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City Council Agenda

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

October 10, 2006
6:00 PM

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>)

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

2. ROLL CALL:

3. CONSENT AGENDA:

A. Board of Zoning Appeals

 [ATTACHMENTS](#)

A COMMUNICATION appointing Howard Blackmon, 2615 SW Fillmore, to the Board of Zoning Appeals for a three-year term that would expire on October 31, 2009. (Council District No. 3)

B. Resolution - PT's Coffee Company Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Brett Blackburn granting PT's Coffee Co. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. (Council District No. 7)

(The Coffee in the Community event will be held on October 21, 2006)

C. Resolution - W.U. Memorial Union Oktoberfest Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. (Council District No. 6)

(Oktoberfest will take place on October 25, 2006)

D. Resolution-St. Matthew's Catholic Church Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember John Nave granting St. Matthew's Catholic Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.(Council District No. 4)

(The annual Fall Festival Celebration will be held on October 21st & 22nd)

E. MINUTES of the regular meeting of October 3, 2006

F. APPLICATIONS:

4. PUBLIC HEARINGS:

A. Resolution - Authorization for Street Imp. Project No. 60619-00

 [ATTACHMENTS](#)

A PUBLIC HEARING on the advisability of Street Improvement Project No. 60619-00 located in Horseshoe Bend Subdivision.

A PROJECT BUDGET in the amount of \$1,292,700 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein.

(This resolution authorizes a street project located two blocks northwest of SE 45th Street and SE Adams Street in the Horseshoe Bend Subdivision.)

5. UNFINISHED BUSINESS:

A. Project Budget and Ordinance - Trafficway Imp. Project 14119-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$157,500 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which

provides for replacement of an existing traffic signal, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading (*Council District No. 2*)

(Replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.)

B. Ordinance and Project Budget for Trafficway Improvement Project No. 70123-01

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$128,000 and **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. Final Reading. (*Council District No. 7*) (*Deferred from the meeting of September 26, 2006.*)

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

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. Final Reading. (*Deferred from the meeting of September 26, 2006.*)

(The amendment 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 - Court Costs/Fees, Warrant Fees, Municipal Court Procedure

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to court ordered costs and fees, witness fees, contempt powers, warrants, arrest procedures, sentencing procedures and parole, repealing City of Topeka Code Sections 50-47, 50-49 and 50-50, amending City of Topeka Code Sections 50-26, 50-41, 50-54, 50-60, 50-64, 50-99 and 50-101, and repealing said original sections. Final Reading. (*Deferred until after a work session from the meeting of September 5, 2006*)

(The Kansas Legislature has made significant changes recently to provisions of state law concerning increased court costs. While reviewing these new provisions for compliance, city staff also discovered other changes that need to be incorporated in City Code to better comply with state law relating to Municipal Court powers, costs, fees and procedures. Additionally, amendments are proposed to reduce duplicative and potentially contradictory provisions of City Code related to costs and fees.)

E. Ordinance - Police Department Equipment Fund

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Brett Blackburn amending City of Topeka Code Section 2-336 by establishing a police department equipment fund. Final Reading. (*Deferred until after a work session from the meeting of September 5, 2006*)

(The fund would provide a depository for monies to be used for police department equipment purchases.

F. Communication - River Hill Project

 [ATTACHMENTS](#)

A COMMUNICATION approving the Declaration of Improvement Covenants and Restrictions (Agreement) and authorizing the City Manager to execute the Agreement on behalf of the City. (*Tabled for 60 days from the meeting of August 8, 2006*)

(This Agreement would provide a means for the City to seek reimbursement of the costs of the River Hill public improvement project from the current or subsequent property owners benefitting from the project. The agreement would be implemented in the event the tax increment or payments, in lieu of taxes, do not fully pay for the G.O. bonds financing it.)

G. Ordinance and Project Budget for River Hill Project No. 60629

 [ATTACHMENTS](#)

AN ORDINANCE and **A PROJECT BUDGET** in the amount of \$6,200,000 introduced by

Councilmember Richard Harmon, authorizing Improvement Project No. 60629-00 which provides for certain public improvements for the River Hill Project including improvement of 6th Street from Wanamaker Road east approximately 3,000 feet; the improvement of Wanamaker Road from 6th Street north approximately 2,800 feet; construction of a public street from 6th Street, at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of 6th Street; construction of water lines and sewer mains to service the development - all on public right-of-way or easements, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District 9) (Tabled for 60 days from the meeting of August 8, 2006)

(The River Hill project is located in the old Menninger Campus northeast of SW 6th Street and Wanamaker Road.)

H. Resolution amending the 2006-2007 Capital Improvement Budget

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the 2006-2007 Capital Improvement Budget. (Tabled for 60 days from the meeting of August 8, 2006)

(The resolution would add the River Hill Project to year 2006 of the 2006-2007 Capital Improvement Budget)

6. NEW BUSINESS:

A. Agreement

 [ATTACHMENTS](#)

AN AGREEMENT between the City of Topeka and Development Services Division/Planning Department, AFSCME Local 1294, amending Contract No. 36431 (2007 wage re-opener).

B. Authorization of Weekly Expenditures for Week Ended September 24, 2006

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period September 18, 2006, through September 24, 2006, and enumerating said expenditures therein. First and Final Reading.

7. PLANNING:

A. Ordinance - City of Topeka (SNC06/1)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive in Bines Addition to SE Bines Way and SE Elmo Drive. Final Reading. (SNC06/1)(Council District No. 5) Deferred from the meeting of October 3, 2006)

(Approval would correct the directional street prefix that was recorded incorrectly on the plat of Bines Addition.)

B. Ordinance - CFS Partnership and KU Endowment Assoc. (Z06/30)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District. Final Reading. (Z06/30) (Council District No. 8) (The Planning Commission recommended approval by a vote of 6-0-2) (The Planning Department recommended that the request be disapproved.)

(Approval would allow the property to be developed for limited commercial uses.)

8. FIRST READINGS:

A. Ordinance - City Council Special Fund Expenditures

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code

Sections 2-326, 2-328, 2-331, 2-332, and 2-335 concerning the expenditure of monies from special funds established by the City Council, and specifically repealing said original sections. First Reading.

(The ordinance would allow approval by the City Manager of expenditures from special funds established by the City Council.)

B. Ordinance - Waterline Upgrade Project No. 30245-00

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Project No. 30245-00, which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading *(Council District No. 9)*

(This project would authorize selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard.)

C. Ordinance - Gage Park Improvement Project 30271-00

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. *(Council District No. 9)*

(This project will provide stone renovation and tuck pointing of six pillars and reconstruction of the east entrance at the Reinisch Rose Garden in Gage Park.)

D. Ordinance - Special Assessment - Street Imp. Project No. 60598-01H

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003. First Reading. *(Council District No. 4)*

(Levies special assessments for Street Improvement Project No. 60598-01)

E. Project Budget and Ordinance on Project No. 13154-00

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. *(Council District No. 1)*

(Improvements to the Fire Station Training Tower located at S.E. Jefferson Street.)

F. Ordinance - Amending Certain Provisions of the 2006 Standard Traffic Ordinance

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-152 to amend and delete certain provisions of the current edition of the Standard Traffic Ordinance for Kansas Cities, and specifically repealing said original section. First Reading.

(Adoption of this ordinance would amend or delete certain provisions of the 2006 Standard Traffic Ordinance for Kansas Cities.)

G. Ordinance - 2006 Standard Traffic Ordinance

 [ATTACHMENTS](#)

AN ORDINANCE regulating traffic and vehicles within the city limits of Topeka, Kansas, that adopts by reference the Standard Traffic Ordinance for Kansas Cities, 2006 edition. First Reading.

(The ordinance would adopt the 2006 Standard Traffic Ordinance for Kansas Cities published by the Kansas League of Municipalities, with certain amendments and deletions.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

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DATE:	September 26, 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 Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

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CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
Topeka, Kansas 66603

September 26, 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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214 SE 8th Street
Topeka, Kansas 66603

September 26, 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
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

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DATE: September 26, 2006
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board of Zoning Appeals **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION appointing Howard Blackmon, 2615 SW Fillmore, to the Board of Zoning Appeals for a three-year term that would expire on October 31, 2009. (Council District No. 3)

POLICY ISSUE:

NA

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Harold Blackmon, 2615 SW Fillmore, to the Board of Zoning Appeals for a three-year term that would expire on October 31, 2009. Resume is attached.

BACKGROUND:

Topeka City Code 48-34.00 et seq and Ordinance 18382. The Board of Zoning Appeals administers appeals referred to it regarding the application of the zoning regulations of the city and conducts business in accordance with the comprehensive zoning regulations as codified in the Topeka City Code 48.34.00 et seq.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Board of Zoning Appeals](#)

HOWARD W. BLACKMON

Born Atchison, Ks 1938

GRADUATED ATCHISON HIGH SCHOOL 1956

ENTERED UNITED STATES ARMY 1957

HONORABLY DISCHARGED 1960

ENTERED USPS 1966

CLERK

**PRESIDENT
AMERICAN POSTAL WORKERS UNION**

LABOR RELATIONS REP USPS

MANAGER OF GENERAL MAIL FACILITY

RETIRED USPS 1992

SERVED PLANNING COMMISSION

AUGUST 1999 TO OCTOBER 2003



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 20, 2006

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DATE: September 26, 2006
CONTACT PERSON: Brett Blackburn **DOCUMENT #:**
SECOND PARTY/SUBJECT: Victoria Kattenberg - PT's Coffee Co. **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Brett Blackburn granting PT's Coffee Co. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 7)*

(The Coffee in the Community event will be held on October 21, 2006)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for a live band located in the Barrington Village parking lot at 29th & Arrowhead from 2:00 p.m until 6:00 p.m.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Brett Blackburn, granting PT's Coffee Co. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, PT's Coffee Co. has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of PT's Coffee Co., the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that PT's Coffee Co. is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band at their Coffee in the

25 Community event located at 29th & Arrowhead during the hours of 2:00 p.m. and
26 6:00 p.m. on October 21, 2006.

27 The event will be held in the Barrington Village parking lot.

28 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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Iris E. Walker, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 13, 2006

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DATE: September 26, 2006
CONTACT PERSON: Clark Duffy **DOCUMENT #:**
SECOND PARTY/SUBJECT: Kathy Reser **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 6)*

(Oktoberfest will take place on October 25, 2006)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for amplified music located at 1700 SW College, on the grounds east of the Memorial Union, from 11:00 am until 1:30 pm.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Clark Duffy, granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, Washburn University has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Washburn University, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Washburn University is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified music located at

25 1700 SW College Avenue during the hours of 11:00 a.m. and 1:30 p.m. on
26 October 25, 2006.

27 The event will be held on the grounds east of the Memorial Union.

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29 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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Iris E. Walker, City Clerk

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214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

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DATE: September 26, 2006

CONTACT PERSON: John Nave **DOCUMENT #:**

SECOND PARTY/SUBJECT: Bill Cochran **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Nave granting St. Matthew's Catholic Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 4)*

(The annual Fall Festival Celebration will be held on October 21st & 22nd)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for live bands on located at 2700 SE Virginia Avenue from 5:30 pm until 11:00 pm on October 26, 2006.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember John Nave, granting St. Matthew's Catholic Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, St. Matthew's Catholic Church has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of St. Matthew's Catholic Church, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that St. Matthew's Catholic Church is hereby granted an exception from

the provisions of City of Topeka Code Section 54-148 for live bands during the annual Fall Festival Celebration located at 2700 SE Virginia Avenue during the hours of 5:30 p.m. and 11:00 p.m. on October 21, 2006.

ADOPTED and APPROVED by the City Council _____.

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

October 4, 2006

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DATE: September 26, 2006

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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September 26, 2006

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DATE: September 26, 2006

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 16, 2006

+ Back Print

DATE: September 26, 2006
CONTACT PERSON: Jeff Hunt
DOCUMENT #:
SECOND PARTY/SUBJECT: Street Improvement
PROJECT #: 60619-00
CATEGORY/SUBCATEGORY: 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING on the advisability of Street Improvement Project No. 60619-00 located in Horseshoe Bend Subdivision.

A PROJECT BUDGET in the amount of \$1,292,700 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein.

(This resolution authorizes a street project located two blocks northwest of SE 45th Street and SE Adams Street in the Horseshoe Bend Subdivision.)

POLICY ISSUE:

Whether to authorize a street project which will be paid for by special assessments to an improvement district in which not all property owners agreed to the project. Also 2.5% of the cost of the project will be apportioned to the City.

STAFF RECOMMENDATION:

Approve the resolution of advisability and authorization.

BACKGROUND:

Developer of subdivision is requesting the street improvement district project to allow construction of new homes.

Project is to pave SE Quincy Street, SE Horseshoe Bend Drive, SE Chisolm Road, SE 44th Street, and SE 43rd Terrace with pavement including concrete curb & gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

BUDGETARY IMPACT:

Project Budget: \$1,292,700.00

Improvement District - 97.5% = \$1,260,382.50
City of Topeka - 2.5% = 32,317.50

SOURCE OF FUNDING:

Item #11

100% General Obligation Bonds. Costs will be apportioned 97.5% to the Improvement District and 2.5% to the City of Topeka. The costs assessed to the Improvement District are to be paid on a unit basis (84 total units) for all parcels which are included in the improvement district as follows:

Tract No. 1 - 67 units
Tract No. 2 - 3 units
Tract No. 3 - 7 units
Tract No. 4 - 7 units

ATTACHMENTS:

[Project Budget](#)

[Vicinity Map](#)

[Petition](#)

[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 Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein.

WHEREAS, Council of the City of Topeka, Kansas, did hold a public hearing on the advisability of the following: Street Improvement Project No. 60619-00 said public hearing was held on October 10, 2006, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by K.S.A. 12-6a01, *et seq.*, as amended; and

WHEREAS, said public hearing was adjourned on the 10th day of October, 2006; and

WHEREAS, notice of said public hearing was duly published as required by K.S.A. 12-6a01, *et seq.*, as amended; and

WHEREAS, six (6) months have not elapsed since the final adjournment of said public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it finds the following described improvement 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 pave:

SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all

other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast

corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$1,292,700.00

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all parcels which are included in the described improvement district as follows:

Tract No. 1: Block A, 4 units
Block B, 29 units
Block C, 22 units
Block D, Horseshoe Bend Subdivision
Tract No. 2: South 120 feet of Lot 1, Block C, Horseshoe Bend Subdivision
Tract No. 3: Tract of land situated in Lot 5, Block C
Tract No. 4: West 160 feet of a tract of land, more specifically described herein; and
Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more specifically described herein.

E. APPORTIONMENT OF COSTS:

City of Topeka	32,317.50	2.5%
<u>Benefit District</u>	<u>\$1,260,382.50</u>	<u>97.5%</u>
Total	\$1,292,700.00	100%

The improvement shall not be commenced if within twenty (20) days after publication of this resolution, written protests signed by both fifty-one percent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than one-half ($\frac{1}{2}$) of the total area of said district, are filed with the City Clerk.

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

HORSESHOE BEND SUBDIVISION
STREET
PUBLIC IMPROVEMENT PROJECT

PETITION

TO THE Mayor and Council Members
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 street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, Et. Seq., as amended.

Street Improvement Project No. 60619-00

A. GENERAL NATURE OF IMPROVEMENT:

To pave:

SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C';
Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$1,292,700.00

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

D. METHOD OF ASSESSMENT:

On a unit basis (84 total units) for all parcels which are included in the described improvement district as follows:

Tract No. 1- 67 units
Tract No. 2 - 3 units
Tract No. 3 - 7 units
Tract No. 4 - 7 units

E. APPORTIONMENT OF COSTS:

Costs are to be paid 97.5 percent by the Improvement District as described above and 2.5 percent by the City.

F. 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.

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

- (i) To waive the notice 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.

Signature

Residence

Date

Grand Oaks, L.L.C.

2257 SW Romar Road, Topeka, Kansas 66614

Property Owned

Lots 23 through 30, Block 'C'; Lots 19 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

By: Ray Thurlow

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.

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.

Date

Signature of Person Carrying Petition

Signature

Residence

Date

Fidelity Development, Inc. 100 E. English, Wichita, KS 67202

Property Owned

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lot 31, Block 'C'; and Lots 1 through 4, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

By: Clay Bastian, President

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.

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.

Date

Signature of Person Carrying Petition

Signature

Residence

Date

Terry Hummer

4431 NW Green Hills Road, Topeka, Kansas 66618

Property Owned

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

By: Terry Hummer

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.

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.

Date

Signature of Person Carrying Petition

Signature

Residence

Date

Edwin R. Jr. and Rebecca Sue
Linguist Trust

7232 SE Stanley Road, Berryton, Kansas 66409

Property Owned

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

The above described tract of land contains 2.654 acres, more or less, and is subject to all rights-of-way, easement, restrictions, and covenants of record, if any.

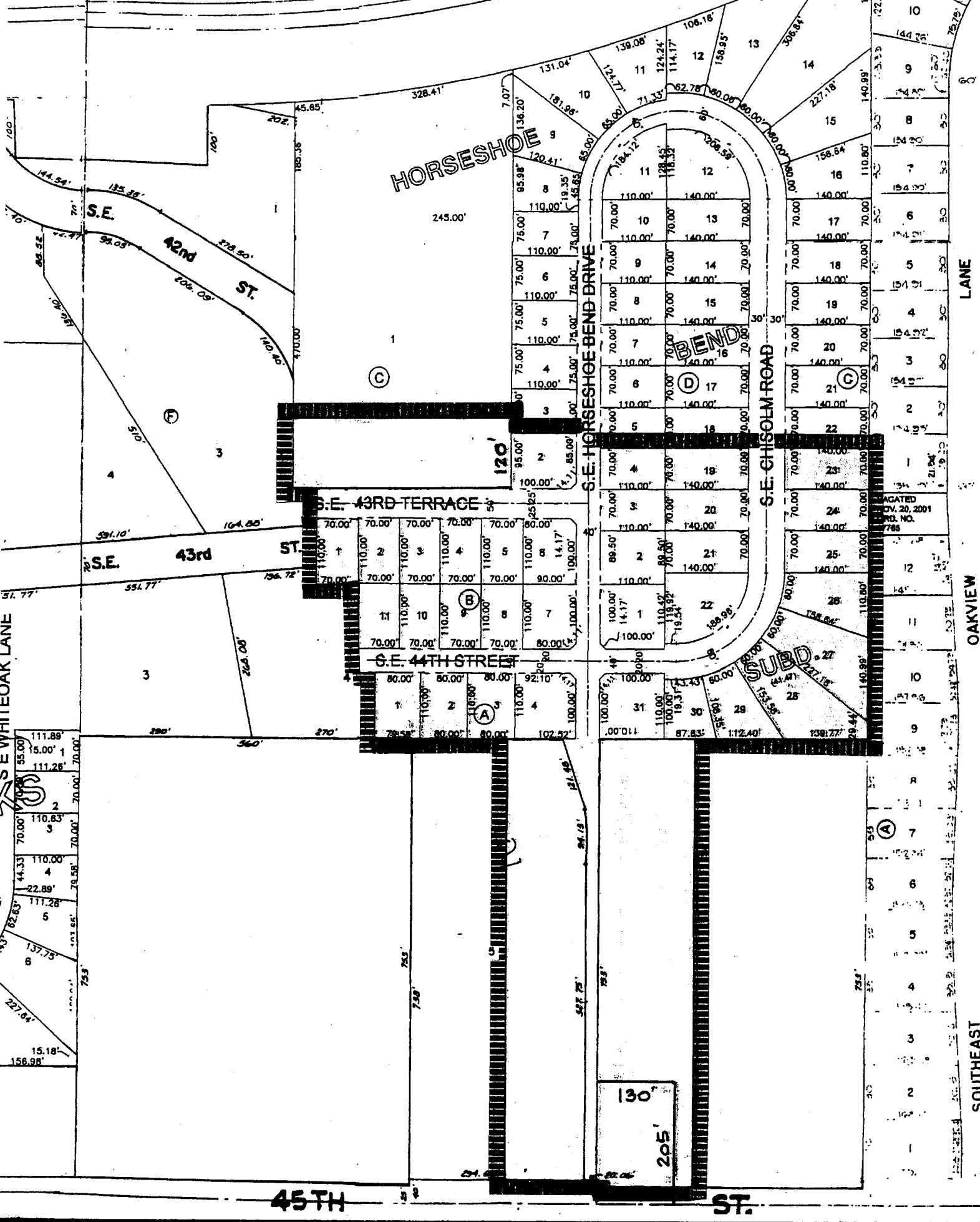
By:

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.

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.

Date

Signature of Person Carrying Petition



HORSESHOE

BEND

SUBD.

S.E. 43RD TERRACE

S.E. 44TH STREET

S.E. HORSESHOE BEND DRIVE

S.E. CHISOLM ROAD

S.E. WHITE OAK LANE

OAKVIEW

SOUTHEAST

45TH

ST.

130'

205'

(C)

(B)

(A)

(D)

(A)

(F)

111.89'
15.00'
111.26'
110.63'
110.00'
44.33'
22.89'
111.26'
137.75'
15.18'
156.95'

ACATED
DY. 20, 2001
PL. NO.
785

PROJECT BUDGET
Project No. 60619-00
Bartlett & West Project No. 2028.500

Horseshoe Bend Streets

LOCATION:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

DESCRIPTION OF PROJECT:

To pave:

SE Horseshoe Bend Drive from SE 45th Street northerly to SE Chisolm Road and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet and easterly to SE Chisolm Road and SE Chisolm Road northerly to SE Horseshoe Bend Drive with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

SOURCE OF FUNDS:

Assessment District

COST ESTIMATE:

	<u>City of Topeka (2.5%)</u>	<u>Other Funds (97.5%)</u>	<u>Total</u>
Construction:	\$22,500.00	\$877,500.00	\$900,000.00
Design	\$1,642.50	\$64,057.50	\$65,700.00
Geotechnical Report	\$75.00	\$2,925.00	\$3,000.00
Project Service Fees:			
<i>Construction Admin & Inspection</i>	\$1,800.00	\$70,200.00	\$72,000.00
<i>Construction Staking</i>	\$1,125.00	\$43,875.00	\$45,000.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$675.00	\$26,325.00	\$27,000.00
<i>Engineering Admin.</i>	\$450.00	\$17,550.00	\$18,000.00
Right-of-Way Acquisition:	\$1,575.00	\$61,425.00	\$63,000.00
Contingency Amount	\$675.00	\$26,325.00	\$27,000.00
Interim Interest	\$1,800.00	\$70,200.00	\$72,000.00
Total:	\$32,317.50	\$1,260,382.50	\$1,292,700.00

$$\frac{500 \text{ LF (39' St)}}{3900 \text{ LF (Total)}} \times 20\% = 2.5\%$$

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: KSA 12-6a Petition Project
b. Ord./Res. No.: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: Unit Basis

Date: _____

PROJECT ENGINEER:



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Linda Voss **DOCUMENT #:**

SECOND PARTY/SUBJECT: Traffic Signal Replacement **PROJECT #:** 14119-00

CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project

CIP PROJECT: No

ACTION OF COUNCIL: Approve the Project Budget and Adopt the Ordinance **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$157,500 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading (*Council District No. 2*)

(Replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Project Budget and Adopt the Ordinance

BACKGROUND:

This project consists of the design and construction services for the replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.

BUDGETARY IMPACT:

Project Budget \$157,500.00

SOURCE OF FUNDING:

CIP 2006 - General Obligation Bonds

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Vicinity Map](#)

Item #12

PROJECT BUDGET
Project No. 14119-00
Traffic Signal Replacement Project

LOCATION:

North Kansas at Paramore

DESCRIPTION OF PROJECT:

Replace existing traffic signal

SOURCE OF FUNDS:

CIP 2006 - General Obligation Bonds

COST ESTIMATE:

	<u>City of Topeka</u>	<u>Other</u>	<u>Total</u>
Construction:	\$120,000.00	\$0.00	\$120,000.00
Design:	\$8,400.00	\$0.00	\$8,400.00
Construction Service Fees:			
<i>Construction Inspection</i>	\$8,400.00	\$0.00	\$8,400.00
<i>Construction Staking</i>	\$2,400.00	\$0.00	\$2,400.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$2,400.00	\$0.00	\$2,400.00
Right-of Way Acquisition:	\$4,800.00	\$0.00	\$4,800.00
Contingency Amount:	\$3,600.00	\$0.00	\$3,600.00
Temporary Notes:	\$7,500.00	\$0.00	\$7,500.00
Total:	\$157,500.00	\$0.00	\$157,500.00

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 _____

GO Bond Cost of Project

PROJECT: 14119-00

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$150,000</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$7,500</u>
Subtotal	\$157,500
Plus Cost of Issuance	<u>\$0</u>
Total	\$157,500

Annual Debt Service	\$12,907
Annual Debt Service as Percent of Total	8.2%

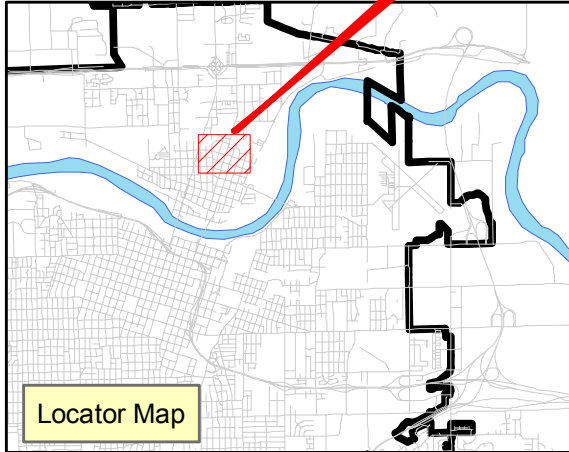
Total Debt Service (principal and interest)	\$258,150
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Difference Project Cost and Total Debt Service	\$108,150
--	-----------

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	\$192,438,821

* 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

NE Paramore & N Kansas Ave Signal Replacement Proj. #14119



TOPEKA
Public Works
TECHNICAL SUPPORT GROUP



G / S 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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, 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 improvements be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of the design and construction services for the replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.

B. TOTAL PROJECT BUDGET COST:

\$157,500.00

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.

32 PASSED and APPROVED by the City Council _____.

33 CITY OF TOPEKA, KANSAS

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37 ATTEST: _____
William W. Bunten, Mayor

38

39

40 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 27, 2006

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DATE:	September 26, 2006		
CONTACT PERSON:	Linda Voss	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Trafficway Improvement Project	PROJECT #:	70123-01
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	First reading. 09/19/06 Deferred for 2 weeks. 09/26/06	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$128,000 and **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. Final Reading.(Council District No. 7) (Deferred from the meeting of September 26, 2006.)

(This Ordinance would 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 #13

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](#)

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 _____

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%

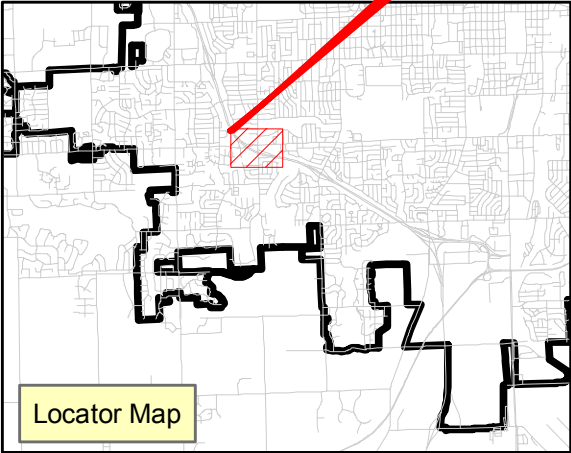
Total Debt Service (principal and interest)	\$209,798
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Difference Project Cost and Total Debt Service	\$87,893
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GO Bonded Indebtedness as of March 2006*	\$148,705,000
2005-A Temporary Notes that Finance 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>\$192,281,321</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

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
--	--

(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



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 27, 2006

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DATE: September 26, 2006

CONTACT PERSON: Clark Duffy and Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Water service outside city limits **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 001 General Provisions

CIP PROJECT: No

ACTION OF COUNCIL: First reading. 09/19/06 **JOURNAL #:**
Deferred for 2 weeks.
09/26/06

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. Final Reading. *(Deferred from the meeting of September 26, 2006.)*

(The amendment 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:

Item #14

ATTACHMENTS:

[Ordinance](#)

(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

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

(2) 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 shall require ~~consent to~~ annexation prior to 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 total cost of extending the City's water service shall be borne by the developer without any participation by the City. Such extension costs would be in addition to the payment of connection fees and the cost of the construction of the water infrastructure within the development.

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

Exception:

An owner of real property outside the city limits may be exempt from the platting requirement set forth above provided the planning director and 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

September 6, 2006

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DATE:	September 26, 2006	
CONTACT PERSON:	Steven R. Ebberts	DOCUMENT #:
SECOND PARTY/SUBJECT:	Court Costs 2006	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	First Reading (07/11) Deferred 1 week (07/18) Deferred 3 weeks (07/25) Deferred 1 week (08/22)	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to court ordered costs and fees, witness fees, contempt powers, warrants, arrest procedures, sentencing procedures and parole, repealing City of Topeka Code Sections 50-47, 50-49 and 50-50, amending City of Topeka Code Sections 50-26, 50-41, 50-54, 50-60, 50-64, 50-99 and 50-101, and repealing said original sections. Final Reading. *(Deferred until after a work session from the meeting of September 5, 2006)*

(The Kansas Legislature has made significant changes recently to provisions of state law concerning increased court costs. While reviewing these new provisions for compliance, city staff also discovered other changes that need to be incorporated in City Code to better comply with state law relating to Municipal Court powers, costs, fees and procedures. Additionally, amendments are proposed to reduce duplicative and potentially contradictory provisions of City Code related to costs and fees.)

POLICY ISSUE:

Whether the Council desires to approve ordinance changes that would allow the Municipal Court to comply with state law concerning increased court costs effective July 1, 2006, codify a warrant fee surcharge, and generally "clean-up" provisions of Municipal Court procedure.

STAFF RECOMMENDATION:

Staff from the City Attorney's Office and Municipal Court recommend approval of all provisions.

BACKGROUND:

The Kansas Legislature has made significant changes recently to provisions of state law concerning increased costs for municipal court cases. While reviewing these provisions for compliance, City staff discovered other changes that need to be amended in City Code to better comply with state law, reduce duplicative and potentially contradicting provisions of City Code and add provisions of the City Code relating to Municipal Court powers, costs, fees and procedures.

BUDGETARY IMPACT:

Item #15

Three provisions of the proposed ordinance have a budgetary impact. First, increased court costs. Although court costs

are to be increased by \$10, this amount is a “pass through” to persons convicted of crimes and should have little, if any, effect on the court’s budget. Second, increasing the warrant from the current \$5.00 to \$25.00 will increase General Fund revenue and should ultimately help defer costs for warrant processing. Third, increased witness fees. This will increase the court’s expenditures, but by a projected increase amount of less than \$1000 per year.

SOURCE OF FUNDING:

Persons convicted of crimes in court and the court’s budget.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to court costs and fees, search warrants, arrest procedures, and sentencing procedures, repealing City of Topeka Code §§ 50-47, 50-49 and 50-50, amending City of Topeka Code §§ 50-26, 50-41, 50-54, 50-60, 50-64, 50-99, and 50-101, and repealing said original sections.

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

Section 1. Topeka City Code § 50-26, Court costs and fees, is hereby amended to read as follows:

Court costs and fees.

The following costs and fees shall be charged in the municipal court:

(1) ~~Costs per case:~~ Unless otherwise prohibited by City ordinance or Kansas law, persons who plead no contest, plead guilty, or who are convicted shall be assessed costs for the administration of justice in any municipal court case, including:

a. Each case, except as described in ~~\$38.00~~ \$61.00

subsection b without regard to the
number of counts.

b. Each criminal misdemeanor case ~~\$105.00~~ \$128.00

equivalent to an A or B
misdemeanor as defined by state
law or a misdemeanor defined by City ordinance

c. ~~Each continuance requested by~~ \$5.00

- 29 ~~defendant~~
- 30 d. ~~Failure to appear~~ ~~\$10.00~~
- 31 (2) For mileage, subpoena and witness costs for defense witnesses:
- 32 a. Per day or any part thereof for an ~~\$2.50~~ 5.00
- 33 appearance
- 34 b. Plus, per mile actually driven over Reimbursement
- 35 ten (10) miles consistent with Internal
- 36 Revenue Service allowed
- 37 rate.
- 38 (3) For mileage driven by a law Reimbursement
- 39 enforcement officer to serve a consistent with Internal
- 40 subpoena or warrant or to transport Revenue Service allowed
- 41 a person arrested or detained in the rate.
- 42 state under a warrant issued by the
- 43 municipal court, per mile actually
- 44 driven over ten (10) miles outside the
- 45 city limits
- 46 (4) For each warrant issued \$25.00
- 47 (5) ~~For each commitment warrant~~ ~~\$25.00~~
- 48 ~~issued for failure to pay a fine or~~
- 49 ~~abide by a sentence of the court.~~
- 50 (6) State mandated fees:

- a. Judicial branch education fund
(K.S.A. 12-4116 and
amendments thereto): Each
case, without regard to the
number of counts, shall be
assessed an amount fixed by
order of the state supreme
court. Funds collected pursuant
to this assessment shall be
distributed as required by state
law.
- b. Local law enforcement ~~training~~
~~center funds~~, ~~local law~~
~~enforcement reimbursement~~
~~fund~~, ~~juvenile detention facilities~~
~~fund~~, ~~protection from abuse~~
~~fund~~, ~~and crime victims~~
~~assistance fund~~ (as required by
state law): Each case, without
regard to the number of counts,
charging a criminal or public
offense or charging an offense

defined as a moving traffic
offense pursuant to state law
shall be assessed an amount
fixed by state law. Funds
collected shall be distributed as
required by state law.

e. ~~Domestic violence shelter shall
be assessed an amount fixed
pursuant to state law. Funds
collected shall be distributed as
required by state law~~

(76) Crime Prevention Fund. \$3.50

(7) Except as provided herein, the judge or clerk of the municipal court shall
remit at least monthly the appropriate assessments received pursuant to this section as
required by state law, supreme court order or City of Topeka ordinance.

(8) For the purpose of determining the amounts to be assessed according to
this section, if more than one (1) complaint is filed against one (1) individual arising out
of the same incident, all such complaints shall be considered as one (1) case.

Section 2. Topeka City Code § 50-41, Municipal judge; powers and duties,
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 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 ~~S~~supreme ~~C~~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 3. Topeka City Code § 50-47, Costs, is hereby specifically repealed:

~~Costs.~~

~~Persons who plead no contest, plead guilty, or who are convicted shall be assessed costs for the administration of justice in any municipal court case, including, but not limited to: witness fees and mileage as set forth in K.S.A. 12-4411, and amendments thereto; the assessments required by K.S.A. 1998 Supp. 20-1a11 for the Judicial Branch Education Fund; the assessment required by K.S.A. 1998 Supp. 12-~~

~~4117 and amendments thereto for the Law Enforcement Training Center Fund established pursuant to K.S.A. 74-5619 and amendments thereto; the Local Law Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620; the Juvenile Detention Facilities Fund as provided in K.S.A. 1998 Supp. 12-4117 and amendments thereto; and for the assessment required by K.S.A. 1998 Supp. 12-16, 119, and amendments thereto, for the detention facility processing fee.~~

Section 4. Topeka City Code § 50-49, Judicial branch education fund; assessments against municipal cases, is hereby specifically repealed.

~~Judicial branch education fund; assessments against municipal cases.~~

~~In each case filed in municipal court where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to exceed \$1.00 shall be assessed for the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto. Except as provided herein, the judge or clerk of the municipal court shall remit at least monthly all assessments received pursuant to this section to the state treasurer for deposit in the state treasury to the credit of the judicial branch education fund. If the amount of assessments collected in a month are less than \$250.00, the municipal court may delay remitting its assessments until a month in which the cumulative amount of assessments collected equals or exceeds \$250.00. If the cumulative amount of assessments collected never equals or exceeds \$250.00 for the year, the amount of assessments collected and on hand on December 31 of the year shall be remitted to the state treasurer. The specific amount of the assessment shall be fixed by order of the~~

~~supreme court. For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. For the purpose of this section, parking violations shall not be considered as cases.~~

Section 5. Topeka City Code § 50-50, Municipal Court assessments, is hereby specifically repealed.

~~Municipal court assessments.~~

~~(a) In each case filed in municipal court charging a criminal or public offense or charging an offense defined to be a moving violation by rules and regulations adopted pursuant to K.S.A. 8-249 and amendments thereto, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in the amount of \$10.50 shall be assessed and such assessment shall be credited as follows:~~

~~One dollar to the Local Law Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620 and amendments thereto, \$2.00 to the Law Enforcement Training Center Fund established pursuant to K.S.A. 74-5619 and amendments thereto, \$2.00 to the Juvenile Detention Facilities Fund established pursuant to K.S.A. 79-4803 and amendments thereto to be expended for operational costs of facilities for the detention of juveniles, \$0.50 to the Protection from Abuse Fund established pursuant to K.S.A. 74-7325 and amendments thereto, \$0.50 to the Crime Victims Assistance Fund established pursuant to K.S.A. 74-7334 and amendments thereto, and \$1.00 to the Trauma Fund established pursuant to K.S.A. 1999 Supp. 75-~~

~~5670, and amendments thereto, and \$3.50 to the Crime Prevention Fund established pursuant to City of Topeka Code [section] 2-231.~~

~~(b) The judge or clerk of the municipal court shall remit at least monthly the appropriate assessments received pursuant to this section to the city treasurer for deposit in the Crime Prevention Fund or to the state treasurer for deposit in the state treasury to the credit of the Local Law Enforcement Training Reimbursement Fund, the Law Enforcement Training Center Fund, the Juvenile Detention Facilities Fund, the Crime Victims Assistance Fund and the Trauma Fund, as provided in this section.~~

~~(c) For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.~~

Section 6. Topeka City Code § 50-54, Same; how used; issuance of warrant; refusal to issue; effect, is hereby amended to read as follows:

Same; how used; issuance of warrant; refusal to issue; effect.

A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer, the city attorney, an assistant city attorney, an animal control officer, or a fire department employee with authority to enforce the uniform fire code, upon the accused person, and forthwith, the complaint shall be filed with the municipal court, except that a complaint may be filed initially with the municipal court, and if so filed, a copy of the complaint shall forthwith be delivered to the city attorney. ~~The city attorney shall cause a notice to appear to be issued, unless he or she~~

~~has good reason to believe that the accused person will not appear in response to a notice to appear, in which case the city attorney may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the municipal judge has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance, (b) the accused person committed such violation and (c) the accused person will not appear in response to a notice to appear.~~

If a city attorney fails either to cause a notice to appear or to request a warrant to be issued, on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with him or her alleging the violation of an ordinance, order the city attorney to institute proceedings against any person. Any such municipal judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the municipal judge pro tem appointed by the municipal judge to preside therein.

Section 7. Topeka City Code § 50-60, Warrants; when issued; limitations, is hereby amended to read as follows:

Warrants; when issued; limitations.

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~~

223 ~~shall issue unless the complaint giving rise to its issuance is supported by~~
224 ~~oath or affirmation.~~

225 (a) The city attorney shall cause a notice to appear to be issued, except that,
226 if requested by the city attorney, a warrant for the accused shall be issued if the
227 municipal judge finds from the complaint, or from an affidavit or affidavits filed with the
228 complaint or from other evidence that there is probable cause to believe both that a
229 crime has been committed and that the defendant has committed such crime.

230 (b) More than one (1) warrant or notice to appear may be issued on the same
231 complaint.

232 (c) If a defendant fails to appear in response to a notice to appear, a warrant
233 shall be issued.

234 (d) Affidavits or sworn testimony in support of the probable cause
235 requirements of this section shall not be made available for examination without a
236 written order of the municipal judge, except that such affidavits or testimony, when
237 requested, shall be made available to the defendant or the defendant's counsel.

238 (e) No warrant shall issue for an ordinance traffic infraction or an ordinance
239 cigarette or tobacco infraction unless the person charged has received service of a
240 notice to appear and has failed to appear for the infraction.

241 Section 8. Topeka City Code § 50-64, Persons under arrest; procedures; right
242 to post bond; release on personal recognizance, is hereby amended to read as follows:

243 **Persons under arrest; procedures; right to post bond; release on personal**
244 **recognizance.**

(a) Any person arrested by a law enforcement officer shall be taken immediately by the law enforcement officer to the police station of the city or the office in the city designated by the municipal judge. At that time, the person shall have the right to post bond for the person's appearance, in accordance with Topeka City Code section § 50-66 and section § 50-67, and amendments thereto except as hereinafter provided. ~~However, if the law enforcement officer has probable cause to believe that such person may cause injury to oneself or others, or damage to property, and there is no responsible person or institution to which the person might be released, the person shall remain in the protective custody of the law enforcement officer, in a city or county jail for a period not to exceed six hours, at which time such person shall be given an opportunity to post bond for the person's appearance. While so held in protective custody, the person shall be permitted to consult with counsel or other persons on the person's behalf. Any person who does not make bond for the person's appearance shall be placed in the city or county jail, to remain there until the person makes bond for the person's appearance, or appears before the municipal court at the earliest practical time, except that the person shall be released on the person's personal recognizance to appear at a later date if the person has not made bond, has not appeared before the municipal court within 18 hours after arrest and if no warrant has been issued for the person's arrest.~~

(b) A law enforcement officer may detain a person arrested for violation of a municipal ordinance in protective custody for a period not to exceed six (6) hours, including custody in a city or county jail, if such officer has probable cause to believe

that: (1) Such person may cause injury to oneself or others, or damage to property; and
(2) There is no responsible person or institution to which such person might be released. Any person so held in protective custody shall be permitted to consult with counsel or other persons who may act on such person's behalf. Such person held in protective custody for six (6) hours shall be given an opportunity to post bond for such person's appearance in the municipal court at the end of six (6) hours or sooner if a responsible person or institution presents to take defendant.

(c) Any person held in custody pursuant to the provisions of this section, and who has not made bond for such person's appearance, may be held in custody until the earliest practical time for such person's appearance in municipal court if a warrant is issued by the municipal court in accordance with Topeka City Code § 50-60, and amendments thereto.

(d) Any person who remains in custody for forty-eight (48) hours pursuant to the provisions of this section after arrest, and who is awaiting a first appearance before a municipal judge in the absence of a warrant being issued, shall be released on the person's personal recognizance. Bond shall be set within eighteen (18) hours of the person being placed in custody.

Section 9. Topeka City Code § 50-99, Sentence; possible disposition, is hereby amended to read as follows:

Sentence; possible disposition.

(a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

(1) Release the person without imposition of sentence;

(2) Release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); ~~or~~

(3) Impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; or

(4) Order the person to make reparation or restitution to the aggrieved party or other for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court.

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under twenty-one (21) years of age, an ordinance prohibiting an act prohibited by the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or

K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or K.S.A. 1998 Supp. 8-1599, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

(d) If the person is eighteen (18) or more years of age but less than twenty-one (21) years of age and is convicted of a violation of ~~K.S.A. 41-727~~, or section § 10-55 of the Code of the City of Topeka (1994), as amended, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

(e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:

- (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
- (2) Avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
- (3) Report to the probation officer as directed;
- (4) Permit the probation officer to visit the defendant at home or elsewhere;
- (5) Work faithfully at suitable employment insofar as possible;

- 332 (6) Remain within the state unless the court grants permission to leave;
- 333 (7) Pay a fine or costs, applicable to the ordinance violation, in one or
- 334 several sums and in the manner as directed by the court;
- 335 (8) Support the defendant's dependents;
- 336 (9) Reside in a residential facility located in the community and
- 337 participate in educational counseling, work and other correctional or
- 338 rehabilitative programs;
- 339 (10) Perform community or public service work for local governmental
- 340 agencies, private corporations organized not for profit, or charitable
- 341 or social service organizations performing services for the
- 342 community;
- 343 (11) Perform services under a system of day fines whereby the
- 344 defendant is required to satisfy fines, costs or reparation or
- 345 restitution obligations by performing services for a period of days
- 346 determined by the court on the basis of ability to pay, standard of
- 347 living, support obligations and other factors;
- 348 (12) Make reparation or restitution to the aggrieved party for the damage
- 349 or loss caused by the defendant's crime, in an amount and manner
- 350 determined by the court and to the person specified by the court; or
- 351 (13) Reimburse the city, in accordance with any order made under
- 352 subsection (f), for all or a part of the reasonable expenditures by

the city to provide counsel and other defense services to the defendant.

(f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Section 10. Topeka City Code § 50-101, Parole, is hereby amended to read as follows:

Parole.

Except as otherwise provided by law, the municipal judge may parole any person confined to jail as a result of a conviction of a violation of a city ordinance. The judge may set such conditions and restrictions as ~~he or she~~ the judge sees fit to impose for a

term of parole not exceeding ~~one year~~ two (2) years and may at any time discharge such person for good cause shown. The term of parole ordered by the court is subject to renewal and extension for additional periods not exceeding an additional two (2) years for any misdemeanor case upon the municipal court's finding that the defendant has not yet successfully completed the conditions imposed therein within the original term of such parole.

After notice and hearing, the municipal judge may ~~terminate~~ revoke such parole for violation of conditions by directing the proper authority to execute the sentence and again confine the accused person to jail for the time specified by the court, which shall not exceed the initial jail sentence imposed, less the time served.

Section 11. That original City of Topeka Code §§ 50-26, 50-41, 50-47, 50-49, 50-50, 50-54, 50-60, 50-64, 50-99, and 50-101 are hereby specifically repealed.

Section 12. 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 _____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Brett Blackburn **DOCUMENT #:**

SECOND PARTY/SUBJECT: Police Department **PROJECT #:**
Equipment Fund

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

ACTION OF COUNCIL: First Reading - Deferred **JOURNAL #:**
one week 8/22/06 Deferred
until after a work session
9/5/06

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Brett Blackburn amending City of Topeka Code Section 2-336 by establishing a police department equipment fund. **Final Reading.** *(Deferred until after a work session from the meeting of September 5, 2006)*

(The fund would provide a depository for monies to be used for police department equipment purchases.

POLICY ISSUE:

Whether or not the City Council should adopt a policy wherein a police department equipment fund shall be established.

STAFF RECOMMENDATION:

BACKGROUND:

This fund provides a depository for monies to be used for police department equipment purchases. Expenditures from this fund shall be approved by resolution adopted by the City Council. The expenditures from this fund shall only be used to offset planned equipment acquisitions for the police department, i.e., expenditures shall not be used to enhance equipment for the police department, but shall primarily be used to replace existing equipment.

BUDGETARY IMPACT:

Municipal Court reported 26,288 guilty pleas to the Office of Judicial Administration for the time period of July 1, 2005 – June 30, 2006. If that number is multiplied by the \$5 proposed Police Equipment Fee then \$131,440 would have been assessed during that time period (if the \$5 Police Equipment Fee were in effect then). Currently Municipal Court estimates its in-house collections to be approximately 70% of assessed fines and fees. There are many outside influences to consider such as cases filed, other departmental policies and economic factors that may impact the future number of disposed cases.

Item #16

SOURCE OF FUNDING:

Monies from the City's general fund, municipal court fees, or funds from any other source legally available for such purpose may be credited to this special fund.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Brett Blackburn amending City of Topeka Code § 2-336 by establishing a police department equipment fund.

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

Section 1. That City of Topeka Code § 2-336, Reserved, is hereby amended by the addition of the following language:

Police Department equipment fund.

a. There is hereby created a police department equipment fund. The fund is established for the purpose of providing a depository for monies to be used for police department equipment purchases.

b. Monies from the City's general fund, municipal court fees, or funds from any other source legally available for such purpose may be credited to this special fund.

c. Expenditures from this fund shall be approved by resolution adopted by the City Council. The expenditures from this fund shall only be used to off set planned equipment acquisitions for the police department, i.e. expenditures shall not be used to enhance equipment for the police department, but shall primarily be used to replace existing equipment.

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 _____.

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

August 14, 2006

+ Back Print

DATE: September 26, 2006
CONTACT PERSON: Richard Harmon **DOCUMENT #:**
SECOND PARTY/SUBJECT: River Hill Project **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: 08/08/06 Tabled for 60 Days **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION approving the Declaration of Improvement Covenants and Restrictions (Agreement) and authorizing the City Manager to execute the Agreement on behalf of the City. *(Tabled for 60 days from the meeting of August 8, 2006)*

(This Agreement would provide a means for the City to seek reimbursement of the costs of the River Hill public improvement project from the current or subsequent property owners benefitting from the project. The agreement would be implemented in the event the tax increment or payments, in lieu of taxes, do not fully pay for the G.O. bonds financing it.)

POLICY ISSUE:

Whether to permit G.O. bonded projects to provide for public improvements to be repaid from expected increased property taxes instead of a special improvement district.

STAFF RECOMMENDATION:

None

BACKGROUND:

This agreement provides a means for the City to recapture the costs of the \$6.2 million dollar of public infrastructure improvements for the River Hill Project if the costs have not been recaptured by the increased property tax and payments in lieu of tax during the initial 12 year recovery period.

BUDGETARY IMPACT:

None for this Agreement.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[River Hill](#)

Item #17

DECLARATION OF IMPROVEMENT COVENANTS AND RESTRICTIONS

THIS DECLARATION and dedication is made this ____ day of _____, 2006, by The Menninger Foundation, a Kansas not-for-profit corporation; River Ridge Estates, L.L.C., a Kansas limited liability company; River Ridge, L.L.C., a Kansas limited liability company; Redbrick Road, L.L.C., a Kansas limited liability company; 21st Century Clock Tower Properties, L.L.C., a Kansas limited liability company; and 21st Century Power, L.L.C., a Kansas limited liability company (collectively, the Declarants), as the owners of the real estate described on Exhibit A attached hereto and incorporated herein (the Submitted Land), in consideration of the agreement of the City of Topeka (the City) to include certain street and utility improvements on the Submitted Land in its capital improvement plan for construction in 2007 through 2008 (the Improvements), as more specifically described, including cost estimates therefor, in Exhibit B attached hereto and made a part hereof, which will provide for the construction and improvement of certain roads for access to the Submitted Land, and certain necessary utilities which will benefit the Declarants and subsequent owners or users of the Submitted Land.

DO HEREBY DECLARE AND FILE OF RECORD the covenants hereinafter set forth which are to be binding upon the Declarants and those persons and entities subsequently taking title to all or any portion of the Submitted Land.

WHEREAS, the City has adopted a plan for utilization and development of the Submitted Land, as set out in PUD No. 04/07, filed of record with the Shawnee County Register of Deeds August 18, 2005, at Book 41, Page 35; and

WHEREAS, the Improvements to the Submitted Land are to be funded by the City through the issuance of General Obligation Bonds (the Bonds) in an amount sufficient to pay the cost of construction of the Improvements; and

WHEREAS, the costs of the Improvements have been undertaken by the City based upon the assumption that the increase in the real property tax revenues generated by the development and use of the Submitted Land by one or more taxable entities for taxable purposes will result in an increase in the real property tax generated by the Submitted Land in amounts sufficient to recover the anticipated cost of the Improvements over a period of twelve (12) years after completion of the Improvements (the Recovery Period), as illustrated in the Projection of Real Property Ad Valorem Tax Revenues set out in Exhibit C attached hereto and made a part hereof.

NOW, THEREFORE, for and in consideration of the enhanced access to and utility of the Submitted Land occasioned by the Improvements to be made by the City, Declarants and each person or entity purchasing or otherwise acquiring title to all or any portion of the Submitted Land (the Purchasers) shall be bound by the following covenants (the Improvement Covenants) during the Recovery Period, and the Special Service Fee Period, pursuant to subsection C, below, if applicable. All of the Submitted Land shall be held, transferred, sold, conveyed and occupied subject to the Improvement Covenants which shall run with the Submitted Land and shall be binding upon Declarants and all Purchasers (collectively, the Owners) having or acquiring the use, or any right, title or interest in the Submitted Land, or any part thereof during the Recovery Period, and the Special Service Fee Period, pursuant to subsection C, below, if applicable.

A. No Owner of the Submitted Land or any portion of the Submitted Land shall request or pursue any real property tax abatement from the City or the Board of County Commissioners of Shawnee County for all or any portion of the Submitted Land during the Recovery Period.

B. In the event any Owner qualified to seek a real property tax exemption from the State of Kansas (Exempt Purchaser) intends a use for any part of the Submitted Land which would qualify for real property ad valorem tax exemption, that Exempt Purchaser shall make annual payments for the Improvements to the City in lieu of such real property taxes in an amount equal to the ad valorem real property tax due the City which would apply to the portion of the Submitted Land owned by the Exempt Purchaser but for such exemption during the Recovery Period. The amount of the payment in lieu of ad valorem property tax shall be the then current City mill levee applied to the then current value of the Submitted Land determined by Shawnee County appraiser. Exempt Purchaser may make other arrangements acceptable to the City for the payment in an amount equal to the Exempt Purchaser's allocable share of the City's portion of the real property ad valorem tax amounts necessary to allow recovery of the costs of the Improvements.

C. If at the end of the Recovery Period less than one hundred percent (100%) of the costs of the Improvements have been recovered through increased real property taxes paid on the Submitted Land (including payments in lieu of such taxes for Improvements made by Exempt Purchasers), all Owners of the Submitted Land or any portion of thereof agree that all Submitted Lands shall be included in a Special Municipal Service Area. All parcels of the Submitted Lands

shall have a Special Service Fee imposed which fee shall be payable by the Owners of the Submitted Land sufficient to complete the recovery of the cost of the Improvements over a ten (10) year period. (Special Service Fee Period). The Special Service Fee shall be in an amount equal to the unrecovered cost of the Improvements and allocated on a square footage basis of the Submitted Land. In the event the Owner of a parcel does not pay the amount due within ninety (90) days of the invoice, the Special Service Fee shall be assessed against the parcel of the Submitted Land and shall constitute a lien against the real property, for the benefit of the City. Those persons or entities subject to the provisions of this Declaration and all persons taking through or from them shall have no right to and are hereby estopped from asserting any opposition to the establishment of such Special Municipal Service Area and are also hereby estopped from asserting any objection to the payment of such Special Service Fee and the assessment of a lien against the real property.

D. General Provisions

1. Amendment. The covenants of this Declaration shall run with and bind the Submitted Land subject to this Declaration, and shall inure to the benefit of and be enforceable by the City, and the Owners of any portion of the Submitted Land, their respective legal representatives, heirs, successors and assigns for the Recovery Period and one (1) additional year. The Owners of seventy-five percent (75%) in area of the Submitted Land and the City by agreement may amend this Declaration in whole or in part; provided, however, that no amendment shall be effective unless made and recorded one (1) year in advance of the effective date of such amendment.

2. Enforcement. Enforcement of the Improvement Covenants shall be by a proceeding at law or in equity by the Owners of the Submitted Land or any of them or the City against any person or persons violating or attempting to violate any provision or covenant either to restrain violation or to recover damages and against the land to enforce any lien created by these covenants. The failure by the Owners or the City to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In any court proceeding to enforce the Improvement Covenants, the party or parties against whom judgment is entered shall also pay the reasonable attorney fees and costs incurred by the other party(ies).

3. Grammar. The singular wherever used herein shall be construed to mean the plural when applicable, and the necessary grammatical changes required to make the provisions hereof apply to corporations or individuals, men or women, shall in all cases be assumed as though in each case fully expressed.

4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions, which shall remain in full force and effect.

5. No Third Party Beneficiaries. The parties to this Declaration do not intend for any third party to obtain a right by virtue of this Declaration.

E. Notices. All notices which are required or which may be given pursuant to the terms of this Agreement shall be in writing and shall be sufficient in all respects if given in writing and delivered personally or by registered or certified mail, return receipt requested, or by a comparable commercial delivery system, and notice shall be deemed to be given on the date hand delivered or on the date deposited with the United States Postal Service, or with a comparable commercial delivery system, with postage or other delivery charges thereon prepaid, addressed as follows:

If to The Menninger Foundation:
2801 Gessner Drive
Houston, TX 77080
Attn: John McKelvey, President

If to River Ridge Estates, L.L.C.
627 Southwest Topeka Boulevard
Topeka, KS 66603
Attn: L. J. Leatherman, Manager

If to River Ridge, L.L.C.:
5820 SW Sixth Avenue, Suite 400
Topeka, KS 66606
Attn: Theron Sims, Manager

If to 21st Century Power, L.L.C.
5820 SW Sixth Avenue, Suite 400
Topeka, KS 66606
Attn: Theron Sims, President

If to Redbrick Road, L.L.C.:
5820 SW Sixth Avenue, Suite 400
Topeka, KS 66606
Attn: Theron Sims, President

If to City of Topeka:
City Clerk
215 SE 7th Street, Rm 166
Topeka, KS 66603
With copy to: City Attorney
215 SE 7th Street, Rm 353
Topeka, KS 66603

If to 21st Century Clock Tower Properties, L.L.C.
2900 SW Wanamaker Dr.
Topeka, KS 66614
Attn: V. Russell Petty III, Manager

F. Law to Control. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Kansas.

IN WITNESS whereof, the above and foregoing Improvement Covenants have been executed by the undersigned Declarants and the City of Topeka and this Declaration of Improvement Covenants and Restrictions shall be filed of record with the Register of Deeds of Shawnee County and shall be deemed covenants running with the land, binding and enforceable upon and against any and all persons or entities purchasing or otherwise taking any interest in or to the Submitted Land or any portion thereof for the Recovery Period and one (1) additional year.

CITY OF TOPEKA

Norton N. Bonaparte, Jr., City Manager

ATTEST:

Iris Walker, City Clerk

STATE OF KANSAS)
)ss:
SHAWNEE COUNTY)

BE IT REMEMBERED, that on this ____ day of _____, 2006, before me a Notary Public in and for the County and State aforesaid, personally appeared Norton N. Bonaparte, Jr., City Manager, and Iris E. Walker, City Clerk, to me personally known, being by me duly sworn, did say that they are the officers of the City of Topeka, the Municipality that executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed, sealed and delivered in the name and on behalf of said Municipality and they acknowledge said instrument to be the free and voluntary act and deed of said Municipality.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed my notarial seal the day and year last above mentioned.

Notary Public

My Commission Expires: _____

THE MENNINGER FOUNDATION

John McKelvey, President

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came John McKelvey, President of The Menninger Foundation, who is personally known to me to be the same person who executed the foregoing Declaration of Improvement Covenants and Restrictions, and said President duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

21st CENTURY POWER, L.L.C.

Theron Sims, President

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Theron Sims, President of 21st Century Power, L.L.C., who is personally known to me to be the same person who executed the foregoing Declaration of Improvement Covenants and Restrictions, and said Manager duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

RIVER RIDGE ESTATES, L.L.C.

L. J. Leatherman, Manager

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came L. J. Leatherman, Manager of River Ridge Estates, L.L.C., who is personally known to me to be the

same person who executed the foregoing Declaration of Improvement Covenants and Restrictions, and said Manager duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

REDBRICK ROAD, L.L.C.

Theron Sims, President

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Theron Sims, President of Redbrick Road, L.L.C., who is personally known to me to be the same person who executed the foregoing Declaration of Improvement Covenants and Restrictions, and said President duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

RIVER RIDGE, L.L.C.

Theron Sims, Manager

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Theron Sims, Manager of River Ridge, L.L.C., who is personally known to me to be the same person who executed the foregoing Declaration of Improvement Covenants and Restrictions, and said Manager duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

21ST CENTURY CLOCK TOWER PROPERTIES, L.L.C.

V. Russell Petty, III, Manager

STATE OF KANSAS)
) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came V. Russell Petty, III, Manager of 21st Century Clock Tower Properties, L.L.C., who is personally known to me to be the same person who executed the foregoing Declaration of Improvement Covenants

and Restrictions, and said Manager duly acknowledged the execution of the same as the act of said Corporation and that it was executed as his free act and deed.

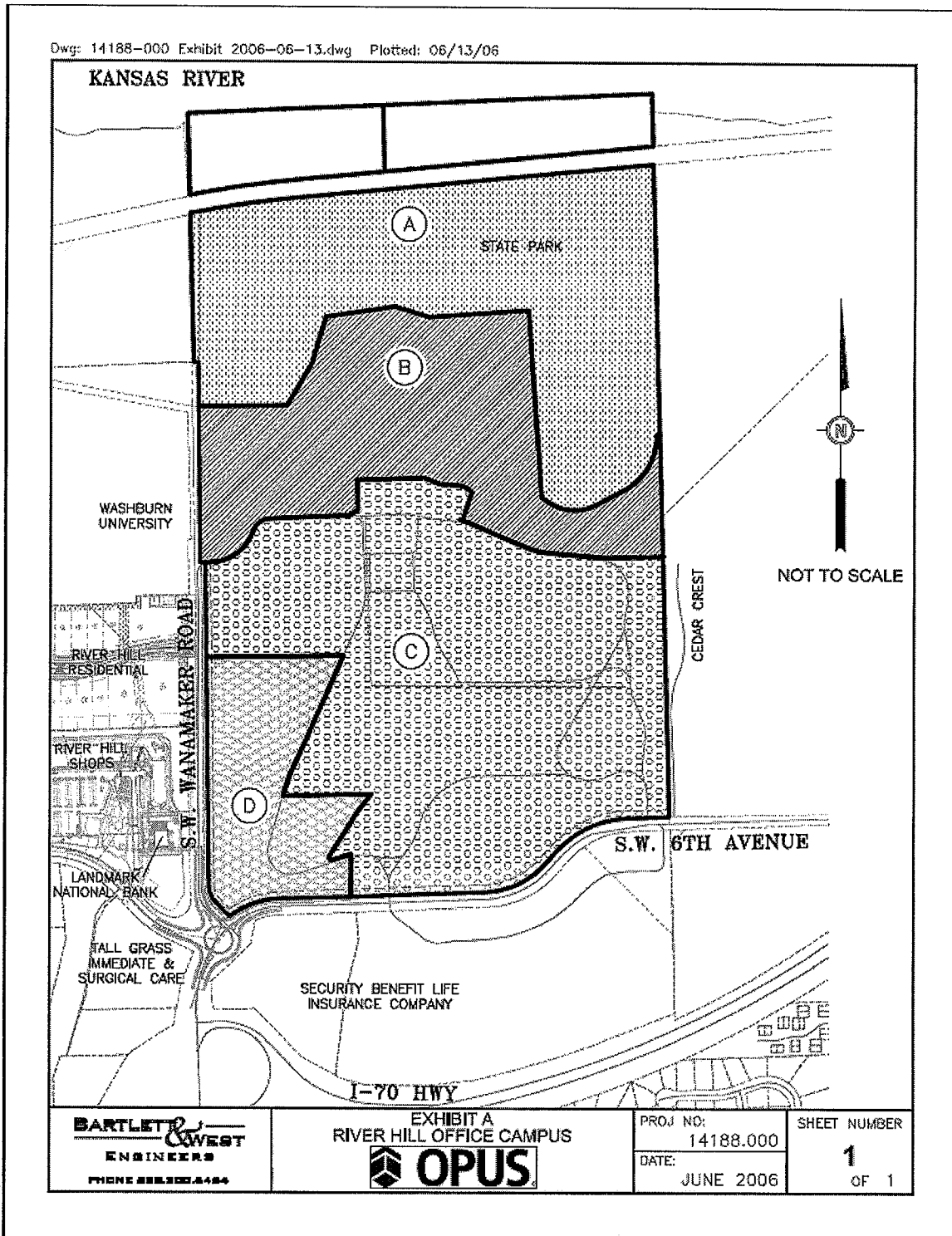
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My Appointment Expires: _____

A140432:7-7-2006

EXHIBIT A



Note: Tracts B, C, and D constitute "Declarant Property".

Exhibit B

PROJECT BUDGET

Project No. 60629-00

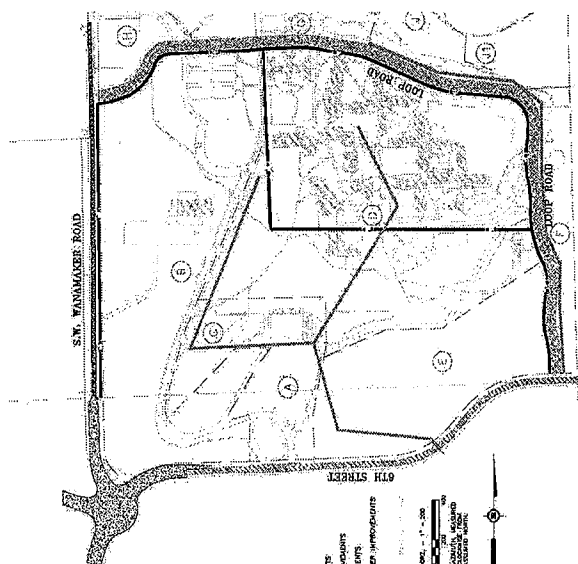
River Hill

LOCATION:

Old Menninger Campus northeast of S.W. 6th Street and Wanamaker Road.

DESCRIPTION OF PROJECT:

Improve S.W. 6th Street from Wanamaker Road east approximately 3000 feet; improve Wanamaker Road from S.W. 6th Street north approximately 2,800 feet; construct a public street from S.W. 6th Street at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of S.W. 6th Street; construct water lines and sewer mains to serve the development -- all on public right-of-way or easements.

**SOURCE OF FUNDS:**

General Obligation Bonds or any other lawfully available funds to be repaid by increased property taxes.

COST ESTIMATE:

	City of Topeka	Other Funding Source	Total
Construction:	\$4,120,000.00	\$0.00	\$4,120,000.00
Design (includes Geotechnical)	\$331,200.00	\$0.00	\$331,200.00
Construction Service Fees:			
Construction Admin/Inspection	\$412,000.00	\$0.00	\$412,000.00
Construction Staking	\$206,000.00	\$0.00	\$206,000.00
Administrative Fees:			
Engineering Admin. Fees (2%)	\$82,400.00	\$0.00	\$82,400.00
Legal Admin. Fees (3%)	\$123,600.00	\$0.00	\$123,600.00
Cost of Bond Issuance	\$0.00	\$0.00	\$0.00
Debt Reserve Fund (10%)	\$0.00	\$0.00	\$0.00
Cost of Issuance (2%)	\$121,569.00	\$0.00	\$121,569.00
Roundabout Improvements	\$225,000.00	\$0.00	\$225,000.00
Contingency Amount:	\$127,977.00	\$0.00	\$127,977.00
Interim Interest	\$450,254.00	\$0.00	\$450,254.00
Total:	\$6,200,000.00	\$0.00	\$6,200,000.00

PUBLIC HEARING:**PROJECT AUTHORITY:**

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

PROJECT ENGINEER:

Shawn P. Brun



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 14, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Richard Harmon **DOCUMENT #:**

SECOND PARTY/SUBJECT: River Hill Development **PROJECT #:** 60629-00

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

CIP PROJECT: No

ACTION OF COUNCIL: 08/08/06 First **JOURNAL #:**
Reading/Tabled for 60
Days

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE and A PROJECT BUDGET in the amount of \$6,200,000 introduced by Councilmember Richard Harmon, authorizing Improvement Project No. 60629-00 which provides for certain public improvements for the River Hill Project including improvement of 6th Street from Wanamaker Road east approximately 3,000 feet; the improvement of Wanamaker Road from 6th Street north approximately 2,800 feet; construction of a public street from 6th Street, at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of 6th Street; construction of water lines and sewer mains to service the development - all on public right-of-way or easements, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District 9) (Tabled for 60 days from the meeting of August 8, 2006)

(The River Hill project is located in the old Menninger Campus northeast of SW 6th Street and Wanamaker Road.)

POLICY ISSUE:

Whether or not to approve the project for \$6,200,000.00 to be paid by General Obligation Bonds or any other lawfully available funds.

STAFF RECOMMENDATION:

BACKGROUND:

This project will provide for street improvement, construction of a public street, construction of water lines and sewer mains to serve the development, and all other appurtenances for a completed project.

BUDGETARY IMPACT:

\$6,200,000.00

SOURCE OF FUNDING:

General Obligation Bonds or any other lawfully available funds.

Item #18

ATTACHMENTS:

[Ordinance](#)

[Project Budget](#)

[Map](#)

[Payout Calculations](#)

[Debt Calculator](#)

PROJECT:

Interest rate	5.50%
Number of Years	10

Cost of Issuance	0.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$5,732,513</u>
Plus Temp Note Interest (partial 2 years)	<u>\$467,487</u>
Subtotal	\$6,200,000
Plus Cost of Issuance	<u>\$0</u>
Total	\$6,200,000

Annual Debt Service	\$822,540
Annual Debt Service as Percent of Total	13.3%

Total Debt Service (principal and interest)	\$8,225,402
---	-------------

Difference Project Cost and Total Debt Service	\$2,492,889
--	-------------

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	\$12,706,424
---	--------------

Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$7,945,555</u>
---	--------------------

Total Indebtedness	<u><u>\$189,844,348</u></u>
--------------------	-----------------------------

Plus Project	\$196,044,348
--------------	---------------

* 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

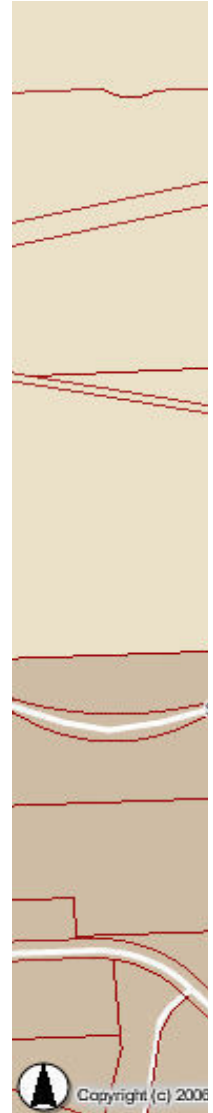
[illegible]

Tract		1	2	3	4
		2009	2010	2011	2012
1,2,3,5	\$	13,000,000	\$ 53,000,000	\$ 53,000,000	\$ 53,000,000
4	\$	2,500,000	\$ 3,500,000	\$ 4,500,000	\$ 5,500,000
6	\$	500,000	\$ 500,000	\$ 500,000	\$ 500,000
7	\$	13,000,000	\$ 13,000,000	\$ 13,000,000	\$ 25,000,000
8					
Total Valuation	\$	29,000,000	\$ 70,000,000	\$ 71,000,000	\$ 84,000,000

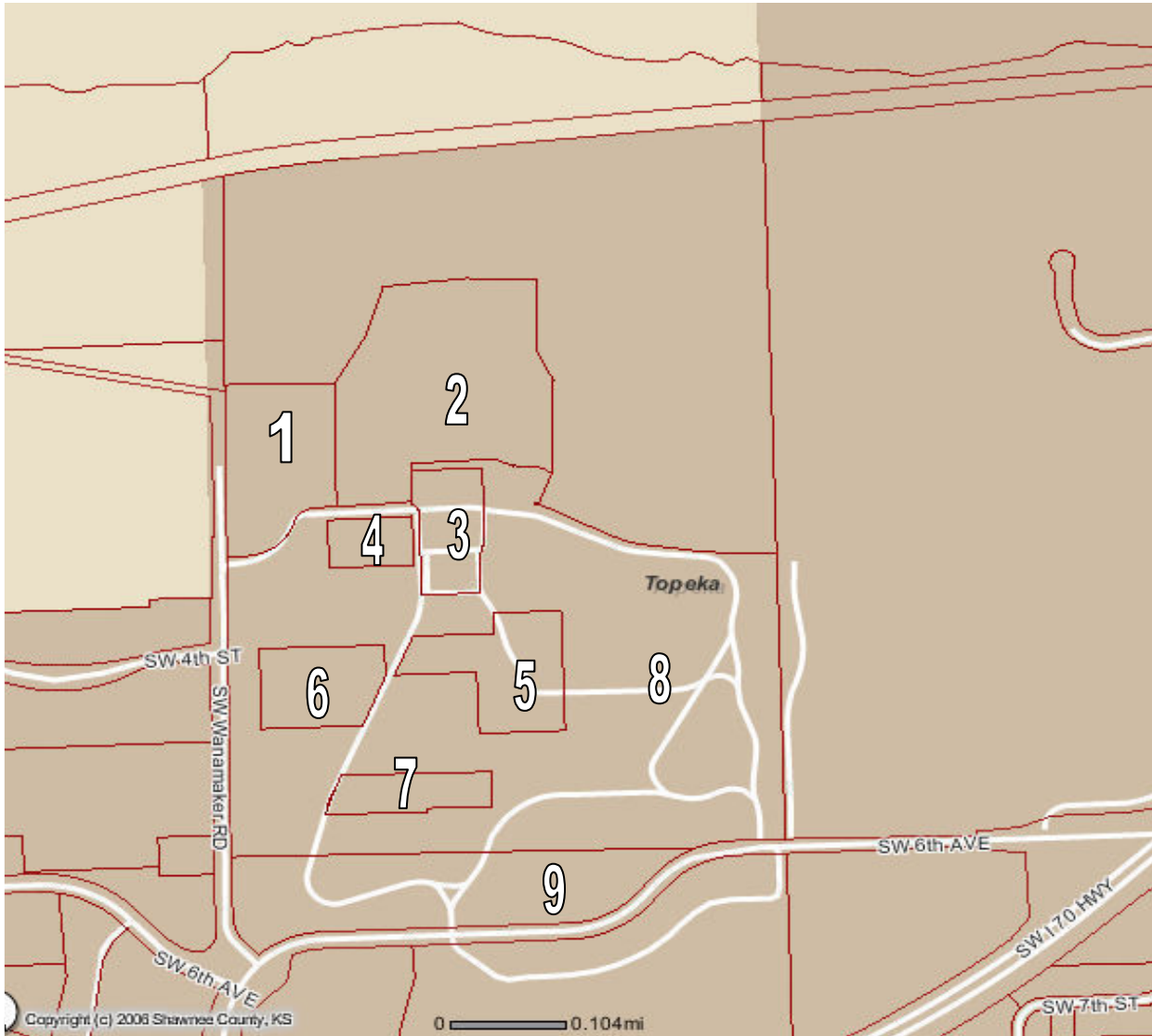
Valuation Inflation Factor 1.02

Current Valuations

Parcel	Appraised Value	Assessed %	Assessed Value
1	\$ 419,500	25%	\$ 104,875
2	\$ 1,680	30%	\$ 504
3	\$ 398,510	12%	\$ 47,821
4	\$ 214,010	12%	\$ 25,681
5	\$ 482,000	25%	\$ 120,500
6	\$ 468,760	12%	\$ 56,251
7	\$ 306,010	12%	\$ 36,721
8	\$ 5,738,340	12%	\$ 688,601
9	\$ 747,050	12%	\$ 89,646
Total	\$ 8,775,860		\$ 1,170,601



	5	6	7	8	9
	2013	2014	2015	2016	2017
\$	83,000,000	\$ 83,000,000	\$ 113,000,000	\$ 113,000,000	\$ 113,000,000
\$	6,500,000	\$ 7,500,000	\$ 8,500,000	\$ 9,500,000	\$ 10,500,000
\$	500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
\$	25,000,000	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000
\$	115,000,000	\$ 116,000,000	\$ 147,000,000	\$ 148,000,000	\$ 149,000,000



	10		11		12		13		14
	2018		2019		2020		2021		2022
\$	113,000,000	\$	-	\$	-	\$	-	\$	-
\$	11,500,000	\$	11,730,000	\$	11,964,600	\$	12,203,892	\$	12,447,970
\$	500,000	\$	-	\$	-	\$	-	\$	-
\$	25,000,000	\$	25,500,000	\$	26,010,000	\$	26,530,200	\$	27,060,804
\$	150,000,000	\$	37,230,000	\$	37,974,600	\$	38,734,092	\$	39,508,774

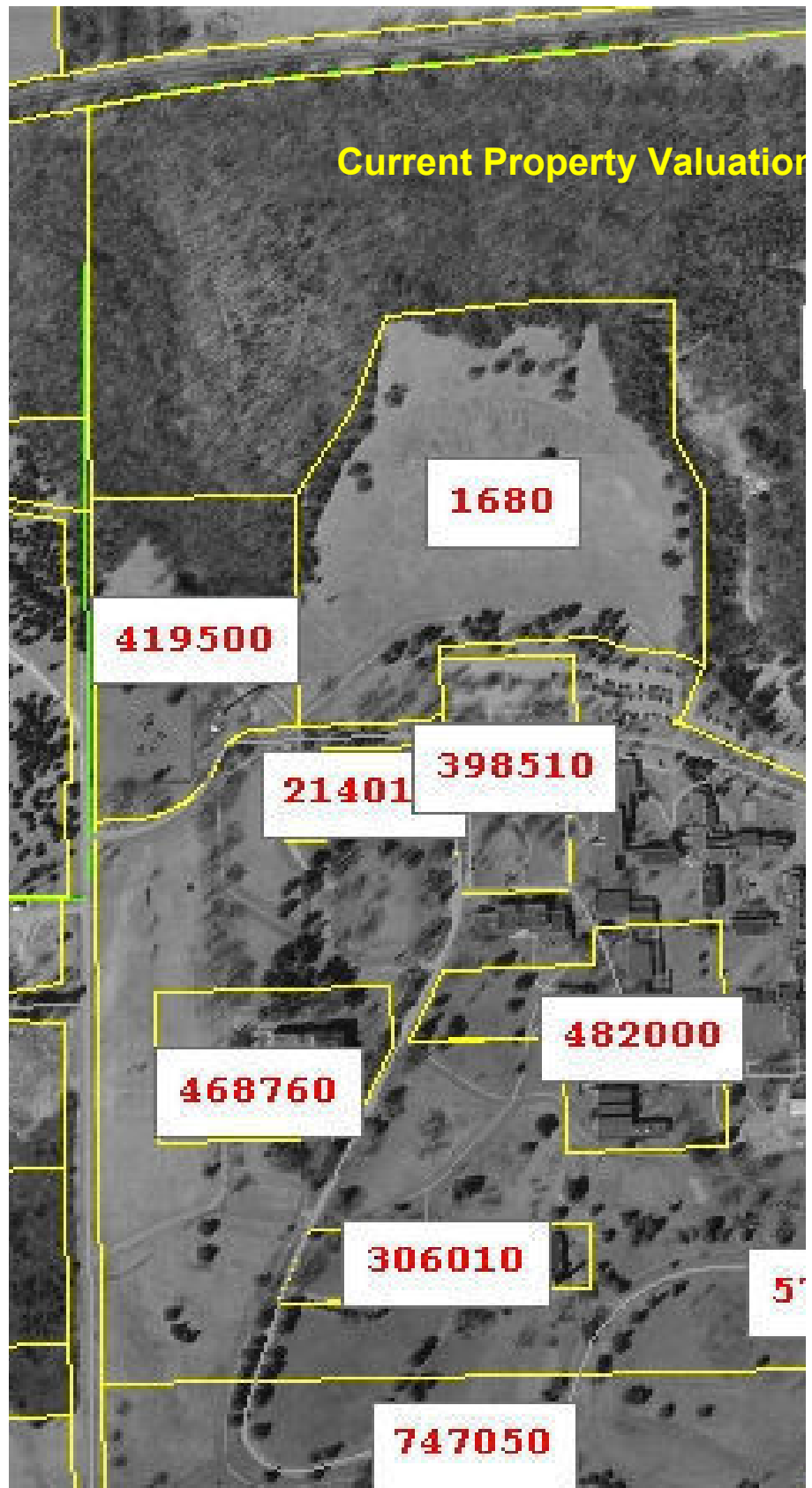
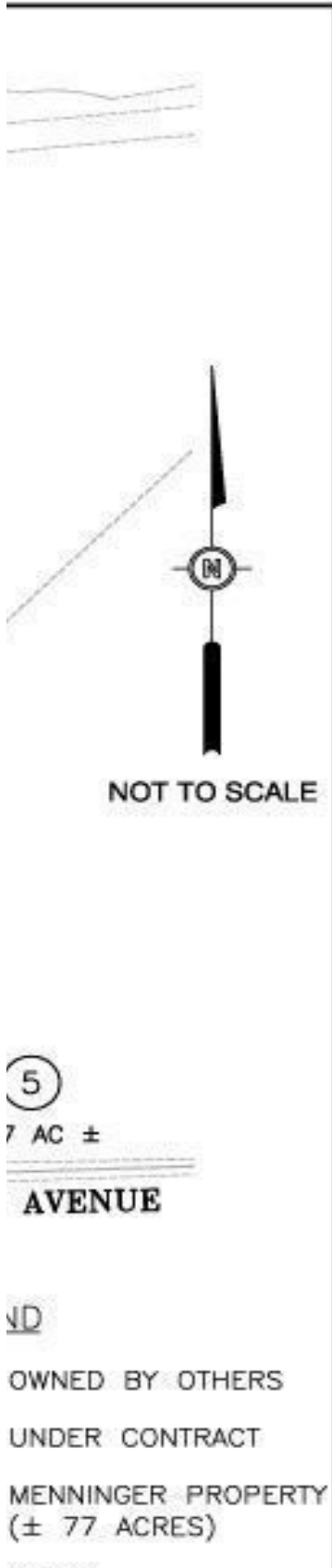


	15
	2023
\$	-
\$	12,696,929
\$	-
\$	27,602,020
\$	40,298,949

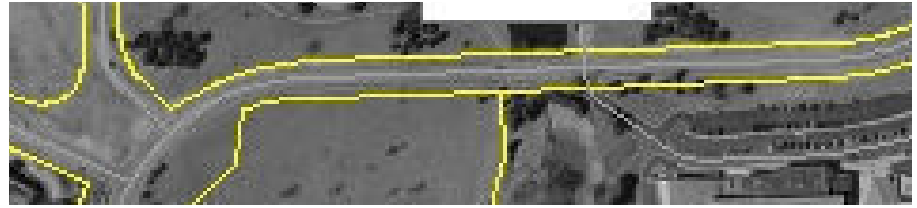
Dwg: 14188-006 C01 Exhibit 2006-02-06.dwg Plotted: 02/07/06



		 = KDWP
BARTLETT & WEST ENGINEERS PHONE 888.200.6464	EXHIBIT A RIVER HILL OFFICE CAMPUS  OPUS	PROJ NO: 14188.006
		DATE: FEBRUARY 2006



KDWP	
188.006	SHEET NUMBER
Y 2006	1
	OF 1





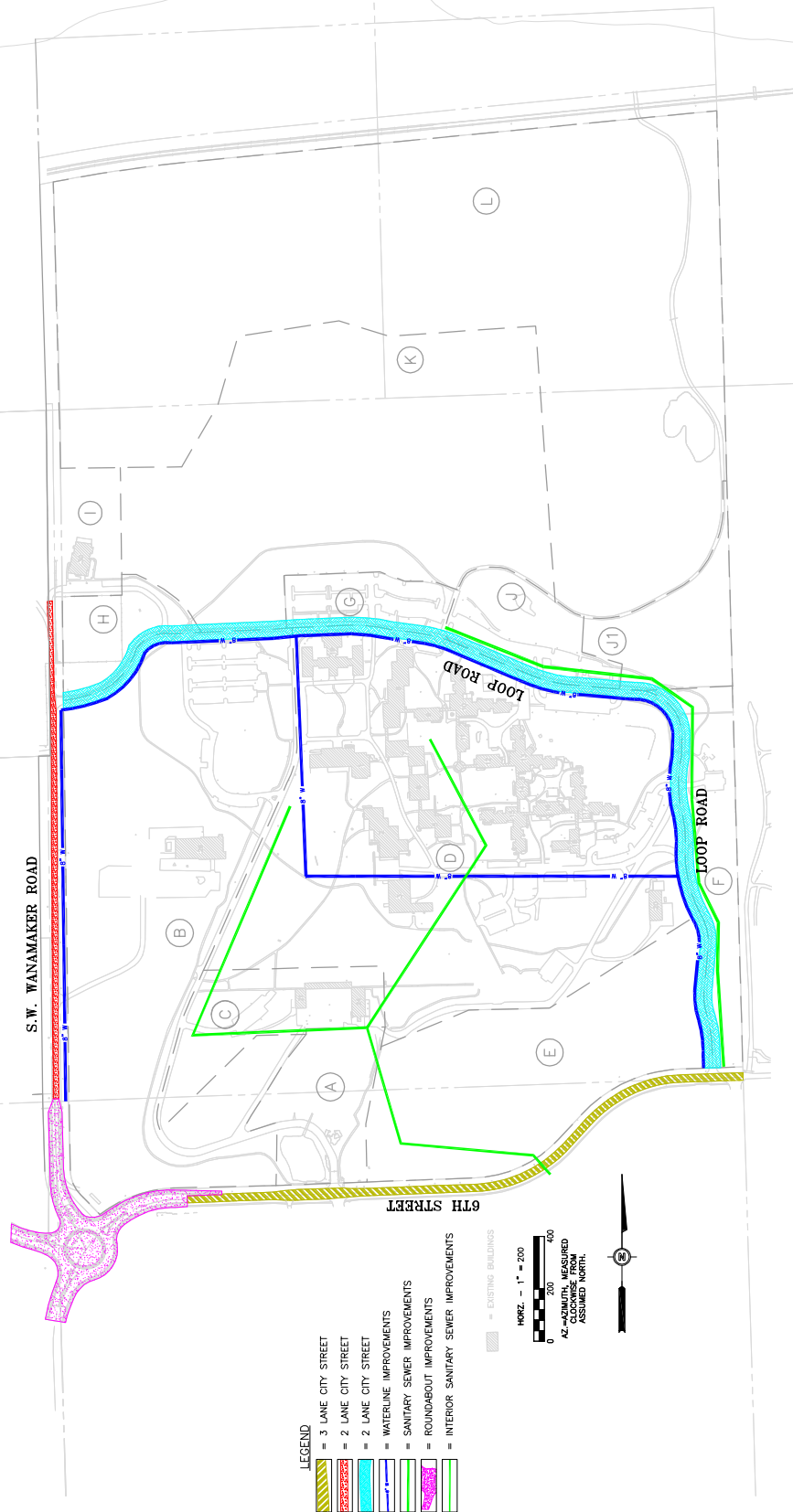


A MASTER PLANNED UNIT DEVELOPMENT FOR : RIVER HILL OFFICE CAMPUS

BARTLETT & WEST
ENGINEERS
1000 E. UNIVERSITY AVENUE, SUITE 100
TOPEKA, KANSAS 66606
TEL: 781-333-1111 FAX: 781-333-1112
WWW.BARTLETTWEST.COM

RIVER HILL OFFICE CAMPUS
INFRASTRUCTURE IMPROVEMENTS
TOPEKA, KANSAS

DESIGNED BY:	JOL
DRAWN BY:	MS
CHECKED BY:	MS
APPROVED BY:	MS
PROJECT NO.:	14108-006
DATE:	DEC. 6, 2005
SCALE:	1" = 200'
SHEET NO.:	1 of 1



PROJECT BUDGET

Project No. 60629-00

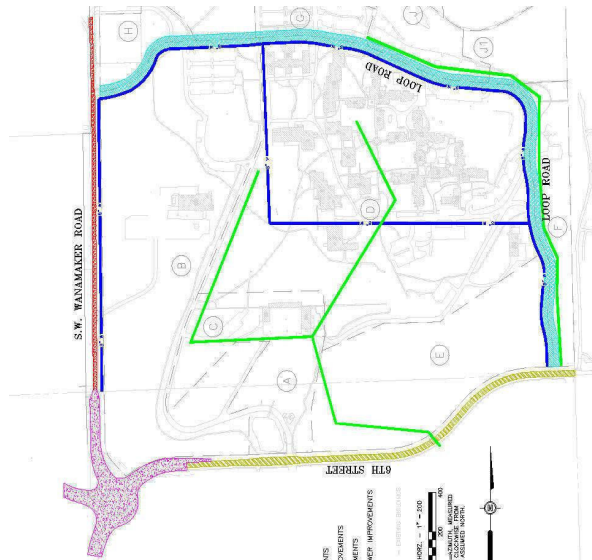
River Hill

LOCATION:

Old Menninger Campus northeast of S.W. 6th Street and Wanamaker Road.

DESCRIPTION OF PROJECT:

Improve S.W. 6th Street from Wanamaker Road east approximately 3000 feet; improve Wanamaker Road from S.W. 6th Street north approximately 2,800 feet; construct a public street from S.W. 6th Street at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of S.W. 6th Street; construct water lines and sewer mains to serve the development -- all on public right-of-way or easements.



SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds to be repaid by increased property taxes.

COST ESTIMATE:

	City of Topeka	Other Funding Source	Total
Construction:	\$4,120,000.00	\$0.00	\$4,120,000.00
Design (includes Geotechnical)	\$331,200.00	\$0.00	\$331,200.00
Construction Service Fees:			
<i>Construction Admin/Inspection</i>	\$412,000.00	\$0.00	\$412,000.00
<i>Construction Staking</i>	\$206,000.00	\$0.00	\$206,000.00
Administrative Fees:			
<i>Engineering Admin. Fees (2%)</i>	\$82,400.00	\$0.00	\$82,400.00
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<i>Debt Reserve Fund (10%)</i>	\$0.00	\$0.00	\$0.00
<i>Cost of Issuance (2%)</i>	\$121,569.00	\$0.00	\$121,569.00
Roundabout Improvements	\$225,000.00	\$0.00	\$225,000.00
Contingency Amount:	\$127,977.00	\$0.00	\$127,977.00
Interim Interest	\$450,254.00	\$0.00	\$450,254.00
Total:	\$6,200,000.00	\$0.00	\$6,200,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER:

Shawn P. Bruns

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Richard Harmon, authorizing Improvement Project No. 60629-00 which provides for certain public improvements for the River Hill Project including improvement of 6th Street from Wanamaker Road east approximately 3,000 feet; the improvement of Wanamaker Road from 6th Street north approximately 2,800 feet; construction of a public street from 6th Street, at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of 6th Street; construction of water lines and sewer mains to serve the development – all on public right-of-way or easements, 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 certain public improvements for the River Hill Project including improvement of 6th Street from Wanamaker Road east approximately 3,000 feet; the improvement of Wanamaker Road from 6th Street north approximately 2,800 feet; construction of a public street from 6th Street, at a point approximately 2,800 feet east of Wanamaker Road northerly, then westerly to Wanamaker Road at a point approximately 2,000 feet north of 6th Street; the construction of water lines and sewer mains to serve the development – all on public right-of-way or easements and all other appurtenances for a completed project.

B. TOTAL PROJECT BUDGET COST:

\$6,200,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds or 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 _____

ATTEST:

William W. Buntin, Mayor

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 14, 2006

+ Back Print

DATE:	September 26, 2006	
CONTACT PERSON:	Jim Langford	DOCUMENT #:
SECOND PARTY/SUBJECT:	River Hill Project	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	08/08/06 Tabled for 60 Days.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the 2006-2007 Capital Improvement Budget. *(Tabled for 60 days from the meeting of August 8, 2006)*

(The resolution would add the River Hill Project to year 2006 of the 2006-2007 Capital Improvement Budget)

POLICY ISSUE:

Whether to amend the Capital Improvement Budget (CIB) by adding the \$6.2 million River Hill Project.

STAFF RECOMMENDATION:

If the project budget and ordinance for the River Hill project are approved by the City Council, the CIB should be amended.

BACKGROUND:

A project budget and ordinance for the River Hill Project is on the Council agenda for August 8, 2006.

BUDGETARY IMPACT:

Adding the River Hill project would increase General Obligation Bond project financing in the 2006 CIB by \$6.2 million, from \$17.0 million to \$23.2 million.

SOURCE OF FUNDING:

The project is financed with General Obligation Bonds.

ATTACHMENTS:

[Amended 2006-2007 CIB for River Hill Project Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2006-2007 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7713.

WHEREAS, a 2006-2007 Capital Budget has been prepared and recommended to the Mayor; and

WHEREAS, the Mayor has considered the 2006-2007 Capital Budget and recommends approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby approves and adopts the 2006-2007 Capital Budget consisting of the following improvement projects and funding source as contained on Attachment "A," attached hereto.

The City Council shall not authorize any other capital improvement projects for the 2006-2007 period without rescinding this Resolution and adopting a new resolution. All proposed changes shall be accompanied by a fiscal analysis demonstrating the financial implications and the ability of the City to fund such projects.

Implementation of the projects contained in the 2006-2007 Capital Budget shall be approved by applicable ordinance or resolution as required by law. This Resolution shall be rescinded and a new resolution adopted when the project budget exceeds the amount identified.

THEREFORE, BE IT RESOLVED, this Resolution shall become effective upon passage and approval by the City Council.

THEREFORE, BE IT FURTHER RESOLVED, that City of Topeka Resolution No. 7713 is hereby rescinded.

26 ADOPTED and APPROVED by City Council _____.

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William W. Bunten, Mayor

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33 ATTEST:

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Iris E. Walker, City Clerk

2006 - 2010 Capital Improvement Budget	Adopted 2006	Adopted 2007	Other Source	Other Contrib.
---	-----------------	-----------------	-----------------	-------------------

Enterprise Funded Projects

Public Works/Water Pollution Control Fund				-
Sewer Service Extension	1,000,000	1,000,000		-
Inflow/Infiltration correction Prg.	700,000	700,000		-
SKRPS Study--South Kansas Pump Station	1,000,000	-		-
SKRPS Project	-	3,500,000		-
Rehab/Replace Adams Interceptor	1,500,000	4,500,000		-
Curtis Interceptor Sewer Rehab	1,500,000	-		-
Soldier Creek Interceptor	100,000	900,000		-
Grant/Jefferson Pump Station Rehab	200,000	1,800,000		-
Rehab Oakland Plant Phase 3	-	1,032,110	SRF Loan	-
Subtotal Water Pollution Control	6,000,000	13,432,110		

* SKRPS Study is a combination of the following projects: 1) South Kansas Pump Station; 2) Potwin Pump Station; 3) New Kansas River Forced Main

Public Works/Stormwater Fund				
Retrofit/New Storm Sewer System	2,000,000	2,000,000		-
Source Water Protection "Wanamaker Wetlands"	300,000	-		
Subtotal Stormwater	2,300,000	2,000,000		

Public Works/Water Fund				
Routine Mains, Valves, Etc.	300,000	300,000		-
Main Replacement Program	1,200,000	1,200,000	RB-Water	-
Topeka Blvd. Bridge over Kansas River	1,628,600	-		-
Fairlawn Booster St-New West Pump	1,258,000	-		-
21st from Oakley to Gage, S to Shunga	3,475,200	-		-
12th St from Western to Monroe	1,543,000	-		-
45th St from Topeka to California	1,028,200	-		-
W. Elevated Tank on Indian Hills Rd	-	4,538,500		-
Burlingame, 49th to 57th, E to Tpk Blvd	-	3,306,800		-
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	-	933,790		-
Portage Route - Water Treatment Plant	-	250,000		-
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,132,200	-		-
HWY 75 from Westgate Bridge to Furman a	2,235,700	-		-
Warehouse - Water Treatment Plt	1,000,000	-		-
17th & Belle Improvement	120,000	-		-
Subtotal Water	14,920,900	10,529,090		

Sub-Total Enterprise Fund	23,220,900	25,961,200		
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2006 - 2010 Capital Improvement Budget	Adopted 2006	Adopted 2007	Other Source	Other Contrib.
---	-----------------	-----------------	-----------------	-------------------

General Improvement Fund Projects

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	200,000		-
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Fire Department

Fleet Replacement Vehicles	-	1,185,600		
Lease Pmt. on Breathing Apparati	100,000	100,000		

Zoo

Zoo Infrastructure	-	50,000		
--------------------	---	--------	--	--

City Wide Projects (except utilities)

Rehabilitation and Repair for City Hall	-	200,000		-
ERP Purchase Payment	-	700,000		
PW-Sidewalk Repair 50-50	-	100,000	Assessments	100,000

Sub-Total General Improvement Fund	300,000	2,535,600		
---	----------------	------------------	--	--

Capital Improvements Fund Transfer Projects

Police -Fleet Replacement	800,000	-		
Police -Thermal Imaging Camera	220,000	-		
PW -Infrastructure Revitalization/Curb & Gutter Replacement	751,579	-		
PW -Sidewalk Repair 50-50	100,000	-	Assessments	100,000
City Hall/Holiday/LEC -Major Maintenance	235,000	-		

Sub-Total CIP Fund	2,106,579	-		
---------------------------	------------------	----------	--	--

Other Revenue Funded Projects

Public Works/Transportation

Topeka Blvd. Bridge/Half-Cent Sales tax	26,415,000	-	Federal	16,825,000
---	------------	---	---------	------------

Zoo

African Canid Exhibit	-	120,000	FOTZ	120,000
African Primate/Bird Exhibit	-	150,000	FOTZ	150,000
Wild Bird Pond Renovation	-	50,000	FOTZ	50,000

Sub-Total Other Revenue	26,415,000	320,000		
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2006 - 2010 Capital Improvement Budget	Adopted 2006	Adopted 2007	Other Source	Other Contrib.
---	-----------------	-----------------	-----------------	-------------------

GO Bonded Projects

Fire Department

Fleet Replacement Vehicles	868,400	-		-
Refurbish Training Tower	291,200	-		
Rehab and Repair Station #5	1,337,776	-		
Remodel Fire Admin Building*	-	141,533		-
Subtotal	2,497,376	141,533		
Fire Department Annual Target	750,000	750,000		
Difference Target to Subtotal	(1,747,376)	608,467		
Running Total	(1,747,376)	(1,138,909)		

Police Department

Helicopter	-	530,000		
Subtotal	-	530,000		
Police Department Annual Target	250,000	250,000		
Difference Target to Subtotal	250,000	(280,000)		
Running Total	250,000	(30,000)		

Neighborhoods/Citywide

Washburn-Lane TIF District	1,500,000	-		-
Citywide Neighborhood Infrastructure	600,000	600,000		
Heartland Park Improvements	2,500,000	-	Any available	??
Heartland Park STAR Bonds	-	-	STAR Bond	10,000,000
Neighborhood Infrastructure	1,400,000	1,400,000		-
Subtotal	6,000,000	2,000,000		
Neighborhood /Citywide Annual Target	2,500,000	2,500,000		
Difference Target to Subtotal	(3,500,000)	500,000		
Running Total	(3,500,000)	(3,000,000)		

Signals

STP Safety Projects	73,000	75,000	FHWA Safety	1,575,000
Signals Replacement	580,000	600,000		-
Traffic Controller Upgrade	102,400	102,400		-
Subtotal	755,400	777,400		
Signals Annual Target	825,000	825,000		
Difference Target to Subtotal	69,600	47,600		
Running Total	69,600	117,200		

2006 - 2010 Capital Improvement Budget	Adopted 2006	Adopted 2007	Other Source	Other Contrib.
Streets				
ADA Street Curb Repair	500,000	500,000		-
MacVicar-I-70 to 6th St.	1,931,690	-	Fed, State & Assessment	3,447,378
Bridge W. 10th St.-W. of Wanamaker**	106,428	-	FHWA STP	251,572
California: SE 21st to SE 29th	340,000	-		-
E 6th - Golden to Market	1,297,090	-		
California: 29th to 33rd	360,000	1,692,100	FHWA STP	1,075,000
SW 29th Street and Fairlawn Rd	120,000	1,285,500	KDOT	500,000
Lower Silver Lake Rd over UP Railroad	-	580,240	KDOT Grade Separation	4,195,000
California: 37th to 41st	210,000	150,000	FHWA STP	1,075,000
California: 33rd to 37th	-	215,000	FHWA STP	1,075,000
River Hill Project	6,200,000	-		-
Subtotal	11,065,208	4,422,840		
Streets Annual Target	3,750,000	3,750,000		
Difference Target to Subtotal	(7,315,208)	(672,840)		
Running Total	(7,315,208)	(7,988,048)		
Bridges				
Bridge E. 10th St.-over Shunga	170,000	459,960	FHWA STP	1,839,840
Topeka Blvd. Over Soldier Cutoff	113,600	15,000	FHWA STP	1,136,000
E 10th St. Bridge over Deer Creek	-	88,000	FHWA STP	581,400
Subtotal	283,600	562,960		
Bridges Annual Target	300,000	300,000		
Difference Target to Subtotal	16,400	(262,960)		
Running Total	16,400	(246,560)		
Parks & Recreation				
Trail Development	100,000	100,000		-
Playground Equipment	100,000	100,000		-
Resurface Parks & CC Parking Lots	300,000	-		-
Dornwood Park Restrooms	108,150	-		-
Special Services - Creative Play Reno.	165,000	-		-
Central Park Center Lower Roof Replace.	212,200	-		-
Gage Park Rose Garden Pond & Pillars	255,000	-		-
Garfield Center HVAC*	105,300	-		-
Ward-Meade Botanical Garden ADA Imp.	212,000	-		-
Crestview Park Shelter ADA Renovation	225,000	-		-
Central Park Center ADA Renovation	-	886,800		-
ADA Upgrades in Various Parks	160,000	-		-
Ball Field Fence Renovations	160,000	-		-
Abbott Center Addition	-	825,000		-

2006 - 2010 Capital Improvement Budget	Adopted 2006	Adopted 2007	Other Source	Other Contrib.
Resurfacing Park Lots Various Parks	-	437,000		
Park Restrooms - Gage and Oakland	-	212,200		-
Subtotal	2,102,650	2,561,000		
Parks & Recreation Target	1,750,000	1,750,000		
Difference Target to Subtotal	(352,650)	(811,000)		
Running Total	(352,650)	(1,163,650)		
Zoo				
Animal Health Ctr Expansion	215,625	-	FOTZ	71,875
Tropical Rain Forest Roof	300,000	-	-	-
Subtotal	515,625	-		
Zoo Target	150,000	150,000		
Difference Target to Subtotal	(365,625)	150,000		
Running Total	(365,625)	(215,625)		
Subtotal GO Bond Projects	23,219,859	10,995,733		
Contingency				
TOTAL GO Bond PROJECTS	23,219,859	10,995,733		
Total Annual Target	10,275,000	10,275,000		
Difference Target to Subtotal	(12,944,859)	(720,733)		
Running Total	(12,944,859)	(13,665,592)		
Total Capital Budget	75,262,338	39,812,533		

** All or portion of these projects to be financed through Energy Conservation Bonds*



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

+ Back Print

DATE:	September 26, 2006	
CONTACT PERSON:	Ken Benjamin	DOCUMENT #:
SECOND PARTY/SUBJECT:	Development Services/Planning Department Employees, Local 1294	PROJECT #:
CATEGORY/SUBCATEGORY	007 Contracts and Amendments/019 Purchase of Land	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Approve contract amendment	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN AGREEMENT between the City of Topeka and Development Services Division/Planning Department, AFSCME Local 1294, amending Contract No. 36431 (2007 wage re-opener).

POLICY ISSUE:

Cost of living allowances; steps; performance related incentives.

STAFF RECOMMENDATION:

Approve agreement.

BACKGROUND:

Contract No. 36431, Article 16, Section 2, contains a re-opener clause stating that 2007 wages would be negotiated in 2006.

BUDGETARY IMPACT:

2.5% salary adjustments to 16 person bargaining unit; step increase for those eligible (4); and performance related bonuses totaling an estimated \$5,000 overall.

SOURCE OF FUNDING:

Respective division and department budgets.

ATTACHMENTS:

[Agreement](#)

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT

CITY OF TOPEKA CONTRACT NO. 36431

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 Topeka City Employees Development Services Division/Planning Department, Local 1294, Missouri/Kansas State Council 72, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, hereinafter referred to as the “Union.”

WHEREAS the Employer and the Union have previously entered into City of Topeka Contract No. 36431, dated June 7, 2006, which provides for the employment relationship between the Employer and the Union;

WHEREAS Article 16, Section 2, of that document contains a re-opener clause stipulating that wages for the calendar year 2007 shall be negotiated in 2006;

WHEREAS the parties have, from June 19 to August 17, 2006, negotiated in good faith to reach a meeting of the minds on what those salary schedules should be, with the substance of the ultimate agreement having been proposed by the Employer on July 12, 2006, based on the best budgetary advice and direction available at that time;

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 education and training was discovered; and

WHEREAS the Employer and the Union also wish to correct that inadvertence,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO AMEND THE PROVISIONS OF CITY OF TOPEKA CONTRACT NO. 36431 AS FOLLOWS:

1. **ARTICLE 15, EMPLOYEE BENEFITS, Section 13. Employee**

Development shall be amended as follows:

On page 78, lines 6 through 8, delete the sentence “Training opportunities will be made available to all bargaining unit employees and will be subject to budgetary constraints.” such that the subsection will be left to read:

E. Annual continuing education shall be provided to all bargaining unit employees in their primary and secondary disciplines.

2. **ARTICLE 16, WAGES, Section 2. Wage Schedule for 2005, 2006 and**

2007 shall be amended as follows:

On page 81, at the end of the paragraph, add the following new paragraph:

“Bargaining unit members who are not step-eligible but receive an overall appraisal rating of “Meets Expectations” on their 2006 annual performance evaluation shall, with the first pay period following that January 2007 event, be paid a one-time lump sum bonus of Two Hundred Fifty Dollars (\$250.00). In the alternative, all bargaining unit members, regardless of step entitlement, who receive an evaluation of “Exceeds Expectations” shall be paid a one-time lump sum bonus of Five Hundred Dollars (\$500.00), also with the first pay period following the January 2007 rating.”

Between pages 85 and 86, insert the following two pay matrixes, numbered 85-A and 85-B:

2007 WAGE SCHEDULE

(2.5 % schedule adjustment with step movement in 2007)

Job Classification	Levels	Entry (A)	12Mth (B)	12Mth (C)	12Mth (D)
Building Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Cert. & Plan Review Certified)	21.89	21.63	21.86	
	V	22.51			
Plumbing Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Cert. & Masters License)	21.89	21.63	21.86	
	V	22.51			
Mechanical Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Certified & Masters License)	21.89	21.63	21.86	
	V	22.51			
Electrical Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Cert. & Masters License)	21.89	21.63	21.86	
	V	22.51			

2007 WAGE SCHEDULE

(2.5 % schedule adjustment with step movement in 2007)

(Continued)

Job Classification	Levels	Entry (A)	12Mth (B)	12Mth (C)	12Mth (D)
Cross Connection Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Certified & Masters Plumbing License)	21.89	21.63	21.86	
	V	22.51			
Zoning Inspector	I (Non-Certified)	15.81			
	II (Certified)	16.59	17.31	18.23	
	III (3 YRS Certified)	19.15	19.90	20.81	
	IV (6 YRS Certified & AACE Code Enforcement Administrator)	21.89	21.63	21.86	
Plan Reviewer	I (Non-Certified)	19.51			
	II (Certified Plan Review)	20.31	21.04	21.89	
	III (3 YRS Certified)	22.68	23.49	24.30	
	IV (6 YRS Certified)	25.10	25.90	26.71	
	V	27.50			

3. All other terms and conditions of City of Topeka Contract No. 36431 not amended herein shall remain in full force and effect.

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

Doris Branham
AFSCME Union Representative

Ken Benjamin
Labor Relations Director

Craig Thornburg
Team Member

Dave Lundry
Manager, Field Services

Ed Alford
Team Member

Howard Uhl
Manager, Permit Section

Dave Streit
Team Member

Miriam Berke
Manager, Development Services

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

September 26, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Linda Wood **DOCUMENT #:**

SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
Authorization, Week Ended
September 24, 2006

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period September 18, 2006, through September 24, 2006, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

An Ordinance introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period September 18, 2006, through September 24, 2006, and enumerating said expenditures therein.

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 September 18, 2006, through September 24, 2006, in the amount of \$423,197.63

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended September 24, 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 September 18, 2006, through September 24, 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 96 vendor checks written in this period	\$340,517.03
	Total vendor checks voided in this period (net)	-0-
	Total electronic transfers to vendors in this period	82,440.29
	Total net payroll to employees this period	240.31
	Total payroll related electronic transfers this period	<u>-0-</u>
	Total for expenditures in this period	<u>\$423,197.63</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

October 4, 2006

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DATE: September 26, 2006

CONTACT PERSON: Bill Fiander/David Thurbon **DOCUMENT #:** N/A

SECOND PARTY/SUBJECT: Gaylene Epke **PROJECT #:** SNC06/1

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 130 Streets, Sidewalks, Public Places, and Other

CIP PROJECT: No

ACTION OF COUNCIL: 09/26/06 First Reading. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive in Bines Addition to SE Bines Way and SE Elmo Drive. Final Reading. (SNC06/1)(Council District No. 5) Deferred from the meeting of October 3, 2006)

(Approval would correct the directional street prefix that was recorded incorrectly on the plat of Bines Addition.)

POLICY ISSUE:

Consistency with street naming procedures.

STAFF RECOMMENDATION:

Approval of the ordinance.

BACKGROUND:

Approval would correct the directional street prefix on Bines Addition recorded September 28, 2005.

BUDGETARY IMPACT:

No additional signs will be created. Signs were originally created with the SE designation, but were replaced with the SW designation as shown on the plat of Bines Addition.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance - City of Topeka \(SNC06/1\) Street Name Change](#)
[map](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive to SE Bines Way and SE Elmo Drive both located in Bines Addition. **(SNC06/1) (Council District No. 9)**

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

Section 1. The official name of SW Bines Way and SW Elmo Drive, streets within the City of Topeka, Kansas are hereby changed to SE Bines Way and SE Elmo Drive. Provided, that this ordinance shall not be construed to alter the dimensions of said street nor the set-back requirements provided in other ordinances of the City of Topeka.

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 Council of the City of Topeka, _____, 2006.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified _____
Not To Be Codified X

Proposed Street Name Changes

SW Bines Way and SW Elmo Drive TO SE Bines Way and SE Elmo Drive





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Bill Fiander **DOCUMENT #:**

SECOND PARTY/SUBJECT: CFS Partnership and KU Endowment Association **PROJECT #:** Z06/30

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

ACTION OF COUNCIL: 10/03/06 First Reading. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District. **Final Reading.** (Z06/30) (Council District No. 8) (The Planning Commission recommended approval by a vote of 6-0-2) (The Planning Department recommended that the request be disapproved.)

(Approval would allow the property to be developed for limited commercial uses.)

POLICY ISSUE:

The applicant's original request for "C-2" Commercial District is **inconsistent** with the land use principles of the Comprehensive Plan which dictate a transitional area should be maintained between uses of varied intensity and avoiding future strip commercial characteristics.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **6-0-2** at their September 18, 2006 meeting. The Planning Department recommended that this request be **DISAPPROVED**.

BACKGROUND:

- The applicant originally sought a "C-2" designation for the subject property. The Planning Commission upon deliberation approved the less intense "C-1" classification.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove

BUDGETARY IMPACT:

N/A

Item #23

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[Vicinity Map](#)

[Staff Report](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Constituents Letters \(9 pages\)](#)

[Aerial](#)

[Application p1](#)

[Application p2](#)

[Application p3](#)

[Application p4](#)

[planning minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District **TO** "C-1" Commercial District. **(Z06/30)**
(Council District No. 8)

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

Lots 1, 2, 3 & 4, Block B, Wanamaker West Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

from "O&I-2" Office and Institutional District **TO** "C-1" Commercial District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby 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 Council of the City of Topeka, _____, 2006.

William W. Bunten, Mayor

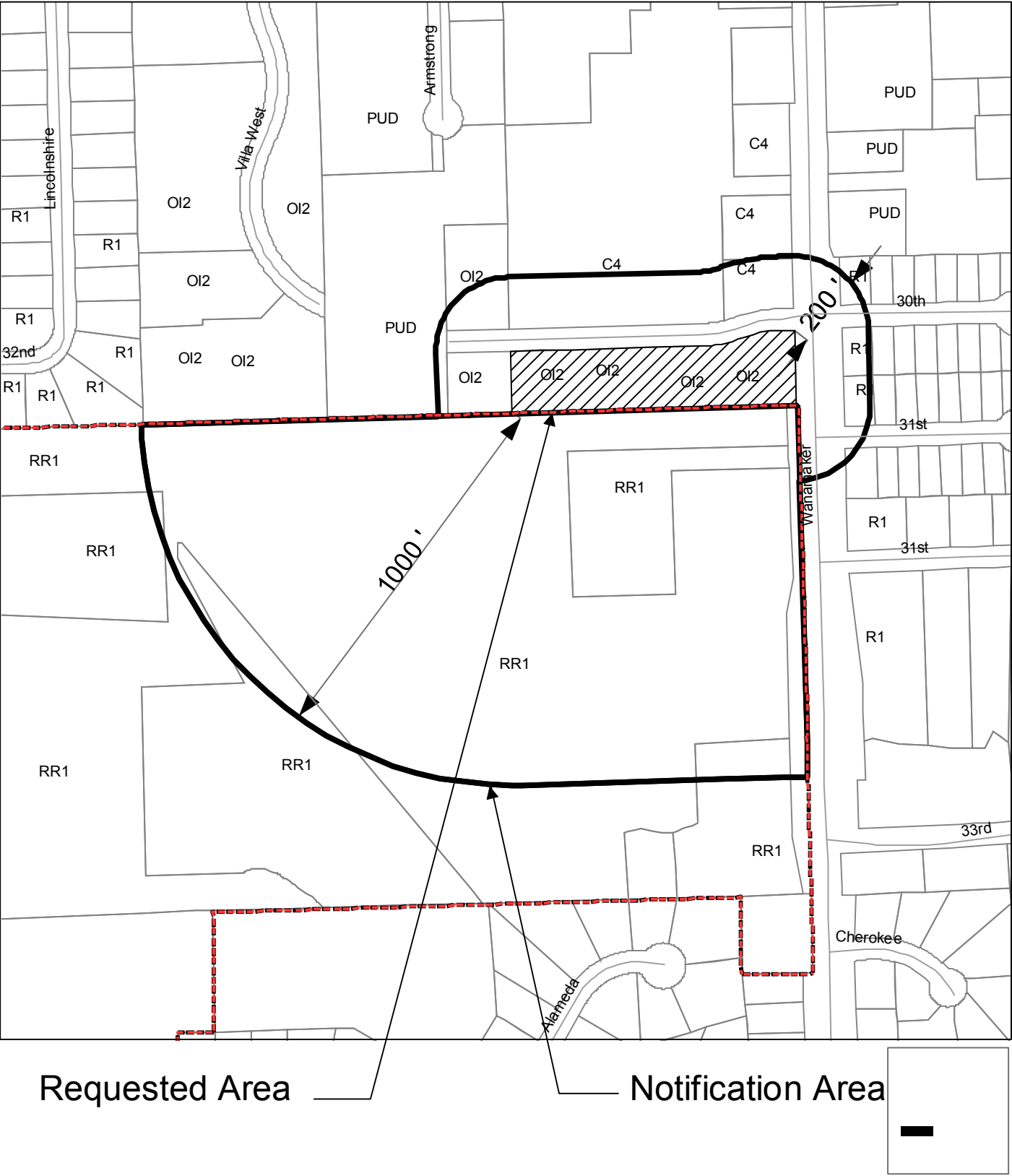
ATTEST:

Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified X

Z06/30 By CF & S & KU Endowment Assoc.



Shadywood West Homeowners' Association

Topeka, Kansas

September 17th, 2006

RECEIVED
SEP 18 2006
TOPEKA PLANNING
DEPARTMENT

George Webb
President, SWWHA
6024 SW 37th Street
Topeka, KS 66614

Planning Commission
City of Topeka

On behalf of the 132 families of the Shadywood West Homeowners' Association and the duly elected board thereof, I wish to express the Association's objection to a proposed zoning change on the property south of 29th Street and west of Wanamaker road. It is my understanding that this is zoning amendment Z06/30 and it would change classification from Office and Institutional District (O&I-2) to C2 Commercial.

There are several reasons for our objection. The most salient is the need to preserve the current buffer along Wanamaker as the area transitions from considerable commercial property north of 29th to what is obviously a well developed and well maintained residential area as one proceeds south. The present arrangement provides for reasonable transition zoning, but this proposed change would begin the clear erosion of that transitory plan. Moreover, there is little guarantee – and some would suggest there is a likelihood – that were this rezoning to pass, the county-controlled property immediately to the south of that (some or all of the McDowell Farm) would in turn be rezoned as commercial property. Were that to happen, buffering with a transition zone would cease altogether. Certainly the Commission is aware that many families on both sides of Wanamaker have invested considerable sums in their properties with the expectation that the City of Topeka would preserve the zoning arrangement and thus the value and attractiveness of their homes. Residents consider a commercial rezoning as an abrogation, and it is time to put a stop to commercial development encroachment into a fine neighborhood.

Second, the long-range plan for further development of Wanamaker Road south of 29th and north of the 34th Terrace does not appear to have any prospect of road expansion that would handle increased traffic consequent to a commercial operation. At a minimum, turning lanes would be required to support traffic flow.

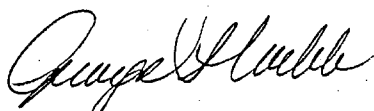
Third, there is a descending hill as one proceeds south from 29th (and before encountering the creek a few hundred meters further). This hill does not create a major traffic hazard under the current arrangement, but were this property and any other property west of Wanamaker to be rezoned as commercial, one might reasonably expect the hill and creek to present safety hazards due to transient traffic encountering low visibility from the elevation change. It would only be a

matter of time, were transient traffic to be greatly increased, that another traffic light would be necessary.

Fourth, residents close to this area report a consistent problem with drainage in the low ground at the bottom of the hill. Bad enough already, a commercial enterprise with concomitant concrete and asphalt would further diminish the present soil absorption in the area. Increased water runoff into the low area south of 29th could quite possibly render some properties on the north end of Shadywood untenable. Certainly it would place new demands on the city or the county, and as we have already seen on 37th Street, finger-pointing between the city and county in the boundary areas sometimes means that residential property owners are the losers.

Thank you for your consideration of the views of the Shadywood West homeowners. Because we have not seen any actual plans for this rezoning concept, we are only able to address this with hypothetical and generic consequences. However, even the hypothetical consequences raise very real concerns to the good people who live in Shadywood West and also to the families east of Wanamaker, all of whom purchased their homes with the expectation that there would be no commercial encroachment in their areas.

Respectfully,

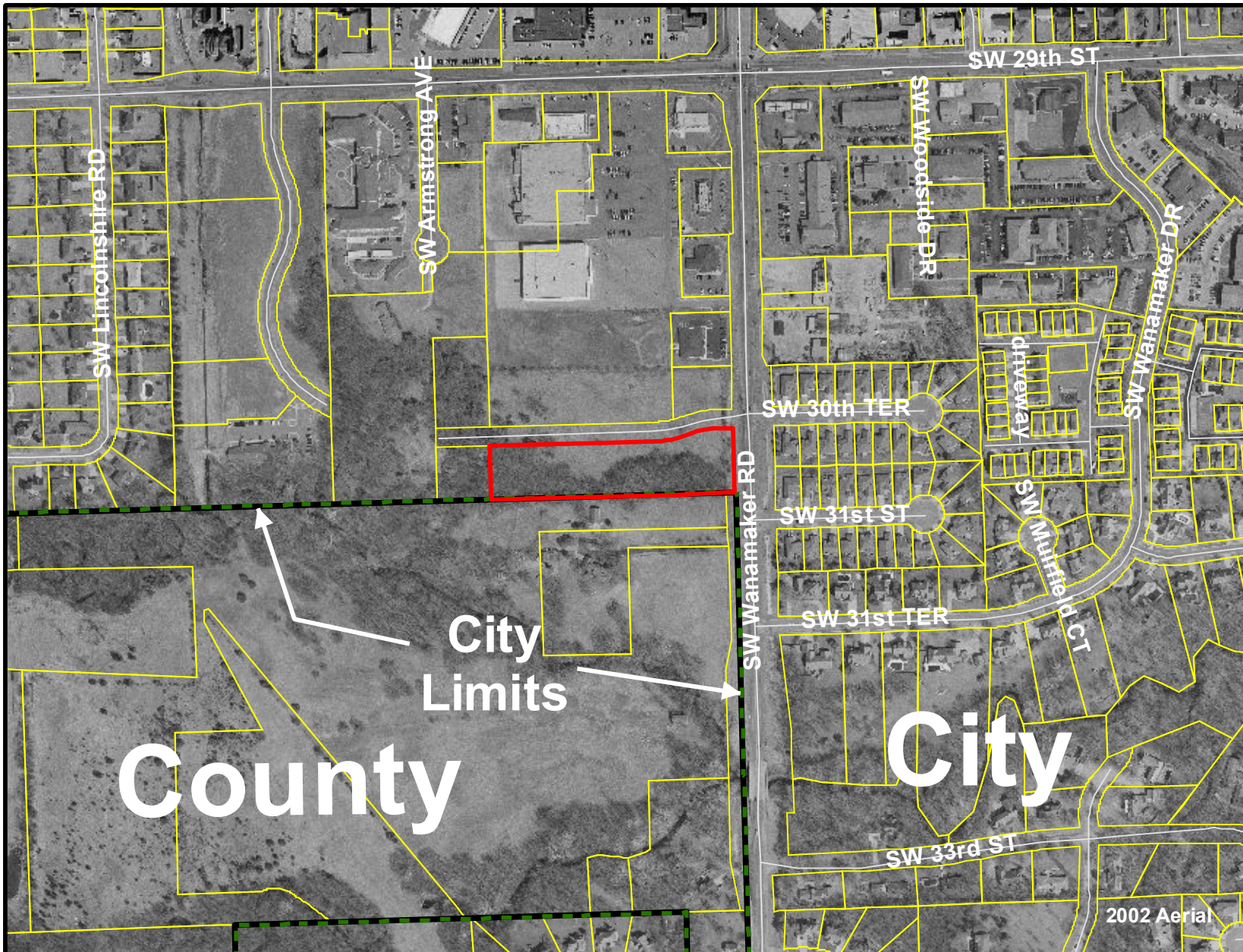


George S. Webb

President

Shadywood West Homeowners' Association

CF: Brett Blackburn, Topeka City Council



Z06/30 by CF&S and KU Endowment Assoc.



Application Form
Re-Zoning or Conditional Use Permit

City of Topeka Planning Department

Topeka, KS 6660
Phone 785-368-3728 Fax 785-368-2535

Attachment number 6
Page 1 of 1

Applicant Information

Property Owner(s): CF&S Partnership & KU Endowment Association

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail: _____

Business phone: 785-272-4706 Home phone: 913-829-3341 Fax: _____

Authorized Owner Representative (if any): Doug Flatt

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail: _____

Business phone: 785-272-4706 Home phone: 913-829-3341 Fax: _____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) – if different from above

Cook, Flatt & Strobel Engineers, P.A., Mel Chapman

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail: mchapman@cfse.com

Business phone: 785-272-4706 Home phone: _____ Fax: 785-272-4736

Authorization

Owner 1 Name: Doug Flatt - C.F.&S. Partnership

Owner 1 Signature: *Doug Flatt*

Date: 7/1/06

Owner 2: Daryl Beene - KU Endowment Association

Owner 2 Signature: *Daryl Beene*

Date: July 31, 2006

Requested Action and Site Information

Attachment number 7
Page 1 of 1

Address of Property to be Re-Zoned (or if vacant, describe general location):

Property south of SW 30th St. Terrace, west of Wanamaker approximately 770 feet

Legal Description of Property: lot(s) 1-4 block B subdivision Wanamaker West Subdivision No. 2
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 135,549 Square Feet

Type of Application:

1. Re-zoning from: 0 & 1-2 to: C-2 Commercial

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): Horse Pasture

How long has the existing use been on the property? 50 years

Proposed Use (# of dwelling units, square feet, etc.): Neighborhood Commercial Use

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? yes If Yes, when? 8/1/06

FOR OFFICE USE ONLY

Date submitted: 8-4-06

Date notice sent: 8-25-2006

Application no.: 206/30

Date advertised: 8-25-2006

Filing fee: 650 Receipt no.: 11389

Date of hearing: 9-18-2006

Quarter section map no.: _____

Council district: 8

CHECK YES OR NO

Capital Plaza Area: Yes _____ No ☒

Within Historic Site Environs: Yes _____ No ☒

If Yes, what is it?: _____

100 yr Floodplain: Yes _____ No ☒

National/State Historic Register: Yes _____ No ☒

Airport Hazard Area: Yes _____ No ☒

Local Historic Resource: Yes _____ No ☒

Neighborhood Association: Yes _____ No ☒

Name of N.I.A./N.A.: _____

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (360-384-21) number 8
Page 1 of 1

1. Water

- a. Location and size of water main serving site:

There is an existing City of Topeka 12" water line on the west side of SW Wanamaker Road.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes, no improvements are anticipated.

- c. If other than City of Topeka, identify water district provider: _____

2. Sanitary Sewer

- a. Location and size of sewer main serving site:

There is an existing City of Topeka 8" sanitary sewer on the west side of Wanamaker Road.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes, there is adequate capacity. An 8" lateral extension will serve the site at time of improvement.

- c. If other than City of Topeka, identify sewer district provider: _____

3. Storm Drainage

- a. How will storm water run-off be handled on site?

Storm water will be detained and discharged off-site in accordance with the approved Drainage Report for Wanamaker West Subdivision No. 2.

- b. Does the current storm sewer system have adequate capacity for proposed use?

Yes.

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

There is frontage along SW 30th Terrace which has been approved for construction. SW 30th Terrace has a 60' R/W and will have a pavement width of 29 feet.

- b. What are the site's existing or proposed access points?

Site's access points will be from SW 30th Terrace. Access to main commercial area will be provided by a 29 foot street west of Hy-Vee proposed facility.

- c. Will any street improvements or traffic control improvements be required?

As stated above, SW 30th Terrace has been approved for construction and shall be completed this fall.

Applicant Justification

Attachment number 9
Page 1 of 1

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

Property immediately north of requested rezoning is being developed for use as major grocery outlet. Planning of this facility utilizes SW 30th Terrace for supply traffic with service area immediately north of SW 30th Terrace. This level of truck traffic with normal clutter in the loading and unloading area is not compatible to office development across the street.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

Property to the north is identified above - Lot 5 of referenced subdivision and Lot 6, Block "A" Wanamaker West Subdivision No. 2 would remain with O & 1-2 zoning providing buffer to the West. Property to the south has been advised of this potential rezoning and they do not have objection. Wanamaker Road provides natural buffer to the East.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

The referenced property is part of a 35 acre development purchased in 1969 which was zoned and platted shortly after purchase. The Master Plan of commercial zoning at that time was followed. As development of 29th & Wanamaker intersection took place the commercial limits in the other three quadrants was expanded which is in keeping with policy of maintaining commercial use at major intersections. This minor addition of commercial in the southwest quadrant is keeping with this policy.

DRAFT

**Minutes of the
Of the
Topeka Planning Commission
September 18, 2006**

Z06/30 by CF&S Partnership and KU Endowment Association requesting to amend the District Zoning Classification from "O&I-2" Office and Institutional District **TO** "C-2" Commercial District on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street. **(Diediker)** Dean Diediker summarized the staff report.

Discussion by members:

Michelle Hoferer asked where the next chance to buffer is? Mr. Diediker replied 1,300 feet south, right outside the city limits, in the subdivision to the south. Fred Sanders asked if staff doesn't consider the county line a buffer? Mr. Diediker replied he doubts the property will remain in the county for the long-term. Mr. Sanders said it would be up to the owner if they want to be in the city or not due to the acreage. Mr. Diediker said that is true.

Proponents:

Doug Flatt, previously of the group Cook, Flatt and Strobel, spoke in favor of the proposal. He gave a brief history of the land. We bought 30 acres to put up a new office. We built an office in 1971. We have a PUD on some of the 30 acres. Dana Anderson was a partner with Cook, Flatt & Strobel but signed over his ownership to KU Endowment, which is how KU Endowment became part of the equation. On the south side of 30th Terrace is an office, on the north side is C-4 zoning. MRV purchased the ground to the north of 30th Terrace. At the time we didn't know what the use would be on the property. Later we found out it would be a Hy-Vee grocery store. He said 30th Terrace will be where the loading docks for the store will be located. It will not be the best view from the subject property. The loading area is 10 to 12 feet higher elevation than the property to the south. KS Commercial is our realtor on the property. Mike Morse is our representative. Mr. Flatt said he consulted with KS Commercial about how the Hy-Vee would affect our property and they said it will be detrimental. He said he has had several conversations with some of the neighbors and planning staff. He said during the pre-application meeting he wasn't told "no". The result of the meetings is why we proceeded to turn in our application. It has been said traffic will be an issue. That is true. Once Hy-Vee opens up and Wanamaker gets completed to the south there is going to be some major traffic issues. I don't feel this proposal will create more traffic. This won't be that intense of a use. It will be a neighborhood/specialty shops. He handed out a site plan for the Hy-Vee. The property will utilize SW 30th Terrace and there is a possibility SW 30th Terrace will be extended and connect to SW 29th Street. In the future Wanamaker will be expanded to 5 lanes from SW 29th Street to SW 37th Street. He added we want to sell this property and abolish the partnership.

Mr. Sanders asked if there has been a traffic study compiled to show how much more traffic will be generated? Mr. Flatt said that study can't be conducted since we don't know what is going there. He added it will be nothing compared to what Hy-Vee will generate. The type of commercial we are planning won't generate more traffic than an office use would.

Mike Morse, KS Commercial Real Estate, spoke in favor of the proposal. He said they are the listing agent for the proposal property. He stated that there is commercial and office zoning surrounding the property. He said there isn't much appeal for an office at this site, especially with the view being the delivery dock for Hy-Vee. He said they want to follow the rules and do this correctly. He said smart growth is good growth. He said they have had meetings with the neighbors and Bartlett & West and we don't believe the property will sell right away unless it is rezoned.

Barbara McDowell, owns the property to the south of the subject property. She said she doesn't oppose the rezoning. She said she wants to make sure the row of trees that are currently between the properties remains as a buffer. She said she would like 25 feet of landscape buffer and a fence. The fence will help control the debris from the properties north of the subject property and will help block car headlights. I have been told these requests would be put in writing before or during the sale of the property. This property won't create more traffic than an office use would. In the future if the city would like to talk we own 57 acres to the south of this property that would make a beautiful park.

Opponents:

George Webb, 6024 SW 29th Street, spoke in opposition to the proposal. He said he is the representative for Shadywood West Homeowners Association. He said the group objects to this zoning change for several reasons. The current buffer between commercial use and residential use needs to remain. The present arrangement preserves this plan. We are concerned if this property is rezoned to commercial that the McDowell property would follow suit and there would be no buffer to the residential area. This is encroaching into a fine neighborhood. This is

not in the comprehensive plan. There is a hill on SW 30th Terrace that is not a problem at this point but with the increased traffic could create a problem. Drainage would be an issue as well. There are no specific plans at this point so it is hard to predict the problems a commercial entity would bring. It depends on the use.

Lisa Stubbs, resident of Shadywood West, spoke in opposition to the proposal. She said she agrees with the staff report and Mr. Webb's comments. She said she had a couple of additional issues. One is drainage. From SW 29th Street to SW 37th Street on Wanamaker is a low elevation east and west of our neighborhood. The City has spent a lot of money to correct drainage issues in this area. We are downhill from all development in the area. The creek overflows several times a year. She said she agrees there is a tremendous problem with traffic from SW 29th Street to SW 37th Street along Wanamaker. This area on Wanamaker isn't planned to be improved in the near future. It is a huge expense. There are concerns with Hy-Vee coming and the traffic it will generate. It is the compounding affect that creates the traffic issues. When Boursfield was there wasn't McDonald's and all the other small businesses that help compound the problem. She said she agrees the development to the north of the subject property will hurt it. In turn his property is to the north of ours and if this approved it will negatively impact our property. She said she doesn't understand how they will see all the truck docks. The building faces Wanamaker so they would see the side of the building. There are ways to control what is brought into an area. A PUD controls what is going onto the property. That would help to accommodate the residences. C-2 is very intensive zoning. Many different businesses could go into this. Agree smart growth is good growth. This is spot zoning not smart zoning.

Mr. Flatt said the traffic will go where the highway is. Drainage will be maintained on the property. He said he will agree with Ms. McDowell's request and will provide assurance in any sales agreement. Mr. Sanders asked if C-1 zoning would work? Mr. Flatt said that is more of a neighborhood zoning. He said this is going to be a store off of the beaten path. He said he believes C-1 zoning would work.

Theron Sims asked if it is known when the road expansion from SW 29th to SW 37th will take place? Mr. Fiander replied it is in the CIP from SW 29th to SW 33rd in 2008. He said there have been discussions of expansion from SW 33rd Street to SW 37th Street but it isn't in CIP at this time. Mr. Sanders asked if the property is in the 100 year flood plain and Mr. Diediker replied no.

Howard Blackmon said looking at the C-2 zoning for the location of this property I don't think there is anything too offensive allowed in this zoning. Kimberly Scott said as compared to C-1? Mr. Blackmon replied yes. Mr. Sanders asked staff if they considered a property going from O&I-2 to C-2 as spot zoning? Mr. Fiander replied the property has C-4 to the north so I wouldn't say this is spot zoning because there is some like zoning adjacent to it. He added C-1 is a locally serving district. Whether zoned C-1 or C-2 is may not mean as much as what will the site look like. Mr. Sanders asked if the Commission can address hypothetical's? He said the residents should be more offended by the looks of the property now. It is overgrown. We need to get this property on the tax rolls. Whenever it comes up commercial adjacent to residential people don't want it in their area. This is an expensive piece of property to remain vacant. He said they live along Wanamaker, which is a retail corridor. Mr. Blackmon asked where the city limits ends? Mr. Diediker replied this property is right at the county line. Mr. Blackmon asked going south on Wanamaker is there more commercial? Mr. Diediker stated there is commercial at the arterial intersections. Between the major arterials we would like medium density residential. Mr. Blackmon said look at Wanamaker it is all retail. Mr. Diediker said if the arterials are continued to be striped out with retail zoning the arterials will not function correctly. Ms. Scott asked staff if they think this small of proposal would cause the problem? Mr. Diediker replied no but as Mrs. Stubbs stated it is a compounding problem. Ms. Scott said it is already a problem. Mr. Sims said this is an area of transition. This is off of Wanamaker Road. Hy-Vee will back right up to this property.

Exparte communications: None

Theron Sims moved approval of "C-1" Commercial zoning, seconded by Fred Sanders. **APPROVAL. (6-0-2)**
Commissioners Boyd and Skoog abstained.

September 18, 2006
Agenda Item #G-3

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/30

by: CF&S Partnership and KU Endowment Association

PROPOSAL: Zone change from "O&I-2" Office and Institutional District, **TO** "C-2" Commercial District.

LOCATION: On property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street.

PARCEL ID NUMBER: 1441701001009000.

PRESENT USE: Vacant undeveloped 135,549 square foot tract.

PROPOSED USE: Retail.

CHARACTER OF NEIGHBORHOOD: The neighborhood is made up of predominately residential uses south of SW 30th Terrace and commercial uses north of SW 30th Terrace. The subject property is located on the advancing fringe of the corporate limits in southwest Topeka. This area is characterized by a combination of undeveloped agricultural land south of the subject site with residential to the west and east. As currently zoned the property serves as a transitional land use between these districts of lesser and greater intensity; and serves to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent uses and developments.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"C-4" Commercial District	New Hy-Vee and Morgan Stanley Building
South:	"RR-1" Residential Reserve District	Residential/Agricultural land (outside city limits)

September 18, 2006
Agenda Item #G-3

East: "R-1" Single-Family Dwelling District
West: "O&I-2" Office and Institutional District

Residential
Undeveloped

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained vacant and unimproved since its platting in October 1997.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The site's present classification is consistent with the established pattern of zoning and land use in the area and is intended to provide a transitional use along the advancing fringe of the corporate limits in southwest Topeka between the existing commercial zoning concentrated at the intersection of SW 29th Street and SW Wanamaker Road and the developing residential neighborhoods to the west and upon annexation those areas to the south.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Comprehensive Plan* designates this area as *Commercial/Office* land use. Accepted planning principles dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. The current classification of "O&I-2" Office and Institutional was established for this location in 1997 when the property was rezoned from its original zoning designation of multiple-family that was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The zoning pattern extending south and west of the SW 29th Street and SW Wanamaker Road intersection reflects a transitional land use pattern with commercial zoning concentrated at the intersection and stepping down through multiple-family residential and office usage as a land use buffer to developing and anticipated residential neighborhoods to the south and west. This practice is well supported by the neighborhood design guidelines in the *Comprehensive Plan*; (see attached model neighborhood schematic) that states retail should be located at arterial street intersections.

The subject property is located at the boundary of these two distinct land use areas as well as being on the advancing fringe of the corporate limits. Although it is the intent of the *Comprehensive Plan* that the Plan is to be interpreted with flexibility at the boundary of different land use areas to allow for reasonable transitions in land uses, adoption of the proposal will not only replace an existing transitional zoning district, but also have the effect of extending this transition further south along a major arterial (SW Wanamaker Road) in the future. Such an action may disrupt or threaten the integrity of established residential neighborhoods to the south and promote further commercial strip development along one of the city's major arterials which the *Comprehensive Plan* discourages.

The proposal is found by staff to be **inconsistent** with the established goals and objectives of the *Comprehensive Plan* and accepted planning principles.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The removal of present restrictions would permit the subject property to develop for commercial use which is found to be **inconsistent** with accepted planning principles which dictate a transitional area between uses of such varied intensity as commercial and residential. Currently SW 30th Terrace is the line of demarcation within the area that serves as the

September 18, 2006
Agenda Item #G-3

accepted point of transition. To allow this to be breached would potentially open an area running some 1,300' to the south for commercial expansion before reaching an area with exiting residential development. Such a practice only exacerbates further strip development along SW Wanamaker Road. Therefore, it can be expected that removal of the present restrictions based upon the surrounding land use would have a detrimental effect upon the area.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The sites present classification was established in 1997 when the property was rezoned from its original zoning designation of multiple-family that was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The limits of office and commercial uses were established at that time in order to concentrate the more intense uses around the arterial intersection of SW 29th Street and SW Wanamaker Road which is precisely what the neighborhood design guidelines in the *Comprehensive Plan* state (see attached model neighborhood schematic). Therefore, the proposed reclassification of the subject property is viewed as being **inconsistent** with the transitional character expected by the surrounding properties. Such an action is viewed as having a detrimental effect on those surrounding properties and therefore, it would appear to be in the best interest to the public health, safety and welfare in requiring continuation of the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area and will not be overburdened by this proposal. SW 30th Terrace is currently being constructed for a new Hy-Vee Supermarket to the north. SW Wanamaker from SW 29th Street to SW 33rd Street is proposed to be improved to major arterial standards as part of the City's CIP in 2008.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete.**

Minimum Lot Area: **Compliant.**

Setbacks: **Compliant.**

Platting: **Compliant** – The final plat of the Wanamaker West Subdivision No. 2 was recorded on October 20, 1997.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provisions of public services except for the question of zoning suitability as expressed in this staff report.

September 18, 2006
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ADDITIONAL FACTORS:

- | | |
|--|-----------------|
| 1. Neighborhood Improvement Association: | Not Applicable. |
| 2. Capitol Plaza Area: | Not Applicable. |
| 3. Flood Hazard Area: | Not Applicable. |
| 4. Airport Hazard Area: | Not Applicable. |
| 5. Historic Properties: | Not Applicable. |

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **DISAPPROVAL** of this proposal.

Prepared by: Dean W. Diediker
Planner II

September 5, 2006

Attachment number 12
Page 1 of 1

Commissioners
Topeka Planning Commission
620 S.E. Madison Street
Topeka, Kansas 66607

RECEIVED

SEP 08 2006

**TOPEKA PLANNING
DEPARTMENT**

Dear Commission Members:

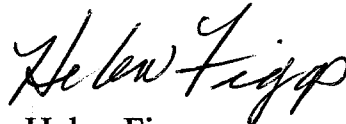
My residence is at 5970 S.W. 30th Terrace, part of Chestnut Hill Homeowner Association.

I am writing you in opposition of the rezoning on the west side of S.W. Wanamaker Road at S.W. 30th Terrace. The request under consideration would change the zoning to a Commercial Class, C-2, permitting any broad number of business types to be constructed. I urge you to consider keeping the current office zoning, as it currently is, in force.

I ask that you consider the likelihood that commercial development of this plat will attract businesses with a high patron volume to capitalize on the Wanamaker Road thoroughfare. This would likely include restaurants (with their noise and odors) or entertainment businesses (with significantly increased traffic and noise).

Commercial development, as opposed to office, is very likely to further depreciate the value of my private residential property. I ask for your consideration and protection in this matter.

Sincerely,


Helen Figgs

Topeka Planning Department
620 S.E. Madison Street
Third Floor
Topeka, Kansas 66607

Gentlemen:

Permit me to register my opposition to rezoning request #0630 for property on the West side of SW Wanamaker Road at SW 30th Street Terrace.

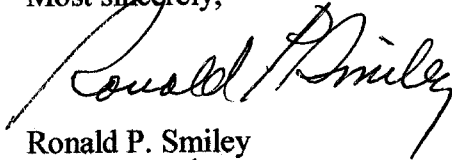
My request that the zoning remain as Office/Institutional is to preserve the value of my residence, value that has recently been reduced by the opening of restaurant adjoining on the north. (My home has been marketed since April by a large Topeka Real Estate Agency without one offer and the primary complaints buyers have registered with agents reportedly has been the Brick Oven restaurant and the SW Wanamaker Road traffic. The property has been priced well under the county assessed value.)

I also have concern for the safety of myself and of many of our aging residents driving to and from our cul-de-sac. Wanamaker Road carries a heavy load today and when it is opened farther south that load will increase. Development of the plot under this request would, I believe, be safer as office rather than commercial.

I am told that 30th Street Terrace street is to be extended across SW Wanamaker Road at some time. The crossing is partway on a rather steep hill that is already somewhat hazardous especially when having to slow or stop to turn left off Wanamaker. I respect that traffic is a primary concern of others but I trust that safety is of importance to the commission as is the devaluation of residential property such as mine.

I ask that you please respect my concerns as you consider and must decide this rezoning request.

Most sincerely,



Ronald P. Smiley
5978 SW 30th Terrace
Topeka, Kansas 66614-4040

September 1, 2006

5966 SW 30th Terrace
Topeka, Kansas 66614-4040
September 1, 2006

Topeka Planning commission
c/o Topeka Planning Department
620 SE Madison, third Floor
Topeka, Kansas 66607

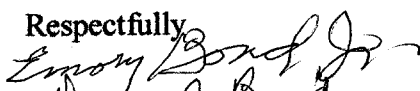
Dear Sirs:

Note that we own residential property and reside on SW 30th Street Terrace, east of SW Wanamaker Road, in an area called Chestnut Hills. We are writing to ask that you oppose the request before the commission to rezone property under case # 0630 from office/institutional to commercial, C-2.

It is our concern that commercial class development, as opposed to office development, would intentionally increase traffic with its associated hazards. Our cul-de-sac is designed for and occupied by adults, and some of us are aged. Our entry to 30th Street Terrace is on a hill and speeding on Wanamaker is common. We request that our safety be seriously considered as you deliberate the rezoning request.

Also, commercial development of the area will increase the existing noise level, making our property less livable, enjoyable, and desirable. The rezoning to permit commercial development (the specific type of business has not been publicized) will devalue our personal residential property with no likely avenue for redress. Please help save us by minimizing the increased traffic and noise hazards, and from the financial loss we will experience from rezoning of the plot for commercial development.

Respectfully,



Emery and Donna Bond.

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TOPEKA PLANNING
DEPARTMENT

TOPEKA, SEPT. 7, 2006

Attachment number 15
Page 1 of 1

TOPEKA PLANNING DEPT.
620 SE MADISON ST. 3RD FLOOR
TOPEKA, KANSAS 66607

DEAR SIRS:

I UNDERSTAND THERE IS A REQUEST
FOR A ZONING CHANGE OF PROPERTY
ON THE WEST SIDE OF WANAMAKER
ROAD AT 30TH STREET TERRACE.

THE REZONING REQUEST IS FOR
COMMERCIAL CLASS C-2, FROM OFFICE/
INSTITUTIONAL. WE FEEL THIS
CHANGE WILL DEVALUE OUR PROPERTY.

PLEASE CONSIDER OUR REQUEST
TO VOTE NO FOR THIS CHANGE.

Burley M. Carter
Theresa M. Carter

5962 SW 30TH
TOPEKA, KS 66614

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SEP 11 2006
TOPEKA PLANNING
DEPARTMENT

September 7, 2006

Rebecca Stauffer
3418 Alameda Dr.
Topeka, Ks 66614

Dear Planning Commission:

I am writing to notify the Planning Commission of my opposition to the proposed zoning change for the property on the west side of Wanamaker at approximately 30th Terrace (case# Z06-30). The lack of planning to control the commercial sprawl on Wanamaker needs to stop.

I live a block west of Wanamaker on 34th Terrace and the traffic continues to increase and become more difficult with the continued expansion of the commercial corridor. The property on 29th and Wanamaker previously occupied by Bauersfields has been vacant for some time prior to the start of building. I don't believe there is a "need" for more commercial property.

Please notify me of the outcome of the meeting on September 18. Unfortunately I have a conflict and will be unable to attend. I am a long time resident of the Topeka community and would like to think my opinion will be considered with equal weight of the developer

Sincerely,

Rebecca K. Stauffer

Rebecca K. Stauffer

cc: Councilman Brent Blackburn

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Attachment number 17
Page 1 of 1
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SEP 11 2006
TOPEKA PLANNING
DEPARTMENT

5954 SW 30th Terrace
Topeka, KS 66614
September 8, 2006

Topeka Planning Department
620 SE Madison Street, Third Floor
Topeka, KS 66607

Greetings:

The undersigned are concerned residents of Chestnut Hills #2, located at SW 30th Terrace to the East of SW Wanamaker Road. This letter is to express our concerns and objections to the rezoning request of the West side of Wanamaker Road at SW 30th Terrace.

We understand that the proposed zoning request is to change the 200-foot frontage on SW Wanamaker Road and 1000 foot depth from Office/Institutional to Commercial Class C-2. The types of businesses included in the C-2 class include apartments, hotels/motels, recreational establishments, theaters and restaurants. Our objections are:

1. Commercial development will undoubtedly lead to considerably increased traffic than would office or residential development. This intersection is already heavily trafficked and traffic will undoubtedly increase anyway with the development of Hy-Vee to the North. This intersection is already dangerous as there is no turning lane into SW 30th Terrace, and no sidewalks on this section of SW Wanamaker.
2. The East side of SW Wanamaker is strictly residential South from SW 30th Terrace. In keeping with that, we feel that the West side should continue to be zoned Office/Institutional.
3. The buildings just to the North of the proposed area are already developed with a low-rise bank building and office building.

We feel that the best use of the proposed area is to keep the zoning Office/Institutional. A change to C-2 zoning will dangerously impact traffic and ingress/egress to our homes. For the reasons stated above, we request that the zoning for the proposed area not be changed to C-2 Commercial.

Thank you for your consideration to our request.

Name

Address

Attachment number 18
Page 1 of 1
Phone

Carl & Richard Jacobs	5954 SW 30 th Terr	272-9461
Frank	5974 SW 30 th Terr	272-6897
Helen Hays	5970 SW 30 th Terrace	272-3117
Linda L. Hillard	5979 SW 30 th Terrace	221-8060
Offie Barnes	5982 S.W. 30 th Terrace	272-4865
Ronald P. Smiley	5978 SW 30 th Terrace	272-0154
Wesley Leggett	5983 SW 30 th	272-3617
Donald A. Oster	5971 SW 30 th	273-2253
Helma Thiel	5967 S.W. 30 th Terr.	66614
Janet J. Robinson	5951 SW. 30 th Terr.	66614
Donna J. Bond	5966 SW. 30 th Terr.	66614
Emily Bond	5966 SW 30 th Terr.	66614
Burdley M. Carter	5962 SW 30 th Terr	66614
Theresa Carter	5962 SW 30 th Terr	66614
C.W. Heathorn	5955 SW 30 th Terr	66614 - 272-0547
Mary Lou Heathorn	5955 SW 30 th Terr.	66614 272-0547
James F. Castro	5956 SW 30 th Terr	66614 272-3258
Betty Castro	5958 SW 30 th Terr	66614 272-5258
Norma A. Ewing	5947 SW 30 th Terr	66614 272-248
James F. Thiel	5667 SW 30 th Terr	66614 273-5248

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TOPEKA PLANNING
DEPARTMENT



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 25, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Clark Duffy **DOCUMENT #:**

SECOND PARTY/SUBJECT: Expenditure of monies from special funds **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code Sections 2-326, 2-328, 2-331, 2-332, and 2-335 concerning the expenditure of monies from special funds established by the City Council, and specifically repealing said original sections. First Reading.

(The ordinance would allow approval by the City Manager of expenditures from special funds established by the City Council.)

POLICY ISSUE:

Whether or not the City Manager should be given the authority to approve the expenditures from special funds established by the City Council

STAFF RECOMMENDATION:

BACKGROUND:

Currently the expenditures of special funds established by the Council are made upon the approval by resolution of the Council. Passage of this amendment will allow the City Manager to approve the expenditures of special funds.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code §§ 2-326, 2-328, 2-331, 2-332 and 2-335 concerning the expenditure of monies from special funds established by the City Council, 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 § 2-326, Park land acquisition and development fund, is hereby amended to read as follows:

Park land acquisition and development fund.

(a) There is hereby created a park land acquisition and development fund. The purpose of the fund shall be to act as a depository for moneys to be used for the purchase and development of land for park purposes.

(b) The park land acquisition and development fund may receive budgeted transfers from the general improvement fund, the parks and recreation fund, or any other fund having available resources and the legal authority to be so transferred. All such transfers shall be subject to budget appropriations and shall be specifically authorized by resolution of the city council.

(c) *Expenditures.* All expenditures from the park land acquisition and development fund shall only be for the purpose stated in this section and shall only be made upon approval by ~~resolution of the city~~ manager council.

Section 2. That City of Topeka Code § 2-328, Zoo improvement reserve fund, is hereby amended to read as follows:

Zoo improvement reserve fund.

(a) There is hereby created a zoo improvement reserve fund. The fund is established for the purpose of providing a depository for moneys to be used for capital improvements at the city zoo.

(b) The fund shall receive grants or donations from either public or private sources, interest on the funds held in the fund, and any other fund having available resources and legal authority to be so deposited or transferred. All such transfers shall be subject to budget appropriations and shall be specifically authorized by resolution of the city council. All expenditures from the fund shall only be for the purpose stated in this section and shall only be made upon approval by ~~resolution of the city~~ manager council.

Section 3. That City of Topeka Code § 2-331, Historic asset preservation fund, is hereby amended to read as follows:

Historic asset preservation fund.

There is hereby created in the city a special fund to be known as the historic asset preservation fund. Monies from the city's general fund, community block grant funds or funds from any other source legally available for such purpose shall be credited to this special fund. Monies so credited may be expended, upon approval by the ~~council of the~~ city manager for the acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the city.

Section 4. That City of Topeka Code § 2-332, [Graffiti removal fund.], is hereby amended to read as follows:

[Graffiti removal fund.]

(a) The council of the city, hereby creates a special fund to be known as the graffiti removal fund. Moneys from the city's general fund, community development block grant funds, or funds from any other source legally available for such purpose may be credited to this special fund. Moneys in the graffiti removal fund shall be used for activities relating to the removal of graffiti.

(b) Written requests for grants to be used for programs and projects aimed at the expeditious removal of graffiti shall be submitted to the city. By resolution, the council shall establish the procedure to govern the grant application and review. The ~~council~~ city manager shall make the final determination on awards.

Section 5. That City of Topeka Code § 2-335, Economic development fund, is hereby amended to read as follows:

Economic development fund.

(a) There is hereby created the city economic development fund. The purpose of the fund shall be to promote, stimulate, and improve the economic welfare of the city and assist in the creation, retention, expansion, and development of economic opportunities for its citizens. The fund shall be administered by the director of the financial services department.

(b) Monies from the fund shall be used to promote, stimulate, and improve economic development in the City of Topeka and its environs, to encourage and assist in the location of new business, and the expansion, relocation, or retention of existing business, industry, and health development. To further the goal of economic development, monies from the fund may be expended for or transferred to, specifically for, but not limited to, the Topeka Arts Fund.

(c) Monies from the city's general fund, origination fees collected from economic development revenue bonds issued by the city pursuant to K.S.A. 12-1740, *et seq.*, and monies from any other source legally available for such purpose may be credited to the economic development fund.

(d) All transfer or expenditure of monies from the economic development fund shall be only for the purposes of this section and shall be specifically authorized by the city manager ~~resolution~~ of the city council.

Section 6. That City of Topeka Code §§ 2-326, 2-328, 2-331, 2-332 and 2-335 are hereby specifically repealed.

Section 7. 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. Buntten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 14, 2006

+ Back Print

DATE:	September 26, 2006		
CONTACT PERSON:	Mark Schreiner	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Park Improvement	PROJECT #:	30245-00
CATEGORY/SUBCATEGORY	004 Budgets or Appropriations / 004 Project Budget - Capital Project		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	Approve Project Budget and Adopt Ordinance	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Project No. 30245-00, which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *First Reading (Council District No. 9)*

(This project would authorize selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

This project will provide for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

BUDGETARY IMPACT:

Project Budget \$175,000

SOURCE OF FUNDING:

General Obligation Bonds and any other lawfully available funds.

ATTACHMENTS:

[Vicinity Map](#)

Item #25

[Ordinance](#)

[Debt service document](#)

[Project Budget](#)

Gage Park Selected Water Line Upgrade Project No. 30245-00



City of Topeka

GIS

Geographic Information Systems

Map Produced On:
August 7, 2006
Map Revised on:

Map Printed On:
August 7, 2006
David E. Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org

Legend

- Parks
- Major Streets
- snroads

N



No Scale

City of Topeka, Kansas GIS Data Disclaimer

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(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30245-00 which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, 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 the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

B. TOTAL PROJECT BUDGET COST:

\$175,000.00

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.

36 PASSED and APPROVED by the City Council_____.

37 CITY OF TOPEKA, KANSAS

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42 William W. Bunten, Mayor

43 ATTEST:

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45 _____

46 Iris E. Walker, City Clerk

PROJECT:

Project No. 30245-00 Water Line Replacement

Interest rate 5.25%

Number of Years 20

Cost of Issuance 2.00%

Temp Note interest 5.000%

Principal (project cost) \$166,667

Plus Temp Note Interest (unless included in Principal) \$8,333

Subtotal \$175,000

Plus Cost of Issuance \$3,500

Total \$178,500

Annual Debt Service **\$14,628**

Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$292,570

Difference Project Cost and Total Debt Service \$125,903

GO Bonded Indebtedness as of March 2006* \$148,705,000

Bond projects \$20,487,369

Temporary Notes--City Projects \$12,749,372

Temporary Notes--Special Assessment Projects \$10,339,580

Total Indebtedness \$192,281,321

Plus Project \$192,459,821

* 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 \$5,070,000

Total \$148,705,000

PROJECT BUDGET

Project No. 30245-00

LOCATION:

Gage Park
625 S.W. Gage Boulevard

Contact Person: Ron Cathey

DESCRIPTION OF PROJECT:

This project consists of the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

SOURCE OF FUNDS:

G.O.B.
CIP 2004

COST ESTIMATE:

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
Construction:	\$136,612		
Design:	\$12,295		
Construction Services Fees:	\$10,929		
Administrative Fees:	\$2,732		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$4,099		
Interim Interest	\$8,333		
Total:	\$175,000		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Mark Schreiner, P.E.



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Council Chambers
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Topeka, Kansas 66603

September 20, 2006

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DATE: September 26, 2006

CONTACT PERSON: Mark B. Schreiner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Park Improvement **PROJECT #:** 30271-00

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

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. **First Reading.** (*Council District No. 9*)

(This project will provide stone renovation and tuck pointing of six pillars and reconstruction of the east entrance at the Reinisch Rose Garden in Gage Park.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and adopt Ordinance as presented.

BACKGROUND:

This project consists of design and construction services for stone renovation and tuck pointing of the six (6) pillars and reconstruction of the east entrance at the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

BUDGETARY IMPACT:

Project Budget: \$255,000. This project is included in the 2006 Capital Improvement Budget. The project cost is the same as the \$255,000 in the adopted budget. The cost of \$255,000 will be financed with General Obligation Bonds. The Total Debt Service cost for the project, spread over 20 years, will be \$426,316.

SOURCE OF FUNDING:

Funded by General Obligation Bonds

Item #26

ATTACHMENTS:

[Vinicity Map](#)

[Project Budget](#)

[Debt Service](#)

[Ordinance](#)

Gage Park Improvement Project No. 30271-00



City of Topeka

GIS

Geographic Information Systems

Map Produced On:
August 17, 2006
Map Revised on:

Map Printed On:
August 17, 2006

David E. Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org

Legend

- Parks
- Major Streets
- snroads

N



No Scale

City of Topeka, Kansas GIS Data Disclaimer

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PROJECT BUDGET

Project No. 30271-00

LOCATION:

Gage Park
625 S.W. Gage Boulevard

Contact Person: Ron Cathey

DESCRIPTION OF PROJECT:

This project consists of the design and construction services for the stone renovation and tuck pointing of the 6 pillars and reconstruction of the east entrance of the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

SOURCE OF FUNDS:

G.O.B.
CIP 2006

COST ESTIMATE:

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
Construction:	\$187,534		
Design:	\$17,816		
Construction Services Fees:	\$15,003		
Administrative Fees:	\$3,751		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$18,753		
Interim Interest	\$12,143		
Total:	\$255,000		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Mark Schreiner, P.E.

PROJECT: Project No. 30271-00

Gage Park Reinisch Rose Garden and Doran Rock Garden pond Renovation Project

Interest rate 5.25%
Number of Years 20

Cost of Issuance 2.00%
Temp Note interest 5.000%

Principal (project cost)	\$242,857
Plus Temp Note Interest (unless included in Principal)	<u>\$12,143</u>
Subtotal	\$255,000
Plus Cost of Issuance	<u>\$5,100</u>
Total	\$260,100

Annual Debt Service **\$21,316**
Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$426,316
Difference Project Cost and Total Debt Service \$183,459

GO Bonded Indebtedness as of March 2006*	\$148,705,000
Bond projects	\$20,487,369
Temporary Notes--City Projects	\$12,749,372
Temporary Notes--Special Assessment Projects	<u>\$10,339,580</u>
Total Indebtedness	<u><u>\$192,281,321</u></u>

Plus Project \$192,541,421

* 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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, 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 improvements be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of the design and construction services for the stone renovation and tuck pointing of the six (6) pillars and reconstruction of the east entrance of the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

B. TOTAL PROJECT BUDGET COST:

\$255,000.00

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.

35 PASSED and APPROVED by the City Council _____.

36 CITY OF TOPEKA, KANSAS

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40 ATTEST: _____
William W. Bunten, Mayor

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43 _____
Iris E. Walker, City Clerk



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Topeka, Kansas 66603

September 20, 2006

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DATE:	September 26, 2006		
CONTACT PERSON:	Jeff Hunt	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Special Assessment	PROJECT #:	60598-01H
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 008 Special Assessments		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approve Ordinance as presented	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003. First Reading. (Council District No. 4)

(Levies special assessments for Street Improvement Project No. 60598-01)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance as presented.

BACKGROUND:

To pave:

To construct SW 22nd Terrace from SE Croco Road east approximately 365 feet and SE Aspen Court from SE 22nd Terrace to north end of cul-de-sac. The project would provide for concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project. Lots 1 through 8, Block "A"; Lots 1 through 4, Block "B"; Woodglen Subdivision, in the City of Topeka, Kansas.

BUDGETARY IMPACT:

Final Project Cost: \$110,000

On a unit basis for all lots or parcels which are included in the improvement district.

SOURCE OF FUNDING:

Improvement district will pay 100% of the costs.

Item #27

ATTACHMENTS:

[Assessment Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003.

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

Section 1. For the purpose of paying the cost of concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project, same being Street Improvement Project No. 60598-01 H, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave:

To construct SW 22nd Terrace from SE Croco Road east approximately 365 feet and SE Aspen Court from SE 22nd Terrace to north end of cul-de-sac. The project would provide for concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project.

B. IMPROVEMENT DISTRICT:

Lots 1 through 8, Block "A"; Lots 1 through 4, Block "B"; Woodglen Subdivision, in the City of Topeka, Kansas.

C. METHOD OF ASSESSMENT:

On a unit basis for all lots or parcels which are included in the improvement district.

D. TOTAL COST AND APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$110,000.00

Improvement district will pay 100% of the costs.

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

STREET IMPROVEMENT PROJECT NO. 60598-01 H

<u>Parcel Identification No.</u>	<u>Description</u>	<u>Assessment</u>
Woodglen Subdivision		
<u>Block "A"</u>		
1311102001037000	Lot 1	\$9,166.67
1311102001036000	Lot 2	\$9,166.67
1311102001035000	Lot 3	\$9,166.67
1311102001034000	Lot 4	\$9,166.67
1311102001033000	Lot 5	\$9,166.67
1311102001032000	Lot 6	\$9,166.67
1311102001031000	Lot 7	\$9,166.67
1311102001030000	Lot 8	\$9,166.67
<u>Block "B"</u>		
1311102002012000	Lot 1	\$9,166.67
1311102002013000	Lot 2	\$9,166.67
1311102002014000	Lot 3	\$9,166.67
1311102002015000	Lot 4	\$9,166.67

Section 3. Such assessments with accrued interest are hereby levied concurrent with general property taxes and shall be payable in twenty (20) equal annual installments; the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this Ordinance.

Section 4. All assessments shall bear interest in an amount not to exceed the legal rate established by law.

Section 5. The owner of any property so assessed may at any time prior to ninety (90) days from the date of publication of this Ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 7. 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 Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 25, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: Mark Schreiner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Park Improvement **PROJECT #:** 13154-00

CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project

CIP PROJECT: Yes

ACTION OF COUNCIL: Approve Project Budget and Adopt the Ordinance as presented. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *First Reading. (Council District No. 1)*

(Improvements to the Fire Station Training Tower located at S.E. Jefferson Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

This project will provide design and construction services for improvements to the existing 1963 Fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

BUDGETARY IMPACT:

Total Project Budget Cost: \$291,200.00

This project was adopted in 2005 of the 2005-2006 Capital Improvement Budget. The project cost is the same as the \$291,200 in the adopted budget.

Total Debt Service cost for the project, spread over 20 years will be \$486,836.

Item #28

SOURCE OF FUNDING:

General Obligation Bonds

ATTACHMENTS:

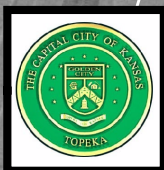
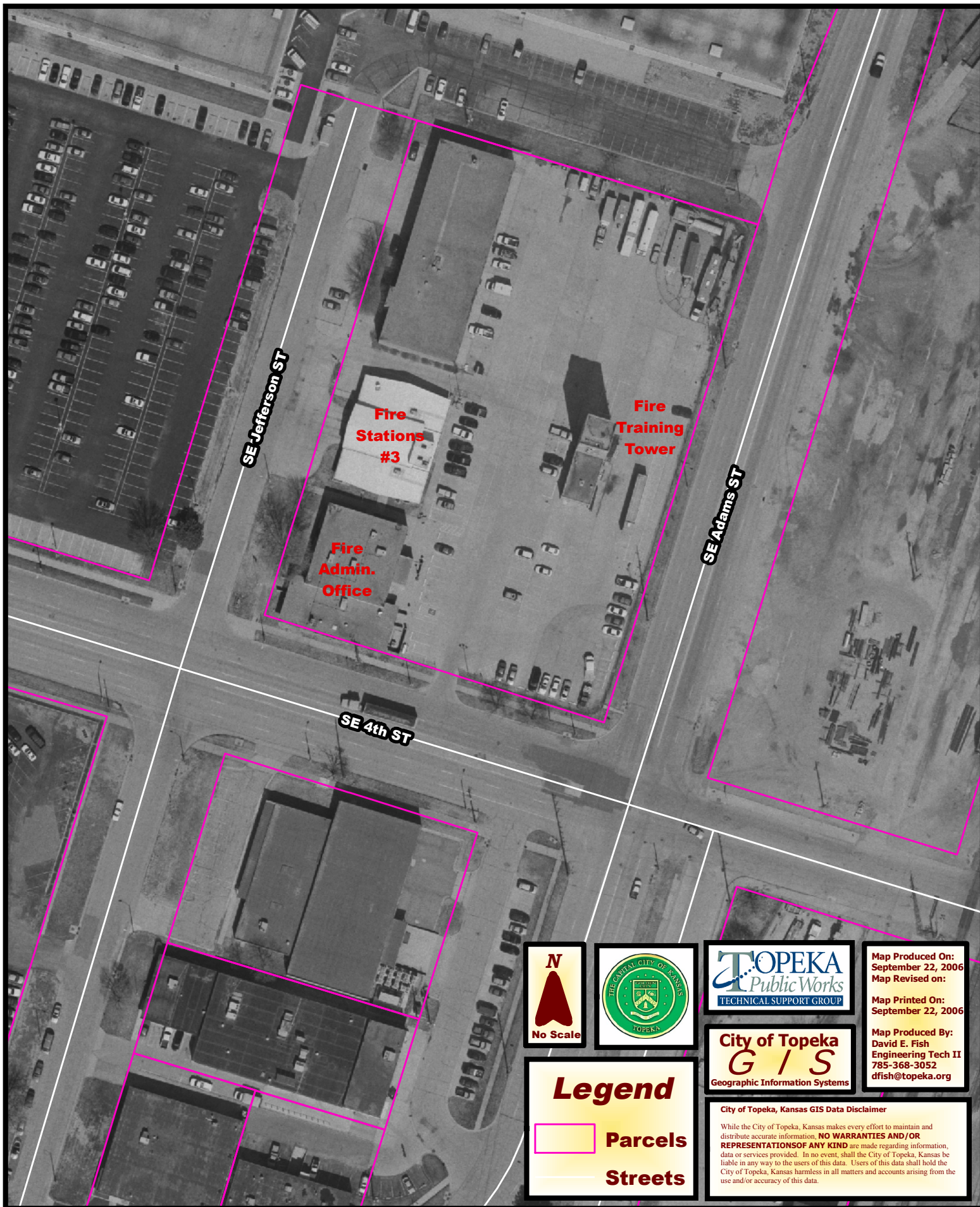
[Vinicity Map](#)

[Debt Service](#)

[Project Budget](#)

[Ordinance](#)

City of Topeka Fire Training Tower



Map Produced On:
September 22, 2006
Map Revised on:

Map Printed On:
September 22, 2006

Map Produced By:
David E. Fish
Engineering Tech II
785-368-3052
dfish@topeka.org

Legend

 **Parcels**

 **Streets**



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PROJECT:

Fire Station Training Tower Improvement Project

Project No. 13154-00

Interest rate 5.25%

Number of Years 20

Cost of Issuance 2.00%

Temp Note interest 5.000%

Principal (project cost) \$277,333

Plus Temp Note Interest (unless included in Principal) \$13,867

Subtotal \$291,200

Plus Cost of Issuance \$5,824

Total \$297,024

Annual Debt Service **\$24,342**

Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$486,836

Difference Project Cost and Total Debt Service \$209,503

GO Bonded Indebtedness as of March, 2005 \$138,245,000

2005-A Temporary Notes that Finance Future GO
Bond projects \$23,487,369

Approved, but not Included in GO Bond Issue or
Temporary Notes \$1,892,503

Total Indebtedness \$163,624,872

Plus Project \$163,921,896

PROJECT BUDGET

Project No. 13154-00

LOCATION:

Fire Station Training Tower
324 S.E. Jefferson Street

Contact Person: Tom Garcia

DESCRIPTION OF PROJECT:

This project consists of providing design and construction services for improvements to the existing 1963 Fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

SOURCE OF FUNDS:

G.O.B.
CIP 2005

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
<u>COST ESTIMATE:</u>			
Construction:	\$220,106		
Design:	\$19,810		
Construction Services Fees:	\$11,005		
Administrative Fees:	\$4,402		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$22,010		
Interim Interest	\$13,867		
Total:	\$291,200		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER: Mark B. Schreiner, P.E.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, 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 design and construction services for improvements to the existing 1963 fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

B. TOTAL PROJECT BUDGET COST:

\$291,200.00

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.

37 PASSED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

41 ATTEST:

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45 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 20, 2006

 + Back  Print

DATE: September 26, 2006

CONTACT PERSON: John Knoll **DOCUMENT #:**

SECOND PARTY/SUBJECT: Amending and deleting certain provisions of the Standard Traffic Ordinance **PROJECT #:**

CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 142 Traffic and Vehicles

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-152 to amend and delete certain provisions of the current edition of the Standard Traffic Ordinance for Kansas Cities, and specifically repealing said original section. First Reading.

(Adoption of this ordinance would amend or delete certain provisions of the 2006 Standard Traffic Ordinance for Kansas Cities.)

POLICY ISSUE:

None.

STAFF RECOMMENDATION:

Enact the ordinance.

BACKGROUND:

This ordinance amends or deletes certain provisions of the Standard Traffic Ordinance for Kansas Cities. The sections deleted are generally already covered by existing ordinances in Chapter 142. This ordinance would also amend the exhibition of speed/racing on highways ordinance, separate it into two clearly different theories, and adopt definitions of what actions constitute each violation.

BUDGETARY IMPACT:

None - merely the cost of publication.

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

Item #29

1 Published in the Topeka Metro News_____)

2
3
4 ORDINANCE NO. _____

5
6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City
7 of Topeka Code § 142-152 to amend and delete certain provisions of
8 the current edition of the Standard Traffic Ordinance for Kansas
9 Cities, and specifically repealing said original section.

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12
13 Section 1. That City of Topeka Code § 142-152, Amendments, is hereby
14 amended to read as follows:

15 **Amendments.**

16 The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted
17 by reference, shall be amended as follows:

18 (a) Section 1 of the standard traffic ordinance, relating to definitions, is hereby
19 amended as follows:

20 Other competent evidence includes: (1) Alcohol concentration tests obtained from
21 samples taken two hours or more after the operation or attempted operation of a vehicle;
22 and (2) readings obtained from a partial alcohol concentration test on a breath testing
23 ~~machine~~ instrument.

24 All other definitions not modified, deleted or changed shall remain in effect.

25 (b) Section 13 of the standard traffic ordinance, relating to traffic control signal
26 legend, is hereby declared to be and is omitted and deleted.

27 (c) Section 33 of the standard traffic ordinance, relating to maximum speed
28 limits, is hereby declared to be and is omitted and deleted.

(d) Section 37 of the standard traffic ordinance, relating to racing on highways; exhibition of speed, is amended to read as follows:

(1) No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, ~~exhibition of speed or acceleration~~, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, or test or exhibition. For purposes of this section, "speed competition or contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to, rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other racing participants.

(2) No person shall knowingly engage in a speed exhibition on a highway. For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire

slippage, or leaving visible tire acceleration marks on the surface of
the highway or ground.

(e) Section 50 of the standard traffic ordinance relating to right, left and U-turns at intersection: obedience to, is hereby declared to be and is omitted and deleted.

(f) Section 67 of the standard traffic ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(g) Section 104 of the standard traffic ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted.

(h) Section 119 of the standard traffic ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted.

(i) Section 194 of the standard traffic ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

(j) Section 195.1 of the standard traffic ordinance, relating to operation of a motor vehicle when a habitual violator is hereby declared to be and is omitted and deleted.

(k) Section 198 of the standard traffic ordinance, relating to vehicle license; illegal tag, is hereby declared to be and is omitted and deleted.

Section 2. That original City of Topeka Code § 142-152 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.

70 PASSED and APPROVED by the City Council_____.

71

72

73

74

William W. Bunten, Mayor

75 ATTEST:

76

77

78 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 20, 2006

+ Back Print

DATE: September 26, 2006

CONTACT PERSON: John Knoll **DOCUMENT #:**

SECOND PARTY/SUBJECT: Incorporating Standard Traffic Ordinance for Kansas Cities, 2006 edition **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 142 Traffic and Vehicles

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE regulating traffic and vehicles within the city limits of Topeka, Kansas, that adopts by reference the Standard Traffic Ordinance for Kansas Cities, 2006 edition. First Reading.

(The ordinance would adopt the 2006 Standard Traffic Ordinance for Kansas Cities published by the Kansas League of Municipalities, with certain amendments and deletions.)

POLICY ISSUE:

Whether the City Council wants to enact this ordinance which will make the City traffic code consistent with the state traffic code.

STAFF RECOMMENDATION:

Enact the ordinance.

BACKGROUND:

The League of Kansas Municipalities annually publishes a new traffic ordinance incorporating changes in traffic laws adopted by the Kansas Legislature. Enactment of this ordinance would adopt changes made to state traffic laws over the last four years.

BUDGETARY IMPACT:

Minimal. The cost of publishing the ordinance and the cost of equipping the police department with sufficient copies of the ordinance.

SOURCE OF FUNDING:

Copies for the city prosecutor's office and the municipal court (30) will be funded from the legal department budget. Copies for the Police Department (300) will be funded from the police department budget.

ATTACHMENTS:

[Ordinance](#)

Item #30

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regulating traffic within the corporate limits of the City of Topeka, Kansas, incorporating by reference the "Standard Traffic Ordinance for Kansas Cities" edition of 2006, with certain omissions, changes and additions; amending City of Topeka Code § 142-151, and repealing said original section.

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

Section 1. That City of Topeka Code § 142-151, Incorporation of standard traffic ordinance, is hereby amended to read as follows:

Incorporation of standard traffic ordinance.

(a) *Generally; copies.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas, that certain Standard Traffic Ordinance known as the "Standard Traffic Ordinance For Kansas Cities," edition of ~~2002~~ 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of

the ordinance shall be supplied, at the cost of the city, such number of official copies of the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(b) *Traffic infractions and traffic offenses.*

(1) A traffic infraction is a violation of any section of Chapter 142 of the City Code or of the Standard Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this ordinance and which are not traffic infractions as defined in paragraph (1) above of this section, shall be considered traffic offenses.

Section 2. That original City of Topeka Code § 142-151 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 _____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 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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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	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available