fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue. Design and engineering services will establish a master development plan, a phased construction plan for land acquisition for park purposes, demolition or relocation of existing buildings, cleaning and clearing the land for development, and will also include the creation of engineering drawings for Phase I of the project. Additionally, the master design plan will include access roads, pedestrian pathways, parking, lighting, signage, landscaping, pedestrian trailhead, and river recreation access trailhead.

B. TOTAL PROJECT BUDGET COST:

\$100,000.00

C. SOURCE OF FUNDS:

Transient Guest Tax Funds or any other lawfully available funds.

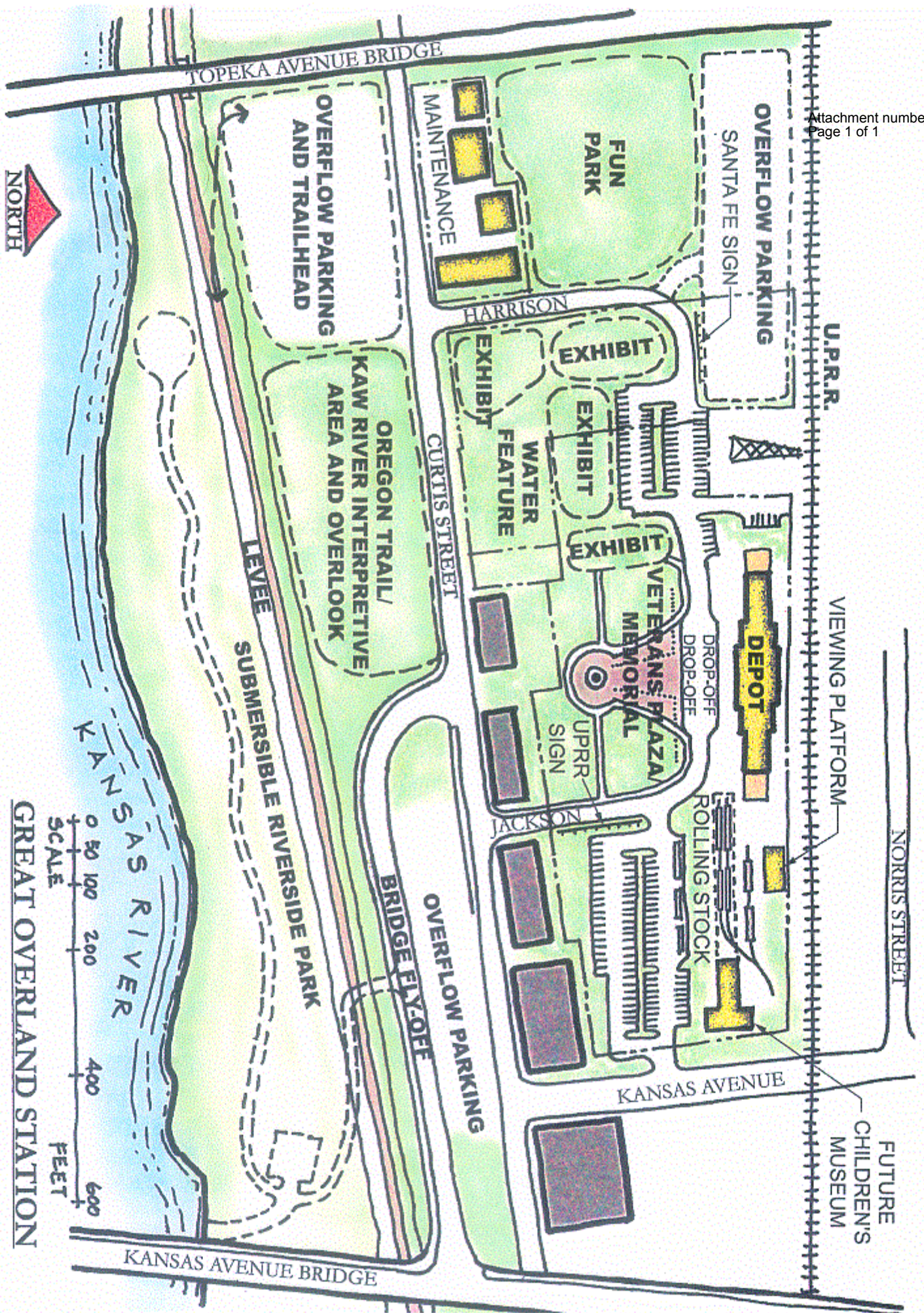
ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



PROJECT BUDGET

Project No. 13122-04

Great Overland Station Park Area

LOCATION:

701 North Kansas Ave.

DESCRIPTION OF PROJECT:

This project will provide for preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue. Design and engineering services will establish a master development plan, a phased construction plan for land acquisition for park purposes, demolition or relocation of existing buildings, cleaning and clearing the land for development, and will also include the creation of engineering drawings for Phase I of the project. Additionally the master design plan will include access roads, pedestrian pathways, parking, lighting, signage, landscaping, pedestrian trailhead, and river recreation access trailhead.

Map Attached

SOURCE OF FUNDS:

Transient Guest Tax Funds

<u>COST ESTIMATE:</u>	<u>City of Topeka</u>	<u>Other Funding Source</u>	<u>Total</u>
Construction:	\$0.00	\$0.00	\$0.00
Design:	\$0.00	\$100,000.00	\$100,000.00
Construction Service Fees:			
<i>Construction Staking</i>	\$0.00	\$0.00	\$0.00
<i>Construction Inspection</i>	\$0.00	\$0.00	\$0.00
<i>City of Topeka Admin.</i>		\$0.00	\$0.00
<i>Capital Planning Fund Reim.</i>	\$0.00	\$0.00	\$0.00
<i>Geotechnical Report</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 Notes:	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$100,000.00	\$100,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Jeff Hunt



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 31, 2006

+ Back Print

DATE:	September 6, 2006		
CONTACT PERSON:	Jeff Hunt	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Sanitary Sewer Improvement	PROJECT #:	40948-00
CATEGORY/SUBCATEGORY	015 Petitions/001 Benefit District		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Adopt and approve Resolution, Project Budget and Petition	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PETITION, a PROJECT BUDGET in the amount of \$218,706, and a RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sewer Improvement Project No. 40948-00 which provides for sanitary sewer service to an area generally bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek, as more specifically described herein. (Council District #2)

(This Petition Project to be paid 100% by the Improvement District will provide sanitary sewer service to the area bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Petition, Project Budget and Resolution creating the sewer district.

BACKGROUND:

This project will provide sanitary sewer service to the area bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek. The project will include a new eight inch (8") sanitary sewer line, seven (7) sanitary sewer manholes, regrading, landscaping and other appurtenances needed for a complete project.

BUDGETARY IMPACT:

Project Budget: \$218,706.00

SOURCE OF FUNDING:

On a square foot basis for all lots, parcels or individual dwelling sites that are included in the Improvement District.

Costs are to paid 100% by the Improvement District.

ATTACHMENTS:

[Project Budget](#)

[Petition](#)

[Vicinity Map](#)

[Resolution of Advisability and Authorization](#)

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sewer Improvement Project No. 40948-00 which provides for sanitary sewer service to an area generally bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek, as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of 100% of the area in the improvement district hereinafter described; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds Improvement Project No. 40948-00, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the area more specifically described herein, to include a new eight inch (8") sanitary sewer, seven (7) sanitary sewer manholes, regrading, landscaping and other appurtenances needed for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

PART I:

Begin at the northwest corner of Lot 1, Block "A", Lardner Subdivision; thence easterly to the northeast of Lot 2, Block "A", Lardner Subdivision; thence southerly along the east line of said Lot 2, for a distance of 99.19 feet; thence easterly 110.00 feet; thence southerly parallel with the east line of Lot 2, Block "A", Lardner Subdivision for a distance of 175.00 feet to the north line of U.S. Highway No. 24; thence westerly on said north line of U.S. Highway No. 24 to the southwest corner of Lot 1, Block "A", Lardner Subdivision; thence northerly 274.19 feet to the point of beginning.

PART II:

Begin at the southeast corner of Lot 2, Russell Addition, said point being on the north line of U.S. Highway No. 24; thence northerly on the east line of said Lot 2 and its extension for a distance of 349.19 feet; thence easterly 175.84 feet to the west line of Western Industrial Subdivision; thence easterly for a distance of 74.16 feet; thence southerly 69 feet to the northwest corner of Lot 1, Block "A", Western Industrial Subdivision; thence easterly on the north line of Lot 1 for a distance of 184.04 feet to the northeast corner of Lot 1; thence southerly on the east line of said Lot 1 for a distance of 280.19 feet to the north line of U.S. Highway No. 24, at the southeast corner of Lot 1, Block "A", Western Industrial Subdivision; thence westerly on said north line of U.S. Highway No. 24 to the southeast corner of Lot 2, Russell Addition and the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$218,706.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. PROPOSED METHOD OF ASSESSMENT:

On a square foot basis for all lots, parcels or individual dwelling sites that are included in the Improvement District.

E. APPORTIONMENT OF COSTS:

Costs are to be paid one hundred percent (100%) by the Improvement District.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

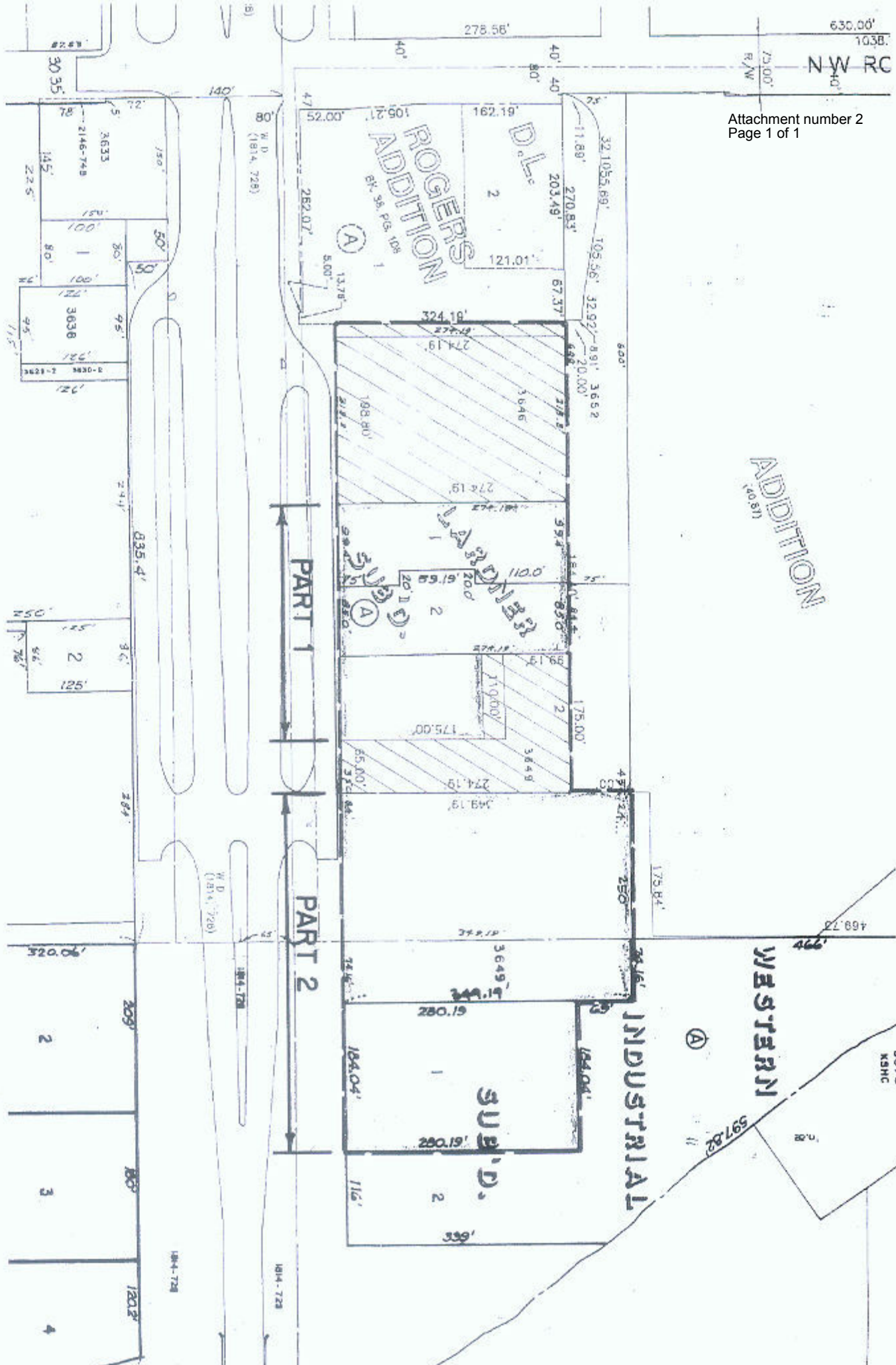
ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



PUBLIC IMPROVEMENT PROJECT

Attachment number 3
Page 1 of 2

PETITION

The Mayor and Councilmembers
City of Topeka

We, the undersigned owners of record of real estate located within the improvement district herein defined, do hereby respectfully petition for the following sanitary sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, Et. Seq., as amended.

LATERAL SANITARY SEWER DISTRICT NO. 40948-00

A. GENERAL NATURE OF IMPROVEMENT:

To extend sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

PART I:

Begin at the northwest corner of Lot 1, Block "A", Lardner Subdivision; thence easterly to the northeast of Lot 2, Block "A", Lardner Subdivision; thence southerly along the east line of said Lot 2, for a distance of 99.19 feet; thence easterly 110.00 feet; thence southerly parallel with the east line of Lot 2, Block "A", Lardner Subdivision for a distance of 175.00 feet to the north line of U.S. Highway No. 24; thence westerly on said north line of U.S. Highway No. 24 to the southwest corner of Lot 1, Block "A", Lardner Subdivision; thence northerly 274.19 feet to the point of beginning.

PART II:

Begin at the southeast corner of Lot 2, Russell Addition, said point being on the north line of U.S. Highway No. 24; thence northerly on the east line of said Lot 2 and its extension for a distance of 349.19 feet; thence easterly 175.84 feet to the west line of Western Industrial Subdivision; thence easterly for a distance of 74.16 feet; thence southerly 69 feet to the northwest corner of Lot 1, Block "A", Western Industrial Subdivision; thence easterly on the north line of Lot 1 for a distance of 184.04 feet to the northeast corner of Lot 1; thence southerly on the east line of said Lot 1 for a distance of 280.19 feet to the north line of U.S. Highway No. 24, at the southeast corner of Lot 1, Block "A", Western Industrial Subdivision; thence westerly on said north line of U.S. Highway No. 24 to the southeast corner of Lot 2, Russell Addition and the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$218,706.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

D. METHOD OF ASSESSMENT:

On a square foot of area basis for all lots, parcels or individual dwelling sites that are included in the improvement district.

Attachment number 3
Page 2 of 2

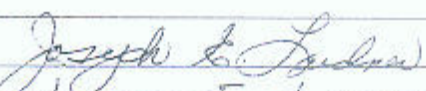
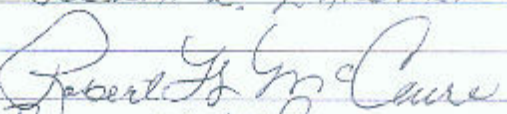
E. APPORTIONMENT OF COSTS:

Costs are to be paid 100% by the Improvement District, as described above.

F. We, the undersigned owners of all property in the district, understand and agree:

- (i) To waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. Et. Seq., further we request that the Resolution creating the project be found advisable and the City Council authorize the project.
- (ii) Property contained within the district may not be modified, changed or altered by replatting or other means until assessments have been levied.

G. As the owner/developer of properties in this petitioned project, I will notify, in writing, each and every purchaser of property regarding special assessments which may be assessed to pay for this improvement.

Signature	Residence	Property Owned	Date
 HT Paul Company, Inc. Howard Paul, President	1533 NW 50th	542 NW Hwy 24	8/4/06
 JOSEPH E. LARDNER	612 NW HWY 24 1310 NW DAISY DR.		AUG 10, 2006
 ROBERT W. MCCLURE	610 NW Hwy 24 3520 NW 44TH PL		AUG 11, 2006
 DENNIS C. PATTERSON	600 NW HWY 24 458 ARBUTHNOT DR. LAKEA CO.		8/11/06

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

8-14-06

Date


Signature of Person Carrying Petition

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

PROJECT BUDGET
Project No.40948-00
US Highway 24 / Wal-Mart Redevelopment Area

LOCATION:

The improvements for this project generally bounded US Highway 24 and Rochester Rd progressing east to the Old Soldier Creek

MAP ATTACHED

DESCRIPTION OF PROJECT:

The improvements for this project will include a new 8-inch sanitary sewer, 7 sanitary sewer manholes, regrading, landscaping, and other appurtenances needed for a complete project.

SOURCE OF FUNDS:

\$218,706.00 - 100% Improvement District

COST ESTIMATE:

	<u>City of Topeka</u>	<u>Improvement District</u>	<u>Total</u>
Construction:	\$0.00	\$158,000.00	\$158,000.00
Design:	\$0.00	\$11,300.00	\$11,300.00
Construction Service Fees:	\$0.00		
<i>Construction Staking (5%)</i>	\$0.00	\$7,750.00	\$7,750.00
<i>Construction Inspection (8%)</i>	\$0.00	\$11,300.00	\$11,300.00
<i>City of Topeka Admin. (2%)</i>	\$0.00	\$3,100.00	\$3,100.00
<i>Capital Planning Fund Ream.</i>	\$0.00	\$0.00	\$0.00
<i>Geotechnical Report</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$0.00	\$15,256.00	\$15,256.00
Temporary Notes:	\$0.00	\$12,000.00	\$12,000.00
Total:	\$0.00	\$218,706.00	\$218,706.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Jeff Hunt



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 31, 2006

+ Back Print

DATE:	September 6, 2006		
CONTACT PERSON:	Rusty Rakestraw	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Condemnation Resolution	PROJECT #:	12053-03
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approve Condemnation Resolution	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River. (Council District #1)

(This Resolution will initiate condemnation proceedings to acquire property for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Resolution.

BACKGROUND:

To start condemnation proceedings, KSA 26-201 states that the governing body shall by resolution declare the necessity of condemnation proceedings and authorize a survey and description of land to be made. This Resolution will initiate condemnation proceedings for the Topeka Blvd. Bridge project.

Negotiations are in progress to acquire property for the removal and replacement of the Topeka Blvd. Bridge. If successful negotiations are completed, the respective parcel will not be included in the future condemnation ordinance.

BUDGETARY IMPACT:

To be determined by condemnation appraisers.

SOURCE OF FUNDING:

Approved project budget - revenue bonds serviced from 1/2 cent county - wide sales tax; federal funds; and direct payment from 1/2 cent county - wide sales tax. Item #11

ATTACHMENTS:

(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.

BE IT RESOLVED by the City Council of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn certain private property in the City for the public purposes of Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River and such other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of those private lands which are necessary to be appropriated for the improvements, and such other public purposes as are authorized by law, and the City Engineer, or his designee, is authorized and directed to file the report of the survey, including a description of those private lands and interests to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2006

+ Back Print

DATE:	September 6, 2006	
CONTACT PERSON:	Linda Wood or Jim Langford	DOCUMENT #:
SECOND PARTY/SUBJECT:	Weekly Expenditures Authorization, Week Ended September 3, 2006	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period August 28, 2006, through September 3, 2006, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt Ordinance as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period August 28, 2006, through September 3, 2006, in the amount of \$6,442,081.25.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended September 3, 2006](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 28, 2006, through September 3, 2006, and enumerating said expenditures herein.

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

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 570 vendor checks written in this period	\$3,249,785.39
	Total vendor checks voided in this period (net)	(1,420.13)
	Total electronic transfers to vendors in this period	803,489.99
	Total net payroll to employees this period	1,316,448.68
	Total payroll related electronic transfers this period	<u>1,073,777.32</u>
	Total for expenditures in this period	<u>\$6,442,081.25</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2006

+ Back Print

DATE:	September 6, 2006	
CONTACT PERSON:	Linda Wood	DOCUMENT #:
SECOND PARTY/SUBJECT:	Authorizing the Issuance of City of Topeka Refunding Revenue Bonds	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$32,610,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-A, and the issuance of not to exceed \$23,190,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a and K.S.A. 10-1201 et seq., and all amendments thereto. First Reading.

POLICY ISSUE:

The issuance of refunding bonds will effect interest cost savings to the City of Topeka's Combined Utility operations.

STAFF RECOMMENDATION:

Adopt the ordinance as presented.

BACKGROUND:

Issuance of the Series 2006-A and Series 2006-B Refunding Revenue Bonds will provide proceeds for early redemption of \$31,440,000 outstanding principal of the City's previously issued Series 1998-B Revenue Bonds and early redemption of \$22,065,000 outstanding principal of the City's previously issued Series 2001-A Revenue Bonds, to effect interest cost savings to the City of Topeka's Combined Utility operations.

BUDGETARY IMPACT:

It is currently projected that the total net present value interest cost savings to the City will be in excess of \$2.8 million. A present value savings of \$1.5 million, or 4.859%, is estimated on the current refunding of the 1998-B Bonds with the issuance of the 2006-A Bonds. A present value savings of \$1.3 million, or 6.066%, is estimated on the advance refunding of the 2001-A Bonds with the issuance of the 2006-B Bonds.

SOURCE OF FUNDING:

Proceeds of the Series 2006-A and Series 2006-B Refunding Revenue Bonds will be used to redeem the currently outstanding Series 1998-B and Series 2001-A Revenue Bonds, and to pay associated costs of issuing the refunding bonds. The new bonds will be paid from the pledged revenues of the combined utility operations.

ATTACHMENTS:

[Ordinance](#)

070906 3

(Published in The Topeka Metro News on September 29, 2006.)

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$31,910,000 AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY REFUNDING REVENUE BONDS, SERIES 2006-A AND \$22,925,000 COMBINED UTILITY REFUNDING REVENUE BONDS, SERIES 2006-B, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-116a AND K.S.A. 10-1201 ET SEQ., AND ALL AMENDMENTS THERETO.

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$31,440,000 principal amount of Water and Water Pollution Control Utility Revenue Bonds, Series 1998B, dated June 1, 1998, (the "Series 1998B Bonds") pursuant to its Ordinance and Resolution adopted June 16, 1998, in accordance with the requirements of K.S.A. 10-1201 et seq., as amended (the "Series 1998B Bond Ordinance"); and

WHEREAS, as of September 1, 2006, there remains outstanding of the Series 1998B Bonds the principal amount of \$31,440,000 bearing interest payable semiannually on February 1 and August 1 each year and maturing on August 1, as follows:

<u>(YEAR)</u> <u>(AUGUST 1)</u>	<u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
SERIAL BONDS		
2012	\$ 945,000	4.80%
2013	1,260,000	4.85
2014	1,325,000	4.90
2015	1,395,000	4.90
TERM BONDS		
2018	\$4,635,000	5.05%
2023	9,525,000	5.10
2028	12,355,000	5.10

WHEREAS, pursuant to Section 301 of the Series 1998B Bond Ordinance, the Series 1998B Bonds maturing on August 1, 2012, and thereafter are subject to redemption and payment at the option of the City on August 1, 2006, and thereafter in whole or in part on any date at the

redemption price equal to the principal amount thereof with a premium of one percent of the principal amount redeemed, such premium to decline one-half of one percent (1/2 of 1%) each Interest Payment Date thereafter, plus accrued interest to the date of redemption; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$25,365,000 principal amount of Water and Water Pollution Control Utility Revenue Bonds, Series 2001-A, dated December 1, 2001, (the "Series 2001-A Bonds") pursuant to its Ordinance and Resolution adopted December 11, 2001, in accordance with the requirements of K.S.A. 10-1201 et seq., as amended (the "Series 2001-A Bond Ordinance"); and

WHEREAS, as of September 1, 2006, there remains outstanding of the Series 2001-A Bonds the principal amount of \$23,085,000 bearing interest payable semiannually on February 1 and August 1 each year and maturing on August 1, as follows:

MATURITY (August 1)	PRINCIPAL AMOUNT	INTEREST RATE
------------------------	---------------------	------------------

SERIAL BONDS

2007	\$ 500,000	6.25%
2008	520,000	5.25
2009	540,000	5.00
2010	565,000	5.50
2011	585,000	5.50
2012	615,000	5.50
2013	640,000	4.80
2014	670,000	4.90
2015	700,000	5.00
2016	735,000	5.10
2017	770,000	5.15
2018	810,000	5.25
2019	855,000	5.30

TERM BONDS

2022	\$ 2,840,000	5.35%
2031	11,740,000	5.40

WHEREAS, pursuant to Section 301 of the Series 2001-A Bond Ordinance, the Series 2001-A Bonds maturing on August 1, 2009, and thereafter are subject to redemption and payment at the option of the City on August 1, 2008, and thereafter in whole or in part on any date at the redemption price equal to the principal amount thereof with a premium of one percent of the principal amount redeemed, such premium to decline one-quarter of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest to the date of redemption; and

88 **WHEREAS**, pursuant to Section 203 of both the Series 1998B Bond Ordinance and the
89 Series 2001-A Bond Ordinance, the State Treasurer of the State of Kansas, Topeka, Kansas, was
90 designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and
91 interest on the Refunded Bonds hereinafter defined; and
92

93 **WHEREAS**, the City has determined and hereby determines that it is in the best interest
94 of the City and the patrons and taxpayers thereof (i) that the Series 1998B Bonds maturing on
95 and after August 1, 2012, (i.e., \$31,440,000) (the "Series 1998B Refunded Bonds") be paid and
96 redeemed as the same mature and otherwise become subject to redemption and payment on
97 October 19, 2006, and (ii) that the Series 2001-A Bond maturing on and after August 1, 2009,
98 (i.e., \$22,065,000) (the "Series 2001-A Refunded Bonds") (the Series 1998B Refunded Bonds and
99 Series 2001-A Refunded Bonds are collectively referred to as the "Refunded Bonds") be paid
100 and redeemed as the same mature and otherwise become subject to redemption and payment on
101 August 1, 2008, and that two separate series of refunding revenue bonds of the City payable from
102 the revenues derived from the operation of the System of the City be issued in the aggregate
103 principal amount of \$54,835,000 to be utilized together with other legally available and
104 unencumbered funds of the City for such purpose; and
105

106 **WHEREAS**, such redemption and refunding would help the City achieve interest cost
107 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and
108 result in a general restructuring of the debt service obligation of the City with respect to its
109 combined utility, as hereinafter defined; and
110

111 **WHEREAS**, it is necessary at this time that the City proceed forthwith to sell and deliver
112 (1) its Combined Utility Refunding Revenue Bonds, Series 2006-A, in the principal sum of
113 \$31,910,000 (the "Series 2006-A Bonds"), for the purpose of providing funds to currently refund
114 the Series 1998B Refunded Bonds and pay the costs of issuing the Series 2006-A Bonds and (2)
115 its Combined Utility Refunding Revenue Bonds, Series 2006-B in the principal sum of
116 \$22,925,000 (the "Series 2006-B Bonds") (the Series 2006-A Bonds and Series 2006-B Bonds
117 are collectively the "Bonds"), for the purpose of providing funds to advance refund the Series
118 2001-A Refunded Bonds and pay the costs of issuing the Series 2006-B Bonds, all under the
119 authority of K.S.A. 10-1201 et seq., K.S.A. 10-116a and Article 1 of Chapter 10, Kansas Statutes
120 Annotated, all as amended; and
121

122 **WHEREAS**, a portion of the proceeds derived from the sale of the Combined Utility
123 Refunding Revenue Bonds, Series 2006-B, herein authorized shall, subject to the provisions of
124 an escrow trust agreement authorized herein, be placed in an escrow trust account to be
125 established as herein authorized for the purpose of paying and redeeming the Series 2001-A
126 Refunded Bonds as to both principal and interest as the same mature and otherwise become due,
127 all as more particularly described herein; and
128

129 **WHEREAS**, as previously herein recited, the City on January 8, 2002, issued its Water
130 and Water Pollution Control Utility Revenue Bonds, Series 2001-A in the amount of
131 \$25,365,000 (the "Series 2001-A Bonds"); and
132

133 **WHEREAS**, on March 25, 2003, the City combined its stormwater utility with the water
134 and water pollution control utility creating a water, water pollution control and stormwater utility
135 system (the "Combined Utility"); and
136

137 **WHEREAS**, the City on February 19, 2004, issued its Combined Utility Improvement
138 and Refunding Revenue Bonds, Series 2004-A in the amount of \$46,180,000 (the "Series 2004-
139 A Bonds") which, in part, currently refunded the City's outstanding Series 1998A Water and
140 Water Pollution Control Utility Refunding Revenue Bonds dated June 1, 1998; and
141

142 **WHEREAS**, the City on December 8, 2005, issued its Combined Utility Improvement
143 Revenue Bonds, Series 2005-A in the amount of \$14,875,000 (the "Series 2005-A Bonds"); and
144

145 **WHEREAS**, the Bonds are parity obligations of the City's System and, as such shall
146 have equal lien status with the outstanding Series 2001-A Bonds not defeased in accordance with
147 Section 701 of Resolution No. 7209 passed and approved by the governing body of the City
148 December 11, 2001, which resolution prescribed, among other things, the details of the Series
149 2001-A Bonds; the Series 2004-A Bonds; and the Series 2005-A Bonds; and
150

151 **WHEREAS**, the City has authorized certain loans in the maximum authorized amount of
152 \$ _____ from the Kansas Department of Health and Environment revolving fund loan
153 program (the "Permitted Loans") and pledged the revenues from the System to the payment of
154 such Permitted Loans and any additional loans which would constitute Permitted Loans under
155 the Resolution hereinafter provided for; and
156

157 **WHEREAS**, the lien of the Permitted Loans upon the revenues of the System is superior
158 to the lien of the City's outstanding Series 1998B Bonds, Series 2001-A Bonds, and Series 2004-
159 A Bonds, Series 2005-A Bonds and the Bonds hereby authorized and directed to be issued.
160

161 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
162 **TOPEKA, SHAWNEE COUNTY, KANSAS:**
163

164 **Section 1.** That there is hereby authorized and directed to be issued (1) Combined Utility
165 Refunding Revenue Bonds, Series 2006-A, of the City in the aggregate principal amount of
166 \$31,910,000 for the purposes of providing funds to currently refund the Series 1998B Refunded
167 Bonds and pay the costs of issuing the Series 2006-A Bonds and (2) Combined Utility Refunding
168 Revenue Bonds, Series 2006-B, of the City in the aggregate principal amount of \$22,925,000 for
169 the purposes of providing funds to advance refund the Series 2001-A Refunded Bonds and pay
170 the costs of issuing the Series 2006-B Bonds, as provided by Article 1 of Chapter 10, Kansas
171 Statutes Annotated, K.S.A. 10-116a, and Article 12 of Chapter 10 of the Kansas Statutes
172 Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be
173 payable at such times, shall be in such form, shall be subject to redemption and payment prior to
174 the maturity thereof and shall be issued in the manner prescribed and subject to the provisions,
175 covenants and agreements set forth in a resolution of the Governing Body of the City adopted the
176 same date as the date of the passage and approval of this Ordinance (the "Resolution").
177

178 **Section 2.** That the Mayor and City Clerk are hereby authorized to prepare and execute
179 the Bonds and when so executed, the Bonds shall be registered as required by law and the
180 Governing Body shall annually make provisions for the payment of the principal of, redemption
181 premium, if any, and interest on the Bonds as the same shall become due from the revenues
182 derived by the City from the rates, fees or charges collected by the City from the operation of the
183 System, including all improvements, extensions and enlargements thereto hereafter constructed
184 or acquired by the City and not from any other fund or source. The Bonds shall constitute a lien
185 upon the revenues produced from the System of the City.

186
187 **Section 3.** That the City shall, and the officers, agents and employees of the City are
188 hereby authorized and directed to, take such action and execute such other documents,
189 certificates and instruments as may be necessary or desirable to carry out and comply with the
190 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
191 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
192 transaction contemplated hereby and thereby.

193
194 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
195 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
196 or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds, but
197 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
198 provision had not been contained herein.

199
200 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
201 with both its bid for the purchase thereof and the terms and conditions of this Ordinance.

202
203 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
204 and publication in the official City newspaper.

205
206 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

207 Passed by the Governing Body and approved by the Council of the City of Topeka,
208 Kansas, this 26th day of September, 2006.

209
210 **CITY OF TOPEKA, KANSAS**

211
212
213 **ATTEST:**

214 _____
215 **William W. Bunten, Mayor**

216 _____
217 **Iris E. Walker, City Clerk**

218
219 **(SEAL)**

220
221
222
223
224 **I, IRIS E. WALKER**, City Clerk of the City of Topeka, Shawnee County, Kansas, do
225 hereby certify that the above and foregoing is a true and correct copy of Ordinance No.
226 _____ adopted and approved by the City Council on September 26, 2006.

227
228
229
230 _____
231 **Iris E. Walker, City Clerk**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 7, 2006

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DATE:	September 6, 2006	
CONTACT PERSON:	John Alcalá	DOCUMENT #:
SECOND PARTY/SUBJECT:	El Centro	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember John Alcalá authorizing the purchase, possession and consumption of cereal malt beverages during El Centro's Blue Moon Bash event, at specified locations and times. *First Reading. (Council District 1)*

(The Blue Moon Bash is an event sponsored by El Centro which will be held on October 6th and 7th, 2006.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

This Ordinance provides authorization to El Centro to allow event attendees to buy, possess and consume cereal malt beverages on the barricaded portion of 10th Street between Jackson and Harrison Streets from 6 p.m. to 10:30 p.m. on October 6, 2006. Authorization is also hereby given to allow event attendees to buy, possess and consume cereal malt beverages on the barricaded portion of Jackson Street between 8th and 12th Streets, Harrison Street between 8th and 12th Streets, and 10th Street between Harrison Street and Kansas Avenue from 1:00 p.m. to 10:30 p.m. on October 7, 2006.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

Item #14

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember John Alcala authorizing the purchase, possession and consumption of cereal malt beverages during El Centro's Blue Moon Bash event, at specified locations and times.

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

Section 1. Authorization is hereby given to El Centro to allow event attendees to buy, possess and consume cereal malt beverages on the barricaded portion of 10th Street between Jackson and Harrison Streets from 6 p.m. to 10:30 p.m. on October 6, 2006. Authorization is also hereby given to allow event attendees to buy, possess and consume cereal malt beverages on the barricaded portion of Jackson Street between 8th and 12th Streets, Harrison Street between 8th and 12th Streets, and 10th Street between Harrison Street and Kansas Avenue from 1:00 p.m. to 10:30 p.m. on October 7, 2006.

Section 2. This Ordinance shall be null and void on October 8, 2006.

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 Council of the City of Topeka _____,
2006.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

COUNCILORD
EL CENTRO CMB
9/7/06



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

+ Back Print

DATE:	September 6, 2006	
CONTACT PERSON:	Clark Duffy and Jeff Preisner	DOCUMENT #:
SECOND PARTY/SUBJECT:	Water service outside city limits	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmembers Clark Duffy and Jeff Preisner, amending City of Topeka Code Section 146-37 concerning water service to an owner of real property outside city limits, and specifically repealing said original section. First Reading.

(Would require annexation of new or redeveloped parcels outside of the city's corporate boundaries that are not contained within the current Municipal Services Area prior to water service being provided.)

POLICY ISSUE:

Whether or not to require annexation of new or redeveloped parcels outside of the city's corporate boundaries that are not contained within the current Municipal Services Area prior to water service being provided.

STAFF RECOMMENDATION:

BACKGROUND:

Presently City Code requires a consent to annexation of new or redeveloped parcels outside of the city's corporate boundaries that are not contained within the MSA prior to service being provided. This amendment would require new or redeveloped parcels established by preliminary or final plat, lot, split or otherwise, after September 10, 2006, and for which the structure has not been connected to the city's water system outside of the city's corporate boundaries that are not contained within the MSA to be annexed prior to service being provided.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

ATTACHMENTS:

Item #15

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmembers Clark Duffy and Jeff Preisner, amending City of Topeka Code § 146-37 concerning water service to an owner of real property outside city limits, and specifically repealing said original section.

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

Section 1. That City of Topeka Code § 146-37, Water service to owner of real property outside city limits, is hereby amended to read as follows:

Water service to owner of real property outside city limits.

Requirements:

(a) Consent to annexation.

(1) New or redeveloped parcels established by preliminary or final plat, lot, split or otherwise, after September 10, 2006, and for which the structure has not been connected to the City's water system that are contained within the current Municipal Services Area established by the City Council under Topeka City Code section 134-1 ("MSA") shall require ~~consent to~~ annexation prior to water service being provided. Extension of water transmission mains shall conform to sizing, routing and other specifications as determined by the city engineer and water superintendent. The cost to design and construct the extension of water mains necessary to serve these areas may be paid through the City of Topeka water fund depending on priority and if sufficient capital improvement funding is available. The developer may, depending on the proximity to existing water transmission mains, bear part, or all, of the cost

30 of extending City water service to the development. Such extension costs
31 would be in addition to the payment of connection fees and the cost of the
32 construction of the water infrastructure within the development.

33 (2) New or redeveloped parcels established by preliminary or final plat,
34 lot, split or otherwise, after September 10, 2006, and for which the
35 structure has not been connected to the City's water system outside of the
36 city's corporate boundaries that are not contained within the MSA shall
37 require ~~consent~~ to annexation prior to service being provided. Extension of
38 water transmission mains shall conform to sizing, routing and other
39 specifications as determined by the city engineer and water
40 superintendent. The total cost of extending the City's water service shall
41 be borne by the developer without any participation by the City. Such
42 extension costs would be in addition to the payment of connection fees
43 and the cost of the construction of the water infrastructure within the
44 development.

45 (b) Platting. Further, before city water service is provided to an owner of real
46 property outside city limits, the owner shall plat or cause to be platted the property to be
47 served.

48 Exception:

49 An owner of real property outside the city limits may be exempt from the
50 platting requirement set forth above provided the planning director and
51 public works director jointly find that all of the following conditions exist:

(1) Land on which the principal structure is that of an existing detached single-family dwelling. That there are no other structures except permitted accessory structures, or uses for which water service is to be provided.

(2) As determined by the City of Topeka Public Works Department, adequate utility and drainage easements and/or street rights-of-way presently exist or can be secured by separate written instrument and recorded with the Shawnee County Register of Deeds for which the property owner consents.

(3) There is no existing or anticipated drainage problems related to the site or the development.

(4) Adequate public utilities and services otherwise service the site and the proposed development conform to the dimensional requirements of the zoning district.

(5) The existing or proposed improvement is compliant with the current adopted Shawnee County Wastewater Management Plan, or variances as may be granted by the applicable governing body as provided by said plan.

Section 2. That City of Topeka Code § 146-37 is hereby specifically repealed.

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

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 28, 2006

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DATE:	September 6, 2006		
CONTACT PERSON:	Linda Voss	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Trafficway Improvement Project	PROJECT #:	70123-01
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	Approve Budget and Ordinance as presented	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70123-01, which provides for a traffic study to determine proper traffic control and geometry, and preparation of plans, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. **First Reading.** (Council District No. 7)

(This Ordinance will allow for the design of improvements on SW Fairlawn Road at the SW 29th Street intersection and I-470 off-ramp.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Ordinance as presented.

BACKGROUND:

This project will provide for the design of improvements on SW Fairlawn Road at the SW 29th Street intersection and I-470 off-ramp, including a traffic analysis of the area.

The amount of \$128,000 is included in the proposed 2007 Capital Improvement Budget for design. Construction is scheduled for 2009. Exact project scope will be determined after a design consultant is hired. One possible scope is to add a eastbound right turn lane on SW 29th Street at SW Fairlawn Road, add a northbound left turn lane on SW Fairlawn Road at SW 29th Street, and add an additional lane to the I-470 off ramp.

Contract No. 36068 with Shawnee County pledges \$1,048,000 of the County's 2009 Obligation Authority for Federal Highway Surface Transportation Funds towards the construction of the project. The project will be administered by KDOT.

Item #16

BUDGETARY IMPACT:

Project Budget: \$128,000.00 (2007 Proposed CIP)

SOURCE OF FUNDING:

General Obligation Bonds and any other lawfully available funds.

Total Debt Service (Principle and Interest): \$209,798

ATTACHMENTS:

[Project Budget](#)

[Debt Service Calculator](#)

[Vicinity Map](#)

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70123-01, which provides for a traffic study to determine proper traffic control and geometric preparation of plans, 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 it 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 a traffic study to determine proper traffic control and geometric preparation of plans for SW Fairlawn including the 29th Street intersection and I-470 ramp.

B. TOTAL PROJECT BUDGET COST:

\$128,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds and any other lawfully available 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 _____.

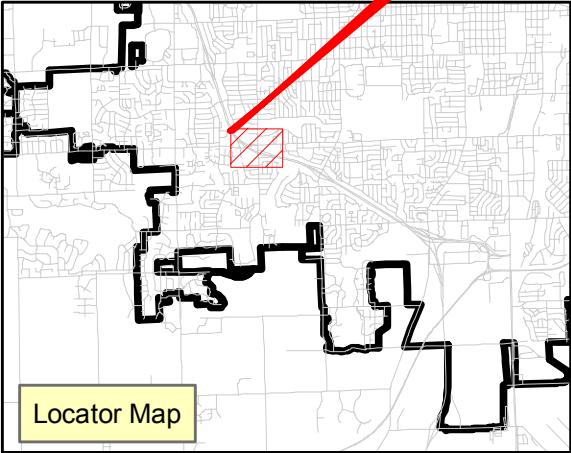
CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

SW 29TH & Fairlawn Rd Street Improvement Project



F

TOPEKA
Public Works
TECHNICAL SUPPORT GROUP

GIS Geographic Information Systems	City of Topeka GIS Division of Public Works * Technical Support Group 620 SE Madison St * Topeka, KS 66607 Ph. 785-368-1905 F. 785-368-1902 www.topeka.org
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GO Bond Cost of Project

PROJECT:

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$121,905</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$6,095</u>
Subtotal	\$128,000
Plus Cost of Issuance	<u>\$0</u>
Total	\$128,000

Annual Debt Service	\$10,490
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$209,798
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Difference Project Cost and Total Debt Service	\$87,893
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GO Bonded Indebtedness as of March 2006*	\$148,705,000
2005-A Temporary Notes that Finance Future GO Bond projects	\$20,487,369
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$12,749,372
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$10,339,580</u>
Total Indebtedness	<u><u>\$192,281,321</u></u>
Plus Project	\$192,409,321

* Breakdown of GO Bonded Indebtedness	
Building, Trafficway & Park Improvements	\$108,373,006
Drainage, Street & Sewer Improvements (special assessments)	\$12,401,994
KP&F Unfunded Liability	\$12,400,000
Heartland Park STAR Bonds	\$10,460,000
Heartland Park Development	<u>\$5,070,000</u>
Total	\$148,705,000

PROJECT BUDGET
Project No. 70123-01
Traffic Analysis and Preliminary Engineering to Develop Plans

LOCATION:

SW Fairlawn including 29th Street intersection and I-470 ramp

DESCRIPTION OF PROJECT:

Traffic study to determine proper traffic control and geometric, preparation of plans.

SOURCE OF FUNDS:

CIP 2007 - General Obligation Bonds

COST ESTIMATE:

	<u>City of Topeka</u>	<u>Other</u>	<u>Total</u>
Construction:	\$0.00	\$0.00	\$0.00
Design:	\$121,905.00	\$0.00	\$121,905.00
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 Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$0.00	\$0.00	\$0.00
Temporary Notes:	\$6,095.00	\$0.00	\$6,095.00
Total:	\$128,000.00	\$0.00	\$128,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER:

Linda Voss _____



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

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

DATE:	September 6, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
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

September 22, 2006

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DATE:	September 6, 2006		
CONTACT PERSON:	Norton N. Bonaparte, Jr.	DOCUMENT #:	36731
SECOND PARTY/SUBJECT:	Miller, Ronald L.	PROJECT #:	
CATEGORY/SUBCATEGORY	007 Contracts and Amendments/019 Purchase of Land		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approved Contract 09/19/06	JOURNAL #:	06
		PAGE #:	448

DOCUMENT DESCRIPTION:

CONTRACT NO. 36731 between the City of Topeka and Ronald L. Miller defining the terms of employment as Chief of Police.

(Contract was added to the agenda at the meeting.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

Approve contract.

BACKGROUND:

See Contract.

BUDGETARY IMPACT:

Annual base salary \$100,000.

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

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CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
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

September 6, 2006

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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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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