City of Topeka
City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org

August 16, 2016
6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	**District No. 1**	**Brendan Jensen**	**District No. 6**
Sandra Clear	**District No. 2**	**Elaine Schwartz**	**District No. 7**
Sylvia E. Ortiz	**District No. 3**	**Jeff Coen**	**District No. 8**
Tony Emerson	**District No. 4**	**Richard Harmon**	**District No. 9**
Michelle De La Isla	**District No. 5**		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

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

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

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"National Park Service Centennial Year"

2. PRESENTATIONS:

"City of Topeka 2nd Quarter Financial Report"
"City 2nd Quarter Public Works and Utility Report"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Juvenile Corrections Advisory Board

BOARD APPOINTMENT recommending the appointment of Arnold Downing Sr. to the Juvenile Corrections Advisory Board for a term ending August 17, 2019.

B. Board Appointment - Board of Plumbing Examiners

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 17, 2018. *(Council District No. 7)*

C. Board Appointment - Board of Plumbing Examiners

BOARD APPOINTMENT recommending the reappointment of Doug Hubbell to the Board of Plumbing Examiners for a term ending September 1, 2018. *(Council District No. 8)*

D. Resolution - Complimentary Alcohol at First Friday Art Events

A RESOLUTION introduced by City Manager Jim Colson, authorizing the serving of complimentary alcoholic liquor or cereal malt beverage for the First Friday Art Walk events to be held at various businesses as sponsored by ArtsConnect, Inc., from October 2016 through October 2017.

(Approval would allow premises that are not licensed to sell alcohol and cereal malt beverages to provide complimentary alcohol and cereal malt beverages at events sponsored by non-profit organization promoting the arts.)

E. MINUTES of the regular meeting of August 9, 2016

F. APPLICATIONS:

G. Resolution - Brass Rail Tavern - Noise Exception

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 2)*

This item was added at the meeting.

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music on August 27, 2016, during the hours of 8:00 p.m. and 11:59 p.m., at 401 NE Emmett Street.)

5. ACTION ITEMS:

A. Resolution - Temporary Notes, Series 2016-A

RESOLUTION introduced by City Manager Jim Colson, authorizing and directing the issuance of Temporary Notes, Series 2016-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of $32,655,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2015-A Temporary Notes of said City, dated September 15, 2015, and (ii) pay a portion of the cost of certain improvement of said City.

(Approval would fund one neighborhood improvement project, one fire station improvement project, four street improvement projects, one special assessment project, one quality of life project, one city facility project and utility projects.)

B. Ordinance - General Obligation Bonds, Series 2016-B

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of $22,915,000 aggregate principal amount of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended.

(Approval would allow the City to convert capital improvement projects from temporary note status to permanent financing through General Obligation Bonds)

C. Resolution - General Obligation Bonds, Series 2016-B

RESOLUTION introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, in the aggregate principal amount of $22,915,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved August 16, 2016; and authorizing certain other documents and action in connection with the issuance of the bonds.

(Approval would detail the procedures to issue the 2016-B General Obligation Bonds)

D. Resolution - Cyrus Hotel Community Improvement District - Setting Public Hearing Date

A RESOLUTION introduced by City Manager Jim Colson, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Cyrus Hotel at 912-920 South Kansas Avenue, as more specifically described herein.

(Approval would set a public hearing date on September 6, 2016, to consider the advisability of creating a Community Improvement District (CID), in the City Council Chambers located at 214 SE 8th Street.)

E. Ordinance - Annexation 6626 SW Huntoon Street (A16/1)

AN ORDINANCE introduced by City Manager Jim Colson, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. *(A16/1) (Council District No. 9)*

(Approval would allow a .82-acre tract, outside the city limits, to be annexed and made part of the

City of Topeka assigned to Council District No. 9.)

F. Joint Memorandum of Agreement - Group Healthcare Benefits 2017 - 2019

APPROVAL of a Joint Memorandum of Agreement concerning group healthcare cost sharing with the labor unions.

(Approval of the three-year agreement would set forth the cost sharing formula for the City and individual employee contributions.)

G. Resolution - Property Taxation Policy

A RESOLUTION introduced by City Manager Jim Colson, expressing the property taxation policy of the City of Topeka Governing Body with respect to financing the annual budget of 2017.

(Approval would foster transparency in accordance with the intent of K.S.A. 79-2925b which requires approval of a municipality's budget that is funded by property taxes where the revenue exceeds that of the preceding year, as adjusted by the consumer price index and certain exemptions.)

H. Appropriation Ordinance - 2017 City of Topeka Operating Budget

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2017 and appropriating the amounts for the purpose set forth therein.

(Approval would adopt the City's 2017 operating budget.)

6. NON-ACTION ITEMS:

A. Discussion - Updates on the Dangerous Dog and Merchant Guard Ordinances

DISCUSSION on the status of the Dangerous Dog and Merchant Guard Ordinances.

B. Discussion - Topeka Fire Department Update

DISCUSSION summarizing the findings of the Topeka fire Department organizational assessment and recommendations of future actions.

7. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided

for in K.S.A. 75-4319.)

10. ADJOURNMENT:

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Mayor Wolgast**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Juvenile Corrections Advisory Board**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Arnold Downing Sr. to the Juvenile Corrections Advisory Board for a term ending August 17, 2019.

POLICY ISSUE:

Not Applicable.

STAFF RECOMMENDATION:

Mayor Wolgast is recommending the appointment of Arnold Downing Sr. to the Juvenile Corrections Advisory Board for a three-year term ending August 17, 2019. This is a statutory board pursuant to KSA 75-7044 appointments shall be made by the governing body. The Juvenile Corrections Advisory Board is a statutory board wherein the Mayor nominates and the Council has final approval.

BACKGROUND:

KSA 75-7044. The Juvenile Corrections Advisory Board is a statutory board that actively participates in the formulation of the comprehensive plan for development, implementation and operation of juvenile correctional services.

BUDGETARY IMPACT:

No budgetary impact.

SOURCE OF FUNDING:

Not Applicable.

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
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www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Mayor Larry Wolgast**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Board of Plumbing Examiners**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 003 Requests**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 17, 2018. *(Council District No. 7)*

POLICY ISSUE:

The Board of Plumbing Examiners reviews applications and approves the issuance of licenses in accordance with City Code. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers.

STAFF RECOMMENDATION:

Councilmember Schwartz nominates and Mayor Wolgast recommends the reappointment of Doug Snook to the Board of Plumbing to a two year term ending August 17, 2018. This position may be filled by a licensed master plumber and must live within the city. Mr. Snook meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of five members; two licensed master plumbers, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two-year terms

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Mayor Larry Wolgast**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Board of Plumbing Examiners**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 003 Requests**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Doug Hubbell to the Board of Plumbing Examiners for a term ending September 1, 2018. *(Council District No. 8)*

POLICY ISSUE:

The Board of Plumbing Examiners reviews applications and approves the issuance of licenses in accordance with City Code. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers.

STAFF RECOMMENDATION:

Councilmember Coen nominates and Mayor Wolgast recommends the reappointment of Doug Hubbell to the Board of Plumbing to a two year term ending **September 1, 2018**. This position may be filled by a licensed master plumber and must live within the city. Mr. Hubbell meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of five members; two licensed master plumbers, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two-year terms.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Mary Feighny, Deputy City Attorney**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**ArtsConnect**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, authorizing the serving of complimentary alcoholic liquor or cereal malt beverage for the First Friday Art Walk events to be held at various businesses as sponsored by ArtsConnect, Inc., from October 2016 through October 2017.

(Approval would allow premises that are not licensed to sell alcohol and cereal malt beverages to provide complimentary alcohol and cereal malt beverages at events sponsored by non-profit organization promoting the arts.)

POLICY ISSUE:

Whether to renew the current authorization allowing complimentary alcohol to be served at First Friday monthly events sponsored by ArtsConnect.

STAFF RECOMMENDATION:

Staff recommends the Governing Body moved to approve the resolution.

BACKGROUND:

The governing body has authorized complimentary alcohol to be served at ArtsConnect "First Friday" activities since 2013. State law allows complimentary alcohol to be served at such events if the approved by the governing body.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

RESOLUTION NO. ______

A RESOLUTION introduced by City Manager Jim Colson authorizing the serving of complimentary alcoholic liquor or cereal malt beverage for the First Friday Art Walk events to be held at various businesses as sponsored by ArtsConnect, Inc. from October 2016 through October 2017.

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

Section 1. Pursuant to K.S.A. 41-104, authorization is given to serve complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of businesses by the business owner or agent at the First Friday Art Walk events sponsored by ArtsConnect, Inc. which is a nonprofit organization promoting the arts, to be held on the first Friday of each month between the hours of 4:30 p.m. and 9:30 p.m. commencing on October 7, 2016, through October 6, 2017.

Section 2. As required by K.S.A. 41-104, the State Director of Alcoholic Beverage Control shall be notified at least 10 days prior to the event. The sponsor or business shall bear this responsibility.

Section 3. This resolution shall take effect upon its approval.

ADOPTED and APPROVED by the Governing Body on ____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Councilmember Sandra Clear**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Tammi Lopez**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 2)*

This item was added at the meeting.

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music on August 27, 2016, during the hours of 8:00 p.m. and 11:59 p.m., at 401 NE Emmett Street.)

POLICY ISSUE:

Brass Rail Tavern has requested that a noise exception be granted for live bands and amplified music to take place during specified dates and times.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Brass Rail Tavern is requesting the noise exception due to amplified music.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it unlawful for any person to make, continue or cause to be 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 9.45.170, et seq. 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 9.45.150, et seq.; and

WHEREAS, Brass Rail Tavern has requested that it be granted an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Brass Rail Tavern, 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 9.45.150, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Brass Rail Tavern is hereby granted an exception from the provisions of City of Topeka Code Section 9.45.150, et seq. for a live band located on the patio at 401 NE Emmett Street during the hours of 8:00 p.m. and 11:59 p.m. on August 27, 2016.

ADOPTED and APPROVED by the Governing Body _____________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Brandon Kauffman, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Temp Notes 2016-A**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Jim Colson, authorizing and directing the issuance of Temporary Notes, Series 2016-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of $32,655,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2015-A Temporary Notes of said City, dated September 15, 2015, and (ii) pay a portion of the cost of certain improvement of said City.

(Approval would fund one neighborhood improvement project, one fire station improvement project, four street improvement projects, one special assessment project, one quality of life project, one city facility project and utility projects.)

POLICY ISSUE:

The proceeds from the sales of the temporary notes will be used to provide interim financing for City-at-large projects, improvement district projects and public improvement projects during the construction phase.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The temporary note would fund one neighborhood improvement project, one fire station improvement project, four street improvement projects, one special assessment project, one quality of life project, one city facility project and utility projects.

BUDGETARY IMPACT:

The notes are not subject to optional redemption and will mature on October 1, 2017. The notes would be retired using cash, the proceeds of permanent financing bonds and/or renewal notes issued at the time or from other sources. There would not be an immediate budgetary impact for the note. However, once construction is completed the recommendation would be to roll the notes into permanent bonds.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Description

2016-A Temp Note Resolution

2016-A Temp Note & 2016-B Bond Projects

260716 3

RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING AND DIRECTING THE ISSUANCE OF TEMPORARY NOTES, SERIES 2016-A (GENERAL IMPROVEMENTS) OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF $32,655,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF (i) RENEWING A PORTION OF THE SERIES 2015-A TEMPORARY NOTES OF SAID CITY, DATED SEPTEMBER 15, 2015, AND (ii) PAY A PORTION OF THE COST OF CERTAIN IMPROVEMENTS IN SAID CITY.

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq*., as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the "City") (Section A12-1 of the Code of the City) and all other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had and other actions duly and legally taken, the City has authorized and caused the following improvements described in Exhibit B attached to this Resolution (the "Improvements") to be made in the City; and

WHEREAS, the authorization of the Improvements pursuant to the authorizing authority and in the respective amounts set forth in Exhibit B hereto, is hereby approved, ratified, and affirmed; and

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

WHEREAS, pursuant to Resolution No. 8712 of the City adopted August 18, 2015, the City issued its Temporary Notes, Series 2015-A (General Improvements), dated September 15, 2015, aggregating the principal amount of $49,620,000 and maturing on October 1, 2016, (the "Series 2015-A Notes") to provide funds to finance certain improvements in the City including Projects Nos. T-131023.00, T-141016, T-281028, T-281079.00, T-281082.00, T-281085.00, T-151016.01, T-501018.00, T-291003.01, T-291028.00, T-291018.02, T-291030.00, T-291035.00

and T-291039.00; as hereinbefore described (the “2015-A Projects”), and all aspects of said Projects will not be fully completed at the maturity of the Series 2015-A Notes; and

WHEREAS, it is necessary for the City to provide cash funds to (i) renew a portion of the Series 2015-A Notes issued to provide financing for the 2015-A Projects and (ii) to meet the City’s obligations incurred in connection with the Improvements prior to the completion of said work and the issuance of the City’s general obligation bonds, and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

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

Section 1. That the authorization of the Improvements pursuant to the authorizing authority in the amounts authorized, all as set forth in the attached Exhibit B, is hereby approved, ratified, and affirmed.

Section 2.(a) For the purpose of providing funds to (i) renew a portion of the Series 2015-A Notes issued in connection with the 2015-A Projects as hereinbefore described, and (ii) to pay obligations incurred by the City in acquiring and constructing the Improvements, there shall be issued and are hereby authorized to be issued Temporary Notes, Series 2016-A (General Improvements), of the City, in the principal amount not to exceed $__________ (the “Notes”). The Notes will consist of fully registered notes in the denomination of $5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas (the “Note Registrar” and “Paying Agent”) in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated September 13, 2016, shall become due on October 1, 2017, and shall bear interest from said date at the rate of _____ percent (_____%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on October 1, 2017, (the “Interest Payment Date”) to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding the applicable interest payment date (the “Record Date”).

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

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

(d) The execution and delivery of the Representation Letter to The Depository Trust Company, New York, New York, by the Mayor or Deputy Mayor in the form attached hereto as

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

Section 3. The Notes shall contain recitals and be in the form as prescribed by law. The Notes shall, in addition to all other requirements, be subject to the terms and conditions of the agreement entitled "Agreement Between Issuer and Agent" by and between the City and the Treasurer of the State of Kansas, as Note Registrar.

Section 4. The Notes shall be executed by the facsimile or manual signature of the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon. After such execution and the registration of the Notes by the City Clerk and the Kansas State Treasurer, Topeka, Kansas, hereby designated as both the City's Note Registrar and Paying Agent in connection with the Notes, the Notes shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the Original Purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest thereon to the date of delivery. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of (i) renewing the Series 2015-A Notes previously issued to finance the 2015-A Projects as hereinbefore described, (ii) the costs of the Improvements and (iii) the costs of issuing the Notes.

Section 5. The Notes to be issued shall be in substantially the following form:

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

THEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL IN AS MUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

Temporary Note No. R-1

$_______** **$__________

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
SERIES 2016-A (GENERAL IMPROVEMENTS)

Rate of Interest: ______%	Maturity Date: October 1, 2017	Dated Date: September 13, 2016	CUSIP NO.

Registered Owner: Cede & Co.
Principal Amount: ________________________ Dollars

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

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

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its Governing Body, has caused this Temporary Note to be signed by its Mayor or Deputy Mayor and attested by its City Clerk, and has caused its corporate seal to be affixed hereto, all as of the 13th day of September, 2016.

ATTEST:

____
Mayor, City of Topeka, Shawnee County, Kansas

____
City Clerk

(SEAL)

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

____
(SEAL) City Clerk

****

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2016-A (General Improvements), described in the within mentioned Resolution.

Registration Date: ____________________.

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

I.D. No. ______________________ By_________________________________

****

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

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

WITNESS My Hand and Official Seal as of this 13th day of September, 2016.

____
(SEAL) City Clerk of the City of Topeka,
Shawnee County, Kansas

****

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, RON ESTES, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Temporary Note has been filed in my office and that this Note has been registered in my office according to law this _____ day of September, 2016.

WITNESS My Hand and Official Seal.

RON ESTES
Treasurer of the State of Kansas

BY:______________________________
State Treasurer

(SEAL)

****

NOTE ASSIGNMENT

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

____
(Note Assignment)

____

____
(Social Security or Taxpayer Identifying No.)

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

Dated____________

____
Name

____
Social Security or Taxpayer Identifying No.

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

Face of Certifiate Signature Guaranteed By:

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

By:_________________________________

****

FURTHER TERMS AND CONDITIONS

This Note is one of a duly authorized series of Temporary Notes aggregating the principal amount of $_________ (the "Notes") issued by the City to finance, on an interim basis, the construction of certain improvements, heretofore duly authorized by the City, which are to be paid for either in whole or in part by the issuance of bonds of the City. This Note and the series of which it is a part are issued by the City to pay the cost of such improvements until money for such purpose and for the payment of this Note with accrued interest, if any, thereon can be raised by the City by the sale and issuance of its general obligation bonds. This Note and the series of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of Resolution No. __________ of the City (the "Resolution"), the Constitution and Laws of the State of Kansas, including Article 12, Section 5 of the Constitution to the State of Kansas, K.S.A. 10-123, K.S.A. 12-6a01 et seq. and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and all acts amendatory thereof and supplemental thereto.

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

EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION, THIS NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. The City may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of the principal hereof and interest due hereon and for all other purposes. This Note is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the office of the Note Registrar upon receipt by the Note Registrar of a duplicate original counterpart of the document by which the assignment or reassignment is made, disclosing the name and address of each such assignee.

Upon receipt of such notice of assignment, the Paying Agent agrees to make all payments to the assignee designated in the assignment. The City shall pay out of the proceeds of the Notes, or from other lawfully available funds, all costs incurred in connection with the issuance, transfer, exchange, redemption or payment of the Notes except (a) fees and expenses in connection with the replacement of any of the Notes mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange or payment of the Notes.
****

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

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

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

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

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

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

ADOPTED by the Governing Body of the City of Topeka, Kansas, this 16th day of August, 2016.

CITY OF TOPEKA, KANSAS

(SEAL)

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ______ adopted and approved by the governing body of the City on August 16, 2016.

____
Brenda Younger, City Clerk

(SEAL)

EXHIBIT A

LETTER OF REPRESENTATIONS

(ATTACHED)

EXHIBIT B

Project Number & Description	Authorizing Authority	Project Authorization	Amount Authorized
Special Assessment Projects			
Project No. T-601048.00	K.S.A. 12-6a01 et seq.	Res. #8675	$ 912,389.00
Fire Station/Equipment Projects			
Project No. T-131023.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8437	$3,667,600.00
Trafficway Projects			
Project No. T-141016.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$ 640,000.00
Building Projects			
Project No. T-131036.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$1,200,000.00
Street Projects			
Project No. T-601052.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$1,400,000.00
Project No. T-701011.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$3,200,000.00
Project No. T-701014.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$2,000,000.00
Project No. T-701015.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$ 400,000.00
Zoo Projects			
Project No. T-301049.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8755	$2,233,086.00
Utility Projects			
Project No. T-281028.00	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19891	$2,670,000.00
Project No. T-281032.01	Charter Ordinance No. 89 (City Code A12-1)	Res. #8755	$1,402,500.00
Project No. T-281079.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$4,157,000.00
Project No. T-281082.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$1,464,400.00
Project No. T-281085.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$1,558,700.00
Project No. T-281086.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$4,158,640.00
Project No. T-151016.01	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19883	$ 900,000.00

Project No. T-501018.00	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19884	$1,500,000.00
Project No. T-501025.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625/8755	$3,500,000.00
Project No. T-291003.01	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625/8665	$1,449,740.00
Project No. T-291028.00	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19885	$1,000,000.00
Project No. T-291018.02	Charter Ordinance No. 89 (City Code A12-1)	Res. #8755	$8,098,274.00
Project No. T-291030.00	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19882	$3,500,000.00
Project No. T-291035.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$1,000,000.00
Project No. T-291039.00	Charter Ordinance No. 89 (City Code A12-1)	Res.#8625/8673/8742	$1,500,000.00
Project No. T-291041.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$2,000,000.00
TOTAL			$55,512,329.00

Temp Note and Bond Projects

Project #	PIMS #	Location	Type	Resolution	Ordinance	Temp Note	GOB
Neighborhoods							
	T-601039.00	NIA CENTRAL HIGH PARK/HI-CREST	GOB	8577		$ -	$ 1,400,000
	T-601041.00	NIA HIST N TOPEKA & OAKLAND	GOB	8656		$ -	$ 1,400,000
	T-601045.00	NIA OAKLAND/N TOPEKA EAST	GOB	8625		$ -	$ 1,400,000
	T-601052.00	NIA N TOPEKA WEST/HI-CREST	GOB	8673		$ 700,000	$ -
	Total Neighborhoods					$ 700,000	$ 4,200,000
Public Safety							
	T-131023.00	FIRE STATION #13	GOB	8437		$ 3,507,000	$ -
	Total Public Safety					$ 3,507,000	$ -
Streets							
	T-12045.00	SE 10 ST OVER SHUNGA CRK	GOB		19399	$ -	$ 629,000
	T-601034.00	NE SEWARD AVE STREETSCAPE	GOB	8501		$ -	$ 500,000
	T-601043.00	COMPLETE STREETS	GOB	8625		$ -	$ 100,000
	T-601044.00	CITYWIDE INFRASTRUCTURE	GOB	8625		$ -	$ 200,000
	T-701008.01	SW 37TH BURLINGAME TO GAGE	GOB	8584/8625		$ -	$ 6,700,000
	T-141012.00	TRAFFIC SIG REPLACE 4 INTERSEC	GOB	8408		$ -	$ 640,000
	T_141013.00	TRAFFIC SIGNAL REPLACE 4 INTER	GOB	8494		$ -	$ 640,000
	T-141015.00	TRAFFIC SIG REPLACE 5 INTERSEC	GOB	8581		$ -	$ 640,000
	T-141016.00	TRAFFIC SIG REPLACE	GOB	8625		$ 320,000	$ -
	T-601036.00	VARIOUS TRAFFIC SAFETY IMPROVE	GOB	8580		$ -	$ 370,000
	T-601042.00	VARIOUS TRAFFIC SAFETY PROJECT	GOB	8625		$ -	$ 185,000
	T-141021.00	Traffic Signal Comm Upgrade	GOB	8673		$ -	$ 1,198,000
	T-701011.00	SE California SE 29th to SE 33rd	GOB	8625		$ 750,000	$ -
	T-701012.00	WIDEN 6TH WANAM TO W I70 BRIDG	GOB	8625		$ -	$ 600,000
	T-701014.00	SW Huntoon/I470/Arvonia Pl	GOB	8673		$ 1,000,000	
	T-701015.00	SW 10th Ave-Fairlawn to Wannamaker	GOB	8673		$ 400,000	
	Total Streets					$ 2,470,000	$ 12,402,000
Special Assessments							
	T-151011.00	POND REPAIR - LAURENS BAY	SPEC ASSESS	8317		$ -	$ 1,345,000
	T-281062.00	WATER MAIN KANZA EDUC PARK	SPEC ASSESS	8485		$ -	$ 495,000
	T-401039.00	SAN SWR KANZA EDUC PARK	SPEC ASSESS	8684		$ -	$ 745,000
	T-601030.00	STREET IMPROV KANZA EDUC PARK	SPEC ASSESS	8487		$ -	$ 4,410,000
	T-601048.00	STREET IMPROV MILLERS RESERVE	SPEC ASSESS	8675		$ 800,000	
	Total Special Assessments					$ 800,000	$ 6,995,000
Quality of Life							
	T-301049.00	Kay's Garden	GOB	8755		$ 500,000	$ -
	Total Quality of Life					$ 500,000	$ -
City Facilities							
	T-131036.00	Municipal Bldg Renov/Mech Sys	GOB	8673		$ 500,000	$ -
	Total City Facilities					$ 500,000	$ -
Utility							
	T-281028.00	Fairlawn Extension			19891	$ 2,000,000	$ -
	T-281079.00	Crane @ Jefferson		8625/8673		$ 3,000,000	$ -
	T-281082.00	California, 33rd - 41st		8625		$ 1,000,000	$ -
	T-281085.00	37th St, Kent - Cali		8673		$ 1,000,000	$ -
	T-281086.00	Crane, Har - Jef		8673		$ 2,000,000	$ -
	T-281032.01	Layne Station Ph II		8673		$ 1,000,000	$ -
	T-151016.01	SE 29th St Ph II			19553	$ 500,000	$ -
	T-501018.00	City Park Ph I			19884	$ 1,000,000	$ -
	T-501025.00	Adams St SW Removal		8673		$ 500,000	$ -
	T-291030.00	Eastside Interceptor			19882	$ 3,000,000	$ -
	T-291028.00	2014 Lining/Rehab			19885	$ 1,000,000	$ -
	T-291035.00	2015 Replacement Program		8625		$ 1,000,000	$ -
	T-291003.01	SKRPS Ph II		8665		$ 1,400,000	$ -
	T-291039.00	2016 Replacement Program		8673		$ 1,000,000	$ -
	T-291041.00	Adams St IS Rehab		8673		$ 1,800,000	$ -
	T-291018.02	Solids Handling Ph II		8673		$ 2,500,000	$ -
	Total Utilities					$ 23,700,000	$ -
Total Projects						**$ 32,177,000**	**$ 23,597,000**

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Brandon Kauffman, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**GO Bonds 2016-B**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 012 Bond Ordinances**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, authorizing the issuance of $22,915,000 aggregate principal amount of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended.

(Approval would allow the City to convert capital improvement projects from temporary note status to permanent financing through General Obligation Bonds)

POLICY ISSUE:

Approval allows the City to convert capital improvement projects from temporary note status to permanent financing through General Obligation Bonds.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

The bond would permanently finance four neighborhood improvement projects, twelve street projects, and four special assessment projects.

BUDGETARY IMPACT:

Debt service will mature serially over 15 years for general obligation projects directly funded by the City and special assessment projects would be spread over 20 years. The 2017 adopted budget included the issuance of new bonds for projects, plus the costs of issuance and interest costs, while maintaining a projected flat debt service fund mill levy.

SOURCE OF FUNDING:

Debt service is paid through the debt service fund and is funded by a property tax levy and special assessments.

ATTACHMENTS:

Description

2016-B Bond Ordinance

2016-B Temp Notes & Bond Projects

260716 3

(Published in The Topeka Metro News on August ____, 2016.)

ORDINANCE NO. _______

AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING THE ISSUANCE OF $22,915,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2016-B OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 12-6a01 ET SEQ., AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Topeka, Kansas, (the "City") has authorized and caused those improvements described in Exhibit A attached to this Ordinance (the "Improvements") to be made in the City; and

WHEREAS, the authorization of the Improvements pursuant to the authorizing authority and in the respective amounts set forth in Exhibit A hereto, is hereby approved, ratified, and affirmed; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements, including the payment of a portion of the City's outstanding Series 2015-A Temporary Notes, dated September 15, 2015, which are due and payable October 1, 2016, and related expenses are at least $___________ (the "Improvement Costs") with $6,985,254.12 of said Improvement Costs to be paid by the owners of the property within the City benefited by the Improvements ($________ of which has been paid into the City Treasury on account of the Improvements), leaving $__________ to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2016-A in the aggregate principal amount of ___________________ Dollars ($___________) for the purpose of paying a portion of the Improvement Costs and paying the costs of issuing the Bonds.

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

Section 1. That the authorization of the Improvements pursuant to the authorizing authority in the amounts authorized, all as set forth in the attached Exhibit A, is hereby approved, ratified, and affirmed.

Section 2. That there is hereby authorized and directed to be issued General Obligation Bonds, Series 2016-B of the City in the aggregate principal amount of ___________________ Dollars ($___________) (the "Bonds") for the purpose of paying of the Improvement Costs, and paying the costs of issuing the Bonds as provided by K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 3. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 4. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 5. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 6. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 7. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed and approved by the governing body of the City of Topeka, Kansas, this 16th day of August, 2016.

CITY OF TOPEKA, KANSAS

____

Larry E. Wolgast, Mayor

ATTEST:

____

Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ______ adopted and approved by the governing body of the City on August 16, 2016.

(SEAL)

____

Brenda Younger, City Clerk

EXHIBIT A

Project Number & Description	Authorizing Authority	Project Authorization	Amount Authorized
Special Assessment Projects			
Project No. T-151011.00	K.S.A. 12-6a01 et seq.	Res. #8317	$1,321,850.00[1]
Project No. T-281062.00	K.S.A. 12-6a01 et seq.	Res. #8485	$ 497,600.00[1]
Project No. T-401039.00	K.S.A. 12-6a01 et seq.	Res. #8684	$ 779,500.00[1]
Project No. T-601030.00	K.S.A. 12-6a01 et seq.	Res. #8487	$4,492,200.00[1]
Bridge Projects			
Project No. T-12045.00	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19399	$ 629,960.00
Trafficway Projects			
Project No. T-141012.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8408	$ 640,000.00
Project No. T-141013.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8494	$ 640,000.00
Project No. T-141015.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8581	$ 640,000.00
Project No. T-141021.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8673	$1,198,800.00
Street/Sidewalk Projects			
Project No. T-601034.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8501	$ 500,000.00
Project No. T-601036.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8580	$ 370,000.00
Project No. T-601039.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8577	$1,400,000.00
Project No. T-601041.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8656	$1,400,000.00
Project No. T-601042.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$ 185,000.00
Project No. T-601043.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$ 100,000.00
Project No. T-601044.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$ 200,000.00

Project Number & Description	Authorizing Authority	Project Authorization	Amount Authorized
Project No. T-601045.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$1,400,000.00
Project No. T-701008.01	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$6,700,000.00
Project No. T-701012.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625	$ 600,000.00
TOTAL			$23,694,910.00

[1]Estimated Probable Costs

Temp Note and Bond Projects

Project #	PIMS #	Location	Type	Resolution	Ordinance	Temp Note	GOB
Neighborhoods							
	T-601039.00	NIA CENTRAL HIGH PARK/HI-CREST	GOB	8577		$ -	$ 1,400,000
	T-601041.00	NIA HIST N TOPEKA & OAKLAND	GOB	8656		$ -	$ 1,400,000
	T-601045.00	NIA OAKLAND/N TOPEKA EAST	GOB	8625		$ -	$ 1,400,000
	T-601052.00	NIA N TOPEKA WEST/HI-CREST	GOB	8673		$ 700,000	$ -
	Total Neighborhoods					$ 700,000	$ 4,200,000
Public Safety							
	T-131023.00	FIRE STATION #13	GOB	8437		$ 3,507,000	$ -
	Total Public Safety					$ 3,507,000	$ -
Streets							
	T-12045.00	SE 10 ST OVER SHUNGA CRK	GOB		19399	$ -	$ 629,000
	T-601034.00	NE SEWARD AVE STREETSCAPE	GOB	8501		$ -	$ 500,000
	T-601043.00	COMPLETE STREETS	GOB	8625		$ -	$ 100,000
	T-601044.00	CITYWIDE INFRASTRUCTURE	GOB	8625		$ -	$ 200,000
	T-701008.01	SW 37TH BURLINGAME TO GAGE	GOB	8584/8625		$ -	$ 6,700,000
	T-141012.00	TRAFFIC SIG REPLACE 4 INTERSEC	GOB	8408		$ -	$ 640,000
	T_141013.00	TRAFFIC SIGNAL REPLACE 4 INTER	GOB	8494		$ -	$ 640,000
	T-141015.00	TRAFFIC SIG REPLACE 5 INTERSEC	GOB	8581		$ -	$ 640,000
	T-141016.00	TRAFFIC SIG REPLACE	GOB	8625		$ 320,000	$ -
	T-601036.00	VARIOUS TRAFFIC SAFETY IMPROVE	GOB	8580		$ -	$ 370,000
	T-601042.00	VARIOUS TRAFFIC SAFETY PROJECT	GOB	8625		$ -	$ 185,000
	T-141021.00	Traffic Signal Comm Upgrade	GOB	8673		$ -	$ 1,198,000
	T-701011.00	SE California SE 29th to SE 33rd	GOB	8625		$ 750,000	$ -
	T-701012.00	WIDEN 6TH WANAM TO W I70 BRIDG	GOB	8625		$ -	$ 600,000
	T-701014.00	SW Huntoon/I470/Arvonia Pl	GOB	8673		$ 1,000,000	
	T-701015.00	SW 10th Ave-Fairlawn to Wannamaker	GOB	8673		$ 400,000	
	Total Streets					$ 2,470,000	$ 12,402,000
Special Assessments							
	T-151011.00	POND REPAIR - LAURENS BAY	SPEC ASSESS	8317		$ -	$ 1,345,000
	T-281062.00	WATER MAIN KANZA EDUC PARK	SPEC ASSESS	8485		$ -	$ 495,000
	T-401039.00	SAN SWR KANZA EDUC PARK	SPEC ASSESS	8684		$ -	$ 745,000
	T-601030.00	STREET IMPROV KANZA EDUC PARK	SPEC ASSESS	8487		$ -	$ 4,410,000
	T-601048.00	STREET IMPROV MILLERS RESERVE	SPEC ASSESS	8675		$ 800,000	
	Total Special Assessments					$ 800,000	$ 6,995,000
Quality of Life							
	T-301049.00	Kay's Garden	GOB	8755		$ 500,000	$ -
	Total Quality of Life					$ 500,000	$ -
City Facilities							
	T-131036.00	Municipal Bldg Renov/Mech Sys	GOB	8673		$ 500,000	$ -
	Total City Facilities					$ 500,000	$ -
Utility							
	T-281028.00	Fairlawn Extension			19891	$ 2,000,000	$ -
	T-281079.00	Crane @ Jefferson		8625/8673		$ 3,000,000	$ -
	T-281082.00	California, 33rd - 41st		8625		$ 1,000,000	$ -
	T-281085.00	37th St, Kent - Cali		8673		$ 1,000,000	$ -
	T-281086.00	Crane, Har - Jef		8673		$ 2,000,000	$ -
	T-281032.01	Layne Station Ph II		8673		$ 1,000,000	$ -
	T-151016.01	SE 29th St Ph II			19553	$ 500,000	$ -
	T-501018.00	City Park Ph I			19884	$ 1,000,000	$ -
	T-501025.00	Adams St SW Removal		8673		$ 500,000	$ -
	T-291030.00	Eastside Interceptor			19882	$ 3,000,000	$ -
	T-291028.00	2014 Lining/Rehab			19885	$ 1,000,000	$ -
	T-291035.00	2015 Replacement Program		8625		$ 1,000,000	$ -
	T-291003.01	SKRPS Ph II		8665		$ 1,400,000	$ -
	T-291039.00	2016 Replacement Program		8673		$ 1,000,000	$ -
	T-291041.00	Adams St IS Rehab		8673		$ 1,800,000	$ -
	T-291018.02	Solids Handling Ph II		8673		$ 2,500,000	$ -
	Total Utilities					$ 23,700,000	$ -
Total Projects						**$ 32,177,000**	**$ 23,597,000**

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Brandon Kauffman, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**GO Bonds Series 2016-B**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, in the aggregate principal amount of $22,915,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved August 16, 2016; and authorizing certain other documents and action in connection with the issuance of the bonds.

(Approval would detail the procedures to issue the 2016-B General Obligation Bonds)

POLICY ISSUE:

Approval of bonds will convert capital improvement projects from temporary note status to permanent financing through general obligation bonds. This would include city projects and special assessment projects the City has completed.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The bond would fund four neighborhood improvement projects, twelve street improvement projects, and four special assessment projects.

BUDGETARY IMPACT:

Debt service will mature serially over 15 years for general obligation projects directly funded by the City and special assessment projects would be spread over 20 years. The 2017 proposed budget included the issuance of new bonds for projects, plus the costs of issuance and interest costs.

Budgetary savings for the partial refundings of Series 2009-B, 2010-A and 2010-B will be spread over the remaining life of the bonds.

SOURCE OF FUNDING:

Debt service is paid through the debt service fund and is funded by a property tax levy and special assessments.

ATTACHMENTS:

Description

2016-B Bond Resolution

2016-B Temp Notes & Bond Projects

260716 3

****

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

AUGUST 16, 2016

$___________
GENERAL OBLIGATION BONDS
SERIES 2016-B

****

RESOLUTION

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MISCELLANEOUS PROVISIONS

RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER JIM COLSON PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES 2016-B OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF $22,915,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. _______ ADOPTED AND APPROVED AUGUST 16, 2016; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the Governing Body of the City of Topeka, Kansas, (the "City") has authorized certain street, sanitary sewer, water system, pond repair, bridge, trafficway and public building improvements (the "Improvements") to be made in the City under the authority of K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and other provisions of the laws of the State of Kansas applicable thereto; and

WHEREAS, the City has by its Ordinance No. _______ adopted and approved August 16, 2016, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2016-B in the aggregate principal amount of $_____________ (the "Bonds") under the authority of K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), all as amended, to pay the cost of constructing the Improvements and pay the costs of issuing the Bonds; and

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

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

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

ARTICLE I

DEFINITIONS

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

"Arbitrage Instructions" means the Arbitrage Instructions in the City's Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

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

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

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

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

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

"Bonds" means the General Obligation Bonds, Series 2016-B authorized and issued by the City pursuant to the Ordinance.

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

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

"City" means the City of Topeka, Kansas, the issuer of the Bonds.

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

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

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

"Dated Date" means September 13, 2016.

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

"Defeasance Obligations" means any of the following obligations:

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

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

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and

redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

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

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

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

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

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

"EMMA" means the Electronic Municipal Market Access (EMMA) System, the web-based platform of the Municipal Securities Rulemaking Board.

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

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

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

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

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

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

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

"Improvements" means certain street improvements in the City in accordance with the legal authority as described in the recitals to this Resolution and in the Ordinance.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 15 and August 15 of each year, commencing February 15, 2017.

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

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

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

"Original Purchaser" means, with respect to the Bonds, _____________, _________, ____________.

"Ordinance" means Ordinance No. ________ adopted and approved August 16, 2016, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Series 2016-B Principal and Interest Account" means the Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2016-B, created herein within the City's Bond and Interest Fund.

"Series 2016-B Project Account" means the Project Account for the Improvements in the treasury of the City, created herein.

"Series 2016-B Rebate Fund" means the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2016-B, created herein.

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

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

"State" means the State of Kansas.

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

"Stated Maturity" means (i) with respect to any Bond principal payment, the date on which payment of principal is due and payable on any Bond, as specified on that Bond and in this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of the year in which any Bond is Outstanding, beginning February 15, 2017.

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

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

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued General Obligation Bonds, Series 2016-B of the City in the aggregate principal amount of $__________ for the purpose of providing funds to (a) pay the cost of constructing the Improvements and pay the costs of issuing the Bonds, all as described in the Ordinance, in accordance with K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, and other provisions of the laws of the State of Kansas applicable thereto.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in the denominations of $5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated September 13, 2016, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
	SERIAL BONDS	
2017	$ ________	____%
2018	________	____
2019	________	____
2020	________	____
2021	________	____
2022	________	____
2023	________	____
2024	________	____
2025	________	____
2026	________	____
2027	________	____
2028	________	____
2029	________	____
2030	________	____
2031	________	____
2032	________	____
2033	________	____
2034	________	____
2035	________	____
2036	________	____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 209. Preliminary and Final Official Statement. The *Preliminary Official Statement* dated August 9, 2016, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

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

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

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

Section 211. Book-Entry Bonds; Securities Depository.

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

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

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

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

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

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption of Bonds. The Bonds maturing prior to August 15, 2022, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2022, may be called for redemption and payment prior to maturity on February 15, 2022, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of $5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

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

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then Outstanding, then for all purposes in connection with such redemption each $5,000 of face value shall be treated as though it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such $5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such $5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the $5,000 unit or units of face value called for redemption (and to that extent only).

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

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

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

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

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

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

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

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

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

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

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

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Series 2016-B Principal and Interest Account and, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, redemption premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

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

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS
DEPOSIT AND APPLICATION OF MONEYS

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

(a) In the treasury of the City, the "Series 2016-B Project Account";

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2016-B (the "Series 2016-B Principal and Interest Account"); and

(c) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2016-B (the "Series 2016-B Rebate Fund").

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

Section 502. Disposition of Bond Proceeds. The Purchase Price of the Bonds in the amount of $_________, upon issuance and delivery thereof, shall be deposited in the Series 2016-B Project Account to pay costs of the Improvements and the costs of issuing the Bonds.

Section 503. Withdrawals from the Series 2016-B Project Account. The Treasurer shall make withdrawals from the Series 2016-B Project Account solely for the purpose of paying costs and expenses of the Improvements and paying the Costs of Issuance for the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 504. Surplus in the Series 2016-B Project Account. All moneys remaining in the Series 2016-B Project Account after the completion of the Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2016-B Principal and Interest Account and applied to the next installment of principal due on the Bonds from which such surplus moneys remain.

Section 505. Application of Moneys in Series 2016-B Principal and Interest Account. All amounts paid and credited to the Series 2016-B Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Series 2016-B Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Series 2016-B Principal and Interest Accounts after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 506. Application of Moneys in the Series 2016-B Rebate Fund.

(a) There shall be deposited in the Series 2016-B Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Series 2016-B Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Series 2016-B Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2016-B Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Series 2016-B Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2016-B Principal and Interest Account of the City.

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

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

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

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Series 2016-B Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Series 2016-B Project Account may, at the direction of the governing body of the City, be paid and credited to the Series 2016-B Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

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

ARTICLE VI

DEFAULT AND REMEDIES

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

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

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

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

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

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

ARTICLE VII

DEFEASANCE

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

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any Bond proceeds or any other funds of the City in a manner which would adversely affect the exclusion from gross income of the interest on the bonds, and (3) will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely effect the exclusion from gross income of the interest on the

Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

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

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

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

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

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

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The City hereby covenants with the Original Purchasers and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Original Purchasers and such Beneficial Owners.

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

ARTICLE X

MISCELLANEOUS PROVISIONS

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

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

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

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

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED and approved by the City of Topeka, Kansas, on August 16, 2016.

CITY OF TOPEKA, KANSAS

(SEAL)

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a regularly scheduled meeting held on August 16, 2016, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: August 16, 2016.

(SEAL)

____
Brenda Younger, City Clerk

EXHIBIT A
(FORM OF BONDS)

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

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
GENERAL OBLIGATION BOND
SERIES 2016-B

No. R-_____ $_________

Rate of Interest:	Maturity Date: August 15, 20__	Dated Date: September 13, 2016	CUSIP _________

Registered Owner:

PRINCIPAL AMOUNT ______________________________

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the “Owner”), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2017, until said principal amount is paid.

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

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of $__________ (the "Bonds") issued for the purposes set forth in Ordinance No. _______

of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), K.S.A. 10-101 to 125, inclusive, and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. _____ of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

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

At the option of the City, the Bonds maturing on or after August 15, 2022, may be called for redemption and payment prior to maturity on February 15, 2022, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of $5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 13th day of September, 2016.

CITY OF TOPEKA, KANSAS

__________(manual)__________
Mayor

ATTEST: __________(manual)__________
(SEAL) City Clerk

****

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation Bonds, Series 2016-B described in the within mentioned Resolution.

Registration Date: ____________________

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

By ____________________________________

I.D.#: __________________

****

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of September 13, 2016.

WITNESS my hand and official seal.

(manual)
City Clerk

(SEAL)

****

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

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

WITNESS my hand and official seal.

RON ESTES
TREASURER OF THE STATE OF KANSAS

By____________________________________
State Treasurer

(SEAL)

****

BOND ASSIGNMENT

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

____
(Name and Address)

____

____
(Social Security or Taxpayer Identifying No.)

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

Dated _______________ ________________________________
Name

____

Social Security or Taxpayer
Identifying No.

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

Signature guaranty:

By______________________________
****

EXHIBIT B

(DTC LETTERS OF REPRESENTATION)

Temp Note and Bond Projects

Project #	PIMS #	Location	Type	Resolution	Ordinance	Temp Note	GOB
Neighborhoods							
	T-601039.00	NIA CENTRAL HIGH PARK/HI-CREST	GOB	8577		$ -	$ 1,400,000
	T-601041.00	NIA HIST N TOPEKA & OAKLAND	GOB	8656		$ -	$ 1,400,000
	T-601045.00	NIA OAKLAND/N TOPEKA EAST	GOB	8625		$ -	$ 1,400,000
	T-601052.00	NIA N TOPEKA WEST/HI-CREST	GOB	8673		$ 700,000	$ -
	Total Neighborhoods					$ 700,000	$ 4,200,000
Public Safety							
	T-131023.00	FIRE STATION #13	GOB	8437		$ 3,507,000	$ -
	Total Public Safety					$ 3,507,000	$ -
Streets							
	T-12045.00	SE 10 ST OVER SHUNGA CRK	GOB		19399	$ -	$ 629,000
	T-601034.00	NE SEWARD AVE STREETSCAPE	GOB	8501		$ -	$ 500,000
	T-601043.00	COMPLETE STREETS	GOB	8625		$ -	$ 100,000
	T-601044.00	CITYWIDE INFRASTRUCTURE	GOB	8625		$ -	$ 200,000
	T-701008.01	SW 37TH BURLINGAME TO GAGE	GOB	8584/8625		$ -	$ 6,700,000
	T-141012.00	TRAFFIC SIG REPLACE 4 INTERSEC	GOB	8408		$ -	$ 640,000
	T_141013.00	TRAFFIC SIGNAL REPLACE 4 INTER	GOB	8494		$ -	$ 640,000
	T-141015.00	TRAFFIC SIG REPLACE 5 INTERSEC	GOB	8581		$ -	$ 640,000
	T-141016.00	TRAFFIC SIG REPLACE	GOB	8625		$ 320,000	$ -
	T-601036.00	VARIOUS TRAFFIC SAFETY IMPROVE	GOB	8580		$ -	$ 370,000
	T-601042.00	VARIOUS TRAFFIC SAFETY PROJECT	GOB	8625		$ -	$ 185,000
	T-141021.00	Traffic Signal Comm Upgrade	GOB	8673		$ -	$ 1,198,000
	T-701011.00	SE California SE 29th to SE 33rd	GOB	8625		$ 750,000	$ -
	T-701012.00	WIDEN 6TH WANAM TO W I70 BRIDG	GOB	8625		$ -	$ 600,000
	T-701014.00	SW Huntoon/I470/Arvonia Pl	GOB	8673		$ 1,000,000	
	T-701015.00	SW 10th Ave-Fairlawn to Wannamaker	GOB	8673		$ 400,000	
	Total Streets					$ 2,470,000	$ 12,402,000
Special Assessments							
	T-151011.00	POND REPAIR - LAURENS BAY	SPEC ASSESS	8317		$ -	$ 1,345,000
	T-281062.00	WATER MAIN KANZA EDUC PARK	SPEC ASSESS	8485		$ -	$ 495,000
	T-401039.00	SAN SWR KANZA EDUC PARK	SPEC ASSESS	8684		$ -	$ 745,000
	T-601030.00	STREET IMPROV KANZA EDUC PARK	SPEC ASSESS	8487		$ -	$ 4,410,000
	T-601048.00	STREET IMPROV MILLERS RESERVE	SPEC ASSESS	8675		$ 800,000	
	Total Special Assessments					$ 800,000	$ 6,995,000
Quality of Life							
	T-301049.00	Kay's Garden	GOB	8755		$ 500,000	$ -
	Total Quality of Life					$ 500,000	$ -
City Facilities							
	T-131036.00	Municipal Bldg Renov/Mech Sys	GOB	8673		$ 500,000	$ -
	Total City Facilities					$ 500,000	$ -
Utility							
	T-281028.00	Fairlawn Extension			19891	$ 2,000,000	$ -
	T-281079.00	Crane @ Jefferson		8625/8673		$ 3,000,000	$ -
	T-281082.00	California, 33rd - 41st		8625		$ 1,000,000	$ -
	T-281085.00	37th St, Kent - Cali		8673		$ 1,000,000	$ -
	T-281086.00	Crane, Har - Jef		8673		$ 2,000,000	$ -
	T-281032.01	Layne Station Ph II		8673		$ 1,000,000	$ -
	T-151016.01	SE 29th St Ph II			19553	$ 500,000	$ -
	T-501018.00	City Park Ph I			19884	$ 1,000,000	$ -
	T-501025.00	Adams St SW Removal		8673		$ 500,000	$ -
	T-291030.00	Eastside Interceptor			19882	$ 3,000,000	$ -
	T-291028.00	2014 Lining/Rehab			19885	$ 1,000,000	$ -
	T-291035.00	2015 Replacement Program		8625		$ 1,000,000	$ -
	T-291003.01	SKRPS Ph II		8665		$ 1,400,000	$ -
	T-291039.00	2016 Replacement Program		8673		$ 1,000,000	$ -
	T-291041.00	Adams St IS Rehab		8673		$ 1,800,000	$ -
	T-291018.02	Solids Handling Ph II		8673		$ 2,500,000	$ -
	Total Utilities					$ 23,700,000	$ -
Total Projects						**$ 32,177,000**	**$ 23,597,000**

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Brandon Kauffman, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Cyrus Hotel CID**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Cyrus Hotel at 912-920 South Kansas Avenue, as more specifically described herein.

(Approval would set a public hearing date on September 6, 2016, to consider the advisability of creating a Community Improvement District (CID), in the City Council Chambers located at 214 SE 8th Street.)

POLICY ISSUE:

Whether to set a public hearing on September 6, 2016, to hear public comment with regard to whether the City would establish a community improvement district at 912-920 S. Kansas Avenue.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The owners of property at 912-924 SW Kansas Avenue have petitioned the governing body to establish a Community Improvement District pursuant to K.S.A. 12-6a26. Applicants are requesting that the City impose a 1% sales tax on retail purchases of property and services within the district. No bonds would be issued for the project, and reimbursements to the developer would be pay-as-you-go.

The developer has submitted eligible CID expenditures of $13,026,086 in total. The total costs of the project for the hotel is approximately $24 million. Reimbursements for the eligible CID project costs would be distributed once received from the State of Kansas and certified as eligible costs. The 1% sales tax revenue would be generated based upon taxable sales at the hotel.

BUDGETARY IMPACT:

A community improvement district is a self-supporting economic development tool. The CID levies an incremental sales tax on businesses within the district. The state collects the incremental sales tax, remitting it to the City for reimbursement of qualified CID project costs as certified by the project developer. The City's only budgetary impact is the administration of the monies and per City policy, an administrative fee is charged to the sales tax received.

SOURCE OF FUNDING:

1% CID District

ATTACHMENTS:

Description

Resolution
Petition
Application
Cyrus Hotel Pictures
Parcel Information
Cyrus Hotel Map
CID Policy - Final
CID Procedures

(Published in the Topeka Metro News ____________________ & ___________________)

RESOLUTION NO. _____________

A RESOLUTION introduced by Jim Colson, City Manager, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for Cyrus Hotel at 912-920 Kansas Avenue, as more specifically described herein.

WHEREAS, K.S.A. 12-6a26 *et seq.*, as amended establishes the Community Improvement District Act (the "Act") for economic development and any other purpose for which public money may be expended; and

WHEREAS, cities are authorized to create a community improvement district (CID) to assist with the financing of eligible projects provided cities comply with the procedures set forth in the Act; and

WHEREAS, the City received a petition from the owners of record of more than 55% of the land within the proposed CID district and the owners collectively owning more than 55% by assessed value of the land area within the proposed CID district generally described as Crosswind Commons at 12^{th} and Wanamaker Road and legally described in Section B herein; and

WHEREAS, in order to assist in the redevelopment of this commercial retail area, the City desires to consider the establishment of a CID as requested by Petitioners and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE

CITY OF TOPEKA, that a public hearing shall be held to consider the advisability of creating a Community Improvement District ("CID district"), in the City Council Chambers of City Hall, 214 SE 8th Street, on September 6, 2016 at 6:00 p.m.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council shall meet for the purpose of holding a public hearing in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m. on September 6, 2016, to consider the advisability of creating a Community Improvement District, more specifically described as follows:

A. GENERAL NATURE OF IMPROVEMENT:

The general nature of the proposed project (Project) to be constructed within the community improvement district (District) is to promote the development of a new 109 room boutique hotel located at 912-924 S Kansas Avenue. The Project may be more particularly described as the construction, and procurement of certain improvements, costs and services within the District, including, but not limited to façade improvements, building system improvements, sidewalk/curb and gutter improvements, and soft costs of the Project and the City's and the Petitioner's administrative costs in establishing and maintaining the District and any other items permitted to be financed with the District under the Act.

B. PROPOSED IMPROVEMENT DISTRICT:

Tract 1: ORIGINAL TOWN , Lot 312 + , KANSAS AVE S 7 IN OF W 75 FT OF LOT 312-ALL OF LOT 314 SECTION 31 TOWNSHIP 11 RANGE 16

Tract 2: ORIGINAL TOWN , Lot 308 + , KANSAS AVE LTS 308, 310, 312, LESS S .58 OF W 75 FT OF LT 312 SECTION 31 TOWNSHIP 11 RANGE 16

Tract 3: ORIGINAL TOWN , Lot 302 + , KANSAS AVE LOTS 302-304-306 SECTION 31 TOWNSHIP 11 RANGE 16

C. ESTIMATED OR PROBABLE COST:

$13,026,086

D. <u>PROPOSED METHOD OF FINANCING</u>:

The proposed method of financing is through a CID sales tax and reimbursement to the developer after certification of costs. The proposed amount of the CID sales tax to be levied is one percent (1%) which shall be levied upon all sales of tangible personal property at retail or services taxable within the CID district pursuant to the Kansas Retailers' Sales Tax Act.

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by resolution as to the advisability of establishing a Community Improvement District, levying a 1% sales tax within the District. All persons desiring to be heard with reference to the creation of the District shall be heard at this hearing.

Upon adoption of this Resolution, a copy shall be mailed by certified mail, return receipt requested, to each owner within the proposed District at least 10 days prior to the date of the public hearing. The City Clerk shall publish this resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.

ADOPTED and APPROVED by the Governing Body on ______________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

RECEIVED
CITY CLERK
2016 AUG -2 P 2:11
TOPEKA, KANSAS

PETITION FOR THE CREATION OF THE
CYRUS HOTEL
DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT

To the CITY COUNCIL ("City Council") of the CITY OF TOPEKA, KANSAS ("City"):

The undersigned ("Petitioners"), (1) being the owners of record owning more than fifty-five percent (55%) by assessed value of the land area within the boundaries of the hereinafter described proposed community improvement district (the "District"), and (2) comprising more than fifty-five percent (55%) by land area of all owners of real property within the boundaries of the District, do hereby petition and request that the City Council create such District to fund all or part of the cost of services and improvements described herein and provided and made within the District under the authority of the Community Improvement District Act, K.S.A. 2009 Supp. 12-6a26 et seq. (the "Act").

1. **Boundaries, Legal Description and Map of District**

The legal description of the District and a map of the boundaries of the district are attached hereto as Exhibit A and B, respectively, confirming that the District is contiguous. The District is located entirely within corporate boundaries of the City of Topeka.

2. **Name of District**

The name of the District is CYRUS HOTEL DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT.

3. **Signatures May not be Withdrawn**

Notice has been provided to all Petition signers that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk.

4. **Nature of the Proposed Project**

The general nature of the proposed project is to provide construction, improvements and maintenance to the properties located within the District. Proposed improvements within the district include facade columns/canopy/sign band construction, storefronts, canopy lighting and sign band lighting, asbestos abatement, interior remodels, mechanical plumbing upgrades, fire suppression systems upgrades, electrical system upgrades, HVAC and ductwork replacements and repair, roof replacements or repair, utility upgrades, repair/replacement of existing sidewalks and adding curbs, landscaping for buildings within the District.

5. **Estimated Cost of the Proposed Project**

Petitioner estimates the cost of the improvements to the District will total approximately **$13,026,086.00.** This estimate includes the cost of the aforementioned improvements, repairs, and other costs such as design and engineering, legal fees, construction management (including a construction contingency), and the application fee.

6. **Proposed Method of Financing the Project - Sales Tax**

The proposed District projects will be financed on a *pay as you go basis* payable by a mixture of industrial revenue bonds and private financing secured by Developer and reimbursed from revenues received from the imposition of a (1%) community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services pursuant to the provisions of the Kansas retailer's sales tax act within the proposed CYRUS HOTEL DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT.

7. **Request for Establishment**

By execution and submission of the Petition, the Petitioners respectfully request that the City Council establish the CYRUS HOTEL DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT as set forth in this Petition.

IN WITNESS WHEREOF, we the undersigned Petitioners have executed the above and foregoing Petition to create a Community Improvement District:

Name of Owner:	AIM STRATEGIES, LLC
Owner's Telephone Number:	(785) 727-0124
Owner's Mailing Address:	SETH WAGONER 3214 SW 29th Street Topeka, KS 66614
Name of Signer:	SETH WAGONER

Signer's Legal Authority: Managing Member

Signer's Telephone Number: (785) 727-0124

Signer's Mailing Address: AIM STRATEGIES, LLC

Type of Entity: Limited Liability Company

By executing this Petition, the undersigned represents and warrants that he or she is legally authorized to execute this Petition on behalf of the property owner named immediately above. The undersigned acknowledges that it has been given notice that its signature below may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk.

AIM STRATEGIES, LLC

By: ______________________
SETH WAGONER, Manager

PREPARED BY:

S. LUCKY DeFries, #9981
JEFFREY A. WIETHARN, #15509, of
COFFMAN, DeFRIES & NOTHERN
A Professional Association
534 S. Kansas Ave., Suite 925
Topeka, KS 66603-3407
Ph: (785) 234-3461
Fax: (785) 234-3363
E-mail: ldefries@cdnlaw.com

EXHIBIT B
MAP OF PROJECT LOCATION

LAW OFFICES

COFFMAN, DeFRIES & NOTHERN

A PROFESSIONAL ASSOCIATION

534 S. KANSAS AVENUE, SUITE 925

TOPEKA, KANSAS

66603-3407

H. HURST COFFMAN, J.D.
S. LUCKY DeFRIES, J.D.
AUSTIN NOTHERN, J.D., LL.M.
SUSAN KREHBIEL WILLIAM, J.D.
JEFFREY A. WIETHARN, J.D.*
LANCE A. WEEKS, J.D., LL.M.*
JOSHUA A. DECKER, J.D.
J. RICHELLE CROW-JOHNSON, J.D.**

* ALSO ADMITTED IN MISSOURI
** ALSO ADMITTED IN NEBRASKA

TELEPHONE (785) 234-3461
FAX (785) 234-3363

BARNEY J. HEENEY, JR., LL.M. (RET.)
J. R. GROFF, J.D. (2012)
HAROLD R. SCHROEDER, J.D. (1986)
LEONARD H. AXE, S.J.D. (1975)

July 22, 2016

RECEIVED
CITY CLERK
2016 JUL 22 P 4: 30
TOPEKA, KANSAS

Ms. Brenda Younger, C.M.C.
City Clerk, City of Topeka
215 SE 7th St., Room 166
Topeka, KS 66603

Re: AIM Strategies, LLC - CID Application

Dear Ms. Younger:

We have been in conversation with the City with respect to a possible project in downtown Topeka, involving the construction of a new hotel and restaurant. Part of those discussions have involved the potential creation of a Community Improvement District (CID) that would encompass the area where this possible project would be located. To that end, you will find attached an application, as well as, what we believe to be the necessary supporting documentation. Beyond the application, we have included the following:

1. A check for $1500;

2. A booklet describing AIM Strategies and the financial aspects associated with the project;

3. A map of the location;

4. Two HUD settlement statements relating to the acquisition of part of the site;

5. A closing statement from Lawyers's Title with respect to the acquisition of a portion of the site;

6. The AIM P & L for the period January 1, 2016, through June, 2016;

7. The AIM balance sheet as of June 30, 2016;

8. An HVS Study regarding the proposed Cyrus Hotel;

9. An HVS Market Study regarding the proposed Cyrus Hotel; and

10. Various renderings prepared by Architect One which offer a detailed description of the project.

After reviewing the subject material, if there is anything else that is needed in order to complete this application, please contact me and we will endeavor to provide whatever is necessary. We appreciate your assistance and cooperation with respect to this matter. Please call if you should have any questions.

Sincerely,

COFFMAN, DeFRIES & NOTHERN
A Professional Association

SLD:ddw
Enclosures
cc: Seth Wagoner, CFO of AIM Strategies, LLC;
Brandon Kauffman, Director of Finance, City of Topeka; and
Doug Gerber, Deputy City Manager

CITY OF TOPEKA
APPLICATION FOR COMMUNITY IMPROVEMENT DISTRICT

Complete all information and if necessary, please attach additional sheets to fully answer each question and include attachments described in Appendix 1

1. Applicant Information

a. Company Name: AIM Strategies LLC Phone: 785-727-0124

Address: 3214 SW 29th Street Topeka, KS 66614

Contact Person (if an entity): Seth Wagoner

Email: Seth.Wagoner@AIMstrategiesllc.com Fax : None

b. Applicant's Legal Counsel Name: Lucky DeFries Phone: 785-234-3461

Address: 534 S Kansas Avenue Suite 925 Topeka, KS 66603

Email: ldefries@cdnlaw.com Fax: None

c. Applicant's Engineer: McPherson Contractors Phone: 785-273-8880

Address: 3501 SW Fairlawn Road # 100 Topeka, KS 66614

Email: McMcPherson@mcphersongc.com Fax: None

2. Applicant's Business Information

a. Corporation XPartnership Sole Proprietorship Other

b. State of incorporation/organization and year: Kansas 2014

c. If the Applicant is a corporation, list the officers, directors and stockholders holding more than 5% of the corporation's stock. (State the name, address, telephone and relationship to Applicant. If a company is not yet formed, include as much data as possible concerning potential officers, directors and stockholders): ______

d. If the Applicant is a general partnership, list the general partners; and if a limited partnership, list the general partners and limited partners; with more than 5% of the partnership.

(State the name, address, telephone and relationship to Applicant. If a partnership is not yet formed, include as much data as possible concerning potential partners): ________________

1) Jennifer A. Foster Trust

e. Has the Applicant, or any partner, officer, member or director of the Applicant; or any entity in which any partner, officer, member or director of the Applicant is or was a partner, officer, member or director, ever been charged with and/or convicted of a criminal offense (other than traffic violations) or charged by any regulatory agency with violations of financial or professional regulations?

Yes No

If yes, state the name of the business or individual, the caption of the proceeding, court and year in which it was filed, and its disposition and/or status: ________________

f. Within the last ten (10) years, has the Applicant or any partner, officer, member or director of the Applicant; or any entity in which any partner, officer or director of the Applicant is or was a partner, officer, member or director, been a debtor in bankruptcy?

Yes No

If yes, state the name of the business or individual, the caption of the proceeding, the court and year in which it was filed, and its disposition and/or status: ________________

g. Has the Applicant, or any officer, member, director, or partner of the Applicant; or any entity in which any partner, officer or director of the Applicant is or was a partner, officer, member or director, ever defaulted on any bond or mortgage commitment?

Yes No

If yes, state the name of business or individual, year and any relevant circumstances: ________

3. General CID Project Information

a. Description of the underlying CID Project for which financing is requested: I have enclosed a copy of the investment prospectus book with this application. A description of the project can be found on pages 5-21.

b. General Location of CID Project: 912, 916, 920, 922 and 924 S Kansas Avenue Topeka, KS 66612

c. Total sq. feet in proposed District, excluding right of way and other common area: 90,000

d. Legal description of the proposed District: Original Town, Kansas Ave. LOTS Section 31 Township 11 Range 16

e. Number of Tracts, Parcels or Lots in proposed District: 3

f. Does Applicant own all the Property in the District? Yes No

If not, provide the name, address and phone number of the Owner(s) in the District and evidence of their willingness to participate in the Petition. Or if Applicant intends to own 100% of the property, provide evidence of site control (i.e. deed, option to purchase or purchase contract). ______

g. Are all areas within the proposed District platted? Yes No

If yes, provide the County parcel ID numbers: 1) 1093104014005000 2) 1093104014007000 3) 1093104014008000

If no, identify the number without County parcel ID numbers and the status of any pending plats: ______

h. Will the proposed District have 100% participation? Yes No

i. If the project has current tenants or leases, please provide the contact information (business name; contact person; address, and phone number) for each:

All of the tenants will be out of the property effective 7/17/2016.

(Notification of owners, tenants and lessees of any request for a CID sales tax is required prior to the public hearing)

4. Financing

a. Description of CID Project and costs to be financed and estimated cost for each component:

Please see cost estimates attached in Excel	$ Insert
Insert	$ Insert
Insert	$ Insert
Insert	$ Insert
Insert	$ Insert
Insert	$ Insert
Insert	$ Insert
Total Estimated Cost of CID Improvements	$ Insert

b. Estimated cost of total project in which CID is proposed: $ See Excel Attachment

c. Proposed methods of financing. If more than one, please indicate:

(i) Special Assessments: Yes No

(ii) Paid in full or part by sales tax or only by assessments? No

(iii) Assessment and Amount:

Front Footage 175 ft. Estimated Cost per F.F. $ $139,388.53

Square Footage 90,000 sq.ft. Estimated Cost per S.F. $ $271.03

(vi) Note: there cannot be any assessment against the City at large.

d CID Sales Tax: Yes No

(i) Amount of increment (increments of .10 or .25, not to exceed 2%): 1%

(ii) Note: Dept of Revenue shall keep 2% of amount collected up to $60,000/year for administration.

5. **Financing/Bonds:**

a. Do you request the City issue special obligation bonds?

Yes No

If yes, what is the requested term of the bonds? (maximum is 22 years): ____________

b. Do you plan to use pay-as-you-go (maximum is 22 years for sales tax)?

Yes No

c. Estimated dates to commence and complete construction: Start: November 2016

Completion: March 2018

d. Will there be a phasing plan? If so, describe the phasing plan including the proposed improvements, their estimated cost, and date construction of each will be commenced and complete: No

6. **Additional Information:**

Any additional information you believe is relevant or helpful to the consideration of this application: I have enclosed an investor prospects for this project.

Please check the box if the petition includes the following requirements:

1. General description of the proposed project ☒ See Book Pages 5-21
2. Estimated cost of the project ☒ See Book Pages 27-31
3. Proposed method of financing the project ☒ See Book Pages 40-49
4. Proposed amount and method of assessment ☒ Please see above
5. Map of the proposed district; and ☒ Attached
6. Legal description of the boundaries of the proposed district ☒ Attached

APPENDIX I to CID APPLICATION

Documentation of the following will be helpful to the Review Committee:

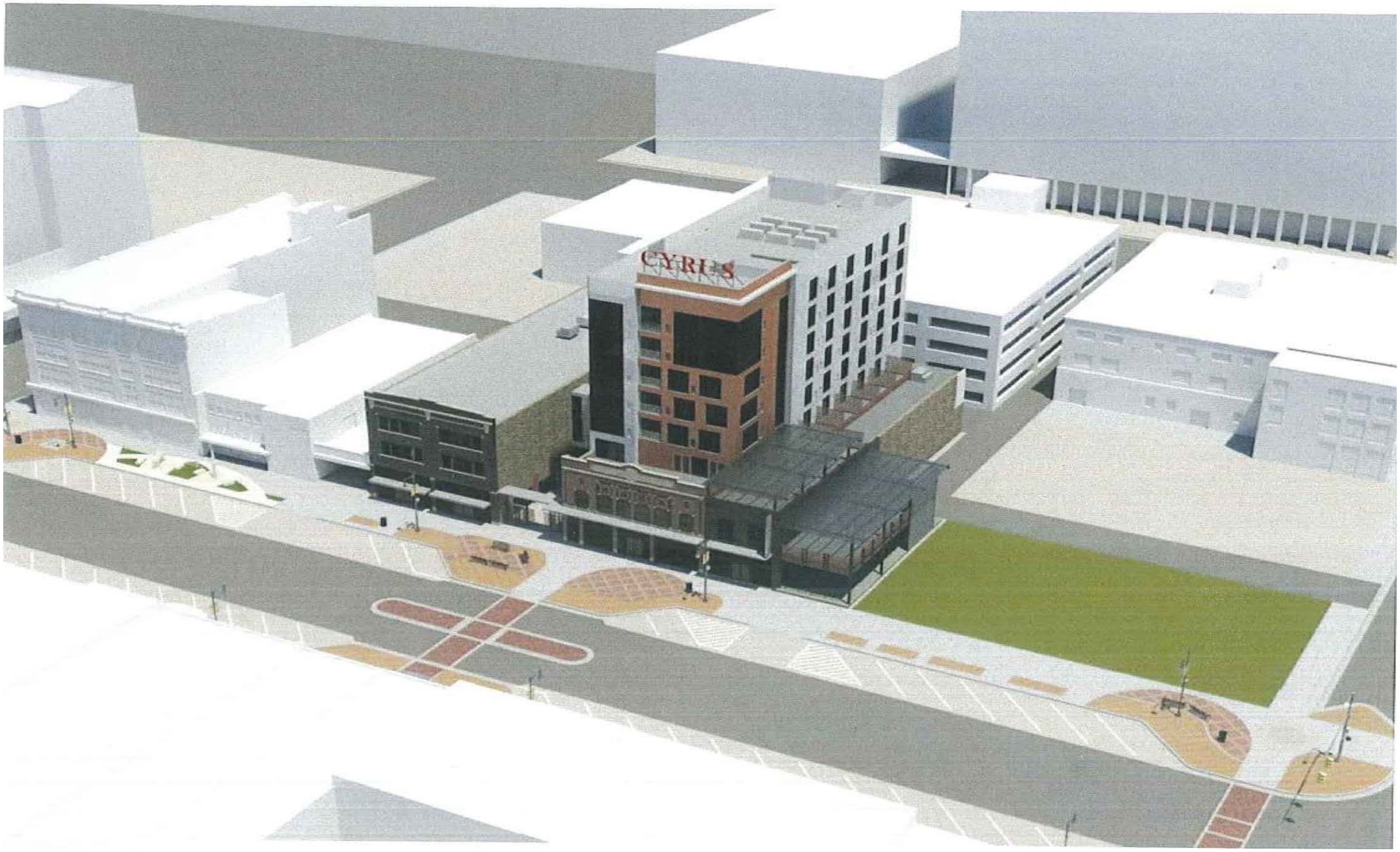
- Evidence of site control.
- Current financial statements of the applicant and owner and/or operating entity if different from the Applicant (2 years); P&L (2 years); and Balance Sheet (2 years)
- Market studies which identify target markets, analysis of competition, demographics, market rents and sales prices, letters of intent/interest from prospective tenants.
- Financial analysis (projected revenue is sufficient to pay costs)
- Approved site plans or plan submissions for the Project Plan area.
- Renderings of the project, if available.
- Any other data or information the Applicant deems pertinent to the City's consideration of the application.

1) I have attached the closing statements for each property.
2) I have attached AIM's YTD financial statements and balance sheet. Cody Foster's personal financial statement has been sent to Jeff White.
3) I have attached the HVS market studies.
4) The Pro Forma can be found in the investor prospectus on pages 33-35.
5) I have attached site plans and architectural plans.
6) Please see pages 63-73 of the investor prospectus for the renderings.

The Cyrus Hotel Project Costs		
ITEM		Cost
Exterior Improvements		
Façade Columns/Canopy/Sign Band Construction		$ 36,000
Storefronts		$ 204,550
Canopy Lighting and Sign Band Lighting		$ 42,000
Building Systems Improvements		
Asbestos Abatement		$ 28,800
Interior Remodels		$ 7,025,125
Mechanical Plumbing Upgrades		$ 899,216
Fire Suppression Systems Upgrades		$ 236,044
Electrical System Upgrades		$ 1,236,422
HVAC and Ducktwork Replacements and Repair		$ 1,011,618
Roof Replacements or Repair		$ 159,642
Utility Upgrades		$ 99,500
Sidewalks / Curb and Gutter Improvements		
Repair / Replacement of Existing Sidewalks and Add Curbs		$ 22,000
Landscaping		$ 68,000
CID PROJECT COSTS		
	Private Project Soft Costs	
Design and Engineering		$ 408,789
Legal Fees		$ 185,403
Construction Management		$ 586,653
Construction Contingency		$ 774,824
	Project Fees	
Application Fee		$ 1,500
CID SUBTOTAL		**$ 13,026,086**

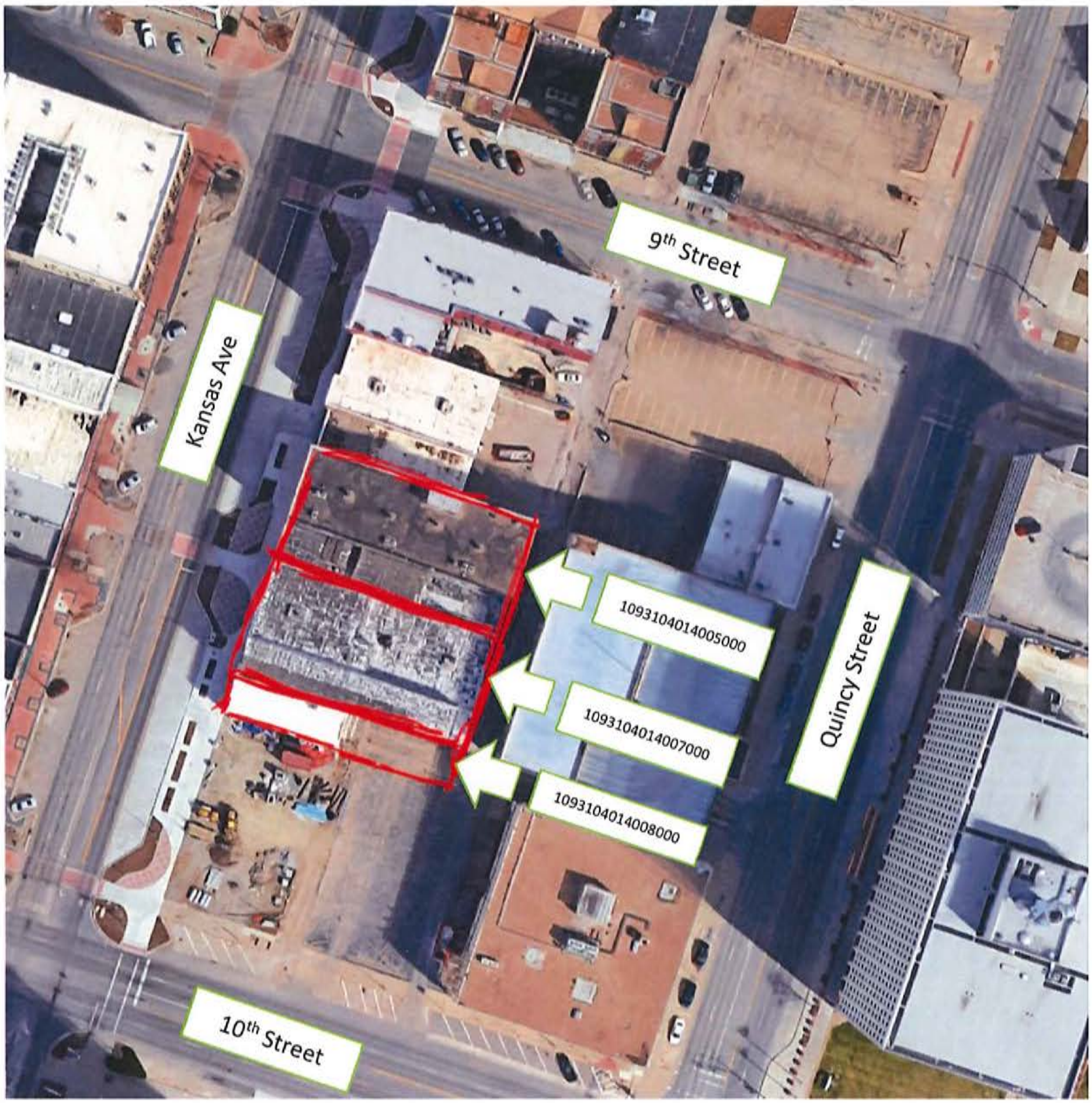

CYRUS


STAUR


CYRUS

AIM Strategies, LLC
3214 SW 29th St.
Topeka, KS 66614

MAP OF PROJECT LOCATION



AIM Strategies, LLC
3214 SW 29th St.
Topeka, KS 66614

ZONING

The area in which the Project is located is zoned as PUD. Zoning Code C5.

LEGAL DESCRIPTION

Legal description for the Project parcels is attached hereto as "Exhibit A"

Parcel 1: 1093104014005000 (22,689 Sq. Ft.)
Parcel 2: 1093104014007000 (10,688 Sq. Ft.)
Parcel 3: 1093104014008000 (1,905 Sq. Ft.)

APPRAISED VALUATION

The Project would involve constructing improvements on parcels 109310401400500 and 1093104014007000. Parcel 1093104014008000 will be demolished. We have received approval from the Landmark's Commission to demolish this property. There will be a 6 story tower built upon 920 S Kansas Avenue and 922 S Kansas Avenue. The county appraiser has appraised the buildings at $779,700. As of July 15, 2016 all buildings on the parcels will be vacant.

FINANCIAL STATEMENTS

AIM's Financial Statements as of June 30, 2016 are enclosed with this application as well as an investor prospectus and project budget.

COSTS

The applicant will be responsible for all fees and costs arising out of the Applicant's request to the County herein.

Dated: July 6, 2016

AIM STRATEGIES LLC

Seth Wagoner, Chief Financial Officer

Community Improvement District - Cyrus Hotel
City of Topeka, KS

City of Topeka, Kansas :: Public Works :: Technical Support Group

7/11/2016 AReynolds

CITY OF TOPEKA
COMMUNITY IMPROVEMENT DISTRICT (“CID”) POLICY

Effective Date: October 25, 2011

Sections:

I. OBJECTIVES.

The proper use of a Community Improvement District (CID) should promote, stimulate and develop the general and economic welfare of and quality of life in the City of Topeka. A CID involves public financing of all or a portion of a “Project” as defined in the Community Improvement District Act (“Act”) within a prescribed area (the District). A CID Project should provide public benefit such as strengthening economic development and employment opportunities; enhancing tourism; upgrading older real estate through redevelopment or rehabilitation; or promoting sustainability. Public financing is achieved by levying and collecting special assessments and/or a CID sales tax upon property in the District.

II. SCOPE.

An applicant may petition the City to utilize CID financing to fund Projects eligible under the Act. The authority and decision to approve a petition establishing a CID for a Project is within the sole discretion of the Governing Body. However, Projects in which the anticipated costs are less than $1 million dollars will not be considered. The Governing Body is under no obligation to approve any petitioned Project. This Policy is intended to provide a guide in considering applications. The Governing Body reserves the right to deviate from this Policy when it believes it is in the City’s best interest.

III. DEFINITIONS.

A. “CID Sales Tax” means a retailers’ sales tax over and above the aggregate amount of the retailers’ sales tax contained in K.S.A. 12-187 through 12-197, and amendments thereto, on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer’s sales tax act, within a District, in any increment of .10% or .25% not to exceed 2% as authorized by the Act, pledging such revenue to pay the bonds issued for the Project or to reimburse the cost of the Project pursuant to pay-as-you-go financing.

B. "Cost" means the definition set out in K.S.A. 12-6a27, as amended. The City, on a case by case basis, may consider costs incurred within 12 months prior to District establishment, provided the costs were incurred after July 1, 2009. The City reserves the right to exclude otherwise eligible costs under the Act. . The approved project costs shall be described in detail in a Development Agreement.

C. "Owner" means the owner or owners of record, whether resident or not, of real property within the District. The applicant shall be an owner.

D. "Pay-As-You-Go" means a method of financing in which the costs of a Project are financed privately, and the approved costs of such Project are reimbursed after Project completion as monies are deposited in the District fund.

E. "Project" may include any item eligible under the Act, as described in K.S.A. 12-6a27, as amended, but the City reserves the right to exclude otherwise eligible Projects under the Act; determine eligible and ineligible projects; and determine the amount of funding for a Project on a case by case basis. These terms and approvals shall be set out in a Development Agreement.

F. "Review Committee" includes the Deputy City Manager, Director of Finance, Director of Public Works, Director of Planning, Director of Development Coordination, and the City Attorney, or their designees. The Committee may also include City staff and individuals designated by the City Manager, including but not limited to the City's bond counsel and City financial advisor.

IV. PROVISIONS.

A. Criteria. The Governing Body shall consider establishment of a CID when it determines it is in the best interest of the City and provided the Project meets one or more of the following criteria:

1. Creates facilities which promote the cultural, historical, or artistic elements of the City and enhance tourism and quality of life.

2. Attracts unique commercial, office, industrial, and/or mixed use development which will enhance the economic climate of the City and diversify the economic base.

3. Substantially promotes economic development, investment or reinvestment in the community.

4. Encourages retail projects that enhance the retail base by either attracting new sales or capturing sales moving to other markets.

5. Provides for the construction of facilities that promote tourism or enhance the quality of life within the City.

6. Upgrades older real estate through redevelopment and/ or rehabilitation.

B. Applicant Responsibility. The application process shall include an application form and the petition required by the Act. As part of the process, the applicant shall complete the following prior to submission of the petition to the Governing Body:

1. Provide evidence in a form satisfactory to the City of the applicant's financial ability to complete the proposed project in a timely manner.

2. Provide documentation substantiating the applicant's sources of funding, including the amount/percentage of equity funding.

3. Submit a financial analysis demonstrating that the projected revenue is sufficient to pay the costs of the project, including bond debt service. The Review Committee may secure an independent feasibility study, the costs of which shall be borne by the applicant.

4. Pay all required fees and comply with all procedural requirements of the Act and the City's CID Policy.

5. Execute a Development Agreement contemporaneous with presentation of the CID petition to the governing body.

C. Review Committee Consideration. The Review Committee shall review each application and petition and make a recommendation to the Governing Body. In determining whether to recommend approval of a CID petition and the method of financing, the Review Committee may consider all of the following:

1. Whether creation of a CID meets one or more of the criteria set forth in Section IV(A);

2. The total development costs and investment, including estimated Project costs for which public financing is sought;

3. Sources of funding, including the amount of equity funding in comparison to public financing;

4. Experience and financial stability of Developer;

5. Whether tenants for the Project are in place and the nature and quality of the tenants;

6. Financial viability of the Project, including potential competition;

7. The amount and purpose of the funding request, including the percentage of funding for capital costs; operational costs; and public costs;

8. If bonds are requested, the projected debt service coverage from projected revenues; any additional security pledged by the Developer; and the marketability of the bonds; and

9. Whatever other factors or considerations the Review Committee believes the Governing Body would find relevant to its decision.

D. Governing Body Review. The Governing Body shall review the financial viability of each CID and shall use this information in determining whether to grant the Petition and, if granted, the appropriate term of the CID, which may be less than the duration allowed by the Act.

1. In the event pay-as-you-go financing is utilized, the CID sales tax shall expire on a date approved by the City, but no later than twenty-two (22) years from the date the state director of taxation begins collecting such tax or when the pay-as-you-go costs have been paid.

2. CID Bonds issued to finance the Project shall mature on a date approved by the City, but no later than twenty-two (22) years from date of issue, unless otherwise provided by law.

3. In no event shall any CID sales tax extend later than the date the bonds issued to finance such project or refunding bonds issued for the Project mature.

E. Financing.

1. Source of Funds. The cost of all or a portion of any authorized CID Project may be financed by any or all of the following sources:

a. Pay-As-You-Go financing based either on a special assessment or a CID sales tax within the District, or both;

b. Special Obligation Bond financing payable wholly through special assessments within the CID;

c. Special Obligation Bond financing payable in part through special assessments within the CID and in part through a CID sales tax;

d. General Obligations Bonds;

e. Any other funds appropriated by the City; or

f. A combination of the foregoing methods.

2. Development Agreement. If after review of the application, the Review Committee determines to recommend approval of the CID to the Governing Body, the the Applicant shall supply an executed Development Agreement (the "Development Agreement") which shall be presented to the Governing Body for consideration contemporaneous with the Petition. The Development Agreement shall address the recommended method of financing, approved Project(s) and approved Costs; the feasibility of the Project, the steps to be taken to minimize the risk of default; and any other terms the Committee deems appropriate.

3. Bonds. The City encourages the use of private financing ("Pay-As-You-Go") with reimbursement to the applicant for eligible, approved costs associated with a CID Project, but the City may consider the issuance of Bonds. Any determination to issue Bonds is within the sole discretion of the Governing Body.

a. CID Bonds. The City may issue special obligation notes or bonds ("CID Bonds") (collectively, "Bonds") to finance one or more Projects. In no event shall special assessments be levied against the City. The City will not provide credit enhancements for CID Bonds; however, credit enhancement provided by an applicant will be viewed favorably.

b. G.O. Bonds. The City discourages the use of full faith and credit notes or bonds (G.O. Bonds) to finance a Project under this Act, but may consider such action for that portion of a CID Project that is exclusively for public improvements.

Prior to the issuance of any Bonds, the applicant must receive a Certificate of Completion from the City. In addition, the applicant must agree to certain disclosures required by the City and the Bond underwriters and ensure that if necessary, such disclosure requirements are included in all subsequent tenant leases and land sales within the District.

4. Project Funds. A separate fund shall be created for each District and such fund shall be identified by a suitable title (the "Fund"). CID sales tax receipts, special assessments paid to the City under this Act, the proceeds from the sale of Bonds, and any other moneys appropriated by the Governing Body for the purpose of paying Project Costs, including the principal and interest on the bonds issued pursuant to this Act shall be credited to such Fund.

a. The Fund shall be solely used to pay the Costs of the Project either through the issuance of Bonds or Pay-As-You-Go financing, and shall be limited to approved costs included in the ordinance authorizing the Project or in the Development Agreement.

b. Reimbursement of approved Costs may only be made after a Certificate of Completion has been issued by the City.

c. In the event moneys remain in the Fund after the expiration of the CID sales tax, such moneys shall continue to be used solely to pay the Cost of the Project. Upon payment of all Project Costs and principal and interest on any bonds issued for such District, the City has the authority to terminate the CID and spend any moneys remaining in such Fund for the purposes for which local sales tax receipts may be spent.

5. Fees. When submitting its application the applicant shall pay a non-refundable application fee to cover City expenses associated with reviewing and processing the CID request. The City shall also require the applicant to reimburse all costs incurred by the City for additional legal, financial and/or planning consultants, for direct out-of-pocket expenses, and for other costs relating to services rendered for the City to review, evaluate, process and consider the petition for a CID. If bonds are requested and subsequently approved by the City the applicant shall also be responsible for all costs of issuance associated therewith. The applicant shall also be responsible for paying an annual administrative fee to cover the cost of monitoring and administering

the CID. Fee amounts shall be set out in the CID Procedures as described in Section

V. PROCEDURES.

City staff shall develop procedures for processing CID applications and filing CID petitions, in addition to such other matters such as the establishment of fees. Such procedures shall be approved, and amended as appropriate, by the City Manager.

VI. STATUTORY AMENDMENTS; CONFLICT WITH STATE LAW.

Any amendment to the Act or any statute cited herein or used as a source of authority for development of the City's CID Policy shall apply without the need to modify or amend this Policy. If any part of this policy conflicts with state law, the latter shall control.

VII. EFFECTIVE DATE.

This CID Policy shall take effect upon passage by the City Council.

VIII. RESPONSIBILITY FOR ENFORCEMENT.

The City Manager shall be responsible for the enforcement of this Policy.

CITY OF TOPEKA
COMMUNITY IMPROVEMENT DISTRICT ("CID") PROCEDURES

Effective Date: 11-9-11

Sections:

I. POLICY APPLICABILITY.

The following procedures are established under the authority of the City Manager and are intended to provide guidance in establishing a Community Improvement District ("CID" or "District") in accordance with the Governing Body CID Policy as approved by Resolution No. 8392 on October 25, 2011. The CID Policy is incorporated herein by reference. These procedures may be waived by the City Manager, if such waiver is in the best interest of the City and does not conflict with any statutory or procedural requirement of state law. If any part of this procedure conflicts with state law, the latter shall control.

II. DEFINITIONS.

The terms used in these Procedures shall have the same meaning as set forth in Section III of the CID Policy.

III. APPLICATION PROCESS.

A. <u>CID Application</u>. An applicant shall make application for a CID by filing with the City Clerk one (1) original written application on a form provided by the City, in addition to an electronic copy of the application. The applicant shall also submit the petition required by the Act.

B. <u>Fees</u>.

1. Application Fee. A non-refundable application fee in the amount of $1,500.00, made payable to the City of Topeka, shall accompany the CID Application.

2. Reimbursement. Applicant shall pay the following costs by either paying the third party directly or by reimbursing the City prior to the City incurring the cost:

a. All costs necessary to comply with state law, including but not limited to: costs of all legal publication notices, resolutions, ordinances, and proceedings relating to the issuance of bonds;

b. City bond counsel, the City's financial advisor, and any other third party professional retained by the City to review and evaluate the petition.

3. CID Administrative Fee if District is Approved. An annual administrative fee of 1% of the annual CID revenue generated within the District shall be charged to reimburse City for services rendered in the administration and supervision of the Project. Such CID Administration Fee shall be paid from the Project Fund. The CID Administrative Fee is an eligible cost for reimbursement if there are sufficient funds. In no event shall the total fee, including the initial application fee and the CID Administrative Fee, but excluding the costs in Section III(B)(2), exceed 5% of the total Project cost.

4. Amendments. The City Manager may establish City fees, for amendments and modifications to the District financing documents that occur throughout the term. In addition, the applicant shall be responsible for all City Consultant fees associated with any such amendment request.

5. State Fee. In addition to the CID Administrative Fee, if a CID sales tax is utilized, the Kansas Dept of Revenue may retain 2% of the CID sales tax up to a maximum of $60,000.00 per state fiscal year, in the state CID sales tax administration fund to defray the expenses of the state in administration and enforcement.

C. Preliminary Review and Pre-Application Meeting. Prior to submittal of a formal application, an applicant is encouraged to meet with the Review Committee to discuss a proposed project and possible CID financing. These discussions are preliminary and are not binding on the applicant, the Review Committee, or the Governing Body. If the City utilizes any consultants to assist with the preliminary evaluation, the applicant shall be responsible to pay the associated costs, provided the City has first notified the applicant of such request and received their consent.

IV. DISTRICT ESTABLISHMENT.

A. Petition. A CID shall be established by petition filed with the City Clerk. The Petition must meet all requirements of the Act, the CID Policy and these Procedures and must be submitted in sufficient time for staff to follow established procedures for publication; to perform site plan review; and to analyze the merits and feasibility of the proposed CID. The City reserves the right to request any additional information to supplement the Petition.

B. Petition Participation.

1. An applicant seeking to finance all or a portion of the CID eligible expenses with a CID special assessment must obtain the signatures of 100% of the property owners of all land area within the District.

2. An applicant seeking to finance CID eligible expenses in whole or in part by a CID sales tax must obtain the signatures of 100% of the property owners of the land area within the proposed District.

C. Public Hearing (Sales Tax Only). If a CID sales tax is requested for all or part of the project, the Governing Body shall adopt a resolution calling for a public hearing on the creation of the District and imposition of a CID sales tax. The resolution shall be published once per week for two (2) consecutive weeks with the last publication at least seven (7) days prior to the hearing and also sent by certified mail to all owners at least ten (10) days prior to the hearing.

For Districts financed by special assessments only and for which a petition signed by 100% of the property owners is submitted, no notice or public hearing is required for Governing Body action.

D. Governing Body Action. The Governing Body will not consider a CID until a complete application is submitted and reviewed by the Review Committee, fees are paid, and a recommended Development Agreement is available. Following the public hearing, if required, the Governing Body by majority vote may establish the District by ordinance.

1. The ordinance shall authorize the Project, approve the estimated cost of Project, include a legal description of the District (with map), approve the method of financing including the levying of a CID sales tax (if applicable), and approve the maximum amount and method of assessment, if applicable. The ordinance shall become effective upon publication once in the official city newspaper. The ordinance shall also be recorded with the Register of Deeds.

2. Governing Body establishment of a CID does not constitute approval of a site plan, zoning, or other land development approval. Establishment of a CID is an entirely separate process. CID projects are still required to obtain the necessary development and regulatory approvals.

V. METHOD OF PROJECT FINANCING.

A. Certificate of Completion.

1. As noted in the Policy, Projects may be financed by a variety of methods. Before payment will be made to applicant, the City must issue a

Certificate of Completion. Multiple Certificates of Completion may be issued for projects with approved phases.

2. The request for Certificate of Completion shall include an affidavit of the applicant certifying:

a. Project improvement is an approved CID eligible cost and identify its priority for reimbursement, if any;

b. Project was constructed in accordance with all applicable laws and codes;

c. Cost was incurred for authorized project improvements;

d. Cost has not previously been submitted for reimbursement;

e. Cost reflects the actual cost expended; and

f. Applicant has no outstanding or anticipated liens for work constructed.

B. <u>Reimbursement</u>.

1. If pay as you go financing is used, the applicant shall submit to the Director of Finance copies of all invoices supporting its request for reimbursement, accompanied by a Certificate of Completion. Invoices must be submitted quarterly and such submission must occur at least thirty (30) days prior to any quarterly disbursement period or applicant shall have to wait until the next quarterly disbursement period.

2. The Director of Finance shall attempt to determine the eligibility of the cost within thirty (30) days of the submittal. If the Director determines the nature or amount of the request for reimbursement is outside the scope of the Act or the Development Agreement, Developer may appeal this decision in accordance with the procedure in Chapter 2.145 of the Topeka Municipal Code. Any reimbursement payment shall be stayed pending a determination by the hearing officer.

3. Requests for reimbursement shall be denied unless submitted before the Project is closed or within thirty (30) days thereafter.

4. CID revenues shall be paid in the following order:

a. First, the CID administrative fee.

b. Second, cost of preparation and publication of notices of hearings, resolutions, ordinances and other proceedings relating to the creation or administration of the District or the issuance of bonds.

c. Third, the Petitioner's other costs as defined in Section III(B) of the CID Policy.

C. Special Assessments.

1. If special assessments shall be levied to finance all or any part of the Project cost, the City must follow the procedures set out in K.S.A. 12-6a01 *et seq.* except that no assessments may be levied against the City at large. In addition, if the source of financing includes payment from a pledge of revenue received from the CID sales tax or any other funds appropriated by the City for purpose of paying Project costs, including the principal and interest of bonds, then the ordinance levying the assessments may state that the annual installments of such assessment for any year may be reduced or eliminated to the extent that, prior to the date the City certifies the City tax levy to the County, the City has received sufficient funds from the above described sources to pay the debt service on any bonds issued for the Project costs, which would have been paid by such installment.

2. The City is not required to refund any prepayment of assessments after such prepayment is made to the City. Any prepayment must be paid in full prior to the issuance of bonds, or after the issuance of bonds by paying all of the installments which have been levied and also the unlevied installments with interest on the latter at the rate provided in the bonds from the date of the bonds to the time of maturity of the last installment in compliance with K.S.A. 10-115, and amendments thereto.

D. CID Sales Tax.

1. A CID sales tax may be levied in any increment of .10% or .25% not to exceed 2%, which amount is in addition to the aggregate amount of the retailers' sales tax contained in K.S.A. 12-187 through 12-197. The revenue from the CID sales tax may be pledged to pay the bonds issued for the Project or to reimburse the cost of the Project through pay-as-you go financing.

2. If CID bonds are issued, the CID sales tax shall expire no later than the date the bonds mature. If pay-as-you-go financing is used, the CID sales tax shall expire on a date approved by the City, but no later than 22 years from the date the state director of taxation begins collecting such tax or when the Project bonds or pay-as-you-go costs have been paid.

3. Procedure:

a. Upon adoption of a CID sales tax, the City shall send a certified copy of the resolution or ordinance authorizing the levy of the CID sales tax to the Kansas Director of Taxation. Notice must be received ninety (90) days before the first day of the quarter in which the CID sales tax will commence. Thereafter, the Kansas Director of Taxation shall commence collection of the CID sales tax in the District at the same time and in the same manner for the collection of the state retailers' sales tax. The full remittance shall be deposited in the state treasury.

b. The state may retain 2% of all CID sales taxes collected up to $60,000 per state fiscal year for deposit in the state CID sales tax administration fund to defray the state costs of administration and enforcement (the "state fee").

c. The state shall no less than quarterly remit to the City the CID sales tax receipts collected less the state fee, if any. The amount shall be deposited in the City CID Project fund. Such fund shall be created for each District.

d. Within 15 days of written request of the City, the state will provide the City with a copy of any retailers' sales and use tax return filed with the state in connection with a District for which sales or use tax revenues are intended to be used to finance Project costs. Such returns and the information contained therein shall be kept confidential, but may be used for purposes of allocating and depositing such revenues in connection with the bonds used to finance Project costs.

E. Appeals. No suit to set aside assessments or otherwise question the validity of the proceedings for the District establishment or Project authorization shall be brought 30 days after publication of the resolution or ordinance creating the District. No suit to set aside the CID sales tax may be brought 30 days from the publication of the ordinance or resolution declaring the intent to impose the CID sales tax. No protest petition pertaining to the issuance of full faith and credit bonds may be brought 60 days following the date of public hearing to create or modify the District.

VI. BOND FINANCING GUIDELINES.

If CID bonds are issued for the project, the following guidelines shall be applied:

A. The maximum maturity for Bonds is 22 years.

B. For feasibility, it is recommended that Bonds be issued in a minimum amount of $ 1,000,000. This amount may be adjusted upon recommendation of the Review Committee and approval of the Governing Body.

C. CID Bonds issued under this Policy must include security for the bonds of a sufficient amount, and in a form approved by the City's bond counsel and financial advisor, to minimize any risk of default.

D. Bonds issued under this Policy must be sold to qualified investors (as defined by the Securities and Exchange Commission Regulation D) in accordance with the minimum denominations as provided herein.

E. Bonds must initially be offered in denominations of $100,000 or greater. These denominations may be stepped down (upon consultation with the City's bond counsel and financial advisor) when one of the following are met:

1. the Project being bond financed is substantially leased;

2. the estimated revenue stream yields significant debt service coverage on the bonds;

3. construction of the Project being bond financed is 100% complete;

4. the repayment term is less than or equal to 60% of the maximum permitted repayment term; or

5. waiver by the City Manager.

F. If a negotiated sale of the bonds is utilized, the City will generally select the underwriter(s) needed to structure, price, and sell the bonds. Exceptions to this process may be approved by the City Manager upon consultation with the City's bond counsel and financial advisor.

G. All pricing for negotiated sales will be performed with direct involvement by City staff and the City's financial advisor. Any savings generated as a result of discounts or premiums will be used for the benefit of the District.

CITY OF TOPEKA

Daniel R. Stanley, Interim City Manager

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Bill Fiander/Dan Warner**	**DOCUMENT #:**	**A16/1**
SECOND PARTY/SUBJECT:	**6626 SW Huntoon St**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 001 Annexation**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. *(A16/1) (Council District No. 9)*

(Approval would allow a .82-acre tract, outside the city limits, to be annexed and made part of the City of Topeka assigned to Council District No. 9.)

POLICY ISSUE:

The applicant has requested to connect an existing single-family home to city water and sewer service. Utility rules require annexation when properties outside the city connect to city water or sewer service. This property is currently surrounded by the city and will be served by all city services (water, sewer, police, fire, and streets). It is appropriate to annex the property at this time.

The property is contiguous to the City boundary and the property owner has provided written consent to annexation. The property is eligible for annexation under KSA 12-520(7), which does not require hearings or public notice. No service extension plan is required. The City can approve the annexation by adopting an ordinance.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The key issues of the requested annexation relate to the appropriateness of annexing the property and the ability to deliver urban services.

The property lies within Tier 2 of the Urban Growth Area as outlined in the updated Land Use and Growth Management Plan 2040. These are areas that are contiguous to the City limits, urban infrastructure and

services are available, and development of these areas will allow the City to grow in a compact and affordable manner.
The proposal is to connect an existing single-family home to city water and sewer service. The property is completely surrounded by the city and is located within an area already being served by the city. All essential public utilities, services and facilities are presently available and will not be overburdened by the annexation. The property owner is responsible for paying for the connections to city water and sewer. The parcel is located immediately adjacent to the corporate limits and would constitute a logical expansion of the City limits within the area. Annexing and developing this property is consistent with the policies and principles of the Land Use and Growth Management Plan and allows the city to grow in a compact and affordable manner.

BUDGETARY IMPACT:

All essential public utilities, services and facilities are presently available and will not be overburdened by the annexation.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

A16/1 Summary Report

A16/1 Fact Sheet and Department Comments

A16/1 Aerial

Ordinance

CITY OF TOPEKA PLANNING DEPARTMENT

<u>SUMMARY REPORT</u>

RE: A16/1 By: Jose Miranda Cortez (6626 SW Huntoon Street)

The applicant has requested to connect to city water and sewer service and therefore annexation is required for the property located at 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits.

The property is contiguous to the City boundary and the property owner has provided written consent to annexation. The property is eligible for annexation under KSA 12-520(7), which does not require hearings or public notice. No service extension plan is required. The City can approve the annexation by adopting an ordinance.

The proposal has been granted a waiver to platting, provided additional right-of-way is dedicated by separate instrument for SW Huntoon Street. The development will be served by all city services (water, sewer, police, fire, and streets).

The key issues of this requested annexation relate to the appropriateness of annexing the property and the ability to deliver urban services. The property lies within Tier 2 of the Urban Growth Area as delineated in the updated <u>Land Use and Growth Management Plan – 2040</u>. These are areas that are contiguous to the City limits, urban infrastructure and services are available, and development of these areas will allow the City to grow in a compact and affordable manner.

The proposal is to connect an existing single-family home to city water and sewer service. The property is completely surrounded by the city and is located within an area already being served by the city. All essential public utilities, services and facilities are presently available and will not be overburdened by the annexation. The property owner is responsible for paying for the connections to city water and sewer.

The parcel is located immediately adjacent to the corporate limits and would constitute a logical expansion of the City limits within the area. Annexing and developing this property is consistent with the policies and principles of the <u>Land Use and Growth Management Plan</u> and allows the city in a compact and affordable manner.

A neighborhood information meeting was not required for this annexation request, nor was review by the Topeka Planning Commission.

Staff recommends APPROVAL of the ordinance taking such land into and making it a part of the City, for all City purposes and assigning it to Council District No. 9.

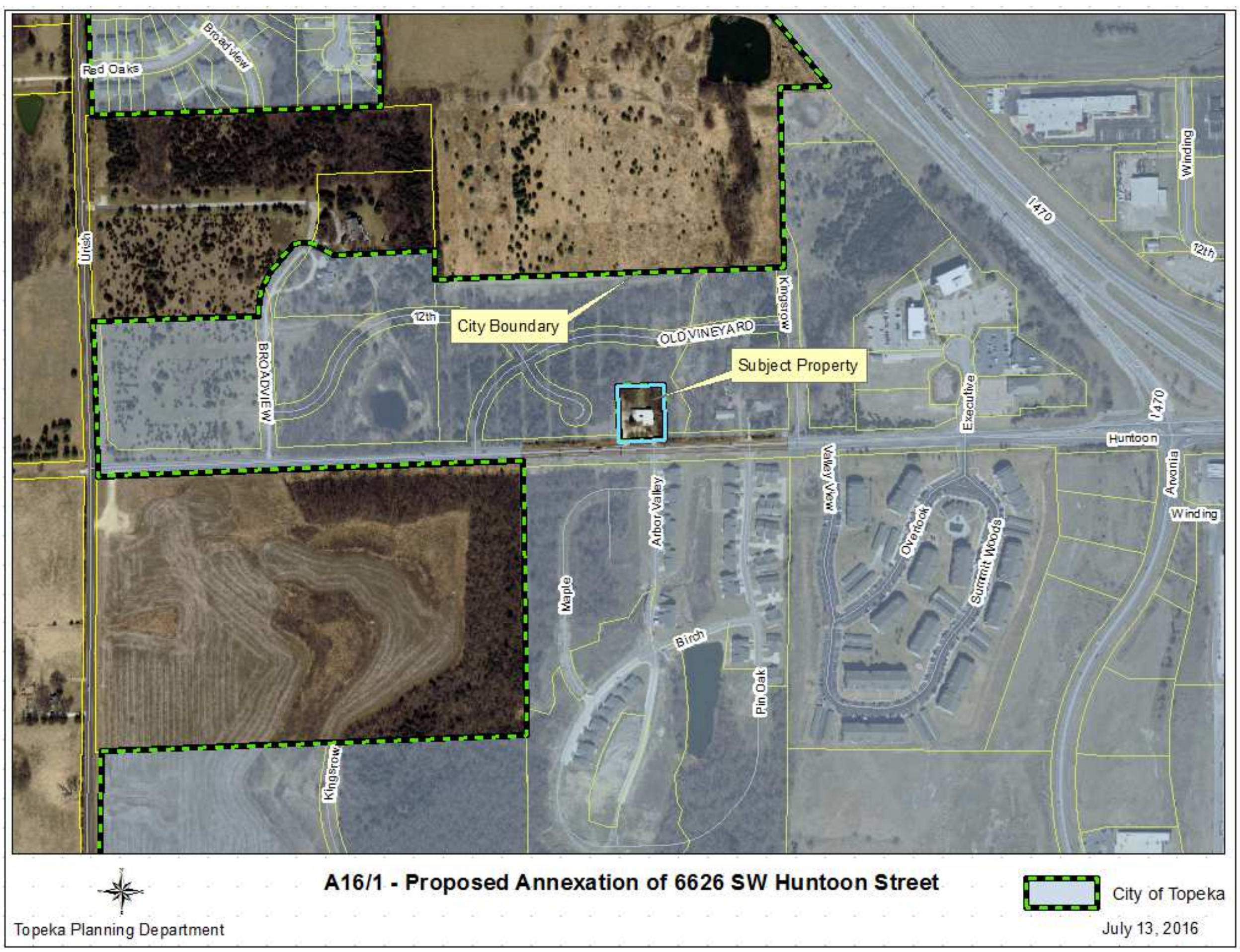
Staff requests the Governing Body move to adopt the ordinance.

Site

Address/Location: 6626 SW Huntoon Street
Owner: Jose M. Cortes
Size: Approximately .8 acres
Existing Land Use: Single-family residential
Proposed Land Use: single-family residential
Subdivision: N/A

Planning

Existing Zoning: RR-1 (Residential Reserve)
Current Population: 3-4 residents
Projected Population: 3-4 residents
Density: 1 single family unit. Approximately 1 Dwelling Unit/Acre
Comprehensive Plan: Urban Growth Area – Service Tier 2
Municipal Service Area (MSA): Yes
Primary Service Area (Sewer Required): Yes



Annexation Procedure

Contiguous?: Yes.

Consent?: Yes. Owner provided a written consent.

Requirements: Eligible for annexation under KSA 12-520(7). No required hearings or notices. No service extension plan is required.

Approval Method: COT governing body passes ordinance.

Revenue/Expenses Estimates

Property tax revenue to the City of Topeka in 2016 prior to annexation would be **$0**. **Future annual property tax revenue** to the City of Topeka upon annexation is estimated to be approximately **$671**.

Additionally, there is currently no water or sewer **utility revenue** collected for this property. **Future annual COT utility revenue** to the City of Topeka upon connection to city utilities is estimated to be approximately **$721** (based on a 3-4 person household at 5,000 gallons of water usage per month).

Estimated annual expenses for street maintenance and forestry is **$0**, and the estimated annual expenses for water service is **$0.** All estimated expenses are expected to be carried out by current or anticipated budgets.

Utility and Service Providers

	Current	Proposed
Water	Well water	COT
Wastewater	On-site septic	COT
Fire	Mission Township	COT
Police	Shawnee County	COT
Streets – SW Huntoon St.	COT	COT
Streets – Local	N/A	N/A
Parks	Shawnee County	Shawnee County
Governing Body	Shawnee County (#3)	COT (#9)

This property is an existing single-family development. No new public streets will be created. The property owner is responsible for paying to connect to COT water and sewer mains. No parks existing or planned.

Ability to Provide Adequate Public Services
FIRE

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

Service would be funded through existing operational costs. Actual expenditure would only occur if response was required.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

Since operational costs are not fixed with the fire department and vary as response is needed, no additional costs can be projected. Response to this proposed annexation area would be absorbed in the current budget with no anticipated issues.

3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

The proposed annexation area is located in close proximity of Fire Station 12 and response times would be expected to be within current recommended limits on first in companies.

Ability to Provide Adequate Public Services
FORESTRY

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

There will be no additional costs to provide services for this annexation.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

Yes.

3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

None.

Ability to Provide Adequate Public Services
POLICE

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

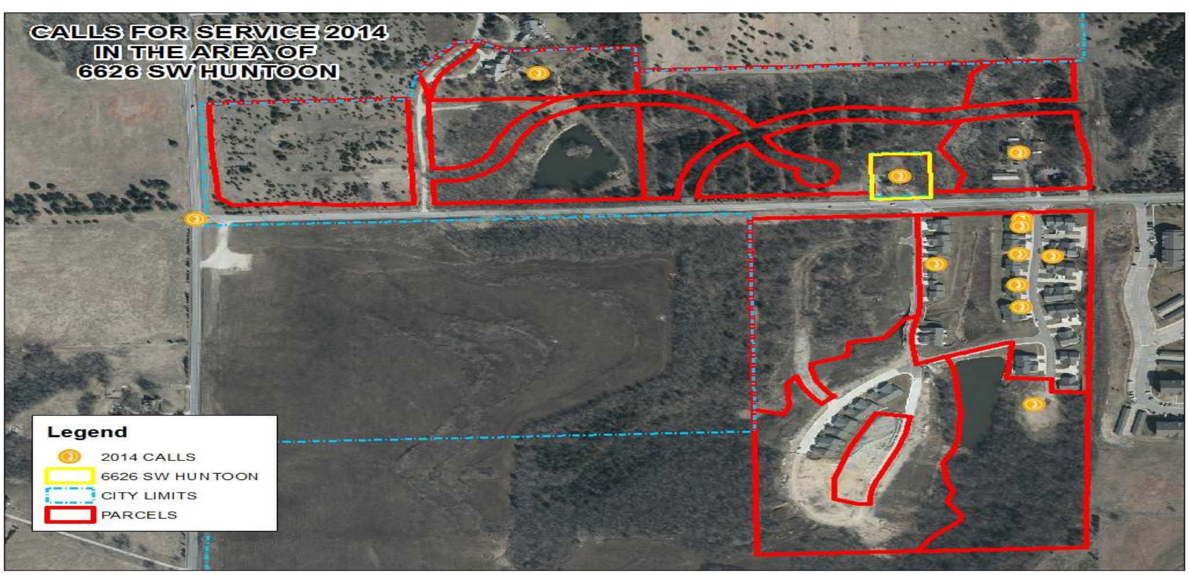
At the present time, the Shawnee County Sherriff's Office provides law enforcement services to the proposed annexed area which includes one residential property. The property contiguous to the proposed area is serviced by Topeka Police Department. The proposed annexed area will not may require the City of Topeka to add staff now or in the future because the annexation is small and only includes one residential property. The adjacent Topeka Police Department patrol territory units should be able to absorb any call load in the proposed annexed area.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

The Topeka Police officers in the bordering areas of the proposed annexed area should decrease the response time to the area considerably because of the proximity of the area. In addition, the Topeka Police Department, with its detectives, crime prevention, Community Police Unit, and other police services will provide added benefits to the residents who occupy the dwelling without any additional cost to the City of Topeka.

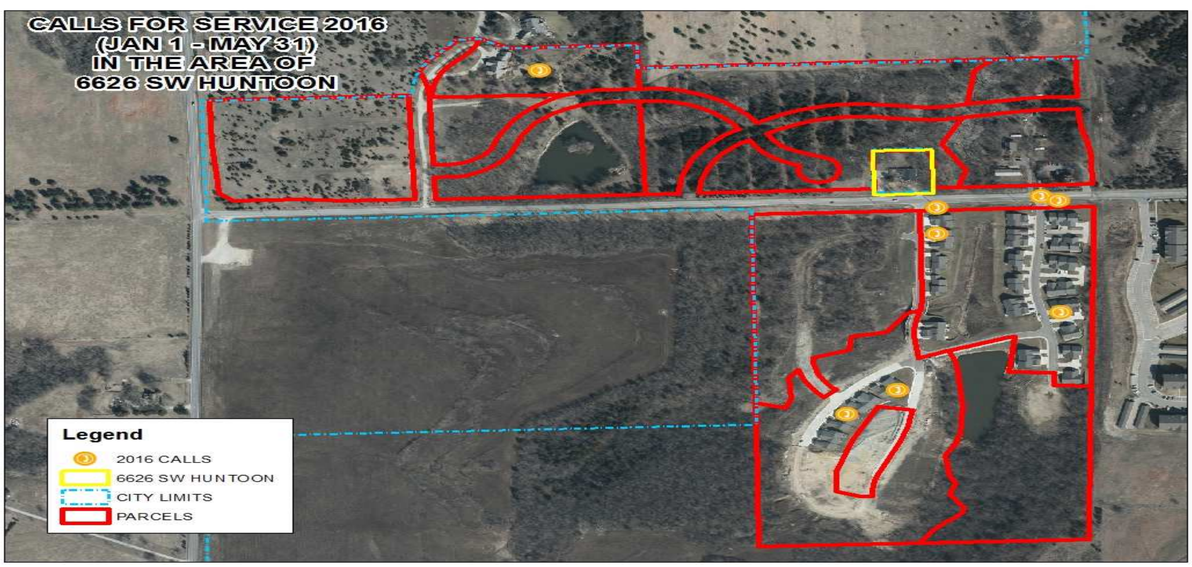
3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

In 2014, there were 18 law enforcement calls for service in the area contiguous to the proposed annexed area. Those calls accounted for approximately 6.75 hours of allocated time for the Topeka Police Department. Of the 18 calls, 5 were on 1st Shift, 7 were on 2nd Shift, and 6 were on 3rd Shift.



In 2015, there were 23 law enforcement calls for service in the area contiguous to the proposed annexed area. Those calls accounted for approximately 17.5 hours of allocated time for the Topeka Police Department. Of the 23 calls, 9 were on 1st Shift, 13 were on 2nd, and 6 were on 3rd Shift.

Through May 30th, 2016, there have been 13 law enforcement calls for service in the area contiguous to the proposed annexed area. Those calls accounted for approximately 4.5 hours of allocated time for the Topeka Police Department. Of the 13 calls, 8 have been on 1st Shift, 5 have been on 2nd, and none have been on 3rd Shift.



Ability to Provide Adequate Public Services
STREETS

1) **What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

   There will be no additional costs to provide services for this annexation.

2) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

   Yes.

3) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

   None.

Ability to Provide Adequate Public Services
STORMWATER

1) **What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

   $0 (no $ will have to spent directly as a result of this annexation).

2) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

   Yes.

3) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

   None anticipated.

Ability to Provide Adequate Public Services
WASTEWATER

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

Capital costs are $0 as the property owner/developer is responsible for the connection. Long-term operational maintenance costs are covered by the existing rate structure.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

Yes.

3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

None.

Ability to Provide Adequate Public Services
WATER

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

$1,200 will be charged to the land owner or developer which should cover the water divisions cost.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

The estimated cost can managed within the current budget.

3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

The owner will be responsible for boring under the road and installing the meter. The City will need to be contacted for tapping the water main. A permit for the activity will be required through the City Engineer's Office.

A16/1 - Proposed Annexation of 6626 SW Huntoon Street

City of Topeka

Topeka Planning Department

July 13, 2016

(Published in the Topeka Metro News __________________)

ORDINANCE NO. _________________________

AN ORDINANCE introduced by Jim Colson, City Manager annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. **(A16/1) (Council District No. 9)**

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

A tract in the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point 465.0 feet west of the Southeast corner of said Southwest Quarter; thence west along the South line of said Southwest Quarter, 175.0 feet; thence north at right angles 235.0 feet; thence east parallel to the South line of said Southwest Quarter, 175.0 feet; thence south 235.0 feet to the point of beginning; LESS: That part of the aforedescribed tract which is south of a line which is 30 feet north of the South line of said Southwest Quarter. Contains 0.82 acres, more or less.

Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 9.

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

Section 4. Upon passage and publication, the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election Commissioner.

PASSED AND APPROVED by the Governing Body of the City of Topeka, ________________________, 2016.

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

To Be Codified ________
Not To Be Codified ___X___

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Jacque Russell, Director of Human Resources**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Group Healthcare Benefits**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**007 Contracts and Amendments / 020 Employee Agreements**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

APPROVAL of a Joint Memorandum of Agreement concerning group healthcare cost sharing with the labor unions.

(Approval of the three-year agreement would set forth the cost sharing formula for the City and individual employee contributions.)

POLICY ISSUE:

Whether or not to approve the healthcare cost-sharing agreement as negotiated in good faith by management and unions.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the Joint Memorandum of Agreement.

BACKGROUND:

On July 18, 2016, a tentative agreement was reached with labor unions for healthcare cost-sharing. Ratification votes by each participating labor union will be held in the near future. The agreement covers 2017, 2018 and 2019 and provides for the following:

(1) Develop two tracks for cost-sharing percentages dependent upon whether there is participation in specified health assessments/screenings/follow-up appointments for 2017, with additional wellness activities for 2018 and 2019.
(2) Establish tobacco surcharges over the three-year period.
(3) Provide a downward adjustment of deductibles upon recommendation by the Health Care Advisory

Committee (HCAC).
(4) If recommended by the HCAC, expand access to the Wellness Center to employees not on the City's Health Plan for a monthly fee of $50.00.
(5) Establish guidelines for premium holidays.

BUDGETARY IMPACT:

Estimated costs associated with the cost share agreement. Mill Levy Equivalent: 0.284	2017	2018	2019	Total
Single Coverage: Shifting from 97/3% to 97/10% Employer/Employee Wellness Incentive Cost Share	$(318,972)	-	-	$(318,972)
Dependent Tiers: Shifting from 67/33% to 70/30%, 70/27% and 70/25% Employer/Employee Wellness Incentive Cost Share	$109,985	$109,912	$73,274	$293,081
10% Reduction of Deductible Each Year	$153,358	$153,358	$153,358	$460,074
Total	**$(55,719)**	**$263,270**	**$226,632**	**$434,183**

SOURCE OF FUNDING:

Funding of group healthcare benefits is through the health insurance fund. Revenue for this fund is generated by City of Topeka healthcare and employee contributions of applicable premium equivalents.

ATTACHMENTS:

Description

Agreement
Fiscal Memo

CITY OF TOPEKA CONTRACT NO. _______

JOINT MEMORANDUM OF AGREEMENT

THIS AGREEMENT is entered into this _____ day of __________________, 2016, by and between the City of Topeka, a duly organized municipal corporation hereinafter referred to as the "City" and the AFT Kansas Local 6406, AFSCME Local 1294-Development Services, Fraternal Order of Police Lodge 3, International Association of Fire Fighters Local 83, Teamsters Local No. 696, AFSCME Local 1294-Water, and United Workers of Environmental Trades of Topeka, hereinafter referred to as the “Unions.”

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The terms of the Agreement take precedence over any conflicting language concerning healthcare costs in any current agreement between the City and any one of the Unions.

2. The City agrees to make group healthcare benefits available to all employees who are eligible, as set forth in the provisions of the City’s group healthcare benefits plan, and who sign up for such healthcare benefits. The City retains the authority to define group health insurance coverage and select the carrier to maintain a cost effective program.

3. For the calendar years of 2017, 2018 and 2019, the City and Unions agree to jointly share in the cost of providing group health benefits for City employees under the following cost-sharing formula based upon monthly premium equivalents established by City administration prior to open enrollment each year:

(a) For the Base Plan Employee Only Tier: 75% paid by the City and 25% paid by the employee.

(b) Premium Equivalents for all Base Plan Dependent Tiers: In 2017, 60% paid by the City and 40% paid by the employee. In 2018, 63% paid by the City and 37% paid by the employee. In 2019, 65% paid by the City and 35% paid by the employee.

(c) Employees and spouses who are tobacco users will be assessed a Tobacco Surcharge in accordance with the table below:

	2017	2018	2019
1 person	$50	$65	$75
2 persons	$100	$130	$150

Individuals who elect to enroll, participate and remain engaged in a City of Topeka sponsored smoking/tobacco cessation program will not be assessed a tobacco surcharge.

(d) Employees shall pay 100% of the difference between the premium equivalent for the Buy-Up Plan and the amount paid by the City toward the comparable Base Plan tier.

4. WELLNESS INCENTIVE. Employees will be eligible for wellness incentive, equal to a 15% premium savings off of the Employee-Only Base Plan Tier or 10% premium savings off of the dependent base plan tier they are enrolled in when they meet the following criteria for each benefit plan year:

(a) For the 2017 Benefit Plan Year, employees are eligible for the incentive if they meet the following criteria: Complete a Health Risk Assessment (Health Risk Questionnaire), Biometric Screening, and follow-up appointment with HealthStat clinician to go over Health Risk Assessment results.

(b) For the 2018 Benefit Plan Year, employees are eligible for the incentive upon completion of a Health Risk Assessment (Health Risk

Questionnaire), Biometric Screening, and follow-up appointment with HealthStat clinician to go over Health Risk Assessment results; and, additionally, participants must participate in a minimum of six (6) of the items described in Table 1 below to be eligible for the Wellness Incentive.

(c) For the 2019 Benefit Plan Year, employees are eligible for the incentive upon completion of a Health Risk Assessment (Health Risk Questionnaire), Biometric Screening, and follow-up appointment with HealthStat clinician to go over Health Risk Assessment results during the fourth quarter of 2018 and, additionally, participants must participate in a minimum of eight (8) of the items described in Table 1 below to be eligible for the Wellness Incentive.

(d) TABLE 1:

Cancer Prevention Screening (a maximum of two screenings may be considered per benefit plan year)
Provide documentation of having completed one dental preventative screening during the past twelve months.
Provide documentation of having completed a vision screening in the past twelve months.
Track Physical Activity (minimum 1500 minutes per quarter; minimum two quarters per plan year to qualify)
Participation in a Wellness Education Workshop/ Presentation, Attend COT Health & Wellness Fair; minimum of two to qualify for the benefit plan year.
Complete COT Wellness Challenge, completion of a marathon, mini-marathon, 5K walk/run; a maximum of two can be considered per plan year.
Body Mass Index / Waist Measurement - BMI: less than 29 or Waist Measurement: Less than 35 inches (females) Less than 40 inches (males). ➢ Reasonable Alternative: Enroll, Participate & Engage in Weight Management Program and Enroll, Participate & Engage in Lifestyle Coaching through

HealthStat or other reasonable alternative as developed in accordance with applicable law.
Triglycerides: Less than 150 mg/dl. ➢ Reasonable Alternative: Enroll, Participate & Engage in Disease Management Program and Enroll, Participate & Engage in Lifestyle Coaching through HealthStat or other reasonable alternative as developed in accordance with applicable law.
HDL Cholesterol: Greater than or equal to 50 mg/dl (females) Greater than or equal to 40 mg/dl (males.) ➢ Reasonable Alternative: Enroll, Participate & Engage in Disease Management Program and Enroll, Participate & Engage in Lifestyle Coaching through HealthStat or other reasonable alternative as developed in accordance with applicable law.
Blood Pressure: Systolic less than 130 mmHG; Diastolic less than 85 mmHG.- ➢ Reasonable Alternative: Enroll, Participate & Engage in Disease Management Program and Enroll, Participate & Engage in Lifestyle Coaching through HealthStat or other reasonable alternative as developed in accordance with applicable law.
Glucose- Fasting: Less than 100 mg/dl; Non-fasting Less than 140 mg/dl ➢ Reasonable Alternative: Enroll, Participate & Engage in Disease Management Program and Enroll, Participate & Engage in Lifestyle Coaching through HealthStat or other reasonable alternative as developed in accordance with applicable law.
Activity/Outcome Criteria may be modified based upon accepted recommendations from the Health Care Advisory Committee or upon changes in compliance regulations. ***Criteria Cancer prevention screenings include*** cervical cancer (PAP), breast cancer (mammogram), colon cancer (colonoscopy), prostate (PSA or DRE), lung cancer and skin cancer screenings. ***COT Wellness Education Workshops, presentations and Events*** focus on improving your health and wellness. Examples include workshops and activities and wellness events. ***Disease Management Program*** a confidential benefit for health plan participants where professionals work with individuals and physicians to reduce the overall risks and related problems when managing diabetes, high cholesterol, high blood pressure, asthma, osteoporosis, heart disease or depression. ***HealthStat Lifestyle Coaching*** work with individuals to assist in understanding and managing health conditions and make lifestyle changes to improve overall health and wellbeing.

5. The City will agree, upon receipt of a recommendation from the Healthcare Advisory Committee, to adjust deductibles as follows:

	Base Plan Deductible	Buy-Up Plan Deductible
2017	$2,700/$5,400	$1,300/$2,600
2018	$2,400/$4,800	$1,200/$2,400
2019	$2,200/$4,400	$1,100/$2,200

6. The City will agree, upon receipt of a recommendation from the Healthcare Advisory Committee, to allow access to City of Topeka Health and Wellness Center for employees who are *not* enrolled on the City's Health Plan for a monthly fee of $50 per month. Access fee election must be made at open enrollment and the monthly fee will be on an after-tax basis.

7. When the Health Fund Reserve Balance exceeds a combination of the amount necessary to cover 95% of the value of expected Run-Out Claims Expense and 25% of annual expected claims expense, the City may provide employees one to two premium holidays during the fourth quarter of the Benefit Plan Year.

8. This Memorandum of Agreement shall remain in full force and effect during any period of negotiations and/or conclusion of other procedures established within K.S.A. 75-4321 *et. seq.*

9. The Employer and Unions agree to discuss and consider changes in coverage in continuing efforts to contain and control escalating costs of group healthcare benefits. These discussions will take place through the Healthcare Advisory Committee.

10. Under no circumstances will the Employer be liable for any additional payment or cost beyond the provisions of this section. The City agrees to notify the Unions in advance in the event of changes in coverage or carrier.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF TOPEKA, KANSAS

____
Jim Colson, City Manager

ATTEST:

____
Brenda Younger, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE _______________ BY ___________________

UNIONS

____
AFT KANSAS LOCAL 6406

____
AFSCME, LOCAL 1294-Development Services

____
FRATERNAL ORDER OF POLICE
LODGE NO. 3

____
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 83

____
TEAMSTERS UNION, LOCAL NO. 696

____
AFSCME, LOCAL 1294-Water

____
UNITED WORKERS OF ENVIRONMENTAL TRADES OF TOPEKA

MEMORANDUM

Administrative and Financial Services Office

To: Honorable Mayor Larry Wolgast and Members of the Topeka City Council
Jim Colson, City Manager

From: Brandon Kauffman, Director of Finance

Date: August 9, 2016

Subject: Fiscal Effects of Proposed Healthcare Cost Sharing Agreement

Pursuant to KSA 75-4331, the chief financial officer of the City is required to provide to the governing body an analysis of the fiscal effects on the City of proposed agreements between the City and recognized employee organizations. As part of this analysis, we are required to identify the potential impact on the City's aggregate tax levy and its operating expense limitations.

In the case of the Healthcare Cost Sharing Agreement, each of the City's bargaining units joined together to negotiate healthcare cost sharing. The City and Unions were mutually interested in generating cost savings for the health insurance fund in order to offer a viable and competitive plan. The City has employed numerous strategies to try to control costs, including increased premiums and deductibles in prior years. For the 2017-2019 plan years, the goal of the City was to bring these indices closer to benchmark targets.

As a result of these discussions, a tentative three year agreement has been reached with the unions that continue an annual wellness plan and the continuation of the clinic. Cost sharing is based upon participation in wellness programs with a 15% (single)/10% (dependent) increase in premiums for non-participants. Wellness requirements incrementally increase on an annual basis as outlined in the Memorandum of Agreement in order to encourage wellness participation. City contributions for wellness participants on the single plan are proposed at 90% 2017-2019 and for the dependent tiers the plan starts at 70% in 2017 and increases to 73% in 2018 and 75% in 2019. Additionally the agreement reduces the deductible by approx. 10% in each plan year.

The table below shows the estimated costs associated with the cost share agreement. The table also indicates an estimated levy impact for the portion of the agreement funded by mill-levy supported funds.

	2017	2018	2019	Total
Single Coverage: Shifting from 97/3% to 90/10% Employer/Employee Wellness Incentive Cost Share	(318,972)	-	-	(318,972)
Dependent Tiers: Shifting from 67/33% to 70/30%, 73/27%, & 75/25% Employer/Employee Wellness Incentive Cost Share	109,895	109,912	73,274	293,081
10% Reduction of Deductible Each Year	153,358	153,358	153,358	460,074
Total	**(55,719)**	**263,270**	**226,632**	**434,183**
		Mill Levy Equivalent	*0.284*	

Note the values in the table are estimates and assume full wellness participation; numbers are tentative until open enrollment is complete.

In addition to the above changes, the agreement allows for a $50 a monthly access to the health clinic for employees not enrolled in the City's health plan. Also, a tobacco surcharge will be in place for employees and covered spouses who test over acceptable thresholds for cotinine in accordance with the table below:

	2017	2018	2019
1 person	$50	$65	$75
2 persons	$100	$130	$150

I have reviewed the economic terms of the Healthcare Cost Sharing Agreement pending before the City Council and the recommended budget for Fiscal Year 2017. Based upon this review of the agreement, we believe that the FY17 proposed budget has sufficient resources to accommodate the agreement as presented and with no identifiable impact on the City's overall tax levy.

Please let me know if there are any questions or concerns about this analysis.

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Nickie Lee**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Property Taxation Policy**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, expressing the property taxation policy of the City of Topeka Governing Body with respect to financing the annual budget of 2017.

(Approval would foster transparency in accordance with the intent of K.S.A. 79-2925b which requires approval of a municipality's budget that is funded by property taxes where the revenue exceeds that of the preceding year, as adjusted by the consumer price index and certain exemptions.)

POLICY ISSUE:

Whether or not to adopt the resolution.

STAFF RECOMMENDATION:

Staff recommends adoption of the resolution, as it is recommended by the State in conjunction with the Appropriation Ordinance for the proposed 2017 budget.

BACKGROUND:

While the public vote portion of the property tax lid will not impact the City's budget until the 2018 budget, the 2017 Proposed Budget recommends the Governing Body vote to exceed the property tax lid limitation. Based on state statute, if the tax levy included in the Proposed Budget is approved, a “Notice of Vote” will be published in the official newspaper in order to be transparent in taxation policy.

Prior to the 2017 budget, the State required a Notice of Vote for municipalities whose property taxes were higher than the previous year with certain exemptions. Last year, the City of Topeka was not required to post this Notice as the taxes levied with the exemptions were not above the Consumer Price Index (CPI).

The property tax lid bill included several updates to the computation for tax limits. The computation to determine levy limit now contains an adjustment for inflation using the Consumer Price Index for All Urban Consumer as published by the United States Department of Labor. This CPI rate for calendar year 2015 to be used in preparing the 2017 budgets is 0.125%. Additionally, the personal property calculation (for the computed limit) has been modified to include the value of oil and gas leaseholds and mobile homes, and the value of property that has changed in use is now excluded from the computed limit calculation.

BUDGETARY IMPACT:

The budget impact of 2017 property taxes is reflected in the proposed 2017 budget.

SOURCE OF FUNDING:

Funding is outlined in the 2017 Proposed Budget.

ATTACHMENTS:

Description

Resolution

RESOLUTION NO. ___________

A RESOLUTION introduced by City Manager Jim Colson expressing the property taxation policy of the City of Topeka governing body with respect to financing the annual budget for 2017.

WHEREAS, K.S.A. 79-2925b, as amended, provides that a levy of property taxes to finance the 2017 budget of the City of Topeka exceeding the amount levied to finance the 2016 budget of the City of Topeka, as adjusted to reflect changes in the Consumer Price Index for All Urban Consumers for calendar year 2015, be authorized by a resolution adopted in advance of the adoption of a budget supported by such levy; and

WHEREAS, K.S.A. 79-2925b, as amended, also provides that current year revenue that is produced and attributable to the taxation of (1) new improvements to real property, (2) increased personal property valuation, (3) property located within added jurisdictional territory, and (4) property which has changed in use shall not be considered when determining whether revenue produced from property tax has increased from the preceding year; and

WHEREAS, City of Topeka provides essential services to its citizens; and

WHEREAS, the cost of providing these services continues to increase.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that a levy of property taxes in support of the 2017 budget exceeding the amount levied in 2016, as adjusted pursuant to K.S.A. 79-2925b, as amended, is hereby approved.

ADOPTED and APPROVED by the Governing Body on____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

Notice of Vote - City of Topeka
Pursuant to K.S.A. 2015 Supp. 79-2925b

		City Tax Levy Funds (General, Debt Service & Special Liability) Total Property Tax Levied		Mill Levy*
2016 Budget	$	41,463,438		39.809
2017 Budget	$	42,663,840		39.809

		Topeka Metropolitan Transit Authority Total Property Tax Levied		Mill Levy*
2016 Budget	$	4,382,507		4.200
2017 Budget	$	4,501,194		4.200

Approved (vote) ___ to ___

* 2016 mill levy is actual; 2017 mill levy is estimated.

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Nickie Lee**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**2017 City Operating Budget**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2017 and appropriating the amounts for the purpose set forth therein.

(Approval would adopt the City's 2017 operating budget.)

POLICY ISSUE:

Determine appropriation of funding amounts for the 2017 City of Topeka annual budget and impose the requisite property tax.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

K.S.A. 79-2933 requires adoption of an annual budget after a public hearing has been conducted to consider taxpayer input.

The 2017 Proposed Budget was formulated with citizen input and feedback from the City Council during budget committee sessions. The Governing Body’s role in the 2017 budget process formally began with the City Council’s adoption of budget priorities on May 17, 2016. This was preceeded by an open house and online/in person surveys which gave citizens the opportunity to ask questions and give input into the budget.

The Budget Committee reviewed the 2017 Proposed Budget at the June 11th, June 15th, June 21st, June 28th, and July 5th, 2016 Budget Committee and City Council meetings. On July 5th, the Committee voted to recommend to the full Governing Body approval of the budget as amended.

On July 12th, the Governing Body set the maximum taxes levied and approved the Public Hearing date of August 9th, 2016. The proposed 2017 budget was officially published at $279,208,411, including all funds. The total taxes levied for the General Fund, Debt Service Fund, and Special Liability Fund totals $42,663,840. The total estimated mill levy of 39.809 remains unchanged from the 2016 budget, subject to the County Clerk's finalization of the assessed valuation and the certification of the mill levies later this year.

BUDGETARY IMPACT:

Budgetary impact will be based on the adopted 2017 City of Topeka Operating Budget.

SOURCE OF FUNDING:

All budgeted funds as outlined in the budget document.

ATTACHMENTS:

Description

Budget Committee Referral

2017 Appropriation Ordinance

2017 Public Hearing Notice

2017 State Forms

COMMITTEE REFERRAL SHEET
COMMITTEE REPORT

Name of Committee:	Budget
Title:	2017 Budget
Date referred from Council meeting:	N/A
Date referred from Committee:	July 5, 2016
Committee Action:	Motion by Councilmember Karen Hiller, seconded by Councilmember Sandra Clear, to recommend to the full Council approval of the 2017 budget as amended with no increase to the mill levy. Motion passed with a vote of 8-0.
Comments:	
Amendments:	
Members of Committee:	Full Council and Mayor serving as a non-voting advisory member.
Agenda Date Requested:	August 9, 2016

(Published in the Topeka Metro News________________________________.)

ORDINANCE NO. ____________

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for the City of Topeka, for the year 2017, and appropriating the amounts for the purpose as set forth therein.

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

Section 1. *Budget incorporated by reference as a part of this Ordinance.* The operating budget for the City of Topeka, Kansas, for the year 2017 as set forth in a 207 page document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this Ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Budget approved and adopted.* The operating budget as described and incorporated by reference in Section 1 above is hereby approved and adopted as the operating budget for the year 2017.

Section 3. *Funds appropriated by budget.* The budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2017 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2017 or subsequent to December 31, 2017.

<u>Section 4.</u> *Budget amendments.* Any amendment to the operating budget must be approved by the Governing Body and enacted in accordance with the provisions of K.S.A. § 79-2929a.

<u>Section 5.</u> *As used in this ordinance "fund" is defined as follows*:

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

<u>Section 6.</u> *The following fund types are authorized*:

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type: including Trust and Agency Funds. This Ordinance applies to all funds as listed on the budget certificate and fund summary adopted and submitted to the county and state.

<u>Section 7.</u> This Ordinance shall take effect and be in force upon passage.

PASSED and APPROVED by the Governing Body on ______________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

State of Kansas
City

NOTICE OF BUDGET HEARING

The governing body of
City of Topeka
will meet on August 9, 2016 at 6:00pm at City Council Chambers at 214 E Eighth Street for the purpose of
hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.
Detailed budget information is available at Office of the City Clerk at City Hall and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2017 Expenditures and Amount of 2016 Ad Valorem Tax establish the maximum limits of the 2017 budget.
Estimated Tax Rate is subject to change depending on the final assessed valuation.

	Prior Year Actual for 2015		Current Year Estimate for 2016		Proposed Budget for 2017		
FUND	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	Estimate Tax Rate *
General	87,776,641	24.615	90,490,399	24.662	101,410,998	26,430,789	24.662
Debt Service	59,668,990	14.344	24,592,473	14.371	20,994,125	15,401,094	14.371
Library							
Special Liability	456,567	0.774	1,345,939	0.776	1,956,507	831,957	0.776
Retirement Reserve	263,588		1,170,009		3,474,471		
KP&F Rate Equalization	124,296		300,000		300,000		
Neighborhood Revitalization					397,882		
Historical Asset Tourism	216,398		102,630		113,914		
Half Cent Sales Tax (JEDO)	8,599,553				23,894,102		
Half Cent Sales Tax (Street)	15,740,831		28,375,602		18,805,175		
Tax Increment Financing	386,660		176,569		190,000		
Court Technology	7,125		45,000		65,000		
Downtown Improvement	178,739		186,542		183,500		
Special Highway	5,787,215		6,378,200		6,993,704		
Special Alcohol & Drug	636,349		600,000		620,000		
Alcohol & Drug Safety	63,950		68,048		106,746		
Law Enforcement	250,636		550,000		690,921		
Transient Guest Tax	2,434,588		2,596,801		2,781,124		
Community Development	404,878		421,480		460,000		
Employee Separation	1,987,688		1,216,024		1,000,000		
Combined Utilities	63,646,738		66,961,554		68,197,280		
Public Parking	5,861,444		3,691,117		3,136,638		
Facilities	1,399,004		1,498,445		1,995,577		
IT	3,575,830		3,646,564		4,255,374		
Fleet	1,783,964		1,980,000		1,980,000		
Risk Funds	12,720,907		12,935,133		15,205,373		
Totals	273,972,579	39.733	249,328,529	39.809	279,208,411	42,663,840	39.809
Less: Transfers	8,578,765		1,745,360		2,214,139		
Net Expenditure	265,393,814		247,583,169		276,994,272		
Total Tax Levied	40,577,095		41,463,438		xxxxxxxxxxxxxxxx		
Assessed Valuation	1,021,286,924		1,041,624,829		1,071,711,738		

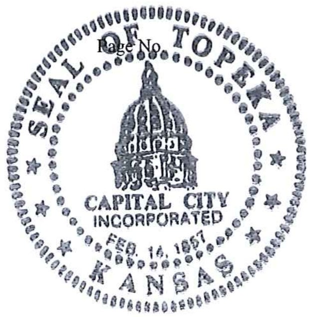
Outstanding Indebtedness, January 1,	2014	2015	2016
G.O. Bonds	190,385,000	190,585,000	208,005,000
Revenue Bonds	132,800,000	138,490,000	130,460,000
Other	65,123,785	58,133,937	52,810,634
Lease Purchase Principal	4,391,583	3,729,468	2,797,754
Total	392,700,368	390,938,405	394,073,388

*Tax rates are expressed in mills

	2015 Actual	Mill Levy	2016 Expenditures	Mill Levy	2017 Budget Authority	Amount of 2016 Ad Valorem Tax	Estimated Tax Rate
Metropolitan Transit Authority	4,688,081	4.200	4,603,523	4.200	4,722,170	4,501,194	4.200

Brenda Younger
City Official Title City Clerk

Page No.



ATTEST:
Brenda Younger
CITY CLERK

Input Sheet for City1 Budget Workbook

Enter city name ("City of _____"): **City of Topeka**
Enter county name followed by "County": **Shawnee**

Enter year being budgeted (YYYY): **2017**

Enter the following information from the sources shown. This information will flow throughout the budget worksheets to the appropriate locations.

Note: All amounts are to be entered as whole numbers only.

The input for the following comes directly from
the 2016 Budget, Certificate Page:
If amended, then use the amended figures.

Fund Names:	Statute	2016 *Expenditures*	2015 Ad Valorem Tax
General	12-101a	101,201,973	25,687,559
Debt Service	10-113	24,592,473	14,968,362
Library	12-1220		
Fund name for all other funds with a tax levy:			
Special Liability		1,345,940	807,517
Total Tax Levy Funds for 2016 Budgeted Year			41,463,438

Other (non-tax levy) fund names:

Special Highway		6,378,200
Special Alcohol & Drug		600,000
Alcohol & Drug Safety		68,048
Law Enforcement		550,000
Transient Guest Tax		2,740,721
Retirement Reserve		1,170,009
KP&F Rate Equalization		300,000
Neighborhood Revitalization		150,000
Historical Asset Tourism		120,103
Half Cent Sales Tax (JEDO)		8,738,569
Half Cent Sales Tax (Street)		28,375,602
Tax Increment Financing		516,766
Court Technology		45,000
Downtown Improvement		254,652
Community Development		421,480
Employee Separation		2,000,000

Single Non Tax Levy:

1	Combined Utilities	66,961,553
2	Public Parking	3,691,117
3	Facilities	1,498,445
4	Fleet	1,980,000
5	IT	3,646,565
Total Expenditures for 2016 Budgeted Year		257,347,216

Non-Budgeted (A):

1	Risk Funds	12,935,133
2		

3	
4	
5	

Non-Budgeted (B)

1	
2	
3	
4	
5	

From the 2016 Budget, Budget Summary Page

		2014 Tax Rate (2015 Column)
General		24.62
Debt Service		14.34
Library		
Special Liability		0.77
TMTA		4.20
0		
0		
0		
0		
0		
0		
0		
0		
Total		43.933

Total Tax Levied (2015 budget column)			40,577,095
Assessed Valuation (2015 budget column)			1,021,286,924

Outstanding Indebtedness, January 1:		2014	2015
G.O. Bonds		190,385,000	190,585,000
Revenue Bonds		132,800,000	138,490,000
Other		65,123,785	58,133,937
Lease Purchase Principal		4,391,583	3,729,468

City of Topeka 2017

Note: All amounts are to be entered as whole numbers only.

From the County Clerk's 2017 Budget Information:

Total Assessed Valuation for 2016	1,071,711,738
New Improvements for 2016	8,066,411
Personal Property - 2016	25,493,142
Territory Added: (Current Year Only)	
Real Estate	
State Assessed	
New Improvements	
Property that has changed in use for 2016	5,951,406
Personal Property - 2015	25,344,665
Gross earnings (intangible) tax estimate for 2017	
Neighborhood Revitalization	20,183,532

Actual Tax Rates for the 2016 Budget:

Fund	**Rate**
General	24.662
Debt Service	14.371
Library	
Special Liability	0.776
TMTA	4.200
0	
0	
0	
0	
0	
0	
0	
0	
Total	44.009

Final Assessed Valuation from the November 1, 2015 Abstract 1,041,624,829

Budget Information - 2017 Budget Year Estimates:	
Motor Vehicle Tax Estimate	3,293,464
Recreational Vehicle Tax Estimate	16,259
16\20 M Vehicle Tax	11,491
Commercial Vehicle Tax Estimate	157,800
Watercraft Tax Estimate	
LAVTR	
City and County Revenue Sharing	

Computation of Delinquency

Actual Delinquency for 2014 Tax - (e.g. rate .01213 = 1.213%; key in 1.2)

Delinquency % used in this budget will be shown on all fund pages with a tax levy** 0.031

****Note**: The delinquency rate can be up to 5% more than the actual delinquency rate from the previous year.

From the League of Municipalities' Budget Tips (Special City and County Highway Fund):

2017 State Distribution for Kansas Gas Tax	3,301,830
2017 County Transfers for Gas***	1,730,960
Adjusted 2016 State Distribution for Kansas Gas Tax	3,337,840
Adjusted 2016 County Transfers for Gas***	2,009,670

*****Note**: Only used when a portion of the County monies are distributed to the Cities under the provisions of K.S.A. 79-3425c

From the 2015 Budget Certificate Page

Funds	2015 Expenditure Amounts Budget Authority	Note: If the 2015 budget was amended, then the expenditure amounts should reflect the amended expenditure amounts.
General	90,924,879	
Debt Service	24,430,765	
Library		
Special Liability	1,531,241	
0		
0		
0		
0		
0		
0		
0		
0		
0		
Special Highway	6,515,292	
Special Alcohol and I	600,000	
Alcohol & Drug Safe	65,300	Amended
Law Enforcement	550,000	
Transient Guest Tax	2,700,000	Amended
Retirement Reserve	900,000	
KP&F Rate Equalizat	300,000	
Neighborhood Revita	150,000	
Historical Asset Tour	240,000	Amended
Half Cent Sales Tax (	9,100,000	Amended
Half Cent Sales Tax (	16,370,047	
Tax Increment Financ	395,080	Amended
Court Technology	45,000	
Community Developr	437,695	Amended
Employee Separation	2,200,000	Amended
Downtown Improvem	186,276	
Combined Utilities	78,889,271	
Public Parking	3,106,817	
Facilities	1,603,000	Amended
IT	3,610,000	Amended
Fleet	1,907,545	
	246,758,207	

This tab will put the date and time and location of the budget hearing on the Budget Summary page. Also, provic

Official Name:	Brenda Younger	
Official Title:	City Clerk	Must be at least 10 days between date published and hearing held.
Date:	August 9, 2016	Latest date for notice to be published in your newspaper: July 30, 2016
Time:	6:00pm	
Location:	City Council Chambers at 214 E Eighth Street	
Available at:	Office of the City Clerk at City Hall	

Examples

Official Title:	City Clerk, City Treasurer, Mayor
Date:	August 12, 2010
Time:	7:00 PM or 7:00 AM
Location:	City Hall
Available at:	City Hall

CERTIFICATE

To the Clerk of Shawnee, State of Kansas
We, the undersigned, officers of
City of Topeka
certify that: (1) the hearing mentioned in the attached publication was held;
(2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditures for the various funds for the year 2017; and
(3) the Amount(s) of 2016 Ad Valorem Tax are within statutory limitations.

			2017 Adopted Budget		
Table of Contents:		Page No.	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	County Clerk's Use Only
Computation to Determine Limit for 2017		2			
Allocation of MVT, RVT, and 16/20M Vehicle Tax		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
Fund	**K.S.A.**				
General	12-101a	7	101,410,998	26,430,789	
Debt Service	10-113	8	20,994,125	15,401,094	
Library	12-1220	8			
Special Liability	75-6110	9	1,956,507	831,957	
Retirement Reserve	Administrative	12	3,474,471		
KP&F Rate Equalization	Administrative	17	300,000		
Neighborhood Revitalization	KSA 12-17, 114	17	397,882		
Historical Asset Tourism	City Code 2-331	13	113,914		
Half Cent Sales Tax (JEDO)	Administrative	13	23,894,102		
Half Cent Sales Tax (Street)	n; City Code Section 1	14	18,805,175		
Tax Increment Financing	KSA 12-1775 (b)(2)	14	190,000		
Court Technology	City Code 3.25.170	15	65,000		
Downtown Improvement	Ordinance 19722	15	183,500		
Special Highway	KSA 12-1, 119	10	6,993,704		
Special Alcohol & Drug	KSA 79-41A04	10	620,000		
Alcohol & Drug Safety	Administrative	11	106,746		
Law Enforcement	City Code 2-334	11	690,921		
Transient Guest Tax	Charter Ord 69	12	2,781,124		
Community Development	Administrative	16	460,000		
Employee Separation	dinance #17546; #175	16	1,000,000		
Combined Utilities	Code Chapter 146, Art	18	68,197,280		
Public Parking	KSA 13-1379	19	3,136,638		
Facilities	Administrative	21	1,995,577		
IT	City Code Section 2-14	22	4,255,374		
Fleet	Ordinance #15665	20	1,980,000		
Non-Budgeted Funds-A		23	15,205,373		
Totals		x	279,208,411	42,663,840	
Reolution required? Notice of the vote to adopt required to be published?				Yes	County Clerk's Use Only
Budget Summary		24			
Neighborhood Revitalization Rebate		25			Nov 1, 2016 Total Assessed Valuation

Tax Levy for Other Agencies

Topeka Metro Transit Authority	Charter Ord 113	9	4,722,170	4,501,194

Assisted by:

Address:

Email:

Attest: ______________________, 2016

County Clerk

Governing Body

City of Topeka 2017

Computation to Determine Limit for 2017

							Amount of Levy
1.	Total tax levy amount in 2016 budget					+ $	41,463,438
2.	Debt service levy in 2016 budget					- $	14,968,362
3.	Tax levy excluding debt service					$	26,495,076

2016 Valuation Information for Valuation Adjustments

4.	New improvements for 2016:			+	8,066,411		
5.	Increase in personal property for 2016:						
5a.	Personal property 2016	+	25,493,142				
5b.	Personal property 2015	-	25,344,665				
5c.	Increase in personal property (5a minus 5b)			+	148,477		
					(Use Only if > 0)		
6.	Valuation of annexed territory for 2016:						
6a.	Real estate	+	0				
6b.	State assessed	+	0				
6c.	New improvements	-	0				
6d.	Total adjustment (sum of 6a, 6b, and 6c)			+	0		
7.	Valuation of property that has changed in use during 2016:				0		
8.	Total valuation adjustment (sum of 4, 5c, 6d &7)				8,214,888		
9.	Total estimated valuation July 1, 2016		1,071,711,738				
10.	Total valuation less valuation adjustment (9 minus 8)				1,063,496,850		
11.	Factor for increase (8 divided by 10)				0.00772		
12.	Amount of increase (11 times 3)					+ $	204,659
13.	2017 budget tax levy, excluding debt service, prior to CPI adjustment (3 plus 12)					$	26,699,735
14.	Debt service levy in this 2017 budget						15,401,094
15.	2017 tax levy, including debt service, prior to CPI adjustment (13 plus 14)						42,100,829
16.	Consumer Price Index for all urban consumers for calendar year 2015						0
17.	Consumer Price Index adjustment (3 times 16)					$	33,119
18.	Maximum levy for budget year 2017, including debt service, not requiring 'notice of vote publication' or adoption of a resolution prior to adoption of the budget (15 plus 17)					$	42,133,948

If the 2017 adopted budget includes a total property tax levy exceeding the dollar amount in line 18 you must, prior to adoption of such budget, adopt a resolution authorizing such levy and, subsequent to adoption of such budget, publish notice of vote by the governing body to adopt such budget in the official county newspaper and attach a copy of the published notice to this budget.

In no event will such resolution or published notice of the vote be required if the total budget year tax levy is $1,000 or less.

City of Topeka

2017

Allocation of MV, RV, 16/20M, Commercial Vehicle, and Watercraft Tax Estimates

Budgeted Funds	Ad Valorem Levy	Allocation for Year 2017					
for 2016	Tax Year 2015	MVT	RVT	16/20M Veh	Comm Veh	Watercraft	
General	25,687,559	2,040,377	10,073	7,119	97,761	0	2155329
Debt Service	14,968,362	1,188,945	5,869	4,148	56,966	0	1255928
Library							0
Special Liability	807,517	64,142	317	224	3,073	0	67756
TOTAL	41,463,438	3,293,464	16,259	11,491	157,800	0	

County Treas Motor Vehicle Estimate	3,293,464				
County Treas Recreational Vehicle Estimate		16,259			
County Treas 16/20M Vehicle Estimate			11,491		
County Treas Commercial Vehicle Tax Estimate				157,800	
County Treas Watercraft Tax Estimate					0

Motor Vehicle Factor	0.07943				
Recreational Vehicle Factor		0.00039			
16/20M Vehicle Factor			0.00028		
Commercial Vehicle Factor				0.00381	
Watercraft Factor					0

City of Topeka 2017

Schedule of Transfers

Expenditure Fund Transferred From:	Receipt Fund Transferred To:	Actual Amount for 2015	Current Amount for 2016	Proposed Amount for 2017	Transfers Authorized by Statute
NON DEPARTMENTAL GENERAL FUND	WATER UTILITY	1,300,050			12-825d
NON DEPARTMENTAL GENERAL FUND	WATER POLLUTION CONTRO	1,200,000			12-101
NON DEPARTMENTAL GENERAL FUND	CAPITAL PROJECTS	1,652,251	681,136	716,800	12-1, 118
FIRE OPERATIONS	CAPITAL PROJECTS	37,952			12-1, 118
ZOO FINANCE	CAPITAL PROJECTS	-13,934			12-1, 118
TIF COLLEGE HILL	DEBT SERVICE	175,588		190,000	12-101
TRANSIENT GUEST TAX	GENERAL FUND	211,075	230,334	184,804	12-1698
TRANSIENT GUEST TAX	HISTORIC PRESERVATION	203,095			12-1697
TGT - SUNFLOWER SOCCER	CAPITAL PROJECTS	110,165	383,890	372,535	12-1, 118
TRANSIENT GUEST TAX	CAPITAL PROJECTS	153,000			12-1, 118
RETIREMENT RESERVE	SEPARATION BENEFIT DEBT	250,000	250,000	250,000	12-101
SALES TAX STREET MAINT	CAPITAL PROEJCTS	2,300,000			12-1, 118
GO BONDS	CAPITAL PROJECTS	512,000	200,000	500,000	12-1, 118
HEALTH INSURANCE	CAPITAL PROJECTS	325,000			12-1, 118
CAPITAL PROJECTS	BOND AND INTEREST	115,920			12-1, 118
CAPITAL IMPROVEMENT BUILDINGS	BOND AND INTEREST	42,180			12-1, 118
CAPITAL PROJECTS WATER$ MAINS	BOND AND INTEREST	4,423			12-1, 118
STEETS & TRAFFICWAYS	BOND AND INTEREST	1,079,963			12-1, 118

Totals	8,578,765	1,745,360	2,214,139
Adjustments*			
Adjusted Totals	8,578,765	1,745,360	2,214,139

*Note: Adjustments are required only if the transfer is being made in 2016 and/or 2017 from a non-budgeted fund.

City of Topeka 2017

STATEMENT OF INDEBTEDNESS

Type of Debt	Date of Issue	Date of Retirement	Interest Rate %	Amount Issued	Beginning Amount Outstanding January 16, 2016	Date Due Interest	Date Due Principal	Amount Due 2016 Interest	Amount Due 2016 Principal	Amount Due 2017 Interest	Amount Due 2017 Principal
General Obligation:											
2010C	9/29/2010		2.050 - 4.850	4,570,000	4,350,000	2/15 & 8/15	8/15	175,025	225,000	169,625	230,000
2011A	9/20/2011		2.000 - 4.250	27,820,000	22,150,000	2/15 & 8/15	8/15	707,206	1,475,000	0	0
2011B	9/29/2011		2.000 - 4.000	3,430,000	2,985,000	2/15 & 8/15	8/15	97,225	150,000	94,225	155,000
2012A	4/17/2012		1.500 - 4.000	30,445,000	21,650,000	2/15 & 8/15	8/15	599,163	2,775,000	543,663	2,170,000
2013A	6/4/2013		2.200 - 4.000	20,335,000	20,065,000	2/15 & 8/15	8/15	670,815	2,590,000	567,215	2,690,000
2013B	9/30/2013		3.000-4.500	9,790,000	9,410,000	2/15 & 8/15	8/15	350,800	390,000	339,100	405,000
2013C	9/30/2013		2.000-2.500	5,000,000	4,040,000	2/15 & 8/15	8/15	87,020	980,000	67,420	1,000,000
2015A	9/15/2015		2.500-5.000	55,265,000	55,265,000	2/15 & 8/15	8/15	1,859,909	3,270,000	1,865,491	3,265,000
2010 TIF	12/14/2010		2.000 - 3.600	5,805,000	4,805,000	2/15 & 8/15	8/15	144,625	400,000	0	0
2011A STAR	9/20/2011		2.000-3.250	9,855,000	8,310,000	2/15 & 8/15	8/15	213,550	790,000	189,850	815,000
2016 TIF	5/19/2016		2	4,430,000	0	2/15 & 8/15	8/15	21,166	15,000	88,300	430,000
2016A	5/19/2016		2.000-5.000	20,850,000	0	2/15 & 8/15	8/15	7,310	30,000	697,500	1,435,000
2014A Temp Notes	9/25/2014		1	33,390,000	0	10/1/2016	10/1				
2015A Temp Notes	9/25/2015		2	49,620,000	49,620,000	10/1/2016	10/1				
2014A	9/25/2014		2.000-3.250	5,590,000	5,355,000	At Maturity	10/1	148,975	220,000	144,575	225,000
Total G.O. Bonds					**208,005,000**			**5,082,788**	**13,310,000**	**4,766,964**	**12,820,000**
Revenue Bonds:											
2007B	7/17/2007		4.625 - 4.76	5,210,000	480,000	2/1 & 8/1	42597	22,600	0	22,600	0
2007C	7/17/2007		7	2,140,000	1,755,000	2/1 & 8/1	42597	105,300	65,000	101,400	70,000
2010A	9/22/2010		4.550 - 4.901	985,000	985,000	2/1 & 8/1	42597	47,460	0	47,460	0
2010B	9/22/2010		5.100 - 5.251	9,155,000	9,155,000	2/1 & 8/1	42597	476,835	0	476,835	0
2010C	9/22/2010		4	85,000	85,000	2/1 & 8/1	42597	3,188	0	3,188	0
2011A	9/29/2011		2.000 - 4.501	18,900,000	16,215,000	2/1 & 8/1	42597	467,219	1,385,000	439,519	1,415,000
2012A	6/12/2012		3.000 - 3.501	22,045,000	20,545,000	2/1 & 8/1	42597	663,469	60,000	661,669	60,000
2013A	5/21/2013		1.500 - 5.001	35,985,000	35,640,000	2/1 & 8/1	42597	1,082,920	290,000	1,074,220	295,000
2014A	12/23/2014		3.125 - 5.001	45,510,000	42,565,000	2/1 & 8/1	42597	1,698,213	2,765,000	1,559,963	2,915,000
2011	10/27/2011		2.000 - 4.001	14,610,000	3,035,000	6/15 & 12/15	42597	91,050	3,035,000	-	-
Total Revenue Bonds					**130,460,000**			**4,658,254**	**7,600,000**	**4,386,853**	**4,755,000**
Other:											
KDHE - KS Water Pollution Control SRF Loan	1/27/1993		3.110 - 3.661	110,215,967	40,938,404	12/1 & 6/1	12/1 & 6/1	1,033,222	4,447,166	906,665	4,473,370
KDHE - KS Public Water Supply SRF Loan	4/6/1998		2.500 - 3.751	33,182,304	11,872,230	8/1/ & 2/1	8/1/ & 2/1	448,519	1,454,418	403,369	1,504,071
Total Other					**52,810,634**			**1,481,741**	**5,901,584**	**1,310,034**	**5,977,440**
Total Indebtedness					**391,275,634**			**11,222,783**	**26,811,584**	**10,463,852**	**23,552,440**

City of Topeka 2017

STATEMENT OF CONDITIONAL LEASE-PURCHASE AND CERTIFICATE OF PARTICIPATION*

Item Purchased	Contract Date	Term of Contract (Months)	Interest Rate %	Total Amount Financed (Beginning Principal)	Principal Balance On Jan 1 2016	Payments Due 2016	Payments Due 2017
Fire Trucks	6/25/2010	120	4	2,899,123	1,561,531	-	338,794
Brown Bear Composter	5/26/2011	56	3	425,029	73,090	77,116	-
Police Cars	12/6/2013	36	1	870,000	293,133	296,312	-
Police Cars	2/6/2015	36	1	870,000	870,000	298,041	298,041
Totals					2,797,754	671,469	636,834

***If you are merely leasing/renting with no intent to purchase, do not list--such transactions are not lease-purchases.

City of Topeka 2017

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget **General**	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	6,579,588	8,541,251	9,350,825
Receipts:			
Ad Valorem Tax	24,164,979	25,687,559	x
Delinquent Tax	587,943	552,438	558,947
Motor Vehicle Tax	2,177,015	2,434,134	2,040,377
Recreational Vehicle Tax			10,073
16/20M Vehicle Tax			7,119
Commercial Vehicle Tax			97,761
Watercraft Tax			0
Gross Earning (Intangible) Tax			0
LAVTR			0
City and County Revenue Sharing			0
Local Retail Sales Tax	28,980,895	29,869,085	30,167,776
PILOD	190,135	178,414	190,134
Licenses	388,619	343,396	404,996
Permits	1,154,529	840,000	1,155,000
Franchise Fees	13,720,537	14,905,606	15,054,663
Intergovernmental Revenue	1,031,389	1,052,523	1,041,588
Fees for Services	5,583,518	4,081,059	4,214,060
Municipal Court Fees & Fines	3,230,575	3,000,000	3,000,000
Service Assessments	245,656	170,100	160,000
Administrative Fees			
Transfers	211,075	191,945	185,341
Sale of Property	133,051	35,000	21,000
PILOT	7,282,854	7,254,737	7,264,904
Rental Fees	69,212	155,497	58,947
NRA Rebate			
Misc	600,256	548,480	791,417
In Lieu of Taxes (IRB)			
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	89,752,238	91,299,973	66,424,102
Resources Available:	96,331,826	99,841,224	75,774,927

City of Topeka

FUND PAGE - GENERAL

Adopted Budget	Prior Year	Current Year	Proposed Budget
General	Actual for 2015	Estimate for 2016	Year for 2017
Resources Available:	96,331,826	99,841,224	75,774,927
Expenditures:			
City Council	242,637	278,768	375,497
Mayor	115,943	130,111	158,138
Executive	1,178,385	1,305,555	1,368,588
Finance	1,976,679	2,476,000	2,372,521
City Attorney	1,005,069	1,172,014	1,244,178
Human Resources	992,459	1,151,965	1,237,787
Municipal Court	1,634,614	1,818,327	1,951,000
Fire	26,154,754	26,445,946	27,037,153
Police	34,667,477	37,647,373	38,681,087
Public Works	5,983,163	6,655,990	6,905,126
Park and Recreation	1,562,676	520,045	520,045
Zoo	2,470,563	2,364,798	2,499,979
Planning	825,102	851,229	920,343
Cemeteries	164,135	220,000	220,000
City Grants	0	0	0
Franchise Fee Program	85,000	100,100	100,100
Neighborhood Relations	3,600,859	4,517,682	4,505,642
Topeka Performing Arts Center	451,840	416,823	436,621
Prisoner Care	728,368	842,607	750,000
Unsafe Structures	0	0	0
Inmate Program	0	0	0
Non-Department	3,936,918	1,575,066	10,127,193
Sub-Total detail page	87,776,641	90,490,399	101,410,998
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			

Total Expenditures	87,776,641	90,490,399	101,410,998
Unencumbered Cash Balance Dec 31	8,541,251	9,350,825	xxxxxxxxxxxxxxxxxx
2015/2016/2017 Budget Authority Amount:	90,924,879	101,201,973	101,410,998
	Non-Appropriated Balance		
	Total Expenditure/Non-Appr Balance		101,410,998
		Tax Required	25,636,071
	Delinquent Comp Rat	3.1%	794,718
	Amount of 2016 Ad Valorem Tax		26,430,789

City of Topeka 2017

Adopted Budget General Fund - Detail Expenditures	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Expenditures:			
City Council			
Salaries	223,004	251,588	338,297
Contractual	18,730	26,395	36,415
Commodities	903	785	785
Capital Outlay	-	-	-
Total	242,637	278,768	375,497
Mayor			
Salaries	79,580	90,242	118,438
Contractual	35,064	38,166	38,420
Commodities	1,299	1,703	1,280
Capital Outlay	-	-	-
Total	115,943	130,111	158,138
Executive			
Salaries	814,129	960,498	1,026,434
Contractual	263,791	251,732	262,904
Commodities	100,465	93,325	79,250
Capital Outlay	-	-	-
Total	1,178,385	1,305,555	1,368,588
Finance			
Salaries	1,662,512	1,974,789	1,871,455
Contractual	303,902	488,511	486,366
Commodities	10,298	12,700	14,700
Capital Outlay	(33)	-	-
Total	1,976,679	2,476,000	2,372,521
City Attorney			
Salaries	836,316	982,711	1,055,028
Contractual	148,093	160,803	163,350
Commodities	20,660	28,500	25,800
Capital Outlay	-	-	-
Total	1,005,069	1,172,014	1,244,178
Human Resources			
Salaries	654,718	756,833	842,652
Contractual	313,668	366,132	366,975
Commodities	24,073	29,000	28,160
Capital Outlay	-	-	-
Total	992,459	1,151,965	1,237,787
Municipal Court			
Salaries	1,224,370	1,350,797	1,438,189
Contractual	402,709	453,463	496,934
Commodities	7,535	11,067	15,877
Capital Outlay	-	3,000	-
Total	1,634,614	1,818,327	1,951,000
Fire			
Salaries	23,546,162	23,775,699	24,279,400
Contractual	1,898,329	2,009,319	2,068,111
Commodities	672,311	602,128	619,642
Capital Outlay	-	58,800	70,000
Other	37,952	-	-
Total	26,154,754	26,445,946	27,037,153
Page Total	33,300,540	34,778,686	35,744,862

(Note: Should agree with general sub-totals.)

City of Topeka 2017

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget Debt Service	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	2,478,377	3,600,565	1,535,889
Receipts:			
Ad Valorem Tax	14,086,806	14,968,362	x
Delinquent Tax	312,913	300,000	300,000
Motor Vehicle Tax	1,220,282	1,418,487	1,188,945
Recreational Vehicle Tax	0	0	5,869
16/20M Vehicle Tax	0	0	4,148
Commercial Vehicle Tax	0	0	56,966
Watercraft Tax	0	0	0
PILOT IRB	42,279	40,000	40,000
Sales Tax JEDO	3,247,450	0	0
Sales Tax Heartland Park	81,842	0	20,000
State Heartland Park	203,206	0	40,000
Transfer from Capital Projects	39,584,895	3,376,050	433,702
Special Assessment	1,959,635	2,298,648	2,711,759
Refunding Bonds	0	0	0
Interest on Idle Funds	51,870	126,250	127,513
Neighborhood Revitalization Rebate	0	0	0
Miscellaneous	0	0	0
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**60,791,178**	**22,527,797**	**4,928,902**
Resources Available:	**63,269,555**	**26,128,362**	**6,464,791**
Expenditures:			
Principal Payments	16,535,916	16,411,764	13,696,503
Interest Payments	4,805,499	5,066,256	5,428,733
Cost of Issuance	283,468	0	0
Other Costs	21,230	45,000	45,000
Refunding Bonds	37,510,877	0	0
Other Funding Costs	0	2,869,453	0
Transfers (Ted added this)	512,000	200,000	500,000
Retirement Reserve Bond Payment	0	0	0
Contingency			1,323,889
Miscellaneous			
Does miscellanous exceed 10% of Total E			
Total Expenditures	**59,668,990**	**24,592,473**	**20,994,125**
Unencumbered Cash Balance Dec 31	**3,600,565**	**1,535,889**	**x**
2015/2016/2017 Budget Authority Amoun	24,430,765	24,592,473	20,994,125
		Non-Appropriated Balance	
See Tab A		Total Expenditure/Non-Appr Balance	20,994,125
		Tax Required	14,529,334
	Delinquent Comp Rate:	6.00%	871,760
		Amount of 2016 Ad Valorem Tax	15,401,094

Adopted Budget Library	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
Ad Valorem Tax		0	x
Delinquent Tax			
Motor Vehicle Tax			
Recreational Vehicle Tax			
16/20M Vehicle Tax			
Commercial Vehicle Tax			
Watercraft Tax			
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	0	0	0
Resources Available:	0	0	0
Expenditures:			
Miscellaneous			
Does miscellaneous exceed 10% of Total E			
Total Expenditures	0	0	0
Unencumbered Cash Balance Dec 31	-	-	x
2015/2016/2017 Budget Authority Amoun		-	-
		Non-Appropriated Balance	

Total Expenditure/Non-Appr Balance		-
Tax Required		0
Delinquent Comp Rate:	3.10%	-
Amount of 2016 Ad Valorem Tax		-
Page No.	8	

City of Topeka 2017

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget Special Liability	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	1,225,947	1,616,231	1,079,809
Receipts:			
Ad Valorem Tax	759,238	807,517	x
Delinquent Tax	17,557	0	0
Motor Vehicle Tax	67,775	0	64,142
Recreational Vehicle Tax	0	0	317
16/20M Vehicle Tax	0	0	224
Commercial Vehicle Tax	0	0	3,073
Watercraft Tax	0	0	0
IRB PILOT	2,281	2,000	2,000
Other	0	0	0
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**846,851**	**809,517**	**69,756**
Resources Available:	**2,072,798**	**2,425,748**	**1,149,565**
Expenditures:			
Personnel	243,170	274,286	276,741
Contractual	211,803	728,950	728,957
Commodities	1,594	4,000	4,000
Capital Outlay		338,703	946,809
Cash Forward (2017 column)			
Miscellaneous	0		
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**456,567**	**1,345,939**	**1,956,507**
Unencumbered Cash Balance Dec 31	**1,616,231**	**1,079,809**	**x**
2015/2016/2017 Budget Authority Amount	1,531,241	1,345,940	1,956,507
	Non-Appropriated Balance		
	Total Expenditure/Non-Appr Balance		1,956,507
		Tax Required	806,942
	Delinquent Comp Rate:	3.10%	25,015
	Amount of 2016 Ad Valorem Tax		831,957

Adopted Budget Topeka Metropolitan Transit Authority	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	81,922	0	0
Receipts:			
Ad Valorem Tax	4,124,557	4,250,734	x
Delinquent Tax	102,854	0	0
Motor Vehicle Tax	366,369	352,789	356,317
Recreational Vehicle Tax	0	0	
16/20M Vehicle Tax	0	0	
Commercial Vehicle Tax	0	0	
Watercraft Tax	0	0	
IRB Payment	12,379	0	0
Other	0	0	0
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous	0	0	0
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**4,606,159**	**4,603,523**	**356,317**
Resources Available:	**4,688,081**	**4,603,523**	**356,317**
Expenditures:			
Payment to TMTA	4,688,081	4,603,523	4,722,170
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**4,688,081**	**4,603,523**	**4,722,170**
Unencumbered Cash Balance Dec 31	**0**	**0**	**x**
2015/2016/2017 Budget Authority Amount	4,899,180	4,603,523	4,722,170
	Non-Appropriated Balance		
	Total Expenditure/Non-Appr Balance		4,722,170
		Tax Required	4,365,853
	Delinquent Comp Rate:	3.10%	135,341
	Amount of 2016 Ad Valorem Tax		4,501,194

City of Topeka 2017

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Special Highway	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	2,195,756	2,698,371	1,978,559
Receipts:			
State of Kansas Gas Tax	3,355,034	3,337,840	3,301,830
County Transfers Gas	2,604,449	2,009,670	1,730,960
Link Maintenance	0	16,404	16,404
Service Fees	0	0	0
Sale of Property	51,176	0	0
Inmate Program Income	266,795	320,090	320,090
Other	0	0	0
Interest on Idle Funds	0	0	0
Miscellaneous	12,376	-25,616	12,040
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**6,289,830**	**5,658,388**	**5,381,324**
Resources Available:	**8,485,586**	**8,356,759**	**7,359,883**
Expenditures:			
Personnel	2,701,071	3,453,359	3,343,205
Contractual	1,932,385	1,801,437	1,853,558
Commodities	536,789	353,404	645,730
Capital	616,970	770,000	545,000
Other			606,211
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**5,787,215**	**6,378,200**	**6,993,704**
Unencumbered Cash Balance Dec 31	**2,698,371**	**1,978,559**	**366,179**
2015/2016/2017 Budget Authority Amount	6,515,292	6,378,200	6,993,704

Adopted Budget

Special Alcohol & Drug	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	316,680	196,025	122,286
Receipts:			
Liquor Tax	515,694	526,261	520,794
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**515,694**	**526,261**	**520,794**
Resources Available:	**832,374**	**722,286**	**643,080**
Expenditures:			
Grant to Outside Agencies	636,349	600,000	620,000
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**636,349**	**600,000**	**620,000**
Unencumbered Cash Balance Dec 31	**196,025**	**122,286**	**23,080**
2015/2016/2017 Budget Authority Amount	600,000	600,000	620,000

See Tab A

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Alcohol & Drug Safety	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	349,011	361,770	368,522
Receipts:			
Court Fees	76,709	74,800	74,800
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**76,709**	**74,800**	**74,800**
Resources Available:	**425,720**	**436,570**	**443,322**
Expenditures:			
Personnel	57,415	60,702	62,548
Contractual	4,423	4,346	4,346
Commodities	2,112	3,000	3,000
Capital Outlay			
Other			36,852
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**63,950**	**68,048**	**106,746**
Unencumbered Cash Balance Dec 31	**361,770**	**368,522**	**336,576**
2015/2016/2017 Budget Authority Amoun	65,300	68,048	106,746

Adopted Budget

Law Enforcement	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	1,567,760	1,914,706	1,644,206
Receipts:			
Revenue	597,582	279,500	315,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**597,582**	**279,500**	**315,000**
Resources Available:	**2,165,342**	**2,194,206**	**1,959,206**
Expenditures:			
Contractual	144,900	462,500	432,750
Commodities	105,736	87,500	117,250
Capital			
Other			140,921
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**250,636**	**550,000**	**690,921**
Unencumbered Cash Balance Dec 31	**1,914,706**	**1,644,206**	**1,268,285**
2015/2016/2017 Budget Authority Amoun	550,000	550,000	690,921

City of Topeka 2017

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Transient Guest Tax	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	66,824	178,119	178,119
Receipts:			
Transient Guest Tax	2,180,176	2,223,779	2,268,256
Transient Guest Tax- Sunflower Soccer	365,707	373,022	380,482
Other			132,386
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**2,545,883**	**2,596,801**	**2,781,124**
Resources Available:	**2,612,707**	**2,774,920**	**2,959,243**
Expenditures:			
Visit Topeka	1,569,402	1,632,295	1,663,239
Grants Other Agencies	0	0	372,535
League of Municipalities			
Neighborhood Academic & Athletic Assoc.			
Transfer to Sunflower Soccer Special Assessments			
Railroad Heritage (Grt Overland St)			
Riverfront Park			
Historic Preservation Fund	203,095	0	0
Transfer to TBD			
Transfer Capital Sunflower Soccer	247,145	365,602	372,535
Transfer to General Fund (Zoo)	211,075	181,366	184,804
Admin Fees	50,871	51,936	55,622
Railroad Heritage and Riverfront Grant	153,000	0	0
Transfer TGT	0	365,602	0
Contingency			132,389
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**2,434,588**	**2,596,801**	**2,781,124**
Unencumbered Cash Balance Dec 31	178,119	178,119	178,119
2015/2016/2017 Budget Authority Amount:	2,700,000	2,740,721	2,781,124

Adopted Budget

Retirement Reserve	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	1,016,821	1,893,856	1,851,539
Receipts:			
Fees from Departments	1,140,623	1,127,692	1,667,522
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,140,623**	**1,127,692**	**1,667,522**
Resources Available:	**2,157,444**	**3,021,548**	**3,519,061**
Expenditures:			
Personnel	13,588	900,000	2,000,000
Contractual		20,009	24,623
Other (Transfer to Debt Service)	250,000	250,000	1,449,848
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**263,588**	**1,170,009**	**3,474,471**
Unencumbered Cash Balance Dec 31	1,893,856	1,851,539	44,590
2015/2016/2017 Budget Authority Amount:	900,000	1,170,009	3,474,471

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Historical Asset Tourism	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	161,919	148,616	113,914
Receipts:			
Transfer from Transient Guest	203,095	67,928	
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**203,095**	**67,928**	**0**
Resources Available:	**365,014**	**216,544**	**113,914**
Expenditures:			
Grants	209,398	102,630	
Contractual	7,000		
Other			113,914
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Ex			
Total Expenditures	**216,398**	**102,630**	**113,914**
Unencumbered Cash Balance Dec 31	148,616	113,914	-
2015/2016/2017 Budget Authority Amoun	300,000	120,103	113,914

Adopted Budget

Half Cent Sales Tax (JEDO)	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	0	0	18,738,569
Receipts:			
Transfer from Sales Tax	8,599,553	8,738,569	13,232,478
Inter-Governmental		10,000,000	
Interest on Idle Funds			
Miscellaneous			661,624
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**8,599,553**	**18,738,569**	**13,894,102**
Resources Available:	**8,599,553**	**18,738,569**	**32,632,671**
Expenditures:			
Contractual Services	8,599,553	0	23,232,478
Transfer			
Cash Forward (2017 column)			
Miscellaneous			661,624
Does miscellaneous exceed 10% Total Ex			
Total Expenditures	**8,599,553**	**0**	**23,894,102**
Unencumbered Cash Balance Dec 31	-	18,738,569	8,738,569
2015/2016/2017 Budget Authority Amoun	9,100,000	8,738,569	23,894,102

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Half Cent Sales Tax (Street)	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	19,012,068	17,828,969	4,155,570
Receipts:			
Sales Tax	14,474,856	14,672,203	14,619,605
State	60,545	0	0
Private Contributions	22,291	30,000	30,000
Interest on Idle Funds	40	0	0
Other	0	0	0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**14,557,732**	**14,702,203**	**14,649,605**
Resources Available:	**33,569,800**	**32,531,172**	**18,805,175**
Expenditures:			
Projects	11,908,949	26,816,979	12,980,272
Personnel	96,163	165,410	169,328
Contractual	1,421,970	700,192	700,500
Commodities	0	693,021	800,000
Capital Outlay	2,313,749	0	4,155,075
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**15,740,831**	**28,375,602**	**18,805,175**
Unencumbered Cash Balance Dec 31	**17,828,969**	**4,155,570**	**0**
2015/2016/2017 Budget Authority Amoun	16,370,047	28,375,602	18,805,175

Adopted Budget

Tax Increment Financing	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	205,080	0	0
Receipts:			
Eastgate			
College Hill	176,569	176,569	190,000
General Property	5,011		
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**181,580**	**176,569**	**190,000**
Resources Available:	**386,660**	**176,569**	**190,000**
Expenditures:			
Debt Service Payment	1,000		
Contractual Services	210,072		
Other	175,588	176,569	190,000
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**386,660**	**176,569**	**190,000**
Unencumbered Cash Balance Dec 31	**0**	**0**	**0**
2015/2016/2017 Budget Authority Amoun	395,080	516,766	190,000

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Court Technology	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	148,991	200,124	207,909
Receipts:			
Municipal Court Fees	58,258	52,785	52,785
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**58,258**	**52,785**	**52,785**
Resources Available:	**207,249**	**252,909**	**260,694**
Expenditures:			
Contractual Services	7,125	45,000	45,000
Other			20,000
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**7,125**	**45,000**	**65,000**
Unencumbered Cash Balance Dec 31	**200,124**	**207,909**	**195,694**
2015/2016/2017 Budget Authority Amoun	45,000	45,000	65,000

Adopted Budget Downtown Improvement	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	22,993	514	4,321
Receipts:			
BID Assessments	156,260	156,542	174,326
Sale of Property			
Other		33,807	
Interest on Idle Funds			
Miscellaneous	0	0	9,174
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**156,260**	**190,349**	**183,500**
Resources Available:	**179,253**	**190,863**	**187,821**
Expenditures:			
Transfer to Downtown Topeka	178,739	186,542	174,326
Other			9,174
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total E			
Total Expenditures	**178,739**	**186,542**	**183,500**
Unencumbered Cash Balance Dec 31	514	4,321	4,321
2015/2016/2017 Budget Authority Amount:	186,276	254,652	183,500

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Community Development	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	107,159	82,268	82,268
Receipts:			
Sales Tax	379,987	421,480	460,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**379,987**	**421,480**	**460,000**
Resources Available:	**487,146**	**503,748**	**542,268**
Expenditures:			
Payment to Developer	404,878	421,480	460,000
Other Funding Uses	0	0	0
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**404,878**	**421,480**	**460,000**
Unencumbered Cash Balance Dec 31	**82,268**	**82,268**	**82,268**
2015/2016/2017 Budget Authority Amoun	437,695	421,480	460,000

Adopted Budget

Employee Separation	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	3,198,018	1,216,024	0
Receipts:			
Interest on Idle Funds	5,694		
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**5,694**	**0**	**0**
Resources Available:	**3,203,712**	**1,216,024**	**0**
Expenditures:			
Personnel	1,987,445	1,216,024	1,000,000
Contractual	243		
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**1,987,688**	**1,216,024**	**1,000,000**
Unencumbered Cash Balance Dec 31	**1,216,024**	**0**	**(1,000,000)**
2015/2016/2017 Budget Authority Amoun	2,200,000	2,000,000	1,000,000

See Tab E

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget KP&F Rate Equalization	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	972,035	850,149	550,149
Receipts:			
Interest on Idle Funds	2,410		
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**2,410**	**0**	**0**
Resources Available:	**974,445**	**850,149**	**550,149**
Expenditures:			
Retirement Spike Payment	124,296	300,000	300,000
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**124,296**	**300,000**	**300,000**
Unencumbered Cash Balance Dec 31	**850,149**	**550,149**	**250,149**
2015/2016/2017 Budget Authority Amoun	300,000	300,000	300,000

Adopted Budget

Neighborhood Revitalization	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	289,349	327,882	362,882
Receipts:			
NRA	38,533	35,000	35,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**38,533**	**35,000**	**35,000**
Resources Available:	**327,882**	**362,882**	**397,882**
Expenditures:			
Contractual Services			150,000
Other			247,882
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**0**	**0**	**397,882**
Unencumbered Cash Balance Dec 31	**327,882**	**362,882**	**0**
2015/2016/2017 Budget Authority Amoun	150,000	150,000	397,882

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Combined Utilities	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	22,072,513	25,186,670	25,347,116
Receipts:			
Other	423,270	126,000	126,000
Service Fees	59,928,643	65,465,000	66,264,350
Misc	3,655,746	1,531,000	1,531,150
Transfers in	0	0	0
Sale of Property	2,753,236	0	0
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**66,760,895**	**67,122,000**	**67,921,500**
Resources Available:	**88,833,408**	**92,308,670**	**93,268,616**
Expenditures:			
Personnel	13,195,692	15,412,364	15,389,995
Contractual	23,392,606	21,690,347	22,350,888
Commodities	7,086,386	7,349,227	7,875,302
Capital Outlay	37,657	5,215,300	700,000
Depreciation	0	0	0
Other	19,934,396	17,294,316	21,881,095
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	63,646,738	66,961,554	68,197,280
Unencumbered Cash Balance Dec 31	**25,186,670**	**25,347,116**	**25,071,337**
2015/2016/2017 Budget Authority Amount	78,889,271	66,961,553	68,197,280

See Tab C

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Public Parking	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	2,442,080	2,124,016	1,304,150
Receipts:			
User Fees	2,625,855	2,676,736	2,596,107
Fines	183,287	175,515	183,287
Misc	2,734,238	19,000	19,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**5,543,380**	**2,871,251**	**2,798,394**
Resources Available:	**7,985,460**	**4,995,267**	**4,102,544**
Expenditures:			
Personnel	703,740	778,137	825,012
Contractual	1,095,150	1,194,152	1,219,230
Commodities	188,830	163,850	143,600
Debt Service	0	690,000	108,000
Depreciation	3,110,475	864,978	840,796
Depreciation / Bad debt	763,249	0	0
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	5,861,444	3,691,117	3,136,638
Unencumbered Cash Balance Dec 31	**2,124,016**	**1,304,150**	**965,906**
2015/2016/2017 Budget Authority Amount	3,106,817	3,691,117	3,136,638

See Tab A

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Fleet	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	684,747	898,836	898,836
Receipts:			
Department Fees	1,982,617	1,980,000	1,980,000
Sale of Property	7,677		
Other	7,759		
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,998,053**	**1,980,000**	**1,980,000**
Resources Available:	**2,682,800**	**2,878,836**	**2,878,836**
Expenditures:			
Personnel	1,293,314	1,375,208	1,499,653
Contractual	324,489	398,799	329,942
Commodities	88,648	92,153	99,905
Capital	20	113,840	50,500
Other/Clearing	-6,632		
Depreciation	84,125		
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	1,783,964	1,980,000	1,980,000
Unencumbered Cash Balance Dec 31	**898,836**	**898,836**	**898,836**
2015/2016/2017 Budget Authority Amoun	1,907,545	1,980,000	1,980,000

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Facilities	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	302,698	395,561	395,561
Receipts:			
Department Fees	1,489,226	1,498,445	1,600,016
Misc	1,228	0	0
Other	1,413	0	0
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,491,867**	**1,498,445**	**1,600,014**
Resources Available:	**1,794,565**	**1,894,006**	**1,995,575**
Expenditures:			
Personnel	723,346	882,430	996,289
Contractual	596,046	539,015	528,425
Commodities	68,590	77,000	75,300
Capital Outlay	11,022	0	395,563
Depreciation			
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	1,399,004	1,498,445	1,995,577
Unencumbered Cash Balance Dec 31	**395,561**	**395,561**	**(0)**
2015/2016/2017 Budget Authority Amount	1,603,000	1,498,445	1,995,577

See Tab E

City of Topeka **2017**

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget IT	Prior Year Actual for 2015	Current Year Estimate for 2016	Proposed Budget Year for 2017
Unencumbered Cash Balance Jan 1	1,186,129	1,290,303	1,300,303
Receipts:			
Department Fees	3,646,563	3,646,564	3,806,906
Franchise Fees	33,441	10,000	10,000
Other Funding Uses			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**3,680,004**	**3,656,564**	**3,816,906**
Resources Available:	**4,866,133**	**4,946,867**	**5,117,209**
Expenditures:			
Personnel	1,345,988	1,351,675	1,585,825
Contractual	1,934,474	2,117,036	2,054,757
Capital			445,000
Commodities	294,951	177,853	169,792
Depreciation			
Other	417		
Cash Forward (2017 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	3,575,830	3,646,564	4,255,374
Unencumbered Cash Balance Dec 31	**1,290,303**	**1,300,303**	**861,835**
2015/2016/2017 Budget Authority Amount	3,610,000	3,646,565	4,255,374

0 NON-BUDGETED FUNDS (A) 2017
(Only the actual budget year for 2015 is to be shown)

Non-Budgeted Funds-A

(1) Fund Name:		(2) Fund Name:		(3) Fund Name:		(4) Fund Name:		(5) Fund Name:		
Workers Comp Self Ins		**Property&Vehicle Ins**		**Group Health Ins**		**Risk Management Res**		**Unemployment Ins**		
Unencumbered Cash Balance Jan 1	(81,558)	Unencumbered Cash Balance Jan 1	391,213	Unencumbered Cash Balance Jan 1	5,897,790	Unencumbered Cash Balance Jan 1	11,645	Unencumbered Cash Balance J	391,213	Total 6,610,303
Receipts:		Receipts:		Receipts:		Receipts:		Receipts:		
Fees for Services	2,373,452	Fees for Services	959,242	Fees for Services	8,672,654	Fees for Services	0	Fees for Servic	163,996	
Interest	9,277	Interest	0	Interest	11,549	Interest	-3,233	Interest	0	
Refunds & Recoveries	29,745	Refunds & Recoveri	5,077	Refunds & Recoveries	0	Refunds & Recoveries	0	Refunds & Rec	0	
Other	0	Other	0	Other	0	Other	0	Other	0	
Total Receipts	2,412,474	Total Receipts	964,319	Total Receipts	8,684,203	Total Receipts	(3,233)	Total Receipts	163,996	12,221,759
Resources Available:	2,330,916	Resources Available:	1,355,532	Resources Available:	14,581,993	Resources Available:	8,412	Resources Available:	555,209	18,832,062
Expenditures:		Expenditures:		Expenditures:		Expenditures:		Expenditures:		
Wages & Benefits	88,834	Wages & Benefits	0	Wages & Benefits	23,801	Wages & Benefits	0	Wages & Benef	0	
Contractual Services	1,997,400	Contractual Services	852,406	Contractual Services	9,705,485	Contractual Services	0	Contractual Ser	52,982	
Total Expenditures	2,086,234	Total Expenditures	852,406	Total Expenditures	9,729,286	Total Expenditures	-	Total Expenditures	52,982	12,720,908
Cash Balance Dec 31	244,682	Cash Balance Dec 31	503,126	Cash Balance Dec 31	4,852,707	Cash Balance Dec 31	8,412	Cash Balance Dec 31	502,227	6,111,154 **
										6,111,154 **

**Note: These two block figures should agree.

Risk Totals

2014	2015	2016	2017
10819035.81	12720907	12935133.45	15205373

NOTICE OF BUDGET HEARING

The governing body of
City of Topeka
will meet on August 9, 2016 at 6:00pm at City Council Chambers at 214 E Eighth Street for the purpose of
hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.
Detailed budget information is available at Office of the City Clerk at City Hall and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2017 Expenditures and Amount of 2016 Ad Valorem Tax establish the maximum limits of the 2017 budget.
Estimated Tax Rate is subject to change depending on the final assessed valuation.

	Prior Year Actual for 2015		Current Year Estimate for 2016		Proposed Budget for 2017		
FUND	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	Estimate Tax Rate *
General	87,776,641	24.615	90,490,399	24.662	101,410,998	26,430,789	24.662
Debt Service	59,668,990	14.344	24,592,473	14.371	20,994,125	15,401,094	14.371
Library							
Special Liability	456,567	0.774	1,345,939	0.776	1,956,507	831,957	0.776
Retirement Reserve	263,588		1,170,009		3,474,471		
KP&F Rate Equalization	124,296		300,000		300,000		
Neighborhood Revitalization					397,882		
Historical Asset Tourism	216,398		102,630		113,914		
Half Cent Sales Tax (JEDO)	8,599,553				23,894,102		
Half Cent Sales Tax (Street)	15,740,831		28,375,602		18,805,175		
Tax Increment Financing	386,660		176,569		190,000		
Court Technology	7,125		45,000		65,000		
Downtown Improvement	178,739		186,542		183,500		
Special Highway	5,787,215		6,378,200		6,993,704		
Special Alcohol & Drug	636,349		600,000		620,000		
Alcohol & Drug Safety	63,950		68,048		106,746		
Law Enforcement	250,636		550,000		690,921		
Transient Guest Tax	2,434,588		2,596,801		2,781,124		
Community Development	404,878		421,480		460,000		
Employee Separation	1,987,688		1,216,024		1,000,000		
Combined Utilities	63,646,738		66,961,554		68,197,280		
Public Parking	5,861,444		3,691,117		3,136,638		
Facilities	1,399,004		1,498,445		1,995,577		
IT	3,575,830		3,646,564		4,255,374		
Fleet	1,783,964		1,980,000		1,980,000		
Risk Funds	12,720,907		12,935,133		15,205,373		
Totals	273,972,579	39.733	249,328,529	39.809	279,208,411	42,663,840	39.809
Less: Transfers	8,578,765		1,745,360		2,214,139		
Net Expenditure	265,393,814		247,583,169		276,994,272		
Total Tax Levied	40,577,095		41,463,438		xxxxxxxxxxxxxxxx		
Assessed Valuation	1,021,286,924		1,041,624,829		1,071,711,738		
Outstanding Indebtedness, January 1,	**2014**		**2015**		**2016**		
G.O. Bonds	190,385,000		190,585,000		208,005,000		
Revenue Bonds	132,800,000		138,490,000		130,460,000		
Other	65,123,785		58,133,937		52,810,634		
Lease Purchase Principal	4,391,583		3,729,468		2,797,754		
Total	392,700,368		390,938,405		394,073,388		

*Tax rates are expressed in mills

	2015 Actual	**Mill Levy**	**2016 Expenditures**	**Mill Levy**	**2017 Budget Authority**	**Amount of 2016 Ad Valorem Tax**	**Estimated Tax Rate**
Metropolitan Transit Author	4,688,081	4.200	4,603,523	4.200	4,722,170	4,501,194	4.200

Brenda Younger
City Official Title: City Clerk

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Sylvia Ortiz, Chair of Public Health and Safety Committee**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

DISCUSSION on the status of the Dangerous Dog and Merchant Guard Ordinances.

POLICY ISSUE:

Both the dangerous dog and merchant guard ordinances were referred to the Public Health and Safety Committee on June 14, 2016. Council Rule 8.5(b) requires that an item referred to a committee be placed on a Council agenda after the passage of 60 days if the committee hasn't taken action on the item.

STAFF RECOMMENDATION:

Discussion item only.

BACKGROUND:

On July 19, 2016, the Committee met to discuss the dangerous dog ordinance but took no action. The Committee is planning to schedule another meeting and wants to take action on the dog ordinance before meeting to discuss the proposed changes to the merchant guard ordinance.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Merchant Guard Ordinance

Dangerous Dog Ordinance

(Published in the Topeka Metro News ______________________________________)

ORDINANCE NO. ____________

AN ORDINANCE introduced by City Manager Jim Colson, concerning merchant private police license regulations, amending City of Topeka Code § 5.90.010, § 5.90.110, § 5.90.120, § 5.90.130, § 5.90.140, and § 5.90.170 and repealing original sections and repealing § 5.90.050 in its entirety.

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

Section 1. That section 5.90.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

"Chief of police" means the chief of police of Topeka, Kansas, or his or her designee.

"Conviction" shall mean a finding of guilty of the commission of a criminal offense as specified herein, ~~and~~but shall not include ~~expunged convictions, diversions, deferred prosecutions and juvenile offender adjudications~~the following:

(1) a charge for which a person has successfully completed a diversion;

(2) a charge that resulted in a deferred judgement for a juvenile under the age of 18; and

(3) a conviction that has been expunged or pardoned pursuant to the law of any applicable jurisdiction.

"Employee, agent, and guard" means all persons employed by a private security firm in the conduct of business, except employees whose duties are confined entirely to stenographic, clerical or management duties in the business office of the private security firm or other employees not directly engaged in providing protection and preserving the peace.

~~“Firearms” means (a) a pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridges; or (b) any other weapon which will or is designed to expel a projectile by the action of any explosive and which is designed to be fired by the use of a single hand.~~

~~“Intimate partner” shall have the meaning ascribed to it by 18 U.S.C. Section 921(a)(32), and amendments thereto.~~

~~“Law enforcement officer” means a law enforcement officer as defined by K.S.A. 21-3110, and amendments thereto.~~

“License” means the license to act as a private security firm or to act as an employee, agent or guard of a private security firm issued by the chief of police.

~~“Misdemeanor crime of domestic violence” shall have the meaning ascribed to it by 18 U.S.C. Section 921(a)(33), and amendments thereto.~~

“Police department” means the Topeka, Kansas, police department.

“Private detective” means any person who engages in detective business as defined by K.S.A. 75-7b01, and amendments thereto.

“Private security firm” means any person or company that conducts or is engaged in the business of providing protection and preserving the peace of one or more establishments.

<u>Section 2</u>. That section 5.90.050, Use of firearms, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Use of firearms.~~

~~(a) Licensees under this chapter may have the right to carry firearms only after completion of a firearm proficiency process under the direction and control of the police~~

~~department or a suitable alternative process approved by the chief of police. The authority to carry a firearm will be extended only while the licensee is performing the required duties of employment and while en route to or from the place of business. Certification will be granted by the chief of police after the licensee passes a written and practical test demonstrating knowledge of applicable laws concerning use of force, firearms safety, fundamentals of shooting, and operation and maintenance of firearms, administered by the chief of police or a suitable alternative testing process approved by the chief of police. The chief of police shall provide information on guidelines and source material from which the written test will be derived. Written tests will be developed and maintained by the chief of police or a suitable alternative testing process approved by the chief of police. Licensees and their companies will be notified of pass/fail of such tests. Licensees shall also be required to complete the firearms proficiency process annually to retain their license to carry a firearm. No person convicted of a felony or ineligible under federal law to own or possess firearms shall be licensed by the city to carry firearms. The right to carry a firearm may be revoked by the chief of police if the right has been abused.~~

~~(b) The police department is authorized to charge $25.00 to the licensee's employer for the test required by this section.~~

~~(c) It shall be unlawful for licensees under this chapter to draw or fire a firearm in the performance of their duties except when they reasonably believe that such force is necessary to prevent death or great bodily harm to themselves or another.~~

Section 3. That section 5.90.110, Application, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Application.

(a) Applicants for a license as a private security firm, or employee, agent or guard of a private security firm, shall file an application with the chief of police on forms to be prepared by the chief of police and supplied by the police department for that purpose. The application form shall ask, but not be limited to, the following:

(1) If an applicant for a license as a private security firm:

(i) The applicant's name, address, race, sex, date of birth, telephone number and Social Security number;

(ii) A description of the nature and type of business to be conducted;

(iii) The services to be offered and the area expected to be covered in the conduct of the business; and

(iv) A statement as to the number and type of vehicles to be used in the conduct of the business and a description thereof~~; and~~

~~(v) A description of the type of weapons to be used on the job~~.

(2) If an applicant for a license as an agent or an employee of a private security firm:

(i) The applicant's name, address, race, sex, date of birth, telephone number and Social Security number; and

(ii) The name of the person or firm by whom the applicant is to be employed.

(b) Each applicant as designated in subsection (a) of this section shall also file with the application:

(1) A statement as to whether or not within ~~20~~ten (10) years immediately preceding the date of making the application the applicant has been convicted ~~(including any expunged convictions or taken a diversion or deferred prosecution, or adjudication as a juvenile)~~ of any felony or misdemeanor, the nature of the offense, the disposition of the case including the penalty or punishment imposed, and the date and place where such offense occurred;

(2) A statement as to whether or not the applicant has ever had a judgment or conviction for fraud, deceit or misrepresentation and, if so, the details thereof; and

(3) A statement as to the business or employment records of such applicant for the three years immediately preceding the date of application.

Section 4. That section 5.90.120, Temporary license permit, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Temporary license permit.

(a) The chief of police or his or her designee is hereby authorized to issue a temporary license permit to an applicant as an employee, agent, or guard of a private security firm upon the following conditions:

(1) The private security firm gives written notice of intent to employ the applicant;

(2) The applicant submits a completed application for a license to the police department;

(3) The police department makes a security check and certifies the applicant eligible for a temporary private security guard license; and

(4) The payment of a fee as prescribed in TMC 5.10.160 and amendments thereto for a private security employee, agent or guard temporary license will be paid to the police department at the time of application.

(b) The temporary license issued under this section shall be effective for a period of up to 60 days and shall be subject to suspension or revocation for the same reasons as business licenses and employee, agent or guard licenses. A temporary license issued under this section may be extended for not more than two additional 60-day periods at the discretion of the chief of police. ~~The temporary license shall not give the authority to carry a firearm until the licensee has complied with TMC 5.90.050 and amendments thereto.~~ An application for a temporary license permit shall be accepted or rejected by the police department within one working day of the time it is submitted.

Section 5. That section 5.90.130, Licensing procedure - Appeals, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Licensing procedure – Appeals.

(a) Applications and the attached forms are to be completed in full. The applicant shall return the completed application and forms to the police department. The chief of police shall, after receipt of the completed application, direct that the applicant's qualifications be investigated. Upon completion of the investigation, the chief of police shall approve or disapprove the application. The chief of police may, at any time during the approval procedure, seek the advice or recommendations of the city attorney's office.

(b) The chief of police is authorized to promulgate all necessary rules and regulations concerning the review and processing of private security firm, employee, agent or guard applications. The rules and regulations so promulgated shall be with the approval of the city attorney.

(c) If the chief of police denies the application for a license under this chapter, the chief of police shall promptly notify the applicant of the action. Within 10 days after receiving notice from the chief of police that his or her application for a private security guard license has been disapproved or denied, the applicant may appeal in writing to the council for a hearing on the matter. The issue in any appeal from a denial pursuant to TMC 5.90.140(a)~~(1) through (8)~~ shall be limited to determining whether the facts supporting the disapproval or denial of the license are correct.

Section 6. That section 5.90.140, Qualifications – Denial, suspension or revocation of licenses – Procedure – Appeals – Emergency suspensions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Qualifications – Denial, suspension or revocation of licenses – Procedure – Appeals – Emergency suspensions.

(a) The chief of police may deny an application, or suspend or revoke a license issued to:

(1) Any person under 18 years of age;~~ provided, however, that no person between the age of 18 and 21 years of age shall be authorized to carry a firearm;~~

(2) Any person convicted of a felony~~ within 20~~five (5)~~ years immediately preceding the date of application, or released or discharged from incarceration on probation, parole, post-release supervision or any other form of~~

~~conditional or unconditional release for such conviction within five years immediately preceding the date of application~~;

(3) Any person convicted ~~to two or more class A or class B misdemeanors within 10 years immediately preceding the date of application. Offenses classified as class A or class B misdemeanors by Chapter 8 of the Kansas Statutes Annotated or K.S.A. 40-3104, and amendments thereto, or any city ordinance or county resolution in conformity therewith, shall not disqualify an otherwise qualified applicant unless they are convictions of driving under the influence of intoxicating liquor or drugs, driving a commercial vehicle under the influence of intoxicating liquor or drugs, refusing a preliminary breath test, tampering with an ignition interlock device, or fleeing or attempting to elude a police officer;~~of any of the following crimes within ten (10) years prior to the date of the application:

(a) a crime involving dishonesty or fraud;

(b) a charge involving the use of a firearm;

(c) a crime of violence, including any crime involving physical force; or

(d) a violation of any law regulating any controlled substance.

~~(4) In the case of a private security firm, if any officer, director or principal stockholder who is directly involved in the management of the business and who has access to sensitive client information has been convicted as provided in subsection (a)(2) or (a)(3) of this section;~~

~~(5) Any person who is subject to a court order that restrains such person from harassing, stalking, or threatening others or an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place others or an intimate partner in reasonable fear of bodily injury to the partner or child, except that this subsection shall only apply to a court order that:~~

~~(i) Was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and~~

~~(ii)(A) Includes a finding that such person represents a credible threat to the physical safety of others or an intimate partner or child; or~~

~~(B) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against others or an intimate partner or child that would reasonably be expected to cause bodily injury.~~

~~(6) Any person that has been convicted in any court of assault, battery, or a misdemeanor crime of domestic violence within 10five (5) years immediately preceding the date of application;~~

(~~7~~4) Any person against whom a judgment or conviction for fraud, deceit or misrepresentation, or a conviction for theft has been entered within (ten) 10 years immediately preceding the date of application~~ or a juvenile conviction or adjudication for theft has been entered within five years immediately preceding the date of application~~;

(5) Any person who provides false or incomplete information or fails to provide any requested information on the application.

~~(8) Any person who has a record of one or more convictions for controlled substance abuse, or a record of violent acts against persons within 10 years immediately preceding the date of application.~~

~~(9) Any person with a known mental condition which might adversely affect the public safety while in the performance of a private security guard in providing public safety. A statement provided by a licensed Kansas psychologist or psychiatrist attesting to the person's mental fitness may be provided at the applicant's or licensee's expense if such a condition is given as a reason for rejection. Any rejection, suspension, or revocation based on mental condition shall be withdrawn upon submission of such letter.~~

~~(10) Violations of any federal or state statute or city ordinance the chief of police deems to make the applicant or licensee unfit to handle the responsibilities of the license, falsification of the application or supporting documents, or violation of any of the provisions of this chapter.~~

(b) It shall be unlawful for any person holding a license or temporary license to fail to report to their employer, or for any employer to fail to report to the chief of police within five business days, any charge, arrest, judgment, conviction, sentencing or diversion for a criminal act set forth in subsection (a) of this section that constitutes a reason for denial or an application or suspension or revocation of a license.

(c) The procedure for appealing from denial of an application for a license shall be as specified in TMC 5.90.130(c).

(d) Prior to suspending or revoking a license issued under this chapter, the chief of police shall issue written notice to the licensee at their last known address of the reasons for the proposed suspension or revocation and an opportunity for a hearing on the matter. Except as provided by subsection (f) of this section, the hearing shall be scheduled for not more than 14 days from the date of the notification, and the licensee shall be notified of the date, time and location of the hearing. The licensee may appear in person, or by counsel, or both. The chief of police may continue the hearing in his or her discretion. After the hearing, the chief of police shall issue an order either revoking or suspending the license or declining to revoke or suspend the license and the reasons therefor. The chief of police shall serve a copy of the order on the licensee.

(e) Any person or firm that has their license suspended or revoked by the chief of police may appeal the decision to the ~~city council~~governing body by filing a written notice of appeal with the city clerk within 10 days of receipt of the order suspending or revoking the license. If a timely appeal is filed, the ~~council~~governing body shall hold a hearing and the person or firm appealing may present any evidence and be heard with respect to the allegations that resulted in suspension or revocation by the chief of police. The licensee may, concurrently with appeal of the suspension or revocation, request in writing that imposition of suspension or revocation be stayed pending the outcome of the appeal. If both the notice of appeal and request for stay are timely filed with the city clerk, imposition of the suspension or revocation shall automatically be stayed, pending the outcome of the appeal. The ~~city council~~governing body shall either affirm or reverse the suspension or revocation, or remand the matter to the chief of police for further proceedings.

(f) The chief of police, with the approval of the city attorney, may use emergency proceedings to suspend a license in any situation involving an immediate danger to the public health, safety or welfare requiring immediate action. The chief of police may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication. The chief of police shall render an order, including a brief statement of findings of fact, conclusions of law and policy reasons for the decision if it is an exercise of chief of police's discretion, to justify his or her decision to take the specific action and the determination of an immediate danger. The chief of police shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when rendered. After issuing an order pursuant to this section, the chief of police shall proceed as quickly as feasible to complete any proceedings pursuant to subsection (c) of this section that would be required if the matter did not justify the use of emergency proceedings.

Section 7. That section 5.90.170, Identification cards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Identification cards.

(a) The chief of police shall issue an identification card to each approved applicant which shall be worn prominently by the licensee at all times while on duty as a uniformed private security employee, agent, or guard. Nonuniformed private security employees, agents, or guards shall wear prominently their identification card unless doing so would be detrimental to their current assignment. Private security employees, agents, or guards shall carry their identification card at all times while working for the private security firm, and shall display it upon the request of any police officer. The identification card shall be approximately two and one-half inches by four inches and shall include the following information:

(1) The type of license and expiration date thereof; and

(2) Name, business, address, physical description and picture of the licensee; and

(3) The name of the employer if the licensee is an agent or employee of a private security firm; and

(4) The signature of the licensee and that of the chief of police; and

(5) ~~A statement as to whether or not the licensee is authorized to carry a firearm; and~~

~~(6)~~ Such other information as the chief of police may deem advisable.

(b) The chief of police is hereby authorized to collect from each applicant the sum of $10.00 for each new or replacement identification card or license issued.

<u>Section 8</u>. That original § 5.90.010, § 5.90.110, § 5.90.120, § 5.90.130, § 5.90.140, and § 5.90.170 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

<u>Section 9</u>. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

<u>Section 10</u>. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

<u>Section 11</u>. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on ____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

(Published in the Topeka Metro News ________________________________)

ORDINANCE NO. ____________

AN ORDINANCE introduced by City Manager Jim Colson, concerning dangerous dogs, amending City of Topeka Code § 6.05.080 and repealing original section.

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

Section 1. That section 6.05.080, Dangerous dogs, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Dangerous dogs.

(a) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the animal control officer or law enforcement officer may seize and impound such animal at the humane society unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs.

(b) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs.

Disposition and release of dogs is determined in accordance to K.S.A. ~~21-4311~~21-6412 and ~~21-4316~~21-6414 and any amendments thereto.

(c) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(d) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined, and the animal disposed of, as provided below:

(1) If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the city, on such forms designated by the police chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay a $50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the police department the address of the owner and the dangerous dog.

The owner shall notify the police department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement. All dangerous dogs shall be confined in a secured enclosure. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secured enclosure. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling of the owner or outside the secured enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with

the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

(3) The municipal court shall impose a fine of at least $499.00 and not more than $1000 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(4) The municipal court shall impose a fine of $250 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to TMC 6.05.010(b)(3). The municipal court shall have no authority to suspend the fine or any portion of the fine.

(e) Dangerous Dog At-Large. Any dog that has been found to be a dangerous dog, or vicious dog under the previous Topeka City Code 18-8 or TMC 6.05.080, that is not confined or registered as required pursuant to this chapter shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least $250.00 but not more than $499.00. For a second offense within 24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a $499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. ~~If any dangerous dog or vicious dog under the previous Topeka City Code 18-8 or TMC 6.05.080 shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing, a human being, upon conviction the owner shall pay a fine of at least $499.00 and not more than $1,000 and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The municipal judge shall have no authority to suspend the fine or any portion thereof.~~Upon conviction of TMC 6.05.080, a dog shall be impounded and destroyed if the dog attacked a human being which resulted in great bodily harm or death. Upon conviction of TMC 6.05.080, the court may impound and destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

(g) Dangerous Dog – Attack on Other Animal. ~~If any dangerous dog or vicious dog under the previous Topeka City Code 18-8 or TMC 6.05.080 shall kill or wound, or assist in killing or wounding, any domestic animal, upon conviction the owner shall pay a $250.00 fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The judge shall have no authority to suspend the fine or any portion thereof.~~Upon conviction of TMC 6.05.080, a dog shall be impounded and destroyed if the dog attacked a domestic animal which resulted in great bodily harm or death. Upon conviction of TMC 6.05.080, the court may impound and destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010(b).

~~(h) It shall be an affirmative defense to subsections (f) and (g) of this section that the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being~~.

~~(i)~~(j) The impounded dog shall not be destroyed pending ~~any~~ appeals of convictions ~~under subsections (e), (f) and (g) of this section~~under this chapter. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

~~(j)~~(k) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information. The municipal judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six months in jail and to pay a fine not to exceed $1,000.

<u>Section 2</u>. That original § 6.05.080 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

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

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

PASSED AND APPROVED by the City Council on ____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 16, 2016

DATE:	**August 16, 2016**		
CONTACT PERSON:	**Tim Wayne, Fire Chief**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Fire Department Update**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

DISCUSSION summarizing the findings of the Topeka fire Department organizational assessment and recommendations of future actions.

POLICY ISSUE:

Discussion item only.

STAFF RECOMMENDATION:

Discussion item only.

BACKGROUND:

Tim Wayne was assigned as the interim fire chief in February of 2016 for a period of 6 months to focus on the following activities:

1. Provide department leadership that restores confidence based on operational competence, integrity and fairness.
2. Review and outline a plan to achieve departmental certification.
3. Review operational readiness and resource allocation, including a deep dive into training, promotions, overtime, call backs and reporting.
4. Work with appropriate parties to outline a plan to transition to a community medicine approach with specific focus on the transition from basic life support (BLS) to advanced life support (ALS).
5. Work to develop a strategic plan with specific goals, objectives, service improvement recommendations and performance standards.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable