



City of Topeka City Council Agenda

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

September 6, 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:

"None scheduled at this time."

2. PRESENTATIONS:

"None scheduled at this time."

3. ROLL CALL:

4. CONSENT AGENDA:

A. Resolution - Heritage Christian School - Noise Exception

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

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music and sound during the hours of 4:00 p.m. and 7:30 p.m. on September 17, 2016, at 2000 NW Clay Street.)

B. Resolution - Celtic Fox - Special Event

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as Bread and Roses Benefit Concert and approving the issuance of a special event retailer's permit. *(Council District No. 1)*

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of SW 8th Street between South Kansas Avenue and SW Jackson Street for the benefit concert event held on September 17, 2016, between the hours of 5:00 pm. and 11:00 p.m.)

C. MINUTES of the regular meeting of August 16, 2016

D. APPLICATIONS:

5. ACTION ITEMS:

A. Public Hearing and Ordinance - Cyrus Hotel Community Improvement District (CID)

A PUBLIC HEARING to consider the advisability of establishing a Community Improvement District for the Cyrus Hotel located at 912-924 S Kansas Avenue.

AN ORDINANCE introduced by City Manager Jim Colson, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue levying a CID sales tax of one percent (1%) within the CID

(Approval would establish a community improvement district (Cyrus Hotel) at 912-924 S Kansas Avenue and authorize the imposition of a 1% sales tax to be imposed on retail sales and services within the district.)

B. Resolution - Lease Purchase Agreement - Fire Vehicles

A RESOLUTION introduced by City Manager Jim Colson, relating to the lease purchase of one company apparatus (Truck 11) and two engine apparatus. (Fire Stations 3 and 11)

(Approval would authorize the City Manager to execute a lease purchase agreement with Banc of America. The agreement term is ten (10) years with the first payment in the amount of \$186,218 due September 26, 2017, and paid from the 2017 Debt Service Fund Budget.)

C. Ordinance - Expenditures - July 2-29, 2016

AN ORDINANCE introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of July 2, 2016, through July 29, 2016, and enumerating said expenditures therein.

(Approval would authorize City expenditures in the amount of \$24,132,781.92.)

D. Ordinance - Newcomer Funeral Group PUD (PUD16/2)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 500 and 520 SW 27th Street in the city of Topeka, Kansas from "O&I-2" Office and Institutional District, "R-1" Single Family Dwelling District with a Conditional Use Permit for a Surface Parking Lot and "R-1" Single-Family Dwelling District ALL TO "PUD" Planned Unit Development District (O&I-2 use group and a Professional/Administrative Office). (PUD16/2) (Council District No. 3)

(Approval would allow expansion of the administrative headquarters of the Newcomer Funeral Group and includes a new single-story office 4,300 square foot office building and associated parking. A protest petition was filed; therefore all members of the Governing Body must be present in order to vote on the ordinance.)

E. Ordinance - Working Men of Christ PUD - 1025 SW Western (PUD16/3)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Topeka Municipal Code Section 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1025 SW Western Avenue in the city of Topeka, Kansas from "R-2" Single Family Dwelling District TO "PUD" Planned Unit Development District ("R-2" Single Family Dwelling use group plus a "Correctional Placement Residence" only as indicated in the statement of operations stated herein). (PUD16/3) (Council District No. 1)

(Approval would allow the house at 1025 SW Western to be used as a correctional placement residence as conditioned in the Ordinance.)

F. Ordinance - Working Men of Christ PUD - 1175 SW Clay (PUD16/4)

AN ORDINANCE introduced by City Manager Jim Colson amending the "District Map" referred to and made a part of the Zoning Ordinances by TMC 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1175 SW Clay Street in the City of Topeka, Kansas from "R-2" Single Family Dwelling District TO "PUD" Planned Unit Development District ("R-2" Single Family Dwelling use group plus a "Correctional Placement Residence" only as indicated in the statement of operations, as stated herein). (PUD16/4) (Council District No. 1)

(Approval would allow the residence to be renovated and re-used as a correctional placement residence as indicated in the Ordinance reclassifying the property.)

6. NON-ACTION ITEMS:

A. Discussion - Helping Hands Humane Society (HHHS) - Quit Claim Deed

DISCUSSION of a Quit Claim Deed for the Helping Hands Humane Society (HHHS) property located at 2625 NW Rochester.

(Approval would authorize the City Manager to execute a quit claim deed to HHHS, which would divest the City of its reversionary interest in three acres of property located at 2625 NW Rochester Road for purposes of allowing HHHS to sell the property.)

B. Discussion - Management and Executive Market Comparability Study and Management and Executive Classification and Pay Plan

A DISCUSSION regarding (1) the Management and Executive Market Comparability Study and (2) the Management and Executive Classification and Pay Plan.

(Review of the City's current compensation plans and discuss implementation of results from a management and executive compensation study.)

C. Discussion - Update on the City Council Rules and Procedures

DISCUSSION on the status of the City Council Rules and Procedures.

(Councilmember Karen Hiller, Committee Chair will provide an update on committee actions to date.)

D. Discussion - Constitution Hall Development Agreement

DISCUSSION concerning the Transient Guest Tax Development Agreement with Friends of the Free State Capitol, Inc., a not-for-profit corporation, in relation to the Constitution Hall project.

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
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Sandra Clear **DOCUMENT #:**
SECOND PARTY/SUBJECT: Thomas Munker **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 Heritage Christian School an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No. 2*)

(*City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music and sound during the hours of 4:00 p.m. and 7:30 p.m. on September 17, 2016, at 2000 NW Clay Street.*)

POLICY ISSUE:

Heritage Christian School has requested that a noise exception be granted for an event to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to approve the resolution.

BACKGROUND:

The Heritage Christian School is requesting approval to have amplified music and sound at their School Barbeque event on September 17, 2016.

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Sandra Clear granting Heritage
4 Christian School an exception to the provisions of City of
5 Topeka Code Section 9.45.150, et seq. concerning noise
6 prohibitions.
7

8 WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it
9 unlawful for any person to make, continue or cause to be made or continued any
10 loud, unnecessary or unusual noise or any noise which either annoys, disturbs,
11 injures or endangers the comfort, repose, health or safety or others within the
12 limits of the city; and

13 WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the
14 City Council to grant exceptions to the prohibitions of this code section upon
15 request and a showing that the proposed activity does not offend the spirit of the
16 findings of City of Topeka Code Section 9.45.150, et seq.; and

17 WHEREAS, Heritage Christian School has requested that they be granted
18 an exception to the provisions of City of Topeka Code Section 9.45.150, et seq.
19 for the purposes, dates and times described herein, and

20 WHEREAS, upon review of the application of Heritage Christian School
21 the Council of the City of Topeka does hereby find that the requested activity
22 does not offend the spirit of the findings of City of Topeka Code Section
23 9.45.150, et seq.

24 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
25 Topeka that Heritage Christian School is hereby granted an exception from the
26 provisions of City of Topeka Code Section 9.45.150, et seq. for amplified music

27 and sound at their School Barbeque located at 2000 NW Clay Street during the
28 hours of 3:00 p.m. and 8:30 p.m. on September 17, 2016.

29
30 ADOPTED and APPROVED by the Governing Body_____.

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32 CITY OF TOPEKA, KANSAS
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37 Larry E. Wolgast, Mayor

38 ATTEST:
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42 _____
43 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Councilmember Karen Hiller **DOCUMENT #:**
SECOND PARTY/SUBJECT: Celtic Fox/BCTGM Local **PROJECT #:**
218
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as **Bread and Roses Benefit Concert** and approving the issuance of a special event retailer's permit. (*Council District No. 1*)

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of SW 8th Street between South Kansas Avenue and SW Jackson Street for the benefit concert event held on September 17, 2016, between the hours of 5:00 pm. and 11:00 p.m.)

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Bread and Roses Benefit Concert event is scheduled for September 17, 2016, from 5:00 p.m. to 11:00 p.m.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____

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3 A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event
4 known as Bread and Roses Benefit Concert and approving the
5 issuance of a special event retailer's permit.
6

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

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

14 Section 2. Having considered the request of the sponsor of the Kansas Avenue
15 Celebration to allow the possession and consumption of alcoholic liquor, the governing
16 body hereby approves the event to be held on September 17, 2016, between the hours of
17 5:00 p.m. and 11:00 p.m. provided the sponsor secures a temporary permit from ABC and
18 complies with all state laws and ordinances regulating alcoholic liquor.

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

24 Section 4. Event attendees may purchase, possess and consume alcoholic and
25 cereal malt beverages within the Designated Barricaded Area. Pursuant to K.S.A. 41-719,

26 no alcoholic liquor may be removed from Designated Barricaded Area or consumed inside
27 vehicles while on public streets or alleys at the event.

28 Section 5. This Resolution shall take effect and be in force after its approval by
29 the governing body.

30 ADOPTED and APPROVED by the Governing Body on _____.

31 CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

37 ATTEST:

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Brenda Younger, City Clerk



**City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016**

DATE: September 6, 2016
CONTACT PERSON: Brandon Kauffman, **DOCUMENT #:**
Director of Finance
SECOND PARTY/SUBJECT: Cyrus Hotel Community **PROJECT #:**
Improvement District
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 042 Community Development
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING to consider the advisability of establishing a Community Improvement District for the Cyrus Hotel located at 912-924 S Kansas Avenue.

AN ORDINANCE introduced by City Manager Jim Colson, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue levying a CID sales tax of one percent (1%) within the CID

(Approval would establish a community improvement district (Cyrus Hotel) at 912-924 S Kansas Avenue and authorize the imposition of a 1% sales tax to be imposed on retail sales and services within the district.)

POLICY ISSUE:

Whether to assist with the redevelopment of 912-924 S Kansas Avenue by establishing a community improvement district and imposing a 1% sales tax with the district. In October of 2011 the governing body established a CID policy that required potential projects to meet the following criteria:

- 1) Promote cultural, historical, or artistic elements and enhance tourism and quality of life;
- 2) Attract unique commercial, office, industrial or mixed use development which will enhance the economic climate of the City and diversify the economic base;
- 3) Substantially promote economic development, investment or reinvestment in the community;
- 4) Encourage retail projects that enhance the base of attract new sales;
- 5) provide for construction of facilities that promote tourism or enhance the quality of life within the City;
- 6) Upgrades older real estate through redevelopment or rehabilitation.

STAFF RECOMMENDATION:

After the public hearing has been conducted, staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

On August 2, 2016, the City received a petition from AIG Strategies requesting the creation of a community improvement district for the redevelopment of property at 912-924 S Kansas Avenue. The governing body held a discussion regarding the petition and the potential use of a community improvement district (CID) at the August 9, 2016, meeting. On August 16, 2016, the governing body approved a resolution to set a public hearing for September 6, 2016.

State law authorizes a City to facilitate economic development by establishing a district and imposing sales tax on retail purchases and services within the district. The developer proposes a 1% sales tax for a period of 22 years.

The Cyrus Hotel project fits within the parameters of the governing bodies established CID policy and will be an enhancement to downtown.

BUDGETARY IMPACT:

The City would not contribute any taxing funds to this project and assume no risk. The CID would impose an incremental sales tax within the district, the proceeds of which would be used to reimburse qualified developer cost.

A fund will need to be created for the Community Improvement District to collect sales tax proceeds. Once sales tax proceeds begin collections, a budget would need to be established in order to distribute funds.

SOURCE OF FUNDING:

One percent (1%) sales tax levied in the community improvement district.

ATTACHMENTS:

Description

PH Notice

Ordinance

Cyrus Hotel Petition

Map of the District

Cyrus Hotel Pictures

CID Policy

CID Procedures

Report of the Economic Impact of The Cyrus Hotel



CITY OF TOPEKA

City Clerk's Office
215 SE 7th Street, Room 166
Topeka, KS 66603-3914
Tel: (785) 368-3940
Fax: (785) 368-3943
byounger@topeka.org

NOTICE OF PUBLIC HEARING

COMMUNITY IMPROVEMENT DISTRICT SALES TAX

Attn: Seth Wagoner
AIM Strategies, LLC
3214 SW 29th Street
Topeka KS 66614

Pursuant to the enclosed City of Topeka Resolution No. 8802 adopted and approved by the City of Topeka Governing Body on August 16, 2016, notice is hereby given that the Governing Body will meet for the purpose of holding a public hearing in the **City Council Chambers of City Hall, 214 E. 8th Street, 2nd Floor, at 6:00 p.m. on September 6, 2016**, to consider the advisability of creating a CYRUS HOTEL DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT located at 912-924 S. Kansas Avenue, Topeka, Kansas.

All persons desiring to speak with reference to the creation of the District shall be heard at this hearing.

Thank you,

Brenda Younger

Brenda Younger, C.M.C.
City Clerk

Encl.

1 (Published in the Topeka Metro News August 22, 2016 & August 29, 2016)

2
3 **RESOLUTION NO. 8802**

4
5 A RESOLUTION introduced by City Manager Jim Colson, setting the public
6 hearing to consider the advisability of establishing a
7 Community Improvement District (CID) for Cyrus Hotel at 912-
8 920 Kansas Avenue, as more specifically described herein.
9

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

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

16 WHEREAS, the City received a petition from the owners of record of more than 55%
17 of the land within the proposed CID district and the owners collectively owning more than
18 55% by assessed value of the land area within the proposed CID district generally
19 described as Crosswind Commons at 12th and Wanamaker Road and legally described in
20 Section B herein; and

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

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

28 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

66 D. PROPOSED METHOD OF FINANCING:

67
68 The proposed method of financing is through a CID sales tax and
69 reimbursement to the developer after certification of costs. The proposed
70 amount of the CID sales tax to be levied is one percent (1%) which shall be
71 levied upon all sales of tangible personal property at retail or services taxable
72 within the CID district pursuant to the Kansas Retailers' Sales Tax Act.
73

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

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

83 ADOPTED and APPROVED by the Governing Body on August 16, 2016.
84

85 CITY OF TOPEKA, KANSAS



92 ATTEST:

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Larry E. Wolgast

Larry E. Wolgast, Mayor

Brenda Younger

Brenda Younger, City Clerk

EXHIBIT B
MAP OF PROJECT LOCATION



7004 1350 0000 9723 9097

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Seth Wagoner Aim Strategies
Street, Apt. No.,
or PO Box No. 3214 SW 29th St
City, State, ZIP+4 Topeka KS 66614

PS Form 3800, June 2002

See Reverse for Instructions

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Jim Colson, establishing a Community
6 Improvement District (CID) for the Cyrus Hotel located at 912-924
7 S. Kansas Avenue levying a CID sales tax of one percent (1%)
8 within the CID
9

10 WHEREAS, pursuant to the Community Improvement District Act, K.S.A. 12-
11 6a26 through 12-6a36, as amended (the "Act") cities are authorized to establish
12 Community Improvement Districts ("CID") for economic development purposes; and

13 WHEREAS, on or about August 2, 2016, the City received a petition from the
14 owners of record of more than 55% of the land within a proposed CID district ("District")
15 generally described as the Cyrus Hotel located at 912-924 S. Kansas Avenue and the
16 persons collectively owning more than 55% by assessed value of the land area within
17 the proposed District; and

18 WHEREAS, pursuant to Resolution No. 8802 adopted on August 16, 2016 the
19 City has provided notice that it would hold a public hearing on September 6, 2016, to
20 consider establishing a CID and make findings necessary therefore; and

21 WHEREAS, the Governing Body conducted a public hearing on September 6,
22 2016, to consider establishing the proposed District, all in accordance with the Act; and

23 WHEREAS, the Act provides that upon the conclusion of the public hearing the
24 Governing Body may authorize the CID and project therein.

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

27 Section 1. The general nature of the proposed project (Project) to be
28 constructed within the District shall be known as the Cyrus Hotel, which will include a

109 room boutique hotel, an event space, restaurant, bar and catering services. Proposed improvements include façade improvements; storefronts; canopy lighting and sign band lighting; asbestos abatement; interior remodels; mechanical plumbing; fire suppression systems; electrical upgrades; HVAC and ductwork replacements and repair; roof replacements; utility upgrades; repair/replacement of existing sidewalks/curbs; landscaping; design and engineering legal fees; construction management, vertical construction, administrative costs in establishing and maintaining the District and any other items permitted to be financed within the District under the Act and authorized in a Development Agreement.

Section 2. The Governing Body finds the District furthers economic development within the City and further finds it advisable and in the City's best interest to establish the District and authorize the project as proposed, subject to a Development Agreement approved by the City Manager.

Section 3. The estimated cost of the proposed project within the District is approximately \$24,400,000, the developer has submitted CID eligible costs of \$13,026,086.00.

Section 4. The legal description of the District includes three tracts as described herein:

TRACT 1:

PARCEL 1093104014005000: ORIGINAL TOWN, LOTS 302, 304, 306, 912 S KANSAS AVENUE, TOPEKA, SHAWNEE COUNTY, KANSAS; AND

TRACT 2:

PARCEL 1093104014007000: ALL OF LOTS 308 AND 310 AND 312 EXCEPT THE SOUTH 7 INCHES OF THE WEST 75 FEET THEREOF, ON KANSAS AVENUE, (ORIGINAL TOWN), IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND

TRACT 3:

57 PARCEL 1093104014008000: THE SOUTH 7 INCHES OF THE WEST 75 FEET OF
58 LOT 312, AND ALL OF LOT 314, KANSAS AVENUE, ORIGINAL TOWN, IN THE CITY
59 OF TOPEKA, SHAWNEE COUNTY, KANSAS.

60 Section 5. A map of the District is attached as Exhibit A.

61 Section 6. The method of financing the project is through a CID sales tax. The
62 proposed amount of the CID sales tax to be levied is one percent (1%) which shall be
63 levied upon all sales of tangible personal property at retail or services taxable within the
64 CID district pursuant to the Kansas Retailers' Sales Tax Act.

65 Section 7. The City authorizes and hereby levies a one percent (1%) CID
66 sales tax as described in Section 6.

67 Section 8. Upon establishment of this District and prior to the expenditure of
68 any CID revenues the City and Petitioner shall execute a Development Agreement
69 setting forth the terms and conditions for implementation of the District. If the parties fail
70 to execute such Development Agreement within thirty (30) days of establishing the
71 District, the City shall commence action to repeal this ordinance establishing the CID.

72 Section 9. This ordinance shall be in full force and effect from and after its
73 passage by a majority of the Governing Body and publication once in the official City
74 newspaper.

75 Section 10. After publication, the City Clerk is hereby directed to file a copy of
76 this ordinance with the Shawnee County Register of Deeds.

77 Section 11. The City Clerk is directed to provide the Kansas Department of
78 Revenue with a certified copy of this ordinance notifying the Department of the
79 establishment of the District and the levy of the CID sales tax.

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PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A

MAP OF PROJECT LOCATION



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:

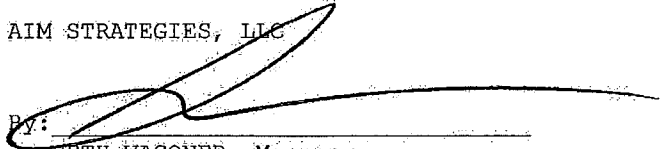
Name of Owner:	AIM STRATEGIES, LLC
Owner's Telephone Number:	(785) 727-0124
Owner's Mailing Address:	SETH WAGONER 3214 SW 29th Street Topeka, KS 66614
Name of Signer:	SETH WAGONER

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

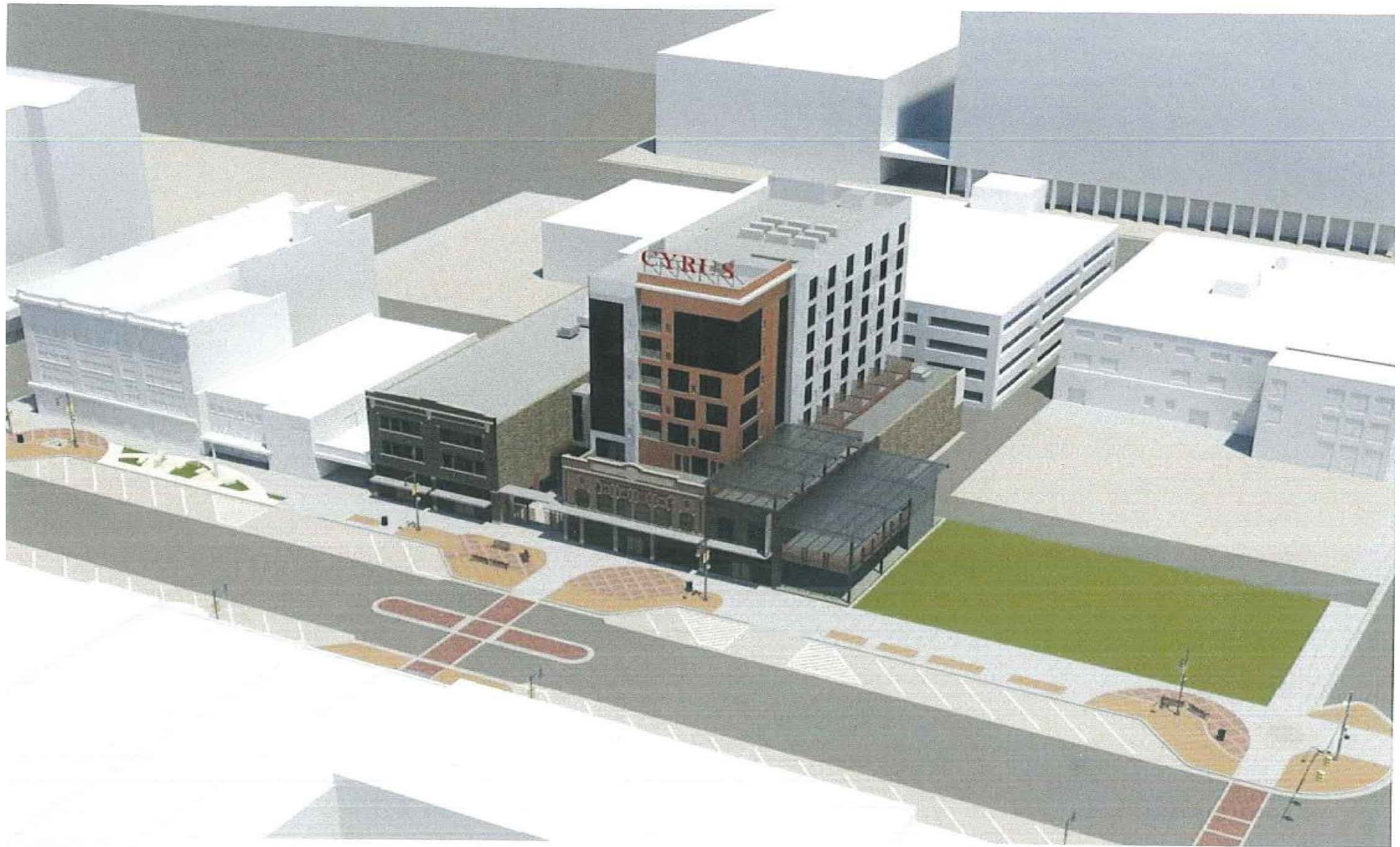


EXHIBIT B
MAP OF PROJECT LOCATION









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

Effective Date: October 25, 2011

Sections:

- I. OBJECTIVES**
 - II. SCOPE**
 - III. DEFINITIONS**
 - IV. PROVISIONS**
 - V. PROCEDURES**
 - VI. STATUTORY AMENDMENTS**
 - VII. EFFECTIVE DATE**
 - VIII. RESPONSIBILITY FOR ENFORCEMENT**
-

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 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**
- II DEFINITIONS**
- III APPLICATION PROCESS**
- IV DISTRICT ESTABLISHMENT**
- V METHOD OF PROJECT FINANCING**
- VI BOND FINANCING GUIDELINES**

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. CID Application. 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. Fees.

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. Reimbursement.

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

A Report of the Economic Impact of The Cyrus Hotel in Topeka, Kansas

With IRB

June 8, 2016

Prepared for:

AIM Strategies LLC
3214 SW 29th Street
Topeka, KS 66614
785-727-0124

Prepared by:

Impact DataSource
4709 Cap Rock Drive
Austin, Texas 78735
(512) 892-0205
Fax (512) 892-2569
www.impactdatasource.com



A Report of the Projected Economic Impact from The Cyrus Hotel

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, an Austin, Texas economic consulting, research and analysis firm. The analysis was to determine the impact that The Cyrus Hotel will have on the economy of the Topeka area and the costs and benefits for the state and local taxing districts over the first twenty-five years.

Summary of the Results of the Analysis

Net Benefits for the City and County

The analysis shows that the City of Topeka and Shawnee County will receive the following additional net benefits from the facility in Topeka and from direct and indirect workers over the first twenty-five years:

Net Benefits for the City and County Over the First Twenty-Five Years	
City of Topeka	\$15,578,313
Shawnee County	\$5,263,590
Total net benefits	\$20,841,903

Description of Facility

The Cyrus Hotel is a planned 106 room boutique hotel in the 900 block of Kansas Avenue in downtown Topeka. Five historic buildings will be remodeled for the hotel, along with a five story addition. The hotel will have 6,500 square feet of meeting space, along with a full service restaurant.

An estimated \$20.5 million will be invested in the facility: \$15 million for buildings and other real property improvements and \$5.5 million for furniture, fixtures and equipment.

The facility will create 96 jobs over the first ten years with initial average annual salaries of \$22,893.

The Economic Impact of The Cyrus Hotel over the First Twenty-Five Years

Economic Impact on the State of Kansas

The project, its workers and workers in indirect jobs created will have the following economic impact on the State of Kansas over the first twenty-five years:

Economic Impact of the Company Operations on the State of Kansas Over the First Twenty-Five Years	
Total number of direct and indirect jobs created/retained	177
Number of direct and indirect workers who will move to the State	8
Number of new residents in the State	24
Number of new residential properties to be built in the State	1
Number of new students expected in local public schools	6
Salaries to be paid to direct and indirect workers	\$158,329,843
Taxable sales and purchases expected in the State	\$489,734,569
The value of new residential property to be built for direct and indirect workers who move to the State by Year 10	\$248,931
Market value of the firm's property added to local tax rolls	\$0

Economic Impact on the Topeka Area

The project, its workers and workers in indirect jobs created will have the following economic impact on the Topeka area over the first twenty-five years:

Economic Impact of the Company Operations on the Topeka Area Over the First Twenty-Five Years	
Total number of direct and indirect jobs created	132
Number of direct and indirect workers who will move to the County	7
Number of new residents in the County	21
Number of new residential properties to be built in the County	1
Number of new students expected in local public schools	5
Salaries to be paid to direct and indirect workers	\$118,156,600
Taxable sales and purchases expected in the County	\$365,473,559
The value of new residential property to be built for direct and indirect workers who move to the County by Year 10	\$185,770
Market value of the firm's property added to local tax rolls	\$15,000,000

How this economic activity translates into costs and benefits for the state and local taxing districts is discussed next.

Net Benefits for the State and Local Taxing Districts

The net benefits from the firm's operations for the state and local taxing districts over the first twenty-five years will be as follows:

Net Benefits Over the First Twenty-Five Years from the Firm's Operations			
	Benefits	Costs	Net Benefits
City of Topeka	\$17,288,749	\$1,710,436	\$15,578,313
Shawnee County	\$5,263,590	\$0	\$5,263,590
USD 501, Topeka	\$5,381,983	\$1,156,763	\$4,225,220
Topeka Transit	\$304,429	\$0	\$304,429
Metropolitan Topeka Airport Authority	\$148,735	\$0	\$148,735
Washburn University	\$2,525,399	\$0	\$2,525,399
Topeka & Shawnee County Public Library	\$710,190	\$0	\$710,190
State of Kansas	\$30,994,026	\$2,438,622	\$28,555,404
Total	\$62,617,102	\$5,305,821	\$57,311,281

Discounted Cash Flow for the State and Local Taxing Districts

The discounted cash flow over the first twenty-five years for the state and each taxing district from the firm's operations is shown below:

Discounted Cash Flow Over the First Twenty-Five Years	
City of Topeka	\$6,839,157
Shawnee County	\$2,008,960
USD 501, Topeka	\$1,486,443
Topeka Transit	\$104,756
Metropolitan Topeka Airport Authority	\$51,181
Washburn University	\$1,126,013
Topeka & Shawnee County Public Library	\$2,381
State of Kansas	\$12,930,135
Total	\$24,549,026

The above discounted cash flow or present value of net benefits is a way of expressing in today's dollars,

dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing district's discount rate. This analysis uses a discount rate of 6% to make the dollars comparable -- by expressing them in today's dollars or in present value.

**Net Benefits to be Received by the City of Topeka from (1) the Firm and (2) New Workers
Over the First Twenty-Five Years**

The City of Topeka will receive benefits from spending and investments by the firm and from spending by workers. These benefits, over the first twenty-five years, are shown below for these two categories.

Schedule of Benefits for the City from the Firm and New Workers			
	Benefits from:		Total
	The Firm	Workers	Benefits
Revenues:			
Sales taxes	\$4,657,308	\$638,046	\$5,295,353
Property taxes	\$2,864,126	\$21,356	\$2,885,482
Utility revenues	\$1,577,337	\$83,018	\$1,660,354
Utility franchise fees	\$304,702	\$16,037	\$320,738
Building permits and other taxes and user fees	\$109,945	\$20,033	\$129,978
Transit guest taxes	\$6,996,842		\$6,996,842
Total revenues	\$16,510,260	\$778,489	\$17,288,749
Costs:			
Costs of providing utilities	\$1,577,337	\$83,018	\$1,660,354
Costs of providing municipal services for new residents		\$50,081	\$50,081
Total costs	\$1,577,337	\$133,099	\$1,710,436
Net benefits	\$14,932,923	\$645,390	\$15,578,313
Percent of total net benefits for the City	96%	4%	

Property tax collections by the city shown above are after any abatements or rebates hat may be offered the firm.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Brandon Kauffman, **DOCUMENT #:**
Director of Finance
SECOND PARTY/SUBJECT: Banc of America Public **PROJECT #:**
Capital Corp
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 001 Capital Projects - Construction
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, relating to the lease purchase of one company apparatus (Truck 11) and two engine apparatus. (Fire Stations 3 and 11)

(Approval would authorize the City Manager to execute a lease purchase agreement with Banc of America. The agreement term is ten (10) years with the first payment in the amount of \$186,218 due September 26, 2017, and paid from the 2017 Debt Service Fund Budget.)

POLICY ISSUE:

Approval would authorize the lease purchase agreement and obligate the City to repay \$186,218 per year for the next 10 years.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

On June 3, 2014, the governing body adopted the 2015-2019 CIP which included the purchase of two engine apparatus for Fire Stations No. 3 and No. 11. In reviewing whether to purchase with bonds or lease financing, it was approximately \$40,000 less to lease finance than to bond. The interest rate for the lease agreement is 1.69%.

BUDGETARY IMPACT:

The Debt Service Operating Budget will pay the 2017 lease payment of \$186,218.

SOURCE OF FUNDING:

Debt Service Operating Budget

ATTACHMENTS:

Description

Resolution

Escrow and Account Control Agreement

Schedule of Property No. 3

Certificate of Liability Insurance - Banc of America

City of Topeka Self Insurance

IRS Form 8038G

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Jim Colson relating to the lease purchase
4 of one company apparatus (Truck 11) and two engine apparatus (Fire
5 Stations 3 and 11)
6

7 WHEREAS, on February 18, 2014, the governing body approved the purchase of
8 one company apparatus (light and air truck) to replace Truck 11; and

9 WHEREAS, on June 3, 2014, the governing body approved the purchase of two
10 engine apparatus (pumper trucks) for Fire Stations 3 and 11; and

11 WHEREAS, the City desires to enter into a lease purchase agreement with Banc of
12 America Public Capital Corp (BOA) for the lease purchase of these items in the amount of
13 \$1,795,683.60, including interest, which lease term expires on September 9, 2026; and

14 WHEREAS, the Kansas Cash Basis Law, K.S.A. 10-1101, *et seq.*, requires approval
15 by a majority vote of the governing body of the City for any lease purchase agreement
16 entered into which will exceed the City's current fiscal year; and

17 WHEREAS, the Kansas Cash Basis Law, K.S.A. 10-1101, *et seq.*, further requires
18 that any such lease purchase agreement state that the municipality is obligated only to pay
19 periodic payments or monthly installments under the agreement as may lawfully be made
20 from (a) funds budgeted and appropriated for that purpose during such municipality's
21 current budget year or (b) funds made available from any lawfully operated revenue
22 producing source; and

23 WHEREAS, as required by the cash basis law K.S.A. § 10-1101, *et seq.*, the lease
24 purchase agreement, Schedule of Property No. 3 specifies the following: (1) the amount or
25 capital cost required to purchase the item if paid for by cash: \$1,639,296.48, (2) the annual
26 average effective interest cost: 1.6920% and (3) the amount included in the payments for

27 service, maintenance, insurance or other charges exclusive of the capital cost and interest
28 cost: \$0.

29 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
30 CITY OF TOPEKA, KANSAS, that

31 Section 1. Pursuant to K.S.A. § 10-1101, *et seq.*, the lease purchase agreement
32 between the City and BOA in the amount of \$1,795,683.60 including interest, for one
33 company apparatus (light and air truck) and two engine apparatus (pumper trucks), in
34 accordance with the terms and conditions set forth in the master lease agreement and
35 Schedule of Property No. 3, which are attached hereto and specifically incorporated herein,
36 is hereby authorized and approved.

37 Section 2. The City Manager is authorized to execute a lease purchase
38 agreement with BOA that complies with KSA 10-1101, *et seq.*, as set forth herein.

39 ADOPTED and APPROVED by the Governing Body on _____.

40 CITY OF TOPEKA, KANSAS
41
42
43
44

45 _____
46 Larry E. Wolgast, Mayor

46 ATTEST:
47
48
49
50

51 _____
Brenda Younger, City Clerk

Escrow and Account Control Agreement

This Escrow and Account Control Agreement (this “Agreement”), dated as of September 9, 2016, by and among Banc of America Public Capital Corp, a Kansas corporation (together with its successors and assigns, hereinafter referred to as “Lessor”), the City of Topeka, a political subdivision of the State of Kansas (hereinafter referred to as “Lessee”) and Bank of America, National Association, a national banking association organized under the laws of the United States of America “Escrow Agent”).

Reference is made to that certain Master Equipment Lease/Purchase Agreement dated as of June 25, 2010 between Lessor and Lessee (hereinafter referred to as the “Lease”), covering the acquisition and lease of certain Equipment described therein (the “Equipment”). It is a requirement of the Lease that the Acquisition Amount (\$1,639,296.48) be deposited into a segregated escrow account under terms satisfactory to Lessor, for the purpose of fully funding the Lease, and providing a mechanism for the application of such amounts to the purchase of and payment for the Equipment.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Creation of Escrow Account.

(a) There is hereby created an escrow fund to be known as the “City of Topeka Escrow Account, 2016” (the “Escrow Account”) to be held by the Escrow Agent for the purposes stated herein, for the benefit of Lessor and Lessee, to be held, disbursed and returned in accordance with the terms hereof.

(b) Lessee may, from time to time, provide written instructions for Escrow Agent to use any available cash in the Escrow Account to purchase any money market fund or liquid deposit investment vehicle that Escrow Agent from time to time makes available to the parties hereto. Such written instructions shall be provided via delivery to Escrow Agent of a signed and completed Escrow Account Investment Selection Form (such form available from Escrow Agent upon request). All funds invested by Escrow Agent at the direction of Lessee in such short-term investments shall be deemed to be part of the Escrow Account and subject to all the terms and conditions of this Agreement. If any cash is received for the Escrow Account after the cut-off time for the designated short-term investment vehicle, the Escrow Agent shall hold such cash uninvested until the next Business Day. In the absence of written instructions designating a short-term investment for cash, cash in the Escrow Account shall remain uninvested. Escrow Agent shall have no obligation to pay interest on cash in respect of any period during which it remains uninvested. Lessee shall be solely responsible for ascertaining that all proposed investments and reinvestments are Qualified Investments and that they comply with federal, state and local laws, regulations and ordinances governing investment of such funds and for providing appropriate notice to the Escrow Agent for the reinvestment of any maturing investment. Accordingly, neither the Escrow Agent nor Lessor shall be responsible for any liability, cost, expense, loss or claim of any kind, directly or indirectly arising out of or related to the investment or reinvestment of all or any portion of the moneys on deposit in the Escrow

Account, and Lessee agrees to and does hereby release the Escrow Agent and Lessor from any such liability, cost, expenses, loss or claim. Interest on the Escrow Account shall become part of the Escrow Account, and gains and losses on the investment of the moneys on deposit in the Escrow Account shall be borne by the Escrow Account. The Escrow Agent shall have no discretion whatsoever with respect to the management, disposition or investment of the Escrow Account. The Escrow Agent shall not be responsible for any market decline in the value of the Escrow Account and has no obligation to notify Lessor and Lessee of any such decline or take any action with respect to the Escrow Account, except upon specific written instructions stated herein. For purposes of this agreement, "Qualified Investments" means any investments which meet the requirements of Kansas.

(c) Unless the Escrow Account is earlier terminated in accordance with the provisions of paragraph (d) below, amounts in the Escrow Account shall be disbursed by the Escrow Agent in payment of amounts described in Section 2 hereof upon receipt of written instruction(s) from Lessor, as is more fully described in Section 2 hereof. If the amounts in the Escrow Account are insufficient to pay such amounts, Lessee shall deposit into the Escrow Account any funds needed to complete the acquisition of the Equipment. Any moneys remaining in the Escrow Account on or after the earlier of (i) the expiration of the Acquisition Period and (ii) the date on which Lessee executes an Acceptance Certificate shall be applied as provided in Section 4 hereof.

(d) The Escrow Account shall be terminated at the earliest of (i) the final distribution of amounts in the Escrow Account or (ii) written notice given by Lessor of the occurrence of a default or termination of the Lease due to non-appropriation.

(e) The Escrow Agent may act in reliance upon any writing or instrument or signature which it, in good faith, believes to be genuine and may assume the validity and accuracy of any statement or assertion contained in such a writing or instrument. The Escrow Agent shall not be liable in any manner for the sufficiency or correctness as to form, manner of execution, or validity of any instrument nor as to the identity, authority, or right of any person executing the same; and its duties hereunder shall be limited to the receipt of such moneys, instruments or other documents received by it as the Escrow Agent, and for the disposition of the same in accordance herewith. Notwithstanding and without limiting the generality of the foregoing, concurrent with the execution of this Agreement, Lessee and Lessor, respectively, shall deliver to the Escrow Agent an authorized signers form in the form of Exhibit A-1 (Lessee) and Exhibit A-2 (Lessor) attached hereto. Notwithstanding the foregoing sentence, the Escrow Agent is authorized to comply with and rely upon any notices, instructions or other communications believed by it to have been sent or given by the parties or by a person or persons authorized by the parties. The Escrow Agent specifically allows for receiving direction by written or electronic transmission from an authorized representative with the following caveat, Lessee and Lessor agree to indemnify and hold harmless the Escrow Agent against any and all claims, losses, damages, liabilities, judgments, costs and expenses (including reasonable attorneys' fees) (collectively, "Losses") incurred or sustained by the Escrow Agent as a result of or in connection with the Escrow Agent's reliance upon and compliance with instructions or directions given by written or electronic transmission given by each, respectively, provided, however, that such Losses have not arisen from the gross negligence or willful misconduct of the

Escrow Agent, it being understood that forbearance on the part of the Escrow Agent to verify or confirm that the person giving the instructions or directions, is, in fact, an authorized person shall not be deemed to constitute gross negligence or willful misconduct.

In the event conflicting instructions as to the disposition of all or any portion of the Escrow Account are at any time given by Lessor and Lessee, the Escrow Agent shall abide by the instructions or entitlement orders given by Lessor without consent of the Lessee.

(f) Unless the Escrow Agent is guilty of gross negligence or willful misconduct with regard to its duties hereunder, Lessee agrees to and does hereby release and indemnify the Escrow Agent and hold it harmless from any and all claims, liabilities, losses, actions, suits or proceedings at law or in equity, or any other expense, fees or charges of any character or nature, which it may incur or with which it may be threatened by reason of its acting as Escrow Agent under this agreement; and in connection therewith, does to the extent permitted by law indemnify the Escrow Agent against any and all expenses; including reasonable attorneys' fees and the cost of defending any action, suit or proceeding or resisting any claim.

(g) If Lessee and Lessor shall be in disagreement about the interpretation of the Lease, or about the rights and obligations, or the propriety of any action contemplated by the Escrow Agent hereunder, the Escrow Agent may, but shall not be required to, file an appropriate civil action including an interpleader action to resolve the disagreement. The Escrow Agent shall be reimbursed by Lessee for all costs, including reasonable attorneys' fees, in connection with such civil action, and shall be fully protected in suspending all or part of its activities under the Lease until a final judgment in such action is received.

(h) The Escrow Agent may consult with counsel of its own choice and shall have full and complete authorization and protection with the opinion of such counsel. The Escrow Agent shall otherwise not be liable for any mistakes of fact or errors of judgment, or for any acts or omissions of any kind unless caused by its willful misconduct.

(i) Lessee shall reimburse the Escrow Agent for all reasonable costs and expenses, including those of the Escrow Agent's attorneys, agents and employees incurred for non-routine administration of the Escrow Account and the performance of the Escrow Agent's powers and duties hereunder in connection with any Event of Default under the Lease, or in connection with any dispute between Lessor and Lessee concerning the Escrow Account.

(j) The Escrow Agent or any successor may at any time resign by giving mailed notice to Lessee and Lessor of its intention to resign and of the proposed date of resignation ("the Effective Date"), which shall be a date not less than 60 days after such notice is delivered to an express carrier, charges prepaid, unless an earlier resignation date and the appointment of a successor shall have been approved by the Lessee and Lessor. After the Effective Date, the Escrow Agent shall be under no further obligation except to hold the Escrow Account in accordance with the terms of this Agreement, pending receipt of written instructions from Lessor regarding further disposition of the Escrow Account.

(k) The Escrow Agent shall have no responsibilities, obligations or duties other than those expressly set forth in this Agreement and no implied duties responsibilities or obligations shall be read into this Agreement.

2. Acquisition of Property.

(a) Acquisition Contracts. Lessee will arrange for, supervise and provide for, or cause to be supervised and provided for, the acquisition of the Equipment, with moneys available in the Escrow Account. Lessee represents the estimated costs of the Equipment are within the funds estimated to be available therefor, and Lessor makes no warranty or representation with respect thereto. Lessor shall have no liability under any of the acquisition or construction contracts. Lessee shall obtain all necessary permits and approvals, if any, for the acquisition, equipping and installation of the Equipment, and the operation and maintenance thereof. Escrow Agent shall have no duty to monitor or enforce Lessee's compliance with the foregoing covenant.

(b) Authorized Escrow Account Disbursements. It is agreed as between Lessee and Lessor that Disbursements from the Escrow Account shall be made for the purpose of paying (including the reimbursement to Lessee for advances from its own funds to accomplish the purposes hereinafter described) the cost of acquiring the Equipment.

(c) Requisition Procedure. No disbursement from the Escrow Account shall be made unless and until Lessor has approved such requisition. Prior to disbursement from the Escrow Account there shall be filed with the Escrow Agent a requisition for such payment in the form of Disbursement Request attached hereto as Schedule 1, stating each amount to be paid and the name of the person, firm or corporation to whom payment thereof is due and the manner of disbursement (check or wire). The Escrow Agent is authorized to obtain and rely on confirmation of such Disbursement Request and payment instructions by telephone call-back to the person or persons designated for verifying such requests on Exhibit A-2 (such person verifying the request shall be different than the person initiating the request). The Lessor and Lessee hereby confirm that any call-back performed by Escrow Agent to verify a disbursement instruction before release, shall be made to Lessor only and Escrow Agent shall have no obligation to call-back Lessee.

Each such requisition shall be signed by an authorized representative of Lessee (an "Authorized Representative") and by Lessor, and shall be subject to the following conditions, which Escrow Agent shall conclusively presume have been satisfied at such time as a requisition executed by Lessee and Lessor is delivered to it:

1. Delivery to Lessor of an executed Disbursement Request in the form attached hereto as Schedule 1 certifying that:
 - (i) an obligation in the stated amount has been incurred by Lessee, and that the same is a proper charge against the Escrow Account for costs relating to the Equipment identified in the Lease, and has not been paid (or has been paid by Lessee and Lessee requests reimbursement thereof); (ii) the

Authorized Representative has no notice of any vendor's, mechanic's or other liens or rights to liens, chattel mortgages, conditional sales contracts or security interest which should be satisfied or discharged before such payment is made; (iii) such requisition contains no item representing payment on account, or any retained percentages which Lessee is, at the date of such certificate, entitled to retain (except to the extent such amounts represent a reimbursement to Lessee); (iv) the Equipment is insured in accordance with the Lease; (v) no Event of Default (nor any event which, with notice or lapse of time or both, would become an Event of Default) has occurred and is continuing; (vi) such disbursement shall occur during the Acquisition Period; (vii) the representations, warranties and covenants of Lessee set forth in the Lease are true and correct as of the date hereof; and (viii) no Material Adverse Change has occurred since the date of the execution and delivery of the Lease.

2. Delivery to Lessor invoices (and proofs of payment of such invoices, if Lessee seeks reimbursement) and bills of sale (if title to such Equipment has passed to Lessee) therefor as required by Section 3.04 of the Lease and any additional documentation reasonably requested by Lessor; and
3. The disbursement shall occur during the Acquisition Period.

Lessee and Lessor agree that their execution of the form attached hereto as Schedule 1 and delivery of the executed form to Escrow Agent confirms that all of the requirements and conditions with respect to disbursements set forth in this Section 2 have been satisfied.

3. Deposit to Escrow Account. Upon satisfaction of the conditions specified in Section 3.04 of the Lease, Lessor will cause the Acquisition Amount to be deposited in the Escrow Account. Lessee agrees to pay any costs with respect to the Equipment in excess of amounts available therefor in the Escrow Account.

4. Excessive Escrow Account. Upon receipt of written instructions from Lessor including a representation that one of the following conditions has been satisfied (upon which representation Escrow Agent shall conclusively rely, any funds remaining in the Escrow Account on or after the earlier of (a) the expiration of the Acquisition Period and (b) the date on which Lessee executes an Acceptance Certificate, or upon a termination of the Escrow Account as otherwise provided herein, shall be distributed by the Escrow Agent to the Lessor in order for the Lessor to apply such funds to amounts owed by Lessee under the Lease in accordance with Section 4.07 of the Lease.

5. Security Interest. The Escrow Agent and Lessee acknowledge and agree that the Escrow Account and all proceeds thereof are being held by Escrow Agent for disbursement or return as set forth herein. Lessee hereby grants to Lessor a first priority perfected security interest in the Escrow Account, and all proceeds thereof, and all investments made with any amounts in the Escrow Account. If the Escrow Account, or any part thereof, is converted to investments as set forth in this agreement, such investments shall be made in the name of Escrow Agent and the Escrow Agent hereby agrees to hold such investments as bailee for Lessor so that

Lessor is deemed to have possession of such investments for the purpose of perfecting its security interest.

6. Control of Acquisition Account. In order to perfect Lessor's security interest by means of control in (i) the Escrow Account established hereunder, (ii) all securities entitlements, investment property and other financial assets now or hereafter credited to the Escrow Account, (iii) all of Lessee's rights in respect of the Escrow Account, such securities entitlements, investment property and other financial assets, and (iv) all products, proceeds and revenues of and from any of the foregoing personal property (collectively, the "Collateral"), Lessor, Lessee and Escrow Agent further agree as follows:

(a) All terms used in this Section 6 which are defined in the Commercial Code of the state of Kansas ("Commercial Code") but are not otherwise defined herein shall have the meanings assigned to such terms in the Commercial Code, as in effect on the date of this Agreement.

(b) Escrow Agent will comply with all entitlement orders originated by Lessor with respect to the Collateral, or any portion of the Collateral, without further consent by Lessee.

(c) Provided that account investments shall be held in the name of the Escrow Agent, Escrow Agent hereby represents and warrants (a) that the records of Escrow Agent show that Lessee is the sole owner of the Collateral, (b) that Escrow Agent has not been served with any notice of levy or received any notice of any security interest in or other claim to the Collateral, or any portion of the Collateral, other than Lessor's claim pursuant to this Agreement, and (c) that Escrow Agent is not presently obligated to accept any entitlement order from any person with respect to the Collateral, except for entitlement orders that Escrow Agent is obligated to accept from Lessor under this Agreement and entitlement orders that Escrow Agent, subject to the provisions of paragraph (e) below, is obligated to accept from Lessee.

(d) Without the prior written consent of Lessor, Escrow Agent will not enter into any agreement by which Escrow Agent agrees to comply with any entitlement order of any person other than Lessor or, subject to the provisions of paragraph (e) below, Lessee, with respect to any portion or all of the Collateral. Escrow Agent shall promptly notify Lessor if any person requests Escrow Agent to enter into any such agreement or otherwise asserts or seeks to assert a lien, encumbrance or adverse claim against any portion or all of the Collateral.

(e) Except as otherwise provided in this paragraph (e) and subject to Section 1(b) hereof, Lessee may affect sales, trades, transfers and exchanges of Collateral within the Escrow Account, but will not, without the prior written consent of Lessor, withdraw any Collateral from the Escrow Account. Escrow Agent acknowledges that Lessor reserves the right, by delivery of written notice to Escrow Agent, to prohibit Lessee from effecting any withdrawals (including withdrawals of ordinary cash dividends and interest income), sales, trades, transfers or exchanges of any Collateral held in the Escrow Account. Further, Escrow Agent hereby agrees to comply with any and all written instructions delivered by Lessor to Escrow Agent (once it has had a reasonable opportunity to comply therewith) and has no obligation to, and will not, investigate the reason for any action taken by Lessor, the amount of any obligations of Lessee to

Lessor, the validity of any of Lessor's claims against or agreements with Lessee, the existence of any defaults under such agreements, or any other matter.

(f) Lessee hereby irrevocably authorizes Escrow Agent to comply with all instructions and entitlement orders delivered by Lessor to Escrow Agent.

(g) Escrow Agent will not attempt to assert control, and does not claim and will not accept any security or other interest in, any part of the Collateral, and Escrow Agent will not exercise, enforce or attempt to enforce any right of setoff against the Collateral, or otherwise charge or deduct from the Collateral any amount whatsoever.

(h) Escrow Agent and Lessee hereby agree that any property held in the Escrow Account shall be treated as a financial asset under such section of the Commercial Code as corresponds with Section 8-102 of the Uniform Commercial Code, notwithstanding any contrary provision of any other agreement to which Escrow Agent may be a party.

(i) Escrow Agent is hereby authorized and instructed, and hereby agrees, to send to Lessor at its address set forth in Section 8 below, concurrently with the sending thereof to Lessee, duplicate copies of any and all monthly Escrow Account statements or reports issued or sent to Lessee with respect to the Escrow Account.

7. Information Required Under USA PATRIOT ACT. The parties acknowledge that in order to help the United States government fight the funding of terrorism and money laundering activities, pursuant to Federal regulations that became effective on October 1, 2003 (Section 326 of the USA PATRIOT Act) all financial institutions are required to obtain, verify, record and update information that identifies each person establishing a relationship or opening an account. The parties to this Agreement agree that they will provide to the Escrow Agent such information as it may request, from time to time, in order for the Escrow Agent to satisfy the requirements of the USA PATRIOT Act, including but not limited to the name, address, tax identification number and other information that will allow it to identify the individual or entity who is establishing the relationship or opening the account and may also ask for formation documents such as articles of incorporation or other identifying documents to be provided.

8. Miscellaneous. Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Lease. This agreement may not be amended except in writing signed by all parties hereto. This agreement may be executed in one or more counterparts, each of which shall be deemed to be an original instrument and each shall have the force and effect of an original and all of which together constitute, and shall be deemed to constitute, one and the same instrument. Notices hereunder shall be made in writing and shall be deemed to have been duly given when personally delivered or when deposited in the mail, first class postage prepaid, or delivered to an express carrier, charges prepaid, or sent by facsimile with electronic confirmation, addressed to each party at its address below.

Notices and other communications hereunder may be delivered or furnished by electronic mail provided that any formal notice be attached to an email message in PDF format and provided further that any notice or other communication sent to an e-mail address shall be deemed received upon and only upon the sender's receipt of affirmative acknowledgement or

receipt from the intended recipient. For purposes hereof no acknowledgement of receipt generated on an automated basis shall be deemed sufficient for any purpose hereunder or admissible as evidence of receipt.

If to Lessor: Banc of America Public Capital Corp
555 California Street, 4th Floor
CA5-705-04-01
San Francisco, CA 94104
Attn: Contract Administration
Fax: (415) 765-7373

If to Lessee: City of Topeka, Kansas
City Clerk
215 SE 7th Street
Topeka, KS 66603
Fax: 785-368-3909

If to Escrow Agent:
Bank of America, National Association
Global Custody and Agency Services
135 S. LaSalle Street
IL4-135-18-51
Chicago, Illinois 60603
Attention: Alice M. Wolan
Telephone: (312) 992-9782
Fax: (312) 453-4443
Email: alice.m.wolan@baml.com

9. Lessee and Lessor understand and agree that they are required to provide the Escrow Agent with a properly completed and signed Tax Certification (as defined below) and that the Escrow Agent may not perform its duties hereunder without having been provided with such Tax Certification. As used herein "Tax Certification" shall mean an IRS form W-9 or W-8 as described above. The Escrow Agent will comply with any U.S. tax withholding or backup withholding and reporting requirements that are required by law. With respect to earnings allocable to a foreign person, the Escrow Agent will withhold U.S. tax as required by law and report such earnings and taxes withheld, if any, for the benefit of such foreign person on IRS Form 1042-S (or any other required form), unless such earnings and withheld taxes are exempt from reporting under Treasury Regulation Section 1.1461-1(c)(2)(ii) or under other applicable law. With respect to earnings allocable to a United States person, the Escrow Agent will report such income, if required, on IRS Form 1099 or any other form required by law. The IRS Forms 1099 and/or 1042-S shall show the Escrow Agent as payor and City of Topeka as payee.

Lessee and Lessor agree that they are not relieved of their respective obligations, if any, to prepare and file information reports under Code Section 6041, and the Treasury regulations thereunder, with respect to amounts of imputed interest income, as determined pursuant to Code

Sections 483 or 1272. The Escrow Agent shall not be responsible for determining or reporting such imputed interest.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas and the parties hereto consent to jurisdiction in the State of Kansas and venue in any state or Federal court located in the City of Kansas City.

11. Any bank or corporation into which the Escrow Agent may be merged or with which it may be consolidated, or any bank or corporation to whom the Escrow Agent may transfer a substantial amount of its escrow business, shall be the successor to the Escrow Agent without the execution or filing of any paper or any further act on the part of any of the parties, anything herein to the contrary notwithstanding. Any bank or corporation into which the Lessor may be merged or with which it may be consolidated, or any bank or corporation to whom the Lessor may transfer a substantial amount of its business, shall be the successor to the Lessor without the execution or filing of any paper or any further act on the part of any of the parties, anything herein to the contrary notwithstanding.

12. This Agreement may be amended, modified, and/or supplemented only by an instrument in writing executed by all parties hereto.

13. No party hereto shall assign its rights hereunder until its assignee has submitted to the Escrow Agent (i) Patriot Act disclosure materials and the Escrow Agent has determined that on the basis of such materials it may accept such assignee as a customer and (ii) assignee has delivered an IRS Form W-8 or W-9, as appropriate, to the Escrow Agent which the Escrow Agent has determined to have been properly signed and completed.

14. Escrow Agent will treat information related to this Agreement as confidential but, unless prohibited by law, Lessee and Lessor authorize the transfer or disclosure of any information relating to the Agreement to and between the subsidiaries, officers, affiliates and other representatives and advisors of Escrow Agent and third parties selected by any of them, wherever situated, for confidential use in the ordinary course of business, and further acknowledge that Escrow Agent and any such subsidiary, officer, affiliate or third party may transfer or disclose any such information as required by any law, court, regulator or legal process.

Lessor will treat information related to this Agreement as confidential but, unless prohibited by law, Escrow Agent and Lessee authorize the transfer or disclosure of any information relating to the Agreement to and between the subsidiaries, officers, affiliates, other representatives and advisors of Lessor and debt and equity sources and third parties selected by any of them, and to their prospective assignees wherever situated, for confidential use in the ordinary course of business, and further acknowledge that Lessor and any such subsidiary, officer, affiliate, debt and equity source or third party or prospective assignee may transfer or disclose any such information as required by any law, court, regulator or legal process.

Lessee will treat the terms of this Agreement as confidential except on a "need to know" basis to persons within or outside Lessee's organization (including affiliates of such party), such as attorneys, accountants, bankers, financial advisors, auditors and other consultants of such party

and its affiliates, except as required by any law, court, regulator or legal process and except pursuant to the express prior written consent of the other parties, which consent shall not be unreasonably withheld;

In Witness Whereof, the parties have executed this Escrow and Account Control Agreement as of the date first above written.

Banc of America Public Capital Corp
as Lessor

City of Topeka
as Lessee

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Bank of America, National Association
As Escrow Agent

By: _____

Name: _____

Title: _____

SCHEDULE 1
to the Escrow and Account Control Agreement

FORM OF DISBURSEMENT REQUEST

Re: Master Equipment Lease/Purchase Agreement dated as of June 25, 2010 by and between Banc of America Public Capital Corp, as Lessor and the City of Topeka, as Lessee (the "Lease") (Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Lease.)

In accordance with the terms of the Escrow and Account Control Agreement, dated as of September 9, 2016 (the "Escrow Account and Account Control Agreement") by and among Banc of America Public Capital Corp ("Lessor"), the City of Topeka ("Lessee") and Bank of America, National Association, (the "Escrow Agent"), the undersigned hereby requests the Escrow Agent pay the following persons the following amounts from the Escrow Account created under the Escrow Account and Account Control Agreement for the following purposes:

Disbursement Amounts:

Payee's Name and Address (if disbursement via wire, must include wire transfer instructions)	Invoice Number	Dollar Amount	Purpose

(i) (a) Each obligation specified in the table herein titled as "Disbursement Amounts" has been incurred by Lessee in the stated amount, (b) the same is a proper charge against the Escrow Account for costs relating to the Equipment identified in the Lease, and (c) has not been paid (or has been paid by Lessee and Lessee requests reimbursement thereof).

(ii) Each item of Equipment relating to an obligation specified in the table herein titled as "Disbursement Amounts" has been delivered, installed and accepted by Lessee. Attached hereto is the original invoice with respect to such obligation.

(iii) The undersigned, as Authorized Representative, has no notice of any vendor's, mechanic's or other liens or rights to liens, chattel mortgages, conditional sales contracts or security interest which should be satisfied or discharged before such payment is made.

(iv) This requisition contains no item representing payment on account, or any retained percentages which Lessee is, at the date hereof, entitled to retain (except to the extent such amounts represent a reimbursement to Lessee).

(v) The Equipment is insured in accordance with the Lease.

(vi) No Event of Default, and no event which with notice or lapse of time, or both, would become an Event of Default, under the Lease has occurred and is continuing at the date hereof.

(vii) The disbursement shall occur during the Acquisition Period.

(viii) The representations, warranties and covenants of Lessee set forth in the Lease are true and correct as of the date hereof.

(ix) No Material Adverse Change has occurred since the date of the execution and delivery of the Lease.

Dated: _____

CITY OF TOPEKA

By: _____

Name: _____

Title: _____

Disbursement of funds from the Escrow
Account in accordance with the foregoing
Disbursement Request hereby is authorized

BANC OF AMERICA PUBLIC CAPITAL CORP
as Lessor under the Lease

By: _____

Name:

Title:

EXHIBIT A-1

INCUMBENCY AND AUTHORIZATION CERTIFICATE

The undersigned, a duly elected or appointed and acting City Clerk of the City of Topeka (“*Lessee*”) certifies as follows:

A. The following listed persons are duly elected or appointed and acting officials of Lessee (the “*Officials*”) in the capacity set forth opposite their respective names below and that the facsimile signatures are true and correct as of the date hereof;

B. The Officials are duly authorized, on behalf of Lessee, to negotiate, execute and deliver the Master Equipment Lease/Purchase Agreement dated as of June 25, 2010 by and between Lessee and Banc of America Public Capital Corp (“*Lessor*”), the Escrow and Account Control Agreement dated as of September 9, 2016 among Lessor, Lessee and Bank of America, National Association, as Escrow Agent, and all documents related thereto and delivered in connection therewith (collectively, the “*Agreements*”), and the Agreements each are the binding and authorized agreements of Lessee, enforceable in all respects in accordance with their respective terms.

Name of Official	Title	Signature
<u>Jim Colson</u>	<u>City Manager</u>	_____
_____	_____	_____
_____	_____	_____

Dated: September 9, 2016

By: _____

Name: Brenda Younger

Title: City Clerk

(The signer of this Certificate cannot be listed above as authorized to execute the Agreements.)

EXHIBIT A-2

Escrow and Account Control Agreement dated as of September 9, 2016 by and among Banc of America Public Capital Corp (“Lessor”), the City of Topeka (“Lessee”), and Bank of America, National Association (the “Acquisition Fund Custodian”)

Certificate of Authorized Representatives – [Lessor]

Name: Jennifer Schlosser
Title: Authorized Agent
Phone: 443-541-3685
Facsimile: 804-662-1781
E-mail: jennifer.schlosser@baml.com
Signature: _____
Fund Transfer / Disbursement Authority Level:
☐ Initiate
☐ Verify transactions initiated by others

Name: Terri Preston
Title: Authorized Agent
Phone: 443-541-3642
Facsimile: 804-553-8124
E-mail: terri.preston@baml.com
Signature: _____
Fund Transfer / Disbursement Authority Level:
☐ Initiate
☐ Verify transactions initiated by others

Name: Augustine Reichenbach
Title: Authorized Agent
Phone: 443-541-2613
Facsimile: 904-312-6101
E-mail: Augustine.reichenbach@baml.com
Signature: _____
Fund Transfer / Disbursement Authority Level:
☐ Initiate
☐ Verify transactions initiated by others

Name: _____
Title: _____
Phone: _____
Facsimile: _____
E-mail: _____
Signature: _____
Fund Transfer / Disbursement Authority Level:
☐ Initiate
☐ Verify transactions initiated by others

The Escrow Agent is authorized to comply with and rely upon any notices, instructions or other communications believed by it to have been sent or given by the person or persons identified above including without limitation, to initiate and verify funds transfers as indicated.

Banc of America Public Capital Corp

By: _____
Name: Terri Preston
Title: Authorized Agent

Date: _____

SCHEDULE OF PROPERTY NO. 3

Re: Master Equipment Lease/Purchase Agreement, dated as of June 25, 2010,
between Banc of America Public Capital Corp, as Lessor, and the City of
Topeka, as Lessee

1. *Defined Terms.* All terms used herein have the meanings ascribed to them in the above-referenced Master Equipment Lease/Purchase Agreement (the “*Master Equipment Lease*”).

2. *Equipment.* The following items of Equipment are hereby included under this Schedule of the Master Equipment Lease.

Two (2) Pumper trucks, one (1) light and air truck (fire fighting apparatus)

3. *Payment Schedule.*

(a) *Rental Payments.* The Rental Payments shall be in such amounts and payable on such dates as set forth in the Rental Payment Schedule attached to this Schedule as Exhibit B-2. Rental Payments shall commence on the date on which the Equipment listed in this Schedule is accepted by Lessee, as indicated in an Acceptance Certificate substantially in the form of Exhibit E to the Master Equipment Lease or the date on which sufficient moneys to purchase the Equipment are deposited for that purpose with an Escrow Agent, whichever is earlier.

(b) *Purchase Price Schedule.* The Purchase Price on each Rental Payment date for the Equipment listed in this Schedule shall be the amount set forth for such Rental Payment date in the “Purchase Price” column of the Rental Payment Schedule attached to this Schedule. The Purchase Price is in addition to all Rental Payments then due under this Schedule (including the Rental Payment shown on the same line in the Rental Payment Schedule).

4. *Representations, Warranties and Covenants.* Lessee hereby represents, warrants and covenants that its representations, warranties and covenants set forth in the Master Equipment Lease are true and correct as though made on the date of commencement of Rental Payments on this Schedule. Lessee further represents and warrants that (a) no material adverse change in Lessee’s financial condition has occurred since the date of the Master Equipment Lease; (b) the governing body of Lessee has authorized the execution and delivery of this Agreement and the Leases pursuant to Resolution No. _____ approved on _____, 20____; (c) the Equipment described in the Agreement referenced above is essential to the functions of Lessee or to the services Lessee provides its citizens; (d) lessee has a legitimate business need for, and expects to make upon acceptance in accordance with the Contract documents immediate use of, substantially all such Equipment, which will be used by Lessee only for the purpose of performing one or more of Lessee’s governmental or proprietary functions consistent with the permissible scope of its authority; and (f) Lessee

expects and anticipates subject to budget process adequate funds to be available for all future payments or rent due after the current budgetary period.

5. *The Lease.* The terms and provisions of the Master Equipment Lease (other than to the extent that they relate solely to other Schedules or Equipment listed on other Schedules) are hereby incorporated into this Schedule by reference and made a part hereof.

6. *Lease Proceeds.* The Lease Proceeds which Lessor shall pay to the Escrow Agent in connection with this Schedule is \$1,639,296.48, of which \$1,639,296.48 is for deposit in to the Escrow Account. It is expected that by eighteen (18) months from the date of this Schedule No. 3, Lessee will have taken possession of all items of Equipment shown above and that a Lessee's Acceptance Certificate, or Acceptance Certificates, will be signed by Lessee and delivered to Lessor on or before eighteen (18) months from the date of this Schedule No. 3.

7. *Acquisition Period.* The Acquisition Period applicable to this Schedule shall end at the conclusion of the eighteenth (18th) month following the date hereof.

8. *Lease Term.* The Lease Term shall consist of the Original Term and nine (9) consecutive Renewal Terms, with the final Renewal Term ending on September 9, 2026.

9. *Purchase Option Commencement Date.* For purposes of Section 10.01 of the Lease, the Purchase Option Commencement Date is September 9, 2022.

10. *Maximum Equipment Cost.* The Maximum Equipment Cost approved on a cumulative basis under the Lease for this Schedule and all previous Schedules is \$5,841,710.64.

11. *Contract Rate.* The Contract Rate for this Schedule is 1.6920%.

12. *Registration.* Any Equipment that is a motor vehicle is to be registered and titled as follows:

- (a) Registered Owner: **City of Topeka**
- (b) Lienholder: Banc of America Public Capital Corp
Northeast Center Building
2059 Northlake Parkway
Tucker, GA 30084-5321

Lessee shall be responsible for the correct titling of all Equipment leased hereunder. Lessee will cause the original Certificates of Title to be delivered to Lessor for retention in Lessor's files throughout the term of the Lease.

13. Notwithstanding anything in the Agreement to the contrary, Lessor and Lessee agree that for purposes of this Lease only, the following amendments to the Agreement are effective:

- (a) Section 7.02 of the Agreement is hereby deleted in its entirety and the following Section 7.02 is substituted in lieu thereof:

Section 7.02. Insurance. Lessee shall, during the Lease Term under each Lease, maintain or cause to be maintained (a) casualty insurance naming Lessor and its assigns as loss payee and insuring the Equipment against loss or damage by fire and all other risks covered by the standard extended coverage endorsement then in use in the State, and any other risks reasonably required by Lessor, in an amount at least equal to the greater of (i) the then applicable Prepayment Price under such Lease or (ii) the replacement cost of the Equipment under such Lease; (b) liability insurance naming Lessor and its assigns as additional insured that protects Lessor from liability with limits of at least \$1,000,000 for bodily injury and property damage coverage, or such other minimum coverage amount as may be agreed upon between Lessor and Lessee in connection with the execution and delivery of a Lease, in all events under clauses (a) and (b) issued in form and amount satisfactory to Lessor and by an insurance company that is authorized to do business in the State and having a financial strength rating by A.M. Best Company of "A-" or better; and (c) worker's compensation coverage as required by the laws of the State. Notwithstanding the foregoing, Lessee may self-insure against the risks described in clauses (a) and/or (b) through a government pooling arrangement, self-funded loss reserves, risk retention program or other self-insurance program, in each case with Lessor's prior written consent (which Lessor may grant, withhold or deny in its sole discretion) and provided that Lessee has delivered to Lessor such information as Lessor may request with respect to the adequacy of such self-insurance to cover the risks proposed to be self-insured and otherwise in form and substance acceptable to Lessor. In the event Lessee is permitted, at Lessor's sole discretion, to self-insure as provided in this Section, Lessee shall provide to Lessor a self-insurance letter in substantially the form attached hereto as Exhibit G. Lessee shall furnish to Lessor evidence of such insurance or self-insurance coverage throughout the Lease Term under each Lease. Lessee shall not cancel or modify such insurance or self-insurance coverage in any way that would affect the interests of Lessor without first giving written notice thereof to Lessor at least 30 days in advance of such cancellation or modification.

- (b) Section 7.04 of the Agreement is hereby deleted in its entirety and the following Section 7.04 is substituted in lieu thereof:

Section 7.04. Advances. In the event Lessee shall fail to keep the Equipment in good repair and working order or shall fail to maintain any insurance required by Section 7.02 hereof, Lessor may, but shall be under no obligation to, maintain and repair the Equipment or obtain and maintain any such insurance coverages, as the case may be, and pay the cost thereof. All amounts so advanced by Lessor shall constitute additional rent for the then current Original Term or Renewal Term under the affected Lease, and Lessee covenants and agrees to pay such amounts so advanced by Lessor with interest thereon from the due date until paid at a rate equal to the Contract Rate (or the Taxable Rate if then in effect) *plus* 5% per annum or the maximum amount permitted by law, whichever is less.

- (c) Section 12.01(a) of the Agreement is hereby deleted in its entirety and the following Section 12.01(a) is substituted in lieu thereof:

(a) Failure by Lessee to (i) pay any Rental Payment or other payment required to be paid under any Lease within 10 days after the date when due as specified therein or (ii) maintain insurance as required under such Lease (including Section 7.02 incorporated therein);

- (d) The attached Exhibit G is hereby attached to the Agreement.

14. Notwithstanding anything in the Agreement to the contrary, Lessor and Lessee agree that for purposes of this Lease only, the following amendments to the Agreement are effective:

- (a) In Section 1.01 of the Agreement the definition of “Acquisition Fund” is hereby deleted and the following is substituted in lieu thereof (with each other reference in the Agreement to “Acquisition Fund” being replaced by “Escrow Account” throughout the Agreement):

“Escrow Account” means, with respect to any Lease, the fund established and held by the Escrow Agent pursuant to the related Escrow Agreement.

- (b) In Section 1.01 of the Agreement the definition of “Acquisition Fund Agreement” is hereby deleted and the following is substituted in lieu thereof (with each other reference in the Agreement to “Acquisition Fund Agreement” being replaced by “Escrow Agreement” throughout the Agreement):

“Escrow Agreement” means, with respect to each Lease for which an Escrow Account is established, an Escrow and Account Control Agreement in form and substance acceptable to and executed by Lessee, Lessor and the Escrow Agent, pursuant to which an Escrow Account is established and administered.

- (c) In Section 1.01 of the Agreement the definition of “Acquisition Fund Custodian” is hereby deleted and the following is substituted in lieu thereof (with each other reference in the Agreement to “Acquisition Fund Custodian” being replaced by “Escrow Agent” throughout the Agreement):

“Escrow Agent” means, with respect to each Lease for which an Escrow Account is established, the Escrow Agent identified in the related Escrow Agreement, and its successors and assigns.

15. Notwithstanding anything in the Agreement to the contrary, Lessor and Lessee agree that for purposes of this Lease only, the following amendments to the Agreement are effective:

- (a) In Section 2.01 (a) and (b) of the Agreement. Each reference to a “Lease” shall be deemed to include the related Escrow Agreement.

- (b) Section 2.01(j) of the Agreement is hereby deleted in its entirety and the following Section 2.01(j) is substituted in lieu thereof:

(j) There is no pending litigation, tax claim, proceeding or dispute that may adversely affect Lessee's financial condition or impairs its ability to perform its obligations under this Agreement, any Lease or any Escrow Agreement. Lessee will, at its expense, maintain its legal existence and do any further act and execute, acknowledge, deliver, file, register and record any further documents Lessor may reasonably request in order to protect Lessor's security interest in the Equipment and the Escrow Account and Lessor's rights and benefits under each Lease and related Escrow Agreement.

- (c) Section 12.02 (c) of the Agreement is deleted in its entirety and the following Section 12.02(c) is substituted in lieu thereof:

(c) Lessor may terminate the Escrow Agreement relating to such Lease and apply any proceeds in the Escrow Account thereunder to the Rental Payments due under such Lease; and

- (d) Section 12.02 of the Agreement is further amended by inserting the new clause (d) immediately following clause (c) thereof:

(d) Lessor may take whatever action at law or in equity may appear necessary or desirable to enforce its rights under such Lease or the Escrow Agreement relating thereto or as a secured party in any or all of the Equipment subject to such Lease or with respect to the related Escrow Account Fund.

Dated: September 9, 2016

LESSOR:

Banc of America Public Capital Corp
555 California Street, 4th Floor
San Francisco, California 94104
Attention: Contract Administration

LESSEE:

City of Topeka
215 SE 7th St
Topeka, KS 66603-3914
Attention: _____

By: _____

Name: _____

Title: _____

By: _____

Name: Jim Colson

Title: City Manager

(Seal)

Attest:

By: _____

Name: Brenda Younger

Title: City Clerk

Counterpart No. _____ of _____ manually executed and serially numbered counterparts. To the extent that this Lease constitutes chattel paper (as defined in the Uniform Commercial Code), no security interest herein may be created through the transfer or possession of any Counterpart other than Counterpart No. 1.

EXHIBIT B-2

RENTAL PAYMENT SCHEDULE

Payment Number	Rental Payment Date	Rental Payment Amount	Interest Portion	Principal Portion	Purchase Price (excluding Prepayment Premium)
1	9/9/2017	\$179,568.36	\$27,736.31	\$151,832.05	n/a
2	9/9/2018	\$179,568.36	\$25,167.36	\$154,401.00	n/a
3	9/9/2019	\$179,568.36	\$22,554.96	\$157,013.40	n/a
4	9/9/2020	\$179,568.36	\$19,898.34	\$159,670.02	n/a
5	9/9/2021	\$179,568.36	\$17,196.79	\$162,371.57	n/a
6	9/9/2022	\$179,568.36	\$14,449.52	\$165,118.84	\$688,889.60
7	9/9/2023	\$179,568.36	\$11,655.76	\$167,912.60	\$520,977.00
8	9/9/2024	\$179,568.36	\$8,814.74	\$170,753.62	\$350,223.38
9	9/9/2025	\$179,568.36	\$5,925.65	\$173,642.71	\$176,580.68
10	9/9/2026	\$179,568.36	\$2,987.68	\$176,580.68	\$0.00
total		\$1,795,683.60	\$156,387.12	\$1,639,296.48	

Prepayment Premium for purposes of Section 10.01(a) is equal to 0.00%.

For purposes of this Lease, “*Taxable Rate*,” with respect to the interest component of Rental Payments, means an annual rate of interest equal to 2.6471%.

LESSEE:

City of Topeka

By: _____

Name: Jim Colson

Title: City Manager

For the purpose of the Kansas Cash Basis Law, the amount financed in EXHIBIT B-2, RENTAL PAYMENT SCHEDULE is \$1,639,296.48. Further, the Base Interest Rate for EXHIBIT B-2, RENTAL PAYMENT SCHEDULE is 1.6920% per annum. In accordance with K. S. A. 10-1116c(d)(3), the amount included in the Rental Payments for service, maintenance, insurance or other charges exclusive of the capital cost and interest cost, relative to EXHIBIT B-2, RENTAL PAYMENT SCHEDULE, is \$0.00.

EXHIBIT C

CERTIFICATE

The undersigned, a duly authorized City Clerk of the City of Topeka (“*Lessee*”) certifies as follows:

A. The following listed persons are acting officials of Lessee (the “*Officials*”) in the capacity set forth opposite their respective names below and that the facsimile signatures are true and correct as of the date hereof;

B. The Officials are duly authorized by Resolution, on behalf of Lessee, to negotiate, execute and deliver the Schedule of Property No. 3, dated as of September 9, 2016, by and between Lessee and Banc of America Public Capital Corp, and these Agreements are binding and authorized Agreements of Lessee, enforceable in all respects in accordance with their terms.

<u>Name of Official</u>	<u>Title</u>	<u>Signature</u>
<u>Jim Colson</u>	<u>City Manager</u>	_____
_____	_____	_____

Dated: September 9, 2016

By: _____

Name: Brenda Younger

Title: City Clerk

(The signer of this Certificate cannot be listed above as authorized to execute the Agreements.)

EXHIBIT D

OPINION OF COUNSEL TO LESSEE

EXHIBIT E

ACCEPTANCE CERTIFICATE

Banc of America Public Capital Corp
555 California Street, 4th Floor
San Francisco, California 94104

Re: Schedule of Property No. 3, dated September 9, 2016, to Master Equipment Lease/Purchase Agreement, dated as of June 25, 2010, between Banc of America Public Capital Corp, as Lessor, and the City of Topeka, as Lessee

Ladies and Gentlemen:

In accordance with the Master Equipment Lease/Purchase Agreement (the "*Agreement*"), the undersigned Lessee hereby certifies and represents to, and agrees with Lessor as follows:

1. All of the Equipment or an individual unit of Equipment (as such term is defined in the Agreement) listed in the above-referenced Schedule of Property (the "*Schedule*") has been delivered, installed and accepted on the date hereof.

2. Lessee has conducted such inspection and/or testing of the Equipment listed in the Schedule as it deems necessary and appropriate and hereby acknowledges that it accepts the Equipment for all purposes.

3. Lessee is currently maintaining the insurance coverage required by Section 7.02 of the Agreement.

4. No event or condition that constitutes, or with notice or lapse of time, or both, would constitute, an Event of Default (as defined in the Agreement) exists at the date hereof.

Date: _____

LESSEE:
City of Topeka

By: _____

Name: Jim Colson

Title: City Manager

(Seal)

EXHIBIT F

NOTICE AND ACKNOWLEDGEMENT OF ASSIGNMENT

DATED _____

BANC OF AMERICA PUBLIC CAPITAL CORP (“Assignor”) hereby gives notice that it has assigned and sold to [_____] (“Assignee”) all of Assignor’s right, title and interest in, to and under Schedule of Property No. 3, dated September 9, 2016 (the “Lease”) to the Master Equipment Lease/Purchase Agreement (“Equipment Lease”) dated as of June 25, 2010, between Assignor and _____ (“Lessee”).

For purposes of this Notice and Acknowledgment of Assignment (the “Acknowledgment”), “Lease” means collectively the Lease identified above, together with all exhibits, schedules, addenda and attachments related thereto, and all certifications and other documents delivered in connection therewith. The term “Lease” specifically excludes all other [Schedules of Property] entered into under the Equipment Lease and rental payments other than with respect to the [Schedule of Property] identified above. Each capitalized term used but not defined herein has the meaning set forth in the Equipment Lease described above.

1. Pursuant to the authority of Resolution _____ adopted on _____, Lessee hereby acknowledges the effect of the assignment of the Lease and absolutely and unconditionally agrees to deliver to Assignee all rental payments and other amounts coming due under the Lease in accordance with the terms thereof on and after the date of this Acknowledgment.

2. Lessee hereby agrees that: (i) Assignee shall have all the rights of Lessor under the Lease and all related documents, including, but not limited to, the rights to issue or receive all notices and reports, to give all consents or agreements to modifications thereto, to receive title to the equipment in accordance with the terms of the Lease, to declare a default and to exercise all remedies thereunder; and (ii) except as provided in Section [_____] of the Lease, the obligations of Lessee to make rental payments and to perform and observe the other covenants and agreements contained in the Lease shall be absolute and unconditional in all events without abatement, diminution, deduction, set-off or defense.

3. Lessee agrees that, as of the date of this Acknowledgment, the following information about the Lease is true, accurate and complete:

Number of Rental Payments Remaining	–	_____
Amount of Each Rental Payment	–	\$ _____
Total Amount of Rents Remaining	–	\$ _____
Frequency of Rental Payments	–	_____
Next Rental Payment Due	–	_____
Funds Remaining in Escrow Fund	–	\$ _____

4. The Lease remains in full force and effect, has not been amended and no nonappropriation or event of default (or event which with the passage of time or the giving of notice or both would constitute a default) has occurred thereunder.

5. Any inquiries of Lessee related to the Lease and any requests for escrow disbursements, if applicable, and all rental payments and other amounts coming due pursuant to the Lease on and after the date of this Acknowledgment should be remitted to Assignee at the following address (or such other address as provided to Lessee in writing from time to time by Assignee):

ACKNOWLEDGED AND AGREED:

LESSEE: _____
[FOR EXHIBIT PURPOSES ONLY]

By: _____
Name: _____
Title: _____

ASSIGNOR: BANC OF AMERICA PUBLIC CAPITAL CORP
[FOR EXHIBIT PURPOSES ONLY]

By: _____
Name: _____
Title: _____

EXHIBIT G

FORM OF SELF-INSURANCE CERTIFICATE

Banc of America Public Capital Corp
555 California Street, 4th Floor
San Francisco, California 94104

Re: Schedule of Property No. 3, dated September 9, 2016, to Master Equipment Lease/Purchase Agreement, dated as of June 25, 2010, between Banc of America Public Capital Corp, as Lessor, and the City of Topeka, as Lessee

In connection with the above-referenced Schedule of Property (the "*Schedule*"), the City of Topeka (the "*Lessee*") hereby warrants and represents to Banc of America Public Capital Corp the following information. The terms capitalized herein but not defined herein shall have the meanings assigned to them in the Agreement incorporated in the Schedule by reference.

1. The Lessee is self-insured for damage or destruction to the Equipment listed in the Schedule (herein, the "*Equipment*"). The dollar amount limit for property damage to the Equipment under such self-insurance program is Statutory. The Lessee maintains an umbrella insurance policy for claims in excess of Lessee's self-insurance limits for property damage to the Equipment which policy has a dollar limit for property damage to the Equipment under such policy of \$1,000,000.00.

2. The Lessee is self-insured for liability for injury or death of any person or damage or loss of property arising out of or relating to the condition or operation of the Equipment. The dollar limit for such liability claims under the Lessee's self-insurance program is \$750,000.00. The Lessee maintains an umbrella insurance policy for claims in excess of Lessee's self-insurance limits for liability which policy has a dollar limit for liabilities for injury and death to persons as well as damage or loss of property arising out of or relating to the condition or operation of the Equipment in the amount of \$750,000.00.

3. The Lessee maintains a self-insurance fund. Monies in the self-insurance fund are subject to annual appropriation. The total amount maintained in the self-insurance fund to cover Lessee's self-insurance liabilities is \$3,419,152.00.

4. Attached hereto are copies of certificates of insurance with respect to policies maintained by Lessee.

LESSEE:

City of Topeka

By: _____

Name: _____

Title: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/5/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. Two Pierce Place, 22nd Floor Itasca IL 60143		CONTACT NAME: PHONE (A/C, No, Ext): 630-773-3800 FAX (A/C, No): 630-285-4062 E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Midwest Employers Casualty Company	
		INSURER B: Travelers Indemnity Company	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 1273386879

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

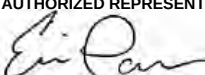
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG \$ \$ \$ \$ \$ \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS			8102C412178	2/1/2016	2/1/2017	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) SIR \$250,000 \$1,000,000 \$ \$ \$
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below ☐ Y ☒ N / A						PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT \$ \$ \$
A	Excess Workers' Compensation			EWC008256	1/1/2016	1/1/2017	Coverage A Coverage B Self-Insured Retent Statutory \$1,000,000 \$750,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Banc of America Public Capital Corp its affiliates, successors and assigns as their interest may appear is named additional insured.

CERTIFICATE HOLDER

CANCELLATION

Banc of America Public Capital Corp. P.O. Box 4431 Atlanta GA 30302-4431	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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CITY OF TOPEKA, KANSAS

CERTIFICATE OF SELF INSURANCE

CERTIFICATE OF SELF-INSURANCE: Banc of America Public Capital Corp.
PO Box 4431
Atlanta, GA 30302-4431

This is to certify that the City of Topeka, Kansas is Self-Insured for the type of activity\activities specified below, to the dollar limit also specified, subject to the limitation of the Kansas Tort Claims Act.

Description of operations\locations\products self insured:

TYPE OF SELF-INSURANCE	LIMIT OF SELF-INSURANCE
Comprehensive General Liability	\$500,000 per Occurrence for any Number of Claims Arising out of a Single Occurrence or Accident
Workers Compensation	\$750,000 Self Insured Retention Per Occurrence

No insurance is provided for those acts or omissions for which the City of Topeka, Kansas has been excepted from liability by statute. See K.S.A. 75-6101 ET SEQ., as amended.

THIS CERTIFICATE OF INSURANCE IS EFFECTIVE 01/01/2016
THIS CERTIFICATE OF INSURANCE WILL EXPIRE 01/01/2017

Authorized signature Jacque Russell Date 7/11/2016
Jacque Russell, Director Human Resources
215 East Seventh, Room 170
Topeka, Kansas 66603
(785) 368 3775 (785) 368 0906 FAX

cc: Jay Oyler, Contracts & Procurement Director
City of Topeka

Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)

► See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

Part I Reporting Authority

If Amended Return, check here ☐

1 Issuer's name City of Topeka, Kansas		2 Issuer's employer identification number (EIN) 48-6028701
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a
4 Number and street (or P.O. box if mail is not delivered to street address) 215 SE 7th Street	Room/suite	5 Report number (For IRS Use Only) 3
6 City, town, or post office, state, and ZIP code Topeka, KS 66603		7 Date of issue September 9, 2016
8 Name of issue Property Schedule No. 3 to the Master Lease Agreement		9 CUSIP number
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions) Jay Oyler, CPPB, Contracts & Procurement Director		10b Telephone number of officer or other employee shown on 10a 785-368-3749

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.

11 Education	11		
12 Health and hospital	12		
13 Transportation	13		
14 Public safety	14	1,639,296	48
15 Environment (including sewage bonds)	15		
16 Housing	16		
17 Utilities	17		
18 Other. Describe ►	18		
19 If obligations are TANs or RANs, check only box 19a ☐			
If obligations are BANs, check only box 19b ☐			
20 If obligations are in the form of a lease or installment sale, check box ☐			

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	9/9/2026	\$ 1,639,296.48	\$ 1,639,296.48	10 years	1.69 %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22 Proceeds used for accrued interest	22	0	
23 Issue price of entire issue (enter amount from line 21, column (b))	23	1,639,296	48
24 Proceeds used for bond issuance costs (including underwriters' discount)	24		
25 Proceeds used for credit enhancement	25		
26 Proceeds allocated to reasonably required reserve or replacement fund	26		
27 Proceeds used to currently refund prior issues	27		
28 Proceeds used to advance refund prior issues	28		
29 Total (add lines 24 through 28)	29	0	
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	1,639,296	48

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.

31 Enter the remaining weighted average maturity of the bonds to be currently refunded	N/A	years
32 Enter the remaining weighted average maturity of the bonds to be advance refunded	N/A	years
33 Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)	N/A	
34 Enter the date(s) the refunded bonds were issued ► (MM/DD/YYYY)		

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2011)

Part VI Miscellaneous

- | | | |
|------------|--|--|
| 35 | | |
| 36a | | |
| 37 | | |
- 35** Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)
- 36a** Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)
- b** Enter the final maturity date of the GIC ▶ _____
- c** Enter the name of the GIC provider ▶ _____
- 37** Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units
- 38a** If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the following information:
- b** Enter the date of the master pool obligation ▶ _____
- c** Enter the EIN of the issuer of the master pool obligation ▶ _____
- d** Enter the name of the issuer of the master pool obligation ▶ _____
- 39** If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ☐
- 40** If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ☐
- 41a** If the issuer has identified a hedge, check here ☐ and enter the following information:
- b** Name of hedge provider ▶ _____
- c** Type of hedge ▶ _____
- d** Term of hedge ▶ _____
- 42** If the issuer has superintegrated the hedge, check box ☐
- 43** If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box ☐
- 44** If the issuer has established written procedures to monitor the requirements of section 148, check box ☐
- 45a** If some portion of the proceeds was used to reimburse expenditures, check here ☐ and enter the amount of reimbursement ▶ _____
- b** Enter the date the official intent was adopted ▶ _____

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

▶ _____ Date _____ ▶ _____
 Signature of issuer's authorized representative Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
Firm's name ▶	Firm's EIN ▶			
Firm's address ▶	Phone no.			



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Brandon Kauffman/kej **DOCUMENT #:**
SECOND PARTY/SUBJECT: Monthly Expenditures **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of July 2, 2016, through July 29, 2016, and enumerating said expenditures therein.

(Approval would authorize City expenditures in the amount of \$24,132,781.92.)

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

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

BUDGETARY IMPACT:

Approved expenditures for the period July 2, 2016 through July 29, 2016, in the amount of \$24,132,781.92.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Description

Monthly Expenditures

Detail A/P Report for 7/2 to 7/29/16
Detail CB55 Report for 7/2 to 7/29/16

1 (Published in the Topeka Metro News _____)

2
3
4 ORDINANCE NO. _____

5
6 AN ORDINANCE introduced by City Manager Jim Colson, allowing and approving City
7 expenditures for the period of May 28, 2016, through July 1, 2016,
8 and enumerating said expenditures herein.
9

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

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

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

17	<u>Section 3.</u>	Total of 393 vendor checks written this period	2,403,710.84
18		Total vendor payments voided in this period (net)	(00.00)
19		Total of 601 ACH transfers to vendors this period	18,248,736.12
20		Total of 26 payroll checks to employees this period	40,605.55
21		Total of 3733 payroll electronic transfers this period	<u>3,439,729.41</u>
22		Total for expenditures in this period	<u>\$24,132,781.92</u>

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

25 PASSED and APPROVED by the Governing Body _____

26
27
28 ATTEST:

Larry E. Wolgast, Mayor

29
30
31 _____
32 Brenda Younger, City Clerk

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
Electronic Payments			
50681	07/08/2016	A-1 RENTAL INC 20	90.00
51659	33488		90.00
50682	07/08/2016	AAA CLUB ALLIANCE INC 10251	1,424.50
283544	34556		38.50
283546	34556		38.50
288883	34546		38.50
288885	34556		38.50
288886	34556		38.50
288887	34556		38.50
288888	34556		38.50
288890	34556		38.50
288950	34546		38.50
288953	34546		38.50
288955	34556		38.50
288956	34556		38.50
288957	34556		38.50
288958	34556		38.50
288959	34556		38.50
288961	34556		38.50
288963	34556		38.50
288964	34556		38.50
289001	34546		38.50
289008	34556		38.50
289009	34556		38.50
289013	34556		38.50
289014	34556		38.50
289015	34556		38.50
289441	34556		38.50
289579	34556		38.50
289582	34556		38.50
289615	34556		38.50
289676	34556		38.50
289677	34556		38.50
289679	34556		38.50
289814	34556		38.50
289819	34546		38.50
289822	34556		38.50
289825	34556		38.50
289968	34556		38.50
291092	34556		38.50
50683	07/08/2016	AMERICAN PRESORT 177	9,553.33
JUNE 2016	POSTAGE		9,553.33
50684	07/08/2016	AMERIPRIDE 197	318.04
230001272	33559		67.98
2300680627	33559		6.16
2300680629	33559		45.47
2300680634	33559		138.30
2300680638	33559		60.13
50685	07/08/2016	ANSWER TOPEKA 237	1,061.60
160610020	33199		1,061.60
50686	07/08/2016	APPLICATION SOFTWARE INC 8140	732.00
JUNE 16 FLEX FI	PAYROLL		732.00
50687	07/08/2016	BASF CORPORATION 6538	12,015.00
135604988	33190		12,015.00
50688	07/08/2016	BLUE CROSS BLUE SHIELD INC 528	202,378.99

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount	
W/E 07/05/16	33397		202,378.99	
50689	07/08/2016	BOETTCHER SUPPLY INC	543	145.23
981850 1	33258		13.22	
982169 1	33258		108.06	
982303 1	33258		9.64	
982385 1	33258		4.77	
982507 1	33258		9.54	
50690	07/08/2016	C & C PRODUCE	7788	574.50
000998473	33233			
50691	07/08/2016	C&M TIRE	1183	989.76
20211127	33268		121.15	
20211254	33268		156.13	
20211316	33268		128.25	
20211387	33268		163.19	
20211420	33268		32.25	
20211455	33268		217.53	
20211457	33268		37.63	
20211544	33268		133.63	
50692	07/08/2016	CATHOLIC CHARITIES	848	4,138.05
JUNE2016	27349		4,138.05	
50693	07/08/2016	CHEMTRADE CHEMCIALS	1864	6,188.08
91840663	33191		3,210.07	
91843467	33191		2,978.01	
50694	07/08/2016	CODE PUBLISHING COMPANY	999	386.10
53443	33620		386.10	
50695	07/08/2016	CONCRETE UNLIMITED CONST INC	6582	20,355.72
5099	34539		20,355.72	
50696	07/08/2016	CONSOLIDATED ELECTRICAL	6778	310.15
8795 533573	33673		271.36	
8795 533944	33673		38.79	
50697	07/08/2016	CONTECH ENGINEERED SOLUTIONS	8337	13.20
IN00254667	33469		13.20	
50698	07/08/2016	COOK FLATT & STROBEL ENGINEERS	1089	83,264.79
35978	26717		83,264.79	
50699	07/08/2016	CREATIVE LANDSCAPE INC	1166	15,936.84
32224 6	32224		15,936.84	
50700	07/08/2016	DELTA DENTAL OF KANSAS INC	1323	14,345.30
W/E 06/30/16	33776		14,345.30	
50701	07/08/2016	DOORSTEP INC	1385	5,968.00
2015DSP2	34943		5,968.00	
50702	07/08/2016	DORMA USA INC	9665	487.50
284962	35476		487.50	
50703	07/08/2016	DOWNTOWN TOPEKA INC	1408	8,110.52
44894 BID ADMIN	34149		8,110.52	
50704	07/08/2016	DURKIN EQUIPMENT CO	1451	1,779.20
120006380	33192		1,779.20	

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50705	07/08/2016	EMBROIDERY PLUS 1522	323.25
36088	35649		42.00
36112	35649		281.25
50706	07/08/2016	ETHANOL PRODUCTS LLC 9576	4,417.16
CO2163139	33195		1,488.28
CO2163467	33195		1,524.68
CO2163543	33195		1,404.20
50707	07/08/2016	EUROFINS EATON ANALYTICAL INC 8594	450.00
L0269100	33193		450.00
50708	07/08/2016	EXPRESS SERVICES INC 9622	3,766.81
17447156 5	34739		297.85
17447157 3	34635		3,468.96
50709	07/08/2016	FINNEY & TURNIPSEED 1669	22,205.26
31189 4	31189		637.76
32652 3	32652		21,567.50
50710	07/08/2016	FORENSIC PSYCHOLOGY ASSOCIATES 10189	160.00
1095	33692		160.00
50711	07/08/2016	GALLS INC 1829	465.25
005547221	35481		372.27
005548497	35481		92.98
50712	07/08/2016	HARRIS & SONS ENTERPRISES INC 7996	5,055.00
395	34951		5,055.00
50713	07/08/2016	HENRY OUTDOOR POWER LLC 8004	4,739.50
0749	34812		170.00
0750	34811		555.00
0752	34992		145.00
0753	34991		65.00
0754	34878		50.00
0760	34812		170.00
0761	34811		555.00
0763	34992		145.00
0764	34991		65.00
0765	34878		50.00
0771	34812		170.00
0772	34811		555.00
0774	34992		145.00
0775	34991		65.00
0776	34878		50.00
0779	34788		1,097.50
0780	34848		333.00
0781	34849		84.00
0787	34878		50.00
0788	34999		40.00
0789	34996		180.00
50714	07/08/2016	JAYHAWK FILE EXPRESS LLC 2502	334.00
N684496	DE	W/O#N068217 6/3/16	66.00
N684498	DE	W/O#N68118 6/1/16	37.00
N684499	DE	W/O#N068110 6/1/16	157.00
N684503	DE	W/O#N068618 6/14/16	37.00
N684505	DE	W/O#N068930 6/22/16	37.00
50715	07/08/2016	KANSAS PERSONNEL SERVICES INC 2849	6,983.91
3039137	33409		2,021.68

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
3039225	33409		2,397.00
3039315	33567		528.69
3039318	33661		532.00
3039396	34456		612.00
3039398	33472		307.34
3039401	34568		585.20
50716	07/08/2016	KCR INTERNATIONAL TRUCKS INC 1347	4,041.76
130110864	33269		1,216.65
130110965	33269		39.80
130202405C	33269		2,785.31
50717	07/08/2016	KEY WORKFORCE SOLUTIONS INC 9879	4,648.24
3039133	33428		835.20
3039220	33428		756.90
3039303	33577		394.40
3039306	33428		809.10
3039390	35505		808.64
3039392	33428		1,044.00
50718	07/08/2016	LEWIS, GAIL A 9952	2,083.00
1 16	35243		2,083.00
50719	07/08/2016	MATHER FLARE RENTAL INC 5791	670.34
3316	33539		410.34
3317	33539		260.00
50720	07/08/2016	MATHESON TRI-GAS INC 7179	75.02
13548170	34454		27.12
51006147	33372		47.90
50721	07/08/2016	MEDTRAK SERVICES LLC 3330	122,556.56
205816	33777		70,235.15
206072	33777		51,504.02
206073	33777		817.39
50722	07/08/2016	NEENAN COMPANY 3649	1,936.97
S2345281 001	33470		1,936.97
50723	07/08/2016	NPS SALES INC 8330	11.50
L60742	33775		11.50
50724	07/08/2016	O REILLY AUTO PARTS 3714	599.42
0152 242507	33300		120.76
0152 245196	33300		132.40
0152 245848	33215		20.97
0152 246717	33300		110.89
0152 247022	33300		15.97
0152 247051	33300		137.97
0152 249860	33300		1.75
0152 249927	33300		43.68
0152 250306	33300		7.54
0191 207526	33300		7.49
50725	07/08/2016	PROFESSIONAL ENGINEERING 4018	3,842.25
513514	19318		1,217.00
513515	15649		2,047.75
513517	30346		200.00
513518	27385		377.50
50726	07/08/2016	QUALITY BUILT CONSTRUCTION LLC 9575	8,784.70
234	35223		6,480.70
32018 6 FINAL	32018		2,304.00

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50727 0R23653A	07/08/2016 34997	RED THE UNIFORM TAILOR INC 4131	163.00 163.00
50728 888553 888554 888556 908184 908185 908186 908187 908188 908189 908190 908191 908192 908194 908195 908200	07/08/2016 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503 33503	REIN, LINNEA S 4166	13.50 30.00 80.00 32.50 13.00 47.00 118.00 245.00 16.00 47.00 150.00 260.50 23.00 106.50 54.00 1,236.00
50729 44601	07/08/2016 CONTRACT	ROCHESTER CEMETERY ASSOCIATION 4257	15,000.00 15,000.00
50730 2746 2747 2748	07/08/2016 34874 34873 34873	SARIK LLC 9207	976.38 762.44 1,931.48 3,670.30
50731 B05108394	07/08/2016 35529	SHI INTERNATIONAL CORPORATION 4540	900.00 900.00
50732 82410678	07/08/2016 35432	SIMPLEXGRINNELL 5764	1,016.26 1,016.26
50733 34568 34645 34646	07/08/2016 33601 33601 33601	SOUTHERN UNIFORM & EQUIPMENT 4672	109.32 170.75 170.75 450.82
50734 3305512003 3305512004 3305512005 3305656005 3305656006 3305656007	07/08/2016 35454 35531 35531 35515 35541 35542	STAPLES CONTRACT N COMMERCIAL 4725	38.47 14.32 16.77 4.27 114.73 116.92 305.48
50735 123 1052710 123 1052725 123 1052726	07/08/2016 33361 33327 33327	THE GOODYEAR TIRE & RUBBER CO 9375	2,231.22 311.50 288.74 2,831.46
50736 21235858	07/08/2016 33231	THE TERMINIX INTERNATIONAL 10096	203.98 203.98
50737 4781518 5059706	07/08/2016 33194 33194	THERMO FISHER SCIENTIFIC LLC 4949	70.97 131.70 202.67
50738 J16M3296	07/08/2016 35470	TR MANAGEMENT INC 2458	367.32 367.32

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50739 0716 0006	07/08/2016 33574	TRIA HEALTH LLC 6938	1,050.00 1,050.00
50740 421813	07/08/2016 33310	TRUCK PARTS & EQUIPMENT INC 5102	41.27 41.27
50741 157820 157843 157865 157883	07/08/2016 33196 33196 33196 33196	U S LIME COMPANY - ST CLAIR 5117	3,746.77 3,668.74 3,615.68 3,746.77 14,777.96
50742 PCARD07012016	07/08/2016	UMB BANK NA 5127	45,482.47 45,482.47
50743 PO35272 JUNE	07/08/2016 35272	VARNER, DANIEL D 9518	1,350.00 1,350.00
50744 2147707 2150616 2151201 2151202 2151206 2151784 2151785 2151786 2151787 2151788 2151789	07/08/2016 33374 33218 33218 33218 33557 33557 33557 33557 33557 33557 33557	WALKER TOWEL & UNIFORM 5266	32.25 12.45 7.65 23.90 8.00 16.90 2.40 27.70 4.80 15.00 11.60 162.65
50745 157461 157463	07/08/2016 35525 35603	WESTSIDE STAMP & AWARDS INC 5865	345.00 172.50 517.50
50746 BRO119-DEP	07/08/2016	ENSIGN, STEWART S+C JULY 2016DEPOSIT 10438	100.00 100.00
50747 NAV101-0716A	07/08/2016	RENTAL MANAGEMENT SOLUTIONS LL S+C JULY 2016Payment 4176	10.00 10.00
50748 CRA100-0716 CRA100-DEP DAV115-0616 DAV115-0716 DAV115-DEP GRE102-0716 GRE102-DEP MAR103-0716 MAR103-DEP	07/08/2016	TRINITY PROPERTIES LLC S+C JULY 2016Payment S+C JULY 2016DEPOSIT S+C June 2016Payment S+C JULY 2016Payment S+C JULY 2016DEPOSIT S+C JULY 2016Payment S+C JULY 2016DEPOSIT S+C JULY 2016Payment S+C JULY 2016DEPOSIT S+C JULY 2016DEPOSIT	5098 994.00 600.00 36.00 544.00 400.00 544.00 400.00 334.00 400.00 4,252.00
50749 UNA11607081711 UNA11607081711 UNA11607081711 UNA11607081711	07/08/2016	AFSCME MISSOURI STATE COUNCIL 83 Union Dues - AFSCME Union Dues - AFSCME Union Dues - AFSCME Union Dues - AFSCME	311.85 346.50 485.10 762.30 1,905.75
50750 SD551607081711 SD551607081711	07/08/2016	AMERICAN HERITAGE LIFE 147 SHORT TERM DISABILITY EE AT SHORT TERM DISABILITY EE AT	577.74 320.99 2,616.01

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
SD551607081716		SHORT TERM DISABILITY EE AT	116.64
SD551607081716		SHORT TERM DISABILITY EE AT	152.45
SD551607081716		SHORT TERM DISABILITY EE AT	222.87
SD551607081716		SHORT TERM DISABILITY EE AT	25.36
SD551607081716		SHORT TERM DISABILITY EE AT	280.30
SD551607081716		SHORT TERM DISABILITY EE AT	214.97
SD551607081716		SHORT TERM DISABILITY EE AT	211.74
SD551607081716		SHORT TERM DISABILITY EE AT	434.43
SD551607081716		SHORT TERM DISABILITY EE AT	58.52
50751	07/08/2016	CITY OF TOPEKA FRIENDSHIP FUND 948	298.50
FR101607081716		Friendship Fund	48.00
FR101607081716		Friendship Fund	22.00
FR101607081716		Friendship Fund	32.00
FR101607081716		Friendship Fund	16.00
FR101607081716		Friendship Fund	3.00
FR101607081716		Friendship Fund	10.00
FR101607081716		Friendship Fund	4.00
FR101607081716		Friendship Fund	12.00
FR101607081716		Friendship Fund	21.00
FR101607081716		Friendship Fund	91.50
FR101607081716		Friendship Fund	33.00
FR101607081716		Friendship Fund	6.00
50752	07/08/2016	FIREMENS OFF DUTY RELIEF FUND 1676	3,463.30
FO101607081716		Firefighter's Off Duty Relief	3,463.30
50753	07/08/2016	INTERNATIONAL ASSOCIATION OF 2424	7,553.28
ADMIN FEE 7/8/1	PAYROLL		-13.44
UNI11607081716		Union Dues - IAFF	7,566.72
50754	07/08/2016	KANSAS ASSOCIATION OF PUBLIC 2630	1,961.46
UNK11607081716		Union Dues - KAPE	221.19
UNK11607081716		Union Dues - KAPE	265.90
UNK11607081716		Union Dues - KAPE	67.77
UNK11607081716		Union Dues - KAPE	44.71
UNK11607081716		Union Dues - KAPE	89.42
UNK11607081716		Union Dues - KAPE	218.81
UNK11607081716		Union Dues - KAPE	281.92
UNK11607081716		Union Dues - KAPE	771.74
50755	07/08/2016	KANSAS PAYMENT CENTER 2732	228.92
00000007416070		Child Support - Amt	228.92
50756	07/08/2016	KANSAS PAYMENT CENTER 2732	163.43
00000008616070		Child Support - Amt	163.43
50757	07/08/2016	KANSAS PAYMENT CENTER 2732	442.15
00000011916070		Child Support - Amt	442.15
50758	07/08/2016	KANSAS PAYMENT CENTER 2732	320.92
00000014516070		Child Support - Amt	320.92
50759	07/08/2016	KANSAS PAYMENT CENTER 2732	183.69
00000020416070		Child Support - Amt	183.69
50760	07/08/2016	KANSAS PAYMENT CENTER 2732	991.11
00000022216070		Child Support - Amt	991.11
50761	07/08/2016	KANSAS PAYMENT CENTER 2732	53.08
00000024216070		Child Support - Amt	53.08

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50762	07/08/2016	KANSAS PAYMENT CENTER 2732	144.00
00000029416070		Child Support - Amt	144.00
50763	07/08/2016	KANSAS PAYMENT CENTER 2732	112.15
00000031616070		Child Support - Amt	112.15
50764	07/08/2016	KANSAS PAYMENT CENTER 2732	259.85
00000032416070		Child Support - Amt	259.85
50765	07/08/2016	KANSAS PAYMENT CENTER 2732	277.38
00000034016070		Child Support - Amt	277.38
50766	07/08/2016	KANSAS PAYMENT CENTER 2732	498.46
00000034316070		Child Support - Amt	498.46
50767	07/08/2016	KANSAS PAYMENT CENTER 2732	184.15
00000034516070		Child Support - Amt	184.15
50768	07/08/2016	KANSAS PAYMENT CENTER 2732	183.29
00000034816070		Child Support - Amt	183.29
50769	07/08/2016	KANSAS PAYMENT CENTER 2732	25.15
00000038016070		Child Support - Amt	25.15
50770	07/08/2016	KANSAS PAYMENT CENTER 2732	368.88
00000038516070		Child Support - Amt	368.88
50771	07/08/2016	KANSAS PAYMENT CENTER 2732	144.46
00000041716070		Child Support - Amt	144.46
50772	07/08/2016	KANSAS PAYMENT CENTER 2732	185.13
00000044716070		Child Support - Amt	185.13
50773	07/08/2016	KANSAS PAYMENT CENTER 2732	361.85
00000045216070		Child Support - Amt	361.85
50774	07/08/2016	KANSAS PAYMENT CENTER 2732	230.77
00000049016070		Child Support - Amt	230.77
50775	07/08/2016	KANSAS PAYMENT CENTER 2732	129.23
00000058616070		Child Support - Amt	129.23
50776	07/08/2016	KANSAS PAYMENT CENTER 2732	267.69
00000064116070		Child Support - Amt	267.69
50777	07/08/2016	KANSAS PAYMENT CENTER 2732	323.08
00000064116070		Child Support - Amt	323.08
50778	07/08/2016	KANSAS PAYMENT CENTER 2732	415.51
00000066716070		Child Support - Amt	415.51
50779	07/08/2016	KANSAS PAYMENT CENTER 2732	346.15
00000068216070		Child Support - Amt	346.15
50780	07/08/2016	KANSAS PAYMENT CENTER 2732	192.00
00000070816070		Child Support - Amt	192.00
50781	07/08/2016	KANSAS PAYMENT CENTER 2732	121.88
00000073216070		Child Support - Amt	121.88
50782	07/08/2016	KANSAS PAYMENT CENTER 2732	209.08

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
00000075416070		Child Support - Amt	209.08
50783	07/08/2016	KANSAS PAYMENT CENTER 2732	230.77
00000077916070		Child Support - Amt	230.77
50784	07/08/2016	KANSAS PAYMENT CENTER 2732	185.08
00000078516070		Child Support - Amt	185.08
50785	07/08/2016	KANSAS PAYMENT CENTER 2732	122.77
00000079116070		Child Support - Amt	122.77
50786	07/08/2016	KANSAS PAYMENT CENTER 2732	306.09
00000081516070		Child Support - Amt	306.09
50787	07/08/2016	KANSAS PAYMENT CENTER 2732	256.15
00000082716070		Child Support - Amt	256.15
50788	07/08/2016	KANSAS PAYMENT CENTER 2732	184.62
00000086316070		Child Support - Amt	184.62
50789	07/08/2016	KANSAS PAYMENT CENTER 2732	443.08
00000086616070		Child Support - Amt	443.08
50790	07/08/2016	KANSAS PAYMENT CENTER 2732	464.91
00000091116070		Child Support - Amt	464.91
50791	07/08/2016	KANSAS PAYMENT CENTER 2732	147.23
00000092416070		Child Support - Amt	147.23
50792	07/08/2016	KANSAS PAYMENT CENTER 2732	88.64
00000093616070		Child Support - Amt	88.64
50793	07/08/2016	KANSAS PAYMENT CENTER 2732	304.15
00000095916070		Child Support - Amt	304.15
50794	07/08/2016	KANSAS PAYMENT CENTER 2732	487.38
00000098216070		Child Support - Amt	487.38
50795	07/08/2016	KANSAS PAYMENT CENTER 2732	144.51
00000101516070		Child Support - Amt	144.51
50796	07/08/2016	KANSAS PAYMENT CENTER 2732	124.15
00000102216070		Child Support - Amt	124.15
50797	07/08/2016	KANSAS PAYMENT CENTER 2732	182.77
00000104316070		Child Support - Amt	182.77
50798	07/08/2016	KANSAS PAYMENT CENTER 2732	77.77
00000105616070		Child Support - Amt	77.77
50799	07/08/2016	KANSAS PAYMENT CENTER 2732	153.69
00000109316070		Child Support - Amt	153.69
50800	07/08/2016	KANSAS PAYMENT CENTER 2732	71.08
00000109716070		Child Support - Amt	71.08
50801	07/08/2016	KANSAS PAYMENT CENTER 2732	392.43
00000112916070		Child Support - Amt	392.43
50802	07/08/2016	KANSAS PAYMENT CENTER 2732	279.78
00000113216070		Child Support - Amt	279.78

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<u>Check No.</u>	<u>Check Date/PO #</u>	<u>Vendor Name and Number</u>		<u>Check Amount</u>
50803 00000118116070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	335.64 335.64
50804 00000118916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	113.11 113.11
50805 00000118916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	219.69 219.69
50806 00000119316070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	153.69 153.69
50807 00000119316070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	140.31 140.31
50808 00000120016070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	56.31 56.31
50809 00000147416070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	183.23 183.23
50810 00000197916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	384.46 384.46
50811 00000215416070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	115.38 115.38
50812 00000219116070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	160.62 160.62
50813 00000225916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	412.62 412.62
50814 00000233516070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	180.46 180.46
50815 00000237916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	86.77 86.77
50816 00000241016070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	108.33 108.33
50817 00000247616070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	1,127.54 1,127.54
50818 00000247816070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	461.53 461.53
50819 00000249316070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	68.77 68.77
50820 00000250316070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	74.31 74.31
50821 00000251516070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	127.85 127.85
50822 00000252916070	07/08/2016	KANSAS PAYMENT CENTER Child Support - Amt	2732	251.08 251.08

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50823	07/08/2016	KANSAS PAYMENT CENTER 2732	262.62
00000263716070		Child Support - Amt	262.62
50824	07/08/2016	KANSAS PAYMENT CENTER 2732	161.54
00000263716070		Child Support - Amt	161.54
50825	07/08/2016	KANSAS PAYMENT CENTER 2732	82.62
00000264216070		Child Support - Amt	82.62
50826	07/08/2016	KANSAS PAYMENT CENTER 2732	66.00
00000264216070		Child Support - Amt	66.00
50827	07/08/2016	NATIONAL GUARDIAN LIFE 5737	78.30
IA529895 6/30/16 33890			78.30
50828	07/08/2016	NATIONAL GUARDIAN LIFE 5737	4,525.29
VS201607081716		VISION EE PRE TAX	522.36
VS201607081716		VISION EE PRE TAX	1,079.73
VS201607081716		VISION EE PRE TAX	186.30
VS201607081716		VISION EE PRE TAX	121.77
VS201607081716		VISION EE PRE TAX	138.06
VS201607081716		VISION EE PRE TAX	131.04
VS201607081716		VISION EE PRE TAX	57.51
VS201607081716		VISION EE PRE TAX	243.72
VS201607081716		VISION EE PRE TAX	229.95
VS201607081716		VISION EE PRE TAX	1,377.90
VS201607081716		VISION EE PRE TAX	374.94
VS201607081716		VISION EE PRE TAX	62.01
50829	07/08/2016	TEAMSTERS LOCAL UNION 696 4892	997.00
UNT11607081716		Union Dues - Teamsters	997.00
50830	07/08/2016	UNITED WAY OF GREATER TOPEKA 5157	95.00
UW10160708171		United Way	27.00
UW10160708171		United Way	7.00
UW10160708171		United Way	1.00
UW10160708171		United Way	1.00
UW10160708171		United Way	6.00
UW10160708171		United Way	16.00
UW10160708171		United Way	12.00
UW10160708171		United Way	17.00
UW10160708171		United Way	8.00
50831	07/08/2016	UNITED WORKERS OF 10010	655.00
ADMIN FEE 7/8/1 PAYROLL			-5.00
UNW2160708171		UWETT - Union Dues	660.00
50832	07/08/2016	ACE ELECTRIC JONES COMPANY INC 35	6,030.92
3315 33668			6,030.92
50833	07/08/2016	ANCOR INFORMATION MANAGEMENT 7058	32,116.37
00004886 33431			10,116.37
0816 PA 33431			22,000.00
50834	07/08/2016	BERRY COMPANIES INC 5408	192.11
06152704 33566			119.76
06152823 33669			14.99
06152890 33314			45.98
06153054 33314			11.38
50835	07/08/2016	BORDER STATES INDUSTRIES INC 9824	607.75
S5399582 002 33417			18.80

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
S5400828 001	33417		504.00
S5403778 001	33417		79.62
S5404793 001	33417		5.33
50836	07/08/2016	CAPITAL BELT & SUPPLY INC 776	690.07
93259	33377		8.71
93266	33222		150.97
93323	33262		60.29
93333	33474		470.10
50837	07/08/2016	CAPITAL CITY OIL CO INC 778	15,910.48
1054801	33333		906.10
1054804	33331		15,004.38
50838	07/08/2016	CHAMPION BRANDS LLC 883	493.58
501872	33336		573.58
80864	33336		-80.00
50839	07/08/2016	DAVIN ELECTRIC INC 1264	20,250.00
1526 8	32113		20,250.00
50840	07/08/2016	FERGUSON ENTERPRISES INC 1639	6,136.53
0505283	35377		6,008.01
2562730	33383		114.36
2564116	33383		14.16
50841	07/08/2016	FLU-CON INC 1729	435.02
P 17574 0	33272		52.48
P 17589 0	33272		99.19
P 17651 0	33272		283.35
50842	07/08/2016	HACH COMPANY 2038	67.87
9973237	33379		67.87
50843	07/08/2016	HD SUPPLY WATERWORKS LTD 2146	1,662.65
F634023	35392		1,662.65
50844	07/08/2016	JCI INDUSTRIES INC 2507	5,816.00
8124493	35132		5,816.00
50845	07/08/2016	KRIZ DAVIS COMPANY 2916	1,335.00
S202333143 001	33415		445.00
S202333143 003	33415		445.00
S202333143 005	33415		445.00
50846	07/08/2016	LINDYSPRING WATER LLC 3071	71.00
1028916	33863		13.00
1037246	33863		8.00
222861	33221		50.00
50847	07/08/2016	LOGIC INC 3090	21,761.00
INV100884	35394		21,761.00
50848	07/08/2016	MCELROY'S INC 3289	3,914.84
SVC32955	35464		1,206.13
SVC33442	35595		1,506.76
SVC33473	35464		1,201.95
50849	07/08/2016	OLDCASTLE PRECAST INC 3739	3,710.57
120034817	33476		899.00
120034818	33476		613.36
120034819	33476		613.36

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
120034856	33476		736.63
120034857	33476		848.22
50850	07/08/2016	RAY LINDSEY COMPANY INC 4117	2,946.57
2016815	33463		2,946.57
50851	07/08/2016	SALISBURY SUPPLY COMPANY INC 4352	1,075.38
81268	33565		202.91
81291	33565		212.71
81461	33565		13.99
81579	33565		37.13
81598	33565		107.90
81754	33216		15.26
81771	33565		90.70
81773	33499		24.99
81906	33565		295.50
82455	33540		74.29
50852	07/08/2016	SCHMIDTLEIN EXCAVATING INC 4406	99,985.72
15128 WATER02	31386		99,985.72
50853	07/08/2016	TAZCO INC 4885	25,746.37
3253	35495		7,369.67
3254	35032		2,065.40
3255	35053		4,411.00
3256	35251		1,622.80
3257	35249		3,388.00
3258	35269		3,195.50
3259	35077		3,694.00
50854	07/08/2016	TFM COMM INC 4914	328.06
181770	33403		49.00
181892	33403		60.00
181893	33403		183.87
182049	33217		35.19
50855	07/08/2016	TOPEKA ELECTRIC MOTOR REPAIR 5025	115.00
42749	33634		115.00
50856	07/15/2016	4R CONSTRUCTION COMPANY LLC 10254	8,305.00
35590	35590		8,305.00
50857	07/15/2016	A 1 LOCK & KEY LLC 13	5.38
86345	33188		5.38
50858	07/15/2016	A-1 RENTAL INC 20	485.00
51656	33456		90.00
51657	33456		270.00
51658	33455		125.00
50859	07/15/2016	AAA CLUB ALLIANCE INC 10251	1,381.50
2400716	34558		650.00
244059	34546		38.50
288896	34556		38.50
288917	34556		38.50
288966	34556		38.50
288967	34556		38.50
288968	34556		38.50
288969	34556		38.50
288971	34556		38.50
289022	34556		38.50
289024	34556		38.50
289026	34556		38.50

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
289050	34556		38.50
289053	34556		38.50
289585	34556		38.50
289587	34556		38.50
289588	34556		38.50
289589	34556		38.50
289979	34556		38.50
291095	34556		38.50
50860	07/15/2016	ADVANCED ENVIRONMENTAL TESTING 8000	940.00
1858	33637		940.00
50861	07/15/2016	AMERIPRIDE 197	318.04
2300683064	33559		6.16
2300683066	33559		45.47
2300683069	33559		138.30
2300683071	33559		60.13
2300683299	33559		67.98
50862	07/15/2016	ARMSTRONG CONSTRUCTION 255	1,250.00
3061	35491		1,250.00
50863	07/15/2016	BARTLETT & WEST ENGINEERS 391	54,228.38
730056591	31672		2,000.00
730057099	21889		2,102.88
730057125	33949		497.00
730057334	29826		11,132.00
730057382	35339		17,010.00
730057450	35611		21,486.50
50864	07/15/2016	BERRY COMPANIES INC 463	5,525.60
03020760	33257		5,525.60
50865	07/15/2016	BLUE CROSS BLUE SHIELD INC 528	177,440.70
W/E 07/12/16	33397		177,440.70
50866	07/15/2016	BOETTCHEER SUPPLY INC 543	64.36
983565 1	33258		26.43
983663 1	33258		37.93
50867	07/15/2016	C & C PRODUCE 7788	530.50
001001209	33233		530.50
50868	07/15/2016	C&M TIRE 1183	298.43
20211734	33268		112.13
20211741	33268		128.25
20211788	33268		32.25
20211794	33268		25.80
50869	07/15/2016	CATHOLIC CHARITIES 848	151.04
MAY2016	32803		151.04
50870	07/15/2016	CENTURY BUSINESS TECHNOLOGIES 870	5,094.69
416488	33174		2,406.02
416490	33174		2,688.67
50871	07/15/2016	CHEMTRADE CHEMCIALS 1864	3,072.53
91849537	33191		3,072.53
50872	07/15/2016	COLLECTION BUREAU 1023	8,571.73
3765	33203		7,579.90
3832	35599		122.12

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
3833	33822		869.71
50873 8795 534088	07/15/2016 33673	CONSOLIDATED ELECTRICAL 6778	156.42 156.42
50874 33392 6	07/15/2016 33392	CONSOLIDATED RURAL WATER 1075	4,253.71 4,253.71
50875 13244 13402	07/15/2016 33985 34451	CORNERSTONE OF TOPEKA INC 1116	77,776.21 67,021.43 10,754.78
50876 33776 ADMIN JU W/E 07/07/16	07/15/2016 33776 33776	DELTA DENTAL OF KANSAS INC 1323	9,975.30 3,520.00 6,455.30
50877 2344 44695	07/15/2016 34149 CONTRACT	DOWNTOWN TOPEKA INC 1408	154,475.63 4,475.63 150,000.00
50878 DPT026168	07/15/2016 35714	DUNCAN PARKING TECHNOLOGIES 1440	175.00 175.00
50879 1627654	07/15/2016 33381	ELECTRONICS SUPPLY CO INC 1505	861.00 861.00
50880 CO2163861	07/15/2016 33195	ETHANOL PRODUCTS LLC 9576	3,002.88 3,002.88
50881 17114910 7 17476868 9	07/15/2016 34635 34739	EXPRESS SERVICES INC 9622	2,374.25 2,144.48 229.77
50882 34665 1 34666 1	07/15/2016 34665 34666	FINNEY & TURNIPSEED 1669	18,464.39 11,212.16 7,252.23
50883 PS200057869	07/15/2016 33273	FOLEY INDUSTRIES INC 1734	146.57 146.57
50884 005599942	07/15/2016 35481	GALLS INC 1829	298.52 298.52
50885 7917	07/15/2016 35572	GATES ELECTRIC 1850	65.00 65.00
50886 33134 1	07/15/2016 33134	HAMM INC 6576	98,504.05 98,504.05
50887 397 398 399	07/15/2016 35561 35311 35646	HARRIS & SONS ENTERPRISES INC 7996	18,130.00 2,340.00 7,530.00 8,260.00
50888 0762 0773 0782 0783 0784 0785 0786	07/15/2016 35230 35230 34812 34811 35230 34992 34991	HENRY OUTDOOR POWER LLC 8004	3,119.50 150.00 150.00 170.00 555.00 150.00 145.00 65.00

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
0790	34788		1,097.50
0791	34848		333.00
0792	34849		84.00
0798	34999		40.00
0799	34996		180.00
50889	07/15/2016	HERNLY ENVIRONMENTAL INC 9487	695.00
630	35569		695.00
50890	07/15/2016	HOUSING & CREDIT COUNSELING IN 2312	6,324.17
07012016A	35437		3,574.17
07012016B	35438		2,750.00
50891	07/15/2016	JC EHRLICH COMPANY INC 9677	26.00
30883691	33897		26.00
50892	07/15/2016	KAN EQUIPMENT INC 2621	272.80
6 221744	33288		128.28
6 221946	33288		144.52
50893	07/15/2016	KANSAS FENCING INC 2703	1,408.38
12512	35168		1,408.38
50894	07/15/2016	KANSAS GAS SERVICE 2707	1,317.30
51003679710031	KS GAS WATER		95.15
51010294010031	KS GAS FIRE		1,222.15
50895	07/15/2016	KANSAS PERSONNEL SERVICES INC 2849	17,783.17
3039313	33409		3,800.73
3039316	35463		580.00
3039397	33409		3,781.49
3039399	33567		928.47
3039400	35463		464.00
3039402	33661		532.00
3039403	33409		532.00
3039478	34456		612.00
3039479	33409		3,861.62
3039480	33472		300.36
3039481	33567		925.30
3039482	35463		348.00
3039483	34568		585.20
3039484	33661		532.00
50896	07/15/2016	KBS CONSTRUCTORS INC 2645	500.00
1 FINAL 10 10 60	34784		500.00
50897	07/15/2016	KCR INTERNATIONAL TRUCKS INC 1347	811.09
130111109	33269		19.21
130202536	33269		791.88
50898	07/15/2016	KEY WORKFORCE SOLUTIONS INC 9879	2,127.61
3039305	35357		638.00
3039391	35357		510.40
3039471	35505		979.21
50899	07/15/2016	LAWYERS TITLE OF TOPEKA INC 3002	8,250.00
15038	35560		900.00
15210	35725		150.00
15262	35746		7,100.00
15303	35746		100.00
50900	07/15/2016	LETS HELP 5775	1,105.11

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
20152016	32660		1,105.11
50901	07/15/2016	LIGHTHOUSE CONTRACTING INC 3061	14,145.00
1232JACKDRA	35292		5,125.00
2525 WISCON	35663		4,000.00
740JEWL 4	34580		5,020.00
50902	07/15/2016	LT TRUCKING & TRENCHING INC 3126	6,234.50
1952	35658		6,234.50
50903	07/15/2016	MARK A BELL 1024	2,893.27
16543	33266		2,893.27
50904	07/15/2016	MATHER FLARE RENTAL INC 5791	18,384.92
3275	33429		231.60
3286	33429		373.70
3287	33429		818.72
3298	33429		636.00
3303	33429		352.00
3304	33429		1,243.10
3305	33429		1,155.00
3306	33429		1,552.90
3312	33429		890.40
3313	33429		1,474.00
3314	33429		162.12
3315	33429		256.88
3325	33539		47.60
3326	33539		220.00
3327	33429		3,095.40
3329	33429		620.10
3331	33197		4,377.90
3334	33539		192.50
3335	33539		160.00
3336	33539		525.00
50905	07/15/2016	MATHESON TRI-GAS INC 7179	867.21
13580724	33419		573.29
51006150	33419		220.43
51006151	33419		73.49
50906	07/15/2016	MICHAEL & SONS INC 3377	5,082.00
675366	35643		5,082.00
50907	07/15/2016	MILLS, RICKY A 3457	333.70
33510 JUN 2016	33510		333.70
50908	07/15/2016	NEENAN COMPANY 3649	452.80
S2338383 001	33470		452.80
50909	07/15/2016	NPS SALES INC 8330	15.50
L61313	33775		15.50
50910	07/15/2016	O REILLY AUTO PARTS 3714	1,083.15
0152 248668	33300		108.60
0152 248825	33300		11.18
0152 248877	33300		40.65
0152 248894	33300		-156.19
0152 251356	33300		19.94
0152 251621	33300		52.92
0152 251752	33300		9.04
0152 251795	33300		14.69
0152 251986	33300		678.31
0152 252203	33300		94.70

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
0152 252341	33300		85.90
0152 252391	33300		114.42
0191 209247	33300		8.99
50911	07/15/2016	ONEILL EXCAVATING INC 10202	29,938.98
000053	35061		24,340.00
000054	35061		5,598.98
50912	07/15/2016	PROFESSIONAL ENGINEERING 4018	18,427.98
247298	27738		18,427.98
50913	07/15/2016	PROFESSIONAL FIRE ALARM SYSTEM 4019	150.00
11013 0614	35718		150.00
50914	07/15/2016	PRUETT, MELODEE K 9855	500.00
35733 1	35733		500.00
50915	07/15/2016	R & R VENTURES OF TOPEKA INC 4065	1,896.00
2016 14	33747		1,896.00
50916	07/15/2016	R E PEDROTTI COMPANY 4067	6,612.00
00053390 TOKSV	32932		6,612.00
50917	07/15/2016	RAY O HERRON COMPANY 4118	93.50
1634614 IN	35245		93.50
50918	07/15/2016	REIN, LINNEA S 4166	247.50
888557	33503		55.00
888558	33503		48.00
888559	33503		91.00
888560	33503		53.50
50919	07/15/2016	SARIK LLC 9207	1,991.52
2750	34873		1,991.52
50920	07/15/2016	SCHMIDT, BECK & BOYD 8999	16,475.00
1913	34662		1,825.00
1914	34763		13,000.00
1917	35144		1,650.00
50921	07/15/2016	SCHWERDT DESIGN GROUP 4427	6,097.50
37967	35302		6,097.50
50922	07/15/2016	SHI INTERNATIONAL CORPORATION 4540	906.00
B05147329	35577		906.00
50923	07/15/2016	STAPLES CONTRACT N COMMERCIAL 4725	971.98
3306084129	35563		440.59
3306152541	35531		8.07
3306152542	35570		187.35
3306152543	35581		65.44
3306224326	35591		45.28
3306224327	35596		137.03
3306224328	35597		101.50
3306968009	35597		-13.28
50924	07/15/2016	SUNFLOWER PAVING INC 4815	550.00
2178	35330		550.00
50925	07/15/2016	THE GOODYEAR TIRE & RUBBER CO 9375	2,677.63
123 1052756	33327		155.30
123 1052772	33327		207.88

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
123 1052775	33361		708.08
123 1052792	33361		1,430.55
123 1052796	33327		175.82
50926	07/15/2016	THE TERMINIX INTERNATIONAL 10096	203.98
21235859	33231		203.98
50927	07/15/2016	THERMO FISHER SCIENTIFIC LLC 4949	1,602.17
5257020	33194		1,602.17
50928	07/15/2016	TOPEKA YOUTH PROJECT INC 5060	9,885.00
11140	33708		9,885.00
50929	07/15/2016	TRUCK PARTS & EQUIPMENT INC 5102	14.95
422514	33310		14.95
50930	07/15/2016	U S LIME COMPANY - ST CLAIR 5117	14,568.82
157935	33196		3,545.45
157959	33196		3,681.22
157981	33196		3,687.46
158002	33196		3,654.69
50931	07/15/2016	UMB BANK NA 5127	41,502.56
PCARD07082016			41,502.56
50932	07/15/2016	WALKER TOWEL & UNIFORM 5266	165.70
2149951	33404		88.05
2153531	33218		12.45
2153541	33374		33.65
2154130	33218		7.65
2154131	33218		23.90
50933	07/15/2016	WALTERS MORGAN 9692	164,257.77
28420 18	28420		164,257.77
50934	07/15/2016	PAYNE, CLARENCE A 9694	525.00
HUG102-DMGS		S+C JULY 2016 Damages	525.00
50935	07/15/2016	PIONEER MOVITIVE POWER PLACE LP 9278	680.00
MCC103-0716		S+C JULY 2016Payment	480.00
MCC103-DEP		S+C JULY 2016DEPOSIT	200.00
50936	07/15/2016	SHANE, KENNETH B 9339	250.00
HER102-DEP		S+C JULY 2016DEPOSIT	250.00
50937	07/15/2016	ACE ELECTRIC JONES COMPANY INC 35	4,255.70
3331	35208		4,105.70
3353	33668		150.00
50938	07/15/2016	BERRY COMPANIES INC 5408	69.19
06153238	33314		54.24
06153267	33314		14.95
50939	07/15/2016	BORDER STATES INDUSTRIES INC 9824	678.52
S5390013 001	33417		450.00
S5407978 001	33417		225.74
S5408054 001	33417		8.34
S5408054 002	33417		-5.56
50940	07/15/2016	CAPITAL BELT & SUPPLY INC 776	1,291.56
93126	33377		854.00
93392	33377		429.24

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
93397	33377		8.32
50941	07/15/2016	CAPITAL CITY OIL CO INC 778	20,524.41
1054322	33468		27.75
1054398	33263		130.00
1054829	33468		560.70
1055039	33331		19,788.96
1055509	33333		17.00
50942	07/15/2016	DAVIN ELECTRIC INC 1264	5,981.00
1510 11	35383		5,981.00
50943	07/15/2016	FERGUSON ENTERPRISES INC 1639	1,511.62
0505283 1	35377		1,260.92
2564217	33383		126.34
2567170	33383		65.61
2568003	33383		58.75
50944	07/15/2016	FLU-CON INC 1729	11.27
P 17581 0	35759		11.27
50945	07/15/2016	HD SUPPLY FACILITIES 5175	126.97
970078	33449		126.97
50946	07/15/2016	HD SUPPLY WATERWORKS LTD 2146	6,371.81
F697216	35562		6,371.81
50947	07/15/2016	KENT FENCE COMPANY 2836	1,455.00
9716	35758		1,455.00
50948	07/15/2016	KRIZ DAVIS COMPANY 2916	2,052.11
S101352571 001	33415		1,117.50
S101355120 001	33415		40.61
S202333143 007	33415		447.00
S202333143 009	33415		447.00
50949	07/15/2016	NORTHEAST KANSAS HYDRAULICS IN 3705	5,817.33
30485	33299		5,817.33
50950	07/15/2016	PIPING CONTRACTORS OF KANSAS 3947	7,369.16
35226	34049		2,160.16
35228	34049		2,722.58
35249	34049		1,059.83
35250	34049		1,426.59
50951	07/15/2016	SALISBURY SUPPLY COMPANY INC 4352	1,842.47
81288	33565		160.66
81438	33565		449.00
82294	33565		485.40
82804	33540		106.35
82951	33565		26.93
82956	33565		480.00
83087	33565		106.33
83113	33565		15.55
83250	33565		12.25
50952	07/15/2016	SCHMIDTLEIN EXCAVATING INC 4406	503,134.75
15118 STREETO7	30922		125,673.89
15128 10	31386		377,460.86
50953	07/15/2016	TAZCO INC 4885	6,427.63
3260	35538		3,183.25

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
3261	35582		3,244.38
50954	07/22/2016	HENSON HUTTON MUDRICK & 2199	487.50
33504	35819		487.50
50955	07/22/2016	WHITNEY B DAMRON PA 5418	1,035.71
33615 JUN 2016	33615		1,035.71
50956	07/22/2016	PARIS, TIMOTHY 6611	295.00
42528.6377		ADV-MOBILE AL 7/27-31/16	295.00
50957	07/22/2016	5SC - HOLLIDAY SQUARE LLC 8851	6,808.72
JUNE 2016	CID HOLLIDAY		6,808.72
50958	07/22/2016	AAA CLUB ALLIANCE INC 10251	654.50
288972	34556		38.50
288974	34556		38.50
288975	34556		38.50
288976	34556		38.50
288977	34556		38.50
289029	34556		38.50
289032	34556		38.50
289035	34556		38.50
289055	34556		38.50
289056	34556		38.50
289148	34556		38.50
289301	34556		38.50
289303	34556		38.50
289307	34556		38.50
289686	34556		38.50
289687	34556		38.50
291094	34556		38.50
50959	07/22/2016	ADVENTURETECH GROUP INC 74	106.25
7670	33248		85.00
7680	33248		21.25
50960	07/22/2016	ALTERNATIVES EAP LLC 8445	1,681.47
6826	33646		1,681.47
50961	07/22/2016	AMERICAN MESSAGING SERVICES 5814	124.80
F1050996QG	33400		124.80
50962	07/22/2016	AMERIPRIDE 197	313.64
2300685387	33559		6.16
2300685389	33559		41.07
2300685391	33559		138.30
2300685395	33559		60.13
2300685586	33559		67.98
50963	07/22/2016	ANSWER TOPEKA 237	74.50
160610019	33234		74.50
50964	07/22/2016	APPLICATION SOFTWARE INC 8140	3.00
JUNE 16 FLEX FI	PAYROLL		3.00
50965	07/22/2016	ARMSTRONG CONSTRUCTION 255	1,425.00
3062	35491		1,425.00
50966	07/22/2016	BARTLETT & WEST ENGINEERS 391	314,326.05
730057115	31654		19,670.00
730057116	31654		25,039.92

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
730057141	34475		1,892.85
730057142	34828		300.20
730057144	35631		51,000.00
730057419	24381		27,249.42
730057421	34828		25,366.70
730057422	35236		24,671.88
730057424	34248		41,399.50
730057428	32397		7,363.90
730057434	32397		2,812.80
730057444	35057		82,826.10
730057469	32656		4,732.78
50967	07/22/2016	BASF CORPORATION	6538
135661816	33190		12,052.38
			12,052.38
50968	07/22/2016	BERGKAMP INC	454
22822	33255		109.10
			109.10
50969	07/22/2016	BERRY COMPANIES INC	463
03020889	33257		509.15
03020890	33257		1,236.47
			1,745.62
50970	07/22/2016	BINSWANGER ENTERPRISES LLC	7825
I593010300	33322		511.21
I593010343	33322		370.31
			881.52
50971	07/22/2016	BLACK & VEATCH CORPORATION	505
1226832	24920		4,480.00
			4,480.00
50972	07/22/2016	BLUE CROSS BLUE SHIELD INC	528
W/E 07/19/16	33397		112,039.39
			112,039.39
50973	07/22/2016	BOBS JANITORIAL SERVICE & SUPP	539
182107	34244		1,167.00
			1,167.00
50974	07/22/2016	BURNS & MCDONNELL	10450
35738 3	35738		260,755.40
35738 3A	35738		3,807.25
			264,562.65
50975	07/22/2016	C & C PRODUCE	7788
001003622	33233		555.00
			555.00
50976	07/22/2016	CDM SMITH INC	764
80548060 21	23182		6,320.41
80557673 22	23182		25,950.80
			32,271.21
50977	07/22/2016	CDW GOVERNMENT INC	857
DNJ7658	35671		13,588.92
			13,588.92
50978	07/22/2016	CHEMTRADE CHEMCIALS	1864
91853111	33191		3,114.13
			3,114.13
50979	07/22/2016	CODE PUBLISHING COMPANY	999
53629	33620		214.50
			214.50
50980	07/22/2016	COLLECTION BUREAU	1023
3830	33483		360.86
3835	33436		7.50
			368.36
50981	07/22/2016	COLUMBIA CAPITAL MANAGEMENT LL	1038
16116009	33841		4,000.00
			4,000.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
50982 42018	07/22/2016 35651	CONCEPTS FOR BUSINESS LLC 1063	350.00 350.00
50983 117792 117793 117794	07/22/2016 33204 33204 33204	CONCRETE SUPPLY OF TOPEKA 1066	640.00 1,280.00 640.00 2,560.00
50984 8795 534089	07/22/2016 33673	CONSOLIDATED ELECTRICAL 6778	51.05 51.05
50985 36007 36008 36009 36028	07/22/2016 31030 31025 32449 34663	COOK FLATT & STROBEL ENGINEERS 1089	664.80 14,052.00 6,052.50 21,000.00 41,769.30
50986 131322	07/22/2016 35682	COPY CENTER OF TOPEKA 1107	677.50 677.50
50987 94831	07/22/2016 34936	CUT N EDGE INC 5919	788.00 788.00
50988 W/E 07/14/16	07/22/2016 33776	DELTA DENTAL OF KANSAS INC 1323	12,361.21 12,361.21
50989 120006404	07/22/2016 33192	DURKIN EQUIPMENT CO 1451	3,955.40 3,955.40
50990 1628477	07/22/2016 33381	ELECTRONICS SUPPLY CO INC 1505	94.83 94.83
50991 CO2164270 CO2164550	07/22/2016 33195 33195	ETHANOL PRODUCTS LLC 9576	3,028.20 1,445.44 4,473.64
50992 L0270415 L0270560	07/22/2016 33193 33193	EUROFINS EATON ANALYTICAL INC 8594	450.00 2,120.00 2,570.00
50993 902695023	07/22/2016 33441	EVOQUA WATER TECHNOLOGIES LLC 9245	1,250.00 1,250.00
50994 0033773018	07/22/2016 CONSTELLATION	EXELON CORPORATION 8898	984.92 984.92
50995 17503247 3 17503249 9	07/22/2016 34739 34635	EXPRESS SERVICES INC 9622	519.11 3,057.44 3,576.55
50996 35532	07/22/2016 35532	F&T STRUCTURES LLC 9779	875.00 875.00
50997 IN1244631	07/22/2016 33481	FLEETMATICS USA LLC 8154	200.00 200.00
50998 PS200058415	07/22/2016 33273	FOLEY INDUSTRIES INC 1734	774.08 774.08
50999 005616973 005634013	07/22/2016 35481 35756	GALLS INC 1829	99.50 41.09 637.21

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
005634055	35756		78.13
005642992	35481		418.49
51000	07/22/2016	GARDA CL SOUTHWEST INC 1839	742.50
10221034	33684		742.50
51001	07/22/2016	GARNEY COMPANIES INC 5785	253,485.40
23685 15	23685		253,485.40
51002	07/22/2016	GO BLUE LLC 7071	1,524.68
2015 2371	33830		1,524.68
51003	07/22/2016	GREAT SOUTHERN BANK 9969	23,532.43
JUNE 2016	CID CROSSWINDS		23,532.43
51004	07/22/2016	HARCROS CHEMICALS INC 2090	777.00
010203124	35580		777.00
51005	07/22/2016	HENRY OUTDOOR POWER LLC 8004	935.00
0793	34812		170.00
0794	34811		555.00
0795	34992		145.00
0796	34991		65.00
51006	07/22/2016	ILLINOIS TOOL WORKS INC 5559	750.00
365974	33354		750.00
51007	07/22/2016	IMAGING OFFICE SYSTEMS 5922	4,600.00
SVC002798	35071		4,600.00
51008	07/22/2016	INNOVATIVE BUSINESS CONCEPTS 8226	20.17
269	33513		9.50
275	33513		10.67
51009	07/22/2016	JAYHAWK FIRE SPRINKLER CO 2503	2,250.00
24940	35620		985.00
24941	35620		180.00
24942	35620		295.00
24943	35620		630.00
24944	35620		160.00
51010	07/22/2016	JC EHRLICH COMPANY INC 9677	627.00
30905662	33897		10.00
30905663	33897		50.00
30905664	33897		50.00
30905665	33897		19.00
30905666	33897		19.00
30905667	33897		10.00
30905668	33897		10.00
30905669	33897		10.00
30905670	33897		10.00
30905671	33897		10.00
30905672	33897		10.00
30905673	33897		10.00
30905674	33897		10.00
30905675	33897		10.00
30905676	33897		10.00
30905677	33897		10.00
30905678	33897		10.00
30905679	33897		10.00
30905680	33897		7.00
30905681	33897		7.00
30905682	33897		7.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
30905683	33897		7.00
30905684	33897		7.00
30905685	33897		7.00
30905686	33897		7.00
30905687	33897		7.00
30905688	33897		7.00
30905689	33897		7.00
30905690	33897		7.00
30905691	33897		7.00
30905692	33897		7.00
30905693	33897		7.00
30905694	33897		10.50
30905695	33897		10.50
30905696	33897		10.50
30905697	33897		10.50
30905698	33897		10.50
30905699	33897		10.50
30905700	33897		10.50
30905701	33897		10.50
30905702	33897		10.50
30905703	33897		10.50
30905704	33897		10.50
30905705	33897		10.50
30905706	33897		10.50
30905707	33897		10.50
30905708	33897		10.50
30905709	33897		10.50
30905710	33897		10.50
30905711	33897		10.50
30905712	33897		10.50
30905713	33897		10.50
30905714	33897		10.50
30905715	33897		10.50
30905716	33897		10.00
30905717	33897		10.00
51011	07/22/2016	JOINT ECONOMIC DEVELOPMENT	6898
PAYMENT 6/29/1	JEDO		707,280.72
			707,280.72
51012	07/22/2016	KAN EQUIPMENT INC	2621
6 222088	33288		5.53
			5.53
51013	07/22/2016	KANSAS GAS SERVICE	2707
51007832216467	KS GAS WPC		539.66
51030363914521	KS GAS POLICE		122.45
51040018714474	KS GAS WPC		341.81
51045578110031	KS GAS CODE		66.62
51050501610031	KS GAS WPC		1,026.33
51058991414474	KS GAS 3245 WA		105.61
51060942714236	KS GAS MUNICIPAL		225.67
51061145114474	KS GAS PARK		640.97
51061145120239	KS GAS ZOO		33.30
51014	07/22/2016	KANSAS HEAVY CONSTRUCTION LLC	9260
200 10ST	31303		12,586.11
			12,586.11
51015	07/22/2016	KANSAS PERSONNEL SERVICES INC	2849
3039560	34456		497.25
3039561	33409		2,939.22
3039562	33472		303.85
3039563	33567		622.72
3039564	33661		425.60

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51016	07/22/2016	KCR INTERNATIONAL TRUCKS INC 1347	180.68
130111235	33269		180.68
51017	07/22/2016	KEY WORKFORCE SOLUTIONS INC 9879	5,738.64
3039389	33577		823.60
3039470	33577		858.40
3039472	35707		696.00
3039473	35357		638.00
3039474	33428		835.20
3039554	35505		808.64
3039555	35707		556.80
3039557	33428		522.00
51018	07/22/2016	LANGUAGE LINE SERVICES INC 2967	102.30
3860680	34745		102.30
51019	07/22/2016	LAWYERS TITLE OF TOPEKA INC 3002	1,000.00
15291	33636		250.00
15337	33636		250.00
15370	33636		250.00
15371	33636		250.00
51020	07/22/2016	LIGHTHOUSE CONTRACTING INC 3061	6,000.00
740JEWEL3 P	34580		6,000.00
51021	07/22/2016	LOVES ENTERPRISES 3112	20,960.90
125494	32404		20,960.90
51022	07/22/2016	LT TRUCKING & TRENCHING INC 3126	27,424.19
1953	33187		27,424.19
51023	07/22/2016	MARTY GRIST 8792	11,000.00
34720	34720		11,000.00
51024	07/22/2016	MATHER FLARE RENTAL INC 5791	4,918.10
3328	33429		2,476.10
3355	33197		663.52
3360	35704		900.00
3361	33539		650.00
3365	33429		228.48
51025	07/22/2016	MATHESON TRI-GAS INC 7179	729.63
13597377	33372		110.67
13603484	33419		59.91
51017957	33208		142.20
51017958	33208		49.20
51017959	33208		36.90
51017960	33372		46.35
51017963	33419		213.30
51017964	33419		71.10
51026	07/22/2016	MEDTRAK SERVICES LLC 3330	100,458.16
206876	33777		68,147.95
207149	33777		26,271.59
207150	33777		6,038.62
51027	07/22/2016	MICHAEL & SONS INC 3377	5,840.84
675367	35642		2,794.84
675368	35592		3,046.00
51028	07/22/2016	MINNESOTA ELEVATOR INC 7834	458.00
666216	35521		458.00

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51029 1544	07/22/2016 33638	MYGOV LLC 9627	1,600.00 1,600.00
51030 2016FDHOIST	07/22/2016 35741	NATIONAL FLEET TESTING 8885	750.00 750.00
51031 0152 249518 0152 249626 0152 249878 0152 250047 0152 253313 0152 253404 0152 253405 0152 253504 0152 253571 0152 253772 0152 254296 0191 210159	07/22/2016 33300 33300 33300 33300 33300 33349 33349 33300 33300 33300 33300 33300	O REILLY AUTO PARTS 3714	236.91 6.98 12.82 55.24 -20.00 21.70 73.22 10.40 -4.08 3.18 25.91 12.95 38.59
51032 056881 056882 056900 10000007	07/22/2016 35804 33733 33733 33921	OMEGA DOOR AND HARDWARE 3747	7,618.89 1,838.95 108.00 808.14 4,863.80
51033 1660006500 1660007070 167104	07/22/2016 33466 33466 33433	PACE ANALYTICAL SERVICES 3794	1,556.00 369.00 1,027.00 160.00
51034 110530468	07/22/2016 PROTECTION 1	PROTECTION 1 ALARM MONITORING 6532	1,215.36 1,215.36
51035 00053698 TOKSV	07/22/2016 32932	R E PEDROTTI COMPANY 4067	6,384.00 6,384.00
51036 00R23692 00R23692A 00R23698	07/22/2016 34997 34997 35427	RED THE UNIFORM TAILOR INC 4131	5,801.00 3,847.80 1,753.30 199.90
51037 888551 888561 888564 888565 888566 888567	07/22/2016 33945 33503 33503 33503 33503 33503	REIN, LINNEA S 4166	396.00 83.00 114.00 123.00 30.00 19.50 26.50
51038 1246	07/22/2016 35511	RHYTHM ENGINEERING LLC 4192	36,150.00 36,150.00
51039 103	07/22/2016 35044	ROBERTS, WAYNE J 10153	16,990.00 16,990.00
51040 2760 2761 2762	07/22/2016 34873 34873 34874	SARIK LLC 9207	3,685.19 1,931.48 777.33 976.38

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51041	07/22/2016	SEELCLICKFIX INC 10408	35,765.00
2015 704	35715		35,765.00
51042	07/22/2016	SHAWNEE COUNTY 4503	51,516.64
34577 JUN 2016	34577		51,516.64
51043	07/22/2016	SHI INTERNATIONAL CORPORATION 4540	213,348.00
B05063046	35429		46.00
B05189367	35367		213,302.00
51044	07/22/2016	SIMPLIFILE LC 9508	2,217.03
JUNE 2016	DE		2,217.03
51045	07/22/2016	SOUND PRODUCTS INC 4663	47.96
3186413 IN	33833		47.96
51046	07/22/2016	STAPLES CONTRACT N COMMERCIAL 4725	1,923.84
3304580902	35431		42.09
3304580903	35431		30.87
3305063765	35496		68.71
3306347635	35575		326.16
3306471907	35598		17.08
3306471908	35615		7.88
3306585611	35615		206.41
3306585612	35616		87.31
3306585613	35619		29.93
3306695942	35598		77.70
3306695943	35618		18.93
3306695944	35618		2.22
3306695945	35618		11.86
3306695946	35618		7.14
3306695947	35633		167.39
3306695948	35633		5.41
3306968004	35596		4.18
3306968013	35616		249.12
3306968023	35636		141.46
3307131438	35659		166.74
3307131439	35661		149.43
3307131440	35669		41.24
3307131441	35679		64.58
51047	07/22/2016	SUPERIOR SIGNALS INC 6761	1,307.50
415573	33317		621.50
415594	33357		686.00
51048	07/22/2016	THE GOODYEAR TIRE & RUBBER CO 9375	7,899.70
123 1052857	33327		3,688.04
123 1052858	33327		315.26
123 1052863	33327		1,298.80
123 1052897	33327		2,597.60
51049	07/22/2016	THE TERMINIX INTERNATIONAL 10096	294.66
21235860	33231		203.98
21236110	33206		45.34
21236365	33206		45.34
51050	07/22/2016	THE TIRE CUTTERS INC 5633	1,826.50
48702	33494		1,143.00
49709	33494		683.50
51051	07/22/2016	THERMO FISHER SCIENTIFIC LLC 4949	161.58
8876823	33194		161.58

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51052	07/22/2016	TORGESON TRENCHING SERVICE 5062	12,541.50
1021673	33236		628.50
1021674	33236		693.00
1021676	33236		11,220.00
51053	07/22/2016	TRAFFIC CONTROL SERVICES INC 10447	1,250.00
19928	35734		1,250.00
51054	07/22/2016	TRUCK PARTS & EQUIPMENT INC 5102	66.57
422733	33310		66.57
51055	07/22/2016	U S LIME COMPANY - ST CLAIR 5117	18,561.51
158068	33196		3,628.16
158091	33196		3,595.39
158131	33196		3,706.19
158154	33196		3,856.00
158172	35739		3,775.77
51056	07/22/2016	UMB BANK NA 5127	26,816.81
PCARD07152016			26,816.81
51057	07/22/2016	VETERINARY MEDICAL & SURGICAL 5222	273.48
95500	33626		273.48
51058	07/22/2016	VICTOR L PHILLIPS COMPANY INC 5225	3,226.19
WT35481	33312		1,963.28
WT35541	33312		1,262.91
51059	07/22/2016	WALKER TOWEL & UNIFORM 5266	218.45
2155786	33404		88.05
2156449	33218		12.45
2157031	33218		7.65
2157032	33218		23.90
2157037	33557		8.00
2157626	33557		16.90
2157627	33557		2.40
2157628	33557		27.70
2157629	33557		4.80
2157630	33557		15.00
2157631	33557		11.60
51060	07/22/2016	WESTSIDE STAMP & AWARDS INC 5865	69.00
157764	35605		69.00
51061	07/22/2016	VALEO BEHAVIORAL HEALTH CARE 5187	738.00
33614 QTR 2 201	33614		738.00
51062	07/22/2016	WILLARD & SCHUYLER REPORTING L 5443	339.00
3231	35818		339.00
51063	07/22/2016	AMERICAN HERITAGE LIFE 147	2,616.01
SD55160722171C		SHORT TERM DISABILITY EE AT	577.74
SD55160722171C		SHORT TERM DISABILITY EE AT	320.99
SD55160722171C		SHORT TERM DISABILITY EE AT	116.64
SD55160722171C		SHORT TERM DISABILITY EE AT	152.45
SD55160722171C		SHORT TERM DISABILITY EE AT	222.87
SD55160722171C		SHORT TERM DISABILITY EE AT	25.36
SD55160722171C		SHORT TERM DISABILITY EE AT	280.30
SD55160722171C		SHORT TERM DISABILITY EE AT	214.97
SD55160722171C		SHORT TERM DISABILITY EE AT	211.74
SD55160722171C		SHORT TERM DISABILITY EE AT	434.43
SD55160722171C		SHORT TERM DISABILITY EE AT	58.52

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51064	07/22/2016	CITY OF TOPEKA FRIENDSHIP FUND 948	296.50
FR10160722171C		Friendship Fund	48.00
FR10160722171C		Friendship Fund	20.00
FR10160722171C		Friendship Fund	32.00
FR10160722171C		Friendship Fund	16.00
FR10160722171C		Friendship Fund	3.00
FR10160722171C		Friendship Fund	10.00
FR10160722171C		Friendship Fund	4.00
FR10160722171C		Friendship Fund	12.00
FR10160722171C		Friendship Fund	21.00
FR10160722171C		Friendship Fund	91.50
FR10160722171C		Friendship Fund	33.00
FR10160722171C		Friendship Fund	6.00
51065	07/22/2016	COLONIAL LIFE & ACCIDENT 8789	7,351.80
7/22/16 PAYROLI	PAYROLL		3,675.90
7/8/16 PAYROLL	PAYROLL		3,675.90
51066	07/22/2016	INTERNATIONAL ASSOCIATION OF 2424	7,384.68
ADMIN FEE 7/22/	PAYROLL		-13.14
UNI11607221710		Union Dues - IAFF	7,397.82
51067	07/22/2016	KANSAS PAYMENT CENTER 2732	228.92
00000007416072		Child Support - Amt	228.92
51068	07/22/2016	KANSAS PAYMENT CENTER 2732	163.43
00000008616072		Child Support - Amt	163.43
51069	07/22/2016	KANSAS PAYMENT CENTER 2732	442.15
00000011916072		Child Support - Amt	442.15
51070	07/22/2016	KANSAS PAYMENT CENTER 2732	320.92
00000014516072		Child Support - Amt	320.92
51071	07/22/2016	KANSAS PAYMENT CENTER 2732	183.69
00000020416072		Child Support - Amt	183.69
51072	07/22/2016	KANSAS PAYMENT CENTER 2732	1,243.78
00000022216072		Child Support - Amt	1,243.78
51073	07/22/2016	KANSAS PAYMENT CENTER 2732	53.08
00000024216072		Child Support - Amt	53.08
51074	07/22/2016	KANSAS PAYMENT CENTER 2732	112.15
00000031616072		Child Support - Amt	112.15
51075	07/22/2016	KANSAS PAYMENT CENTER 2732	259.85
00000032416072		Child Support - Amt	259.85
51076	07/22/2016	KANSAS PAYMENT CENTER 2732	277.38
00000034016072		Child Support - Amt	277.38
51077	07/22/2016	KANSAS PAYMENT CENTER 2732	498.46
00000034316072		Child Support - Amt	498.46
51078	07/22/2016	KANSAS PAYMENT CENTER 2732	184.15
00000034516072		Child Support - Amt	184.15
51079	07/22/2016	KANSAS PAYMENT CENTER 2732	183.29
00000034816072		Child Support - Amt	183.29

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51080	07/22/2016	KANSAS PAYMENT CENTER 2732	25.15
00000038016072		Child Support - Amt	25.15
51081	07/22/2016	KANSAS PAYMENT CENTER 2732	368.88
00000038516072		Child Support - Amt	368.88
51082	07/22/2016	KANSAS PAYMENT CENTER 2732	144.46
00000041716072		Child Support - Amt	144.46
51083	07/22/2016	KANSAS PAYMENT CENTER 2732	185.13
00000044716072		Child Support - Amt	185.13
51084	07/22/2016	KANSAS PAYMENT CENTER 2732	361.85
00000045216072		Child Support - Amt	361.85
51085	07/22/2016	KANSAS PAYMENT CENTER 2732	230.77
00000049016072		Child Support - Amt	230.77
51086	07/22/2016	KANSAS PAYMENT CENTER 2732	267.69
00000064116072		Child Support - Amt	267.69
51087	07/22/2016	KANSAS PAYMENT CENTER 2732	323.08
00000064116072		Child Support - Amt	323.08
51088	07/22/2016	KANSAS PAYMENT CENTER 2732	415.51
00000066716072		Child Support - Amt	415.51
51089	07/22/2016	KANSAS PAYMENT CENTER 2732	346.15
00000068216072		Child Support - Amt	346.15
51090	07/22/2016	KANSAS PAYMENT CENTER 2732	192.00
00000070816072		Child Support - Amt	192.00
51091	07/22/2016	KANSAS PAYMENT CENTER 2732	121.88
00000073216072		Child Support - Amt	121.88
51092	07/22/2016	KANSAS PAYMENT CENTER 2732	209.08
00000075416072		Child Support - Amt	209.08
51093	07/22/2016	KANSAS PAYMENT CENTER 2732	230.77
00000077916072		Child Support - Amt	230.77
51094	07/22/2016	KANSAS PAYMENT CENTER 2732	185.08
00000078516072		Child Support - Amt	185.08
51095	07/22/2016	KANSAS PAYMENT CENTER 2732	122.77
00000079116072		Child Support - Amt	122.77
51096	07/22/2016	KANSAS PAYMENT CENTER 2732	306.09
00000081516072		Child Support - Amt	306.09
51097	07/22/2016	KANSAS PAYMENT CENTER 2732	256.15
00000082716072		Child Support - Amt	256.15
51098	07/22/2016	KANSAS PAYMENT CENTER 2732	184.62
00000086316072		Child Support - Amt	184.62
51099	07/22/2016	KANSAS PAYMENT CENTER 2732	443.08
00000086616072		Child Support - Amt	443.08
51100	07/22/2016	KANSAS PAYMENT CENTER 2732	464.91

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
00000091116072		Child Support - Amt	464.91
51101	07/22/2016	KANSAS PAYMENT CENTER 2732	147.23
00000092416072		Child Support - Amt	147.23
51102	07/22/2016	KANSAS PAYMENT CENTER 2732	88.64
00000093616072		Child Support - Amt	88.64
51103	07/22/2016	KANSAS PAYMENT CENTER 2732	304.15
00000095916072		Child Support - Amt	304.15
51104	07/22/2016	KANSAS PAYMENT CENTER 2732	487.38
00000098216072		Child Support - Amt	487.38
51105	07/22/2016	KANSAS PAYMENT CENTER 2732	144.51
00000101516072		Child Support - Amt	144.51
51106	07/22/2016	KANSAS PAYMENT CENTER 2732	124.15
00000102216072		Child Support - Amt	124.15
51107	07/22/2016	KANSAS PAYMENT CENTER 2732	182.77
00000104316072		Child Support - Amt	182.77
51108	07/22/2016	KANSAS PAYMENT CENTER 2732	77.77
00000105616072		Child Support - Amt	77.77
51109	07/22/2016	KANSAS PAYMENT CENTER 2732	153.69
00000109316072		Child Support - Amt	153.69
51110	07/22/2016	KANSAS PAYMENT CENTER 2732	71.08
00000109716072		Child Support - Amt	71.08
51111	07/22/2016	KANSAS PAYMENT CENTER 2732	392.43
00000112916072		Child Support - Amt	392.43
51112	07/22/2016	KANSAS PAYMENT CENTER 2732	279.78
00000113216072		Child Support - Amt	279.78
51113	07/22/2016	KANSAS PAYMENT CENTER 2732	335.64
00000118116072		Child Support - Amt	335.64
51114	07/22/2016	KANSAS PAYMENT CENTER 2732	113.11
00000118916072		Child Support - Amt	113.11
51115	07/22/2016	KANSAS PAYMENT CENTER 2732	219.69
00000118916072		Child Support - Amt	219.69
51116	07/22/2016	KANSAS PAYMENT CENTER 2732	153.69
00000119316072		Child Support - Amt	153.69
51117	07/22/2016	KANSAS PAYMENT CENTER 2732	140.31
00000119316072		Child Support - Amt	140.31
51118	07/22/2016	KANSAS PAYMENT CENTER 2732	56.31
00000120016072		Child Support - Amt	56.31
51119	07/22/2016	KANSAS PAYMENT CENTER 2732	183.23
00000147416072		Child Support - Amt	183.23
51120	07/22/2016	KANSAS PAYMENT CENTER 2732	384.46
00000197916072		Child Support - Amt	384.46

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51121 00000215416072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	115.38 115.38
51122 00000219116072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	160.62 160.62
51123 00000225916072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	412.62 412.62
51124 00000233516072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	180.46 180.46
51125 00000237916072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	86.77 86.77
51126 00000241016072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	105.41 105.41
51127 00000247616072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	1,127.54 1,127.54
51128 00000247816072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	461.53 461.53
51129 00000249316072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	68.77 68.77
51130 00000250316072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	57.23 57.23
51131 00000251516072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	127.85 127.85
51132 00000252916072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	251.08 251.08
51133 00000263716072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	262.62 262.62
51134 00000263716072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	161.54 161.54
51135 00000264216072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	82.62 82.62
51136 00000264216072	07/22/2016	KANSAS PAYMENT CENTER 2732 Child Support - Amt	66.00 66.00
51137 VS20160722171C	07/22/2016	NATIONAL GUARDIAN LIFE 5737 VISION EE PRE TAX	466.92 4,469.85
VS20160722171C		VISION EE PRE TAX	1,079.73
VS20160722171C		VISION EE PRE TAX	186.30
VS20160722171C		VISION EE PRE TAX	121.77
VS20160722171C		VISION EE PRE TAX	138.06
VS20160722171C		VISION EE PRE TAX	131.04
VS20160722171C		VISION EE PRE TAX	57.51
VS20160722171C		VISION EE PRE TAX	243.72
VS20160722171C		VISION EE PRE TAX	229.95
VS20160722171C		VISION EE PRE TAX	1,377.90
VS20160722171C		VISION EE PRE TAX	374.94
VS20160722171C		VISION EE PRE TAX	62.01

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51138	07/22/2016	UNITED WAY OF GREATER TOPEKA 5157	91.00
UW10160722171		United Way	27.00
UW10160722171		United Way	7.00
UW10160722171		United Way	1.00
UW10160722171		United Way	1.00
UW10160722171		United Way	6.00
UW10160722171		United Way	16.00
UW10160722171		United Way	12.00
UW10160722171		United Way	13.00
UW10160722171		United Way	8.00
51139	07/22/2016	BERRY COMPANIES INC 5408	1,376.26
06153621	33314		1,376.26
51140	07/22/2016	BETTIS ASPHALT & CONSTRUCTION 470	608,880.75
1606 065	31054		23,053.94
1606 066	35163		27,343.92
1606 067	35545		255,589.77
1607 026	34847		19,741.42
1609 009	35040		283,151.70
51141	07/22/2016	BORDER STATES INDUSTRIES INC 9824	648.25
S5403977 001	33417		362.50
S5410293 001	33417		252.25
S5411605 001	33417		23.76
S5411605 002	33417		9.74
51142	07/22/2016	CAPITAL CITY OIL CO INC 778	17,789.03
1055513	33331		16,756.64
FH 126	33331		573.56
FH 181	33331		458.83
51143	07/22/2016	CHAMPION BRANDS LLC 883	1,565.47
502641	33336		709.70
502642	33336		855.77
51144	07/22/2016	CONSOLIDATED ELECTRICAL 4174	210.12
8792 566459	33564		38.92
8792 566731	33564		12.96
8792 566816	33564		63.86
8792 566889	33564		94.38
51145	07/22/2016	EMCON INC 1523	128,481.73
12349	27095		93,238.71
12350	27096		35,243.02
51146	07/22/2016	HD SUPPLY WATERWORKS LTD 2146	11,495.18
F727551	35607		5,862.00
F746364	35638		5,407.40
F750746	35562		225.78
51147	07/22/2016	HME INC 2261	7.32
400440	33479		7.32
51148	07/22/2016	KEY EQUIPMENT & SUPPLY CO 2847	583.67
246943	33292		583.67
51149	07/22/2016	KRIZ DAVIS COMPANY 2916	154.55
S101359206 001	33415		5.29
S101360297 001	33415		31.79
S101362242 001	33415		54.71

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
S101362377 001	33415		62.76
51150	07/22/2016	LINDYSPRING WATER LLC 3071	13.00
1034173	33202		13.00
51151	07/22/2016	NORTHEAST KANSAS HYDRAULICS IN 3705	1,115.44
30501	33299		1,115.44
51152	07/22/2016	OLDCASTLE PRECAST INC 3739	899.00
120034983	33476		899.00
51153	07/22/2016	SALISBURY SUPPLY COMPANY INC 4352	535.21
83434	33565		15.30
83454	33565		58.00
83573	33497		152.32
83586	33302		4.60
83781	33540		19.74
83782	33497		42.12
83785	33497		34.50
83796	33540		22.47
83797	33540		22.47
83933	33565		163.69
51154	07/22/2016	TOPEKA BLUE PRINT INC 5015	120.80
166453	33919		120.80
51155	07/22/2016	UDDIN, SHOEB 8137	2,428.12
SD 15 18 3	32532		2,428.12
51156	07/29/2016	COOK & ASSOCIATES LLC 10126	9,660.00
44766 2016	CONTRACT		9,660.00
51157	07/29/2016	HENSON HUTTON MUDRICK & 2199	3,490.50
33505	35857		3,490.50
51158	07/29/2016	A 1 LOCK & KEY LLC 13	298.35
86396	33188		109.71
86404	33188		169.86
86469	33188		18.78
51159	07/29/2016	AAA CLUB ALLIANCE INC 10251	1,093.00
272383	34546		38.50
286397	34556		38.50
286399	34556		38.50
286552	34556		38.50
286554	34556		38.50
286555	34556		38.50
286556	34556		38.50
288960	34546		38.50
288980	34556		38.50
288981	34556		38.50
288982	34556		38.50
288984	34556		38.50
288985	34556		38.50
289039	34556		53.50
289201	34556		38.50
289203	34556		38.50
289204	34556		38.50
289205	34556		38.50
289206	34556		38.50
289314	34556		38.50
289691	34556		38.50
289692	34556		38.50

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
289694	34556		38.50
289824	34546		38.50
289829	34556		38.50
289832	34556		38.50
289910	34556		38.50
291208	34556		38.50
51160	07/29/2016	ALEXANDER OPEN SYSTEMS	112
10087231	35602		2,141.47
			2,141.47
51161	07/29/2016	ALL INCLUSIVE CONSTRUCTION &	7135
34755 2	34755		7,000.00
			7,000.00
51162	07/29/2016	AMERIPRIDE	197
2300687942	33559		6.16
2300687943	33559		41.07
2300687945	33559		138.30
2300687946	33559		60.13
2300688169	33559		67.98
			313.64
51163	07/29/2016	ARMSTRONG CONSTRUCTION	255
3063	35788		375.00
			375.00
51164	07/29/2016	BENEFITFOCUS	8410
10656	33643		2,542.00
			2,542.00
51165	07/29/2016	BERGKAMP INC	454
22785	33255		1,144.36
			1,144.36
51166	07/29/2016	BLUE CROSS BLUE SHIELD INC	528
W/E 07/26/16	33397		97,721.73
			97,721.73
51167	07/29/2016	BRB CONTRACTORS INC	597
34927 2	34927		253,251.24
			253,251.24
51168	07/29/2016	C & C PRODUCE	7788
001005815	33233		575.00
			575.00
51169	07/29/2016	CENTURY BUSINESS TECHNOLOGIES	870
416094	33174		1,095.59
416389	33174		4,485.52
417484	33174		288.74
417485	33174		1.12
418318	33174		2,203.03
418396	33174		2,204.08
418715	33174		3,192.50
			13,470.58
51170	07/29/2016	COLLECTION BUREAU	1023
3698	33483		120.92
3829	33203		7,957.12
3834	33203		41.90
			8,119.94
51171	07/29/2016	CONCRETE SUPPLY OF TOPEKA	1066
118722	33204		640.00
118723	33204		1,536.00
118724	33204		640.00
			2,816.00
51172	07/29/2016	CONTECH ENGINEERED SOLUTIONS	8337
IN00262737	33469		64.67
			64.67
51173	07/29/2016	COOK FLATT & STROBEL ENGINEERS	1089
36022	28558		1,497.50
			1,497.50

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51174 101738	07/29/2016 35845	DAYMARK SOLUTIONS INC 1286	120.00 120.00
51175 78561542 78561543	07/29/2016 31492 23723	DELL FINANCIAL SERVICES LP 1320	8,764.55 22,657.27 31,421.82
51176 W/E 07/21/16 W/E 07/28/16	07/29/2016 33776 33776	DELTA DENTAL OF KANSAS INC 1323	8,841.76 6,956.60 15,798.36
51177 36285 36287	07/29/2016 35502 33817	EMBROIDERY PLUS 1522	137.89 1,180.00 1,317.89
51178 CO2164820	07/29/2016 35689	ETHANOL PRODUCTS LLC 9576	1,709.60 1,709.60
51179 L0271653	07/29/2016 33193	EUROFINS EATON ANALYTICAL INC 8594	2,120.00 2,120.00
51180 17528732 5 17528734 1	07/29/2016 34739 34635	EXPRESS SERVICES INC 9622	212.75 3,120.80 3,333.55
51181 C# 102502 11/12	07/29/2016 33906	FALLEY, LAWRENCE J 9945	94.08 94.08
51182 35629 1	07/29/2016 35629	FINNEY & TURNIPSEED 1669	4,771.11 4,771.11
51183 005677671	07/29/2016 35481	GALLS INC 1829	46.52 46.52
51184 33134 FINAL	07/29/2016 33134	HAMM INC 6576	39,313.64 39,313.64
51185 44141 2016	07/29/2016 CONTRACT	HELPING HANDS HUMANE SOCIETY I 2183	25,635.91 25,635.91
51186 0797 0800 0801 0802 0803 0804 0805 0806 0807 0809 0810 0811 0812 0813 0814 0815 0816 0817 0819 0820	07/29/2016 34878 34788 34848 34849 34812 34811 34992 35230 34991 34999 34996 34788 34848 34849 34812 34811 34992 34991 34999 34996	HENRY OUTDOOR POWER LLC 8004	50.00 1,097.50 333.00 84.00 170.00 555.00 145.00 150.00 65.00 40.00 180.00 1,097.50 333.00 84.00 170.00 555.00 145.00 65.00 40.00 180.00 5,539.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51187 35849 1	07/29/2016 35849	IMPACT MARKETING GROUP INC 10052	2,500.00 2,500.00
51188 41849 2016	07/29/2016 CONTRACT	INNOVATIVE BUSINESS CONCEPTS 8226	1,263.52 1,263.52
51189 24945	07/29/2016 35713	JAYHAWK FIRE SPRINKLER CO 2503	1,320.00 1,320.00
51190 PAYMENT 7/28/1	07/29/2016 JEDO	JOINT ECONOMIC DEVELOPMENT 6898	755,653.23 755,653.23
51191 2016 Q1 2016 Q2	07/29/2016 35728 35728	KANSAS BIG BROTHERS 9434	3,213.50 1,680.39 4,893.89
51192 2371 AUGUST 2016 2372 AUGUST 2016 2417 AUGUST 2016 2418 AUGUST 2016 2419 AUGUST 2016 2420 AUGUST 2016	07/29/2016 SRF LOAN SRF LOAN SRF LOAN SRF LOAN SRF LOAN SRF LOAN	KANSAS DEPT OF HEALTH & 9774	268,435.38 71,736.60 106,442.68 50,302.19 61,974.03 61,090.40 619,981.28
51193 51000034314520 51006027914474 51020266714474 51044161414474 51047249914474 51056030914474 51073291014474	07/29/2016 KS GAS MAD KS GAS POLICE KS GAS TRAFFIC KS GAS 201 TOP KS GAS 201 TOP KS GAS ENGINEE KS GAS 1901 WE	KANSAS GAS SERVICE 2707	147.73 38.09 45.79 87.07 46.41 40.81 82.01 487.91
51194 3039633 3039634 3039635 3039636 3039637 3039638	07/29/2016 34456 33409 33472 33567 34568 33661	KANSAS PERSONNEL SERVICES INC 2849	612.00 3,953.10 303.85 813.17 585.20 532.00 6,799.32
51195 JUNE 2016	07/29/2016 DE	KANSAS STATE TREASURER 2757	33,736.08 33,736.08
51196 130111497 130202539	07/29/2016 33269 33269	KCR INTERNATIONAL TRUCKS INC 1347	277.14 2,490.92 2,768.06
51197 3039556 3039627 3039628 3039629 3039630	07/29/2016 35357 35505 35707 35357 33428	KEY WORKFORCE SOLUTIONS INC 9879	382.80 764.42 696.00 638.00 965.70 3,446.92
51198 139575	07/29/2016 34971	LAWMENS AND SHOOTERS 9381	1,182.66 1,182.66
51199 15444 15493	07/29/2016 33636 33636	LAWYERS TITLE OF TOPEKA INC 3002	250.00 250.00 500.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51200 2525WISFINA	07/29/2016 35663	LIGHTHOUSE CONTRACTING INC 3061	2,688.00 2,688.00
51201 16622	07/29/2016 33266	MARK A BELL 1024	3,165.30 3,165.30
51202 3290 3414 3415 3417 3418 3419 3420 3421 3422 3423 3424 3425	07/29/2016 33539 33539 33429 33429 33429 33429 33429 33429 33539 33509 33989 33197	MATHER FLARE RENTAL INC 5791	320.00 190.00 949.56 76.16 1,661.80 718.08 788.48 265.28 255.00 22.48 250.00 319.88 5,816.72
51203 13678846	07/29/2016 33208	MATHESON TRI-GAS INC 7179	119.86 119.86
51204 0121017	07/29/2016 35864	MHC SOFTWARE INC 7206	8,275.50 8,275.50
51205 0152 255179 0152 255182 0152 255403 0152 255404 0152 255405 0152 255407 0152 255724 0152 255856 0152 256065 0152 256898 0191 215500 0191 215735 2439 456108	07/29/2016 33300 33300 33300 33300 33300 33300 33300 33300 33300 33300 33300 33300 33300	O REILLY AUTO PARTS 3714	14.00 14.00 17.83 17.83 5.69 5.69 18.99 10.33 5.76 12.38 7.59 18.22 10.82 159.13
51206 057062 057069 057070	07/29/2016 33733 33733 33733	OMEGA DOOR AND HARDWARE 3747	1,950.00 72.00 484.01 2,506.01
51207 35829 OSBORNE	07/29/2016 35829	PEOPLES COMMERCIAL INSURANCE 6948	80.00 80.00
51208 1060629	07/29/2016 33442	POLYDYNE INC 5879	13,200.00 13,200.00
51209 34480 1 34480 2 FINAL	07/29/2016 34480 34480	QUALITY BUILT CONSTRUCTION LLC 9575	43,569.00 20,507.00 64,076.00
51210 2016 15	07/29/2016 33747	R & R VENTURES OF TOPEKA INC 4065	2,760.00 2,760.00
51211 33143 1	07/29/2016 33143	RECREATION ENGINEERING AND 8873	8,540.00 15,860.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
33143 2	33143		7,320.00
51212 2123	07/29/2016 35665	ROBERT A ELLIS 4373	4,900.00
51213 2781	07/29/2016 34873	SARIK LLC 9207	1,991.52
51214 1927 1939	07/29/2016 35854 32055	SCHMIDT, BECK & BOYD 8999	2,211.00 650.00 1,561.00
51215 3307350069 3307570193 3307570198 3307807511	07/29/2016 35662 35633 35684 35703	STAPLES CONTRACT N COMMERCIAL 4725	449.21 271.80 8.83 150.67 17.91
51216 123 1052896 123 1052898	07/29/2016 33361 33327	THE GOODYEAR TIRE & RUBBER CO 9375	2,345.06 2,096.80 248.26
51217 6160	07/29/2016 35776	THE SIMMONS COMPANY OF 9857	650.00
51218 21238541	07/29/2016 33231	THE TERMINIX INTERNATIONAL 10096	203.98
51219 SNCO TAX 5/31/	07/29/2016 DE	TOPEKA METROPOLITAN TRANSIT 8812	6,140.12
51220 1021675	07/29/2016 35811	TORGESON TRENCHING SERVICE 5062	2,280.00
51221 158193 158211 158232 158254	07/29/2016 35739 35739 35739 35739	U S LIME COMPANY - ST CLAIR 5117	19,191.58 3,689.88 7,781.64 3,892.44 3,827.62
51222 PCARD07252016	07/29/2016	UMB BANK NA 5127	49,425.68
51223 2159415 2159424 2160063 2160064	07/29/2016 33218 33374 33218 33218	WALKER TOWEL & UNIFORM 5266	76.70 12.45 32.25 8.10 23.90
51224 9000579184	07/29/2016 32466	WATER MOVERS INC 9950	603.00
51225 33256	07/29/2016 29946	WESTERN WATERPROOFING CO INC 7364	34,628.31
51226 1171179	07/29/2016 33573	WILLIS OF GREATER KANSAS INC 5472	5,837.00
51227 3253	07/29/2016 35911	WILLARD & SCHUYLER REPORTING L 5443	111.00
51228	07/29/2016	ACE ELECTRIC JONES COMPANY INC 35	209.07

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
3368	35208		209.07
51229 00004889C	07/29/2016 33431	ANCOR INFORMATION MANAGEMENT 7058	10,399.99
51230 06153829 06153834 06153873 06153894	07/29/2016 33566 33314 33314 33566	BERRY COMPANIES INC 5408	924.99 2,327.37 46.12 43.00
51231 1607 055	07/29/2016 30774	BETTIS ASPHALT & CONSTRUCTION 470	438,846.07
51232 S5416563 001 S5416563 002	07/29/2016 33417 33417	BORDER STATES INDUSTRIES INC 9824	59.35 8.50
51233 93857 93866	07/29/2016 33377 33377	CAPITAL BELT & SUPPLY INC 776	121.33 106.20
51234 1055118 1055801 1055912 1055944 1056108 FG364 FH781 FH781 2	07/29/2016 33468 33331 33333 33263 33333 33331 33331 33263	CAPITAL CITY OIL CO INC 778	700.90 17,948.39 152.30 100.00 183.10 958.96 -492.90 100.00
51235 8792 566380 8792 566414 8792 566479 8792 566501 8792 566553 8792 566586 8792 566681 8792 566781 8792 566946	07/29/2016 33564 33564 33564 33564 33564 33564 33564 33564 33564	CONSOLIDATED ELECTRICAL 4174	59.33 877.00 160.45 157.95 381.95 154.00 512.68 138.69 132.56
51236 966328	07/29/2016 33449	HD SUPPLY FACILITIES 5175	382.85
51237 F221145 F522852 F738360	07/29/2016 34366 35289 35632	HD SUPPLY WATERWORKS LTD 2146	1,837.00 18,578.30 1,500.00
51238 S101333143 011 S101363954 001	07/29/2016 33415 33415	KRIZ DAVIS COMPANY 2916	4,632.00 8.35
51239 1028322 1029066 1030569 1033892 1034176 1034907 1044093	07/29/2016 33549 33808 33541 33541 33541 33863 33863	LINDYSPRING WATER LLC 3071	19.50 8.00 23.20 13.00 34.80 19.50 8.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
51240	07/29/2016	MCELROY'S INC 3289	1,161.55
SVC33381	33732		237.90
SVC34132	35843		923.65
51241	07/29/2016	OLDCASTLE PRECAST INC 3739	1,766.72
120035000	33476		613.36
120035030	33476		665.04
120035038	33476		488.32
51242	07/29/2016	RAY LINDSEY COMPANY INC 4117	7,338.49
2016878	35594		7,338.49
51243	07/29/2016	SALISBURY SUPPLY COMPANY INC 4352	536.78
24372	33565		138.25
84339	33540		237.99
84347	33565		23.04
84501	33565		92.40
84640	33565		45.10
Total for Electronic Payments			8,686,495.66
Need to Define MNL			
233	07/08/2016	VERIFONE INC 5217	200.00
VERIFONE 6/201	ACH DEBT		200.00
234	07/15/2016	ASI DAILY EMPLOYEE PAYMENTS 9872	24,339.54
W/E 6/17/16	ACH DEBT		10,503.45
W/E 6/24/16	ACH DEBT		4,704.39
W/E 7/1/16	ACH DEBT		4,688.95
W/E 7/8/16	ACH DEBT		4,442.75
235	07/15/2016	GREAT WEST LIFE & ANNUITY 9755	135,794.32
629143890 7/8/16	PAYROLL		135,794.32
236	07/15/2016	TRANSFIRST HOLDINGS INC 9923	36,132.41
CC FEE JUNE 20	ACH DEBT		36,132.41
237	07/15/2016	CORVEL HEALTHCARE CORPORATION 8818	81,667.12
W/E 6/17/16	ACH DEBT		31,975.62
W/E 6/24/16	ACH DEBT		10,650.33
W/E 7/1/16	ACH DEBT		19,774.64
W/E 7/8/16	ACH DEBT		19,266.53
238	07/15/2016	DEPT OF TREASURY 9805	523,607.67
PAYROLL 7/8/16	PAYROLL		523,607.67
239	07/15/2016	KANSAS DEPT OF REVENUE 9806	90,363.35
PAYROLL 7/8/16	PAYROLL		90,363.35
240	07/15/2016	KPERS 9818	601,059.43
PAYROLL-KPER:	PAYROLL		167,018.87
PAYROLL-KPF 7	PAYROLL		434,040.56
241	07/29/2016	AUTOMATED MERCHANT SYSTEMS INC 9931	3,145.40
1606250086 6/20	ACH DEBT		3,145.40
242	07/29/2016	GREAT WEST LIFE & ANNUITY 9755	49,247.24
630683778 7/22/1	PAYROLL		49,247.24
243	07/29/2016	KANSAS STATE TREASURER/DEBT 9781	6,848,601.28
UTILITY BONDS	BONDS		6,848,601.28

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
244	07/29/2016	DEPT OF TREASURY 9805	499,644.79
PAYROLL 7/22/16	PAYROLL		
245	07/29/2016	KANSAS DEPT OF REVENUE 9806	88,393.74
PAYROLL 7/22/16	PAYROLL		
246	07/29/2016	KPERS 9818	576,234.47
PAYROLL-KPER: 7/22/16	PAYROLL		
PAYROLL-KPF 7/22/16	PAYROLL		
Total for Need to Define MNL			9,558,430.76
Need to Define PPD			
5937	07/08/2016	COFFLAND, ADAM 9776	115.30
42509.4389		ORLANDO FL 4/25-28/2016	
5938	07/08/2016	DAVIS, SYLVIA N 3380	65.20
42523.5623		ADV-ST PAUL MN 6/14-17/16	-176.00
42550.3677		RCN-ST PAUL MN 6/14-17/16 TLG	241.20
5939	07/08/2016	GLOVER, BETTY M 10375	255.00
42495.6255		ADV-ALBUQUERQUE NM 7/10-15/16	
5940	07/08/2016	GRAMS, AARON ERVIN 10004	105.80
42521.3846		ORLANDO FL 4/25-28/2016	
5941	07/08/2016	HOFFER, RODNEY R 6267	147.00
42551.5537		EE-ASE RECERTIFICATIONS	
5942	07/08/2016	LEE, NICOLE 9502	19.61
42551.5405		EE-MTG SUPPLIES 6/11/16	
5943	07/08/2016	MCIVER, SUSAN MARIE 10381	255.00
42495.6299		ADV-ALBUQUERQUE NM 7/10-15/16	
5944	07/08/2016	PETTY, ALYSON MICHELLE 9947	35.20
42459.4685		ADV-ST PAUL MN 6/14-17/16	-176.00
42550.5478		RCN-ST PAUL MN 6/14-17/16 TLG	211.20
5945	07/08/2016	RUSSELL, JACQUELYN M 4309	80.89
42549.5934		OVERLAND PARK KS 6/9/2016	
5946	07/15/2016	REYNOLDS, AMBER 9930	73.19
42459.4747		ADV-ST PAUL MN 6/14-17/16	-176.00
42550.5618		RCN-STPAUL MN 6/14-17/16 TLG	249.19
5947	07/15/2016	LLIZO, SHIRLEY 6968	227.70
42550.3765		ADV-ATLANTA GA 7/17-22/16	
5948	07/15/2016	WAYNE, TIM 10178	850.22
42552.6012		EE-RENT JULY/PRK MAY-JULY/GAS	
5949	07/22/2016	COLLEEN STUART 6238	215.35
42564.5841		BALTIMORE MD 7/26-30/16	
5950	07/22/2016	PANTOS, RACHEL 3810	215.35
42564.5800		BALTIMORE MD 7/26-30/16	
5951	07/22/2016	POST, MATTHEW J 10433	277.30
42550.3059		ADV-NORTH GLENN CO 7/24-29/16	
5952	07/22/2016	TOYNE, ELIZABETH 10411	175.07

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Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount	
42565.3568		EE-COMMUNITY LUNCH FOOD	175.07	
5953	07/29/2016	KARY, ADAM J	8265	98.22
42572.6228		EE-FOP BOOT REIMBURSEMENT	98.22	
5954	07/29/2016	ADAMS, BRANDON L	8188	38.45
42566.6714		EE-MILEAGE 4/1-6/30/16	38.45	
5956	07/29/2016	GLAUDE, MONIQUE Y	9933	99.92
42558.5620		EE-PIZZA/YTH EVENTS 6/23 & 25	99.92	
5957	07/29/2016	KARR, NICOLE M	2783	82.50
42571.4454		EE-BOOT REIMBURSEMENT	82.50	
5958	07/29/2016	MARKHAM, CODY W	10457	55.36
42549.4649		EE-CDL REIMBURSEMENT	55.36	
5959	07/29/2016	RUSSELL, JACQUELYN M	4309	43.57
42570.6279		EE-FOOD FOR TRAINING SESSIONS	43.57	
5960	07/29/2016	SACHS, ROBERT F	4327	245.70
42563.6251		ST LOUIS MO 6/19-24/16	245.70	
5961	07/29/2016	WAGGONER, PAUL	9946	32.80
42562.6645		EE-AB DL REIMB	32.80	
Total for Need to Define PPD				3,809.70
Check Payments				
721268	07/08/2016	BUTLER & ASSOCIATES PA	730	266.68
00000082816070		Garnishment - Pct of Net	266.68	
721269	07/08/2016	BUTLER & ASSOCIATES PA	730	60.80
00000238116070		Garnishment - Pct of Net	60.80	
721270	07/08/2016	BUTLER & ASSOCIATES PA	730	60.82
00000238116070		Garnishment - Pct of Net	60.82	
721271	07/08/2016	BUTLER & ASSOCIATES PA	730	60.80
00000238116070		Garnishment - Pct of Net	60.80	
721272	07/08/2016	BUTLER & ASSOCIATES PA	730	60.80
00000238116070		Garnishment - Pct of Net	60.80	
721273	07/08/2016	BUTLER & ASSOCIATES PA	730	105.74
00000230316070		Garnishment - Pct of Net	105.74	
721274	07/08/2016	BUTLER & ASSOCIATES PA	730	105.74
00000230316070		Garnishment - Pct of Net	105.74	
721275	07/08/2016	H KENT HOLLINS ATTORNEY AT LAW	6502	105.74
00000230316070		Garnishment - Pct of Net	105.74	
721276	07/08/2016	H KENT HOLLINS ATTORNEY AT LAW	6502	193.76
00000246816070		Garnishment - Pct of Net	193.76	
721277	07/08/2016	MARTIN PRINGLE OLIVER WALLACE	3214	140.55
00000237916070		Garnishment - Pct of Net	140.55	
721278	07/08/2016	ZIMMERMAN & ZIMMERMAN PA	5186	236.86
00000263116070		Garnishment - Pct of Net	236.86	

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721279 S39991430	07/08/2016 27735	AMEC FOSTER WHEELER 7704	11,310.00 11,310.00
721280 S39991434	07/08/2016 34800	AMEC FOSTER WHEELER 7704	2,532.50 2,532.50
721281 1659 1660	07/08/2016 35473 35475	AMERI-CRETE INC 9644	658.40 466.00 1,124.40
721282 311209846 311209847 311209848	07/08/2016 33220 33220 33220	ARAMARK UNIFORM & CAREER 9589	15.63 30.13 18.85 64.61
721283 148547694	07/08/2016 6/25/WELLNESS UVERS	AT&T 281	75.00 75.00
721284 BA17378	07/08/2016 35155	BA DESIGNS LLC 327	12,529.09 12,529.09
721285 673931	07/08/2016 33307	BIG TWIN INC 5031	598.69 598.69
721286 46274	07/08/2016 33261	BROWNS SUPER SERVICE INC 670	250.00 250.00
721287 JW36606 JW38547 JW38974 JW57927	07/08/2016 33368 33368 33368 33368	BUTLER ANIMAL HEALTH HOLDING 9758	211.86 682.81 122.76 177.29 1,194.72
721288 25000864 25000880	07/08/2016 35527 33329	CRAFCO INC 9801	11,593.80 324.65 11,918.45
721289 680637	07/08/2016 33259	ED BOZARTH CHEVROLET INC 578	116.46 116.46
721290 35 526586 77 176382 8 647530 8 647546 8 647547 8 647673 8 647756 8 647985 8 Z03449 8 Z03450	07/08/2016 33243 33243 33243 33243 33243 33355 33243 33243 33355 33355	ELLIOTT AUTO SUPPLY COMPANY 5676	13.44 141.52 24.71 -48.40 -141.52 182.24 43.03 66.73 329.00 149.98 760.73
721291 0003445445	07/08/2016 33371	ENVISION INDUSTRIES INC 1549	31.65 31.65
721292 017103 019430 019889	07/08/2016 34115 34115 34115	FINLAY AUTOMOTIVE SUPPLY INC 10237	24.32 48.51 0.98 73.81
721293 161050	07/08/2016 35242	HALL COMMERCIAL PRINTING 2053	99.00 2,466.19

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
161054	35242		369.80
161056	35242		1,956.50
161070	35242		40.89
721294	07/08/2016	SPENCER & COMPANY 2321	146.57
S 12939	33281		112.73
S 13080	33281		33.84
721295	07/08/2016	KANSAS AUTOMOTIVE INC 2639	1,122.65
2894746	33289		21.59
2894831	33289		19.94
2894842	33289		2.47
2895061	33289		3.21
2895127	33289		24.03
2895153	33289		4.88
2895155	33346		1.48
2895230	33289		1.40
2895339	33289		5.22
2895612	33289		24.25
2895657	33289		6.39
2895718	33289		-6.39
2895895	33289		40.37
2895963	33346		318.66
2896001	33346		89.40
2896090	33210		16.88
2896201	33289		8.70
2896248	33289		2.26
2896427	33289		108.72
2896461	33289		9.71
2896493	33289		143.91
2896516	33289		8.41
2896549	33214		129.23
2896566	33289		1.89
2896588	33289		13.89
2896691	33289		5.65
2896717	33289		1.80
2896735	33289		68.00
2896782	33289		113.36
2896801	33289		22.49
2896833	33214		2.50
2896901	33289		12.16
2897287	33289		-113.36
2897461	33214		18.59
2897712	33289		-9.04
721296	07/08/2016	KANSAS CITY FREIGHTLINER SALES 2654	165.23
1595853	33290		165.23
721297	07/08/2016	LAIRD NOLLER FORD INC 2939	734.21
117190	33294		62.95
1176827	33294		-35.00
1176966	33294		109.81
1176979	33294		3.17
1177046	33294		364.58
1177058	33294		4.53
1177064	33294		201.90
1177362	33294		22.27
721298	07/08/2016	LANDMARK CREATIONS 10092	3,618.65
220264	35181		3,618.65
721299	07/08/2016	LOWER HEATING & A/C INC 3119	236.00
101157	33670		236.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721300 1963220	07/08/2016 33464	MIDWAY SALES & DISTRIBUTING 3405	88.39 88.39
721301 3024	07/08/2016 32442	MIDWEST COATING 3407	199.13 199.13
721302 22560	07/08/2016 35066	MIOVISION TECHNOLOGIES 10319	397.97 397.97
721303 7801 6	07/08/2016 33462	NAILL ENTERPRISES LTD 4931	96.15 96.15
721304 039140616	07/08/2016 33491	NATIONAL VISION INC 3634	150.00 150.00
721305 062016TPD	07/08/2016 33695	OYLER, ANNA L 9790	225.00 225.00
721306 33717 10	07/08/2016 33717	POLICE IMPREST FUNDS 3971	2,980.00 2,980.00
721307 159223	07/08/2016 33576	PREMIER FARM & HOME LLC 4002	606.98 606.98
721308 E0864689 E0881451	07/08/2016 34741 35510	PRISON REHABILITATIVE 6556	36.96 17.60 54.56
721309 4837345	07/08/2016 33416	REEVES WIEDEMAN COMPANY INC 4154	97.38 97.38
721310 1544 3	07/08/2016 32340	ROSIN PRESERVATION LLC 7896	8,700.00 8,700.00
721311 55498	07/08/2016 33585	SALINA SCALE SALES & SERVICE 4349	262.50 262.50
721312 16A 16B	07/08/2016 35306 35306	SANCHEZ PROFESSIONAL CLEANING 10169	508.75 90.00 598.75
721313 S1114899 003	07/08/2016 35253	SCHULTE SUPPLY INC 9563	16,907.52 16,907.52
721314 407465 407466	07/08/2016 33141 34581	SCOTTY WILSON ENTERPRISES INC 4442	11,650.00 14,150.00 25,800.00
721315 897 898 899 900	07/08/2016 34072 34072 34072 34072	SHAWNEE COUNTY 4505	200.00 380.77 387.76 6,829.93 7,798.46
721316 2986	07/08/2016 35604	SHAWNEE COUNTY 4512	259.75 259.75
721317 01438LA 01439LA	07/08/2016 33228 33228	SHAWNEE COUNTY 4521	11.50 11.50 23.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721318 37311	07/08/2016 34702	SHAWNEE COUNTY 4522	272.00
			272.00
721319 909211	07/08/2016 33701	SOUTHWEST PAPER COMPANY INC 4674	173.66
			173.66
721320 986018815 103	07/08/2016 DE	SPRINT 4704	804.80
			804.80
721321 0259992 IN	07/08/2016 34995	SYMBOLARTS 4849	3,510.00
			3,510.00
721322 35536 CASE#201	07/08/2016 35536	TYNER, OLIMPIA ALEJANDRA 10186	100.00
			100.00
721323 0000693358266	07/08/2016 33250	UNITED PARCEL SERVICE INC 5140	146.29
			146.29
721324 9516	07/08/2016 33616	VAC-CON SERVICES INC 8824	49.59
			49.59
721325 HWS 16240	07/08/2016 35657	WICHITA STATE UNIVERSITY 7947	4,310.00
			4,310.00
721326 INDEMNITY 6/1-5	07/08/2016 33957	CORVEL CORPORATION INC 8931	8,948.00
			8,948.00
721340 00000005516070	07/08/2016	BC SERVICES INC 10424 Garnishment - Pct of Net	931.70
			931.70
721341 00000027816070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	84.00
			84.00
721342 00000065816070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	144.00
			144.00
721343 00000006716070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	94.62
			94.62
721344 00000023216070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	97.22
			97.22
721345 00000080616070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	136.62
			136.62
721346 00000119216070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	63.70
			63.70
721347 00000067716070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	484.61
			484.61
721348 00000238516070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	36.92
			36.92
721349 00000004416070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	87.69
			87.69
721350 00000229616070	07/08/2016	CHAPTER 13 TRUSTEE 2494 Bankruptcy - Amt 26 PP	202.61
			202.61
721351	07/08/2016	CHAPTER 13 TRUSTEE 2494	95.54
			95.54

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
00000250316070		Bankruptcy - Amt 26 PP	95.54
721352	07/08/2016	CHAPTER 13 TRUSTEE	2494
00000100916070		Bankruptcy - Amt 26 PP	138.46
721353	07/08/2016	CHAPTER 13 TRUSTEE	2494
00000015216070		Bankruptcy - Amt 26 PP	183.69
721354	07/08/2016	CHAPTER 13 TRUSTEE	2494
00000254716070		Bankruptcy - Amt 26 PP	60.00
721355	07/08/2016	FAMILY SUPPORT PAYMENT CENTER	6780
00000241016070		Child Support - Amt	461.77
721356	07/08/2016	FAMILY SUPPORT PAYMENT CENTER	6780
00000258816070		Child Support - Amt	125.54
721357	07/08/2016	FRATERNAL ORDER OF POLICEMEN	1773
UNF11607081716		Union Dues - FOP	77.76
UNF11607081716		Union Dues - FOP	9,224.12
721358	07/08/2016	GENERAL REVENUE CORPORATION	1867
00000081416070		Student Loan Federal - Pct	186.59
721359	07/08/2016	ILLINOIS STUDENT ASSISTANCE	9196
00000035416070		Student Loan Federal - Pct	303.69
721360	07/08/2016	KANSAS DEPARTMENT OF REVENUE	6574
00000111616070		Tax Levy State - Pct	539.09
721361	07/08/2016	PIONEER CREDIT RECOVERY INC	3940
00000215516070		Student Loan Federal - Pct	227.33
721362	07/08/2016	SUPPORTKIDS SERVICES INC	4283
00000089816070		Child Support - Amt	191.75
721363	07/08/2016	OFFICE OF THE ATTORNEY GENERAL	10437
00000265316070		Child Support - Amt	92.31
721364	07/08/2016	UNITED STATES GOVERNMENT	9489
00000215516070		Student Loan Federal - Pct	151.55
721365	07/08/2016	WILLIAM GRIFFIN CHAPTER	5446
00000055616070		Bankruptcy - Amt 26 PP	2,145.24
721366	07/08/2016	WILLIAM GRIFFIN CHAPTER	5446
00000041316070		Bankruptcy - Amt 26 PP	1,246.16
721367	07/08/2016	WILLIAM GRIFFIN CHAPTER	5446
00000080116070		Bankruptcy - Amt 26 PP	807.70
721368	07/08/2016	FASTENAL COMPANY	1619
KSTOP	34738		6.00
KSTOP229530	33271		2.35
721369	07/08/2016	GRAINGER	1964
9131457971	35466		225.28
9143444165	35540		2,250.95
721370	07/08/2016	KANSAS SAND & CONCRETE	2744
90057615	33407		290.00
90059135	33407		232.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
90059599	33407		406.00
90059600	33407		580.00
90059601	33407		348.00
90059602	33407		348.00
90060104	33538		214.06
90060105	33407		1,160.00
90061177	33407		819.00
90061178	33407		870.00
90061718	33407		406.00
721371	07/08/2016	KEY REFRIGERATION SUPPLY LLC	2848
4187496 00	33408		183.30
			183.30
721372	07/08/2016	MID-STATES MATERIALS LLC	3401
56644	33425		1,524.09
			1,524.09
721373	07/08/2016	MIDWEST MOTOR SUPPLY CO INC	2854
4997763	33478		1,177.61
			1,177.61
721374	07/08/2016	SAFETY CONSULTING INC	4335
160634	33589		2,784.50
160636	33492		440.00
160637	33420		165.00
160638	33903		220.00
			3,609.50
721375	07/08/2016	SAFETY SUPPLIES	4336
SSI 160657	33421		400.00
			400.00
721376	07/08/2016	ALEXANDER, CONNIE	8695
CR 2015 000231	LJ ALEXANDER		84.18
			84.18
721377	07/08/2016	COX COMMUNICATIONS	7748
CR 2015 000795	DAVID T GAINES		50.00
			50.00
721378	07/08/2016	FALLEY, JENNIFER L	10442
CR 2015 001079	DMB VENCIEL SM		475.00
			475.00
721379	07/08/2016	HOWLAND, BRIAN R	10281
CR 2015 000160	AARON M COWDIN		50.00
			50.00
721380	07/08/2016	KANSAS BUREAU OF INVESTIGATION	2646
CR 2008 001604	JASON M FOX		11.09
CR 2013 001104	TRACY A READY		50.00
CR 2015 000102	AJ MALECKI		400.00
			461.09
721381	07/08/2016	KINNEY, TROY M	10174
CR 2006 002005	DL BIGENWALT		50.00
			50.00
721382	07/08/2016	MELANSON, POLYANA	10441
CR 2015 000786	WA MORTON		95.00
			95.00
721383	07/08/2016	WALMART RESTITUTION RECOVERY	6534
CR 2005 001250	MC JACKSON		25.00
CR 2012 001157	JOCCO D BAILEY		20.00
			45.00
721384	07/15/2016	HENDERSON, DONALD L	10406
35448 TEMP EA	35448		36.00
PERM R-O-W EA	35448		464.00
			500.00
721385	07/15/2016	1ST DUE EMERGENCY RESPONSE	5911
16 2465	33604		152.00
			152.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721386 6F15001	07/15/2016 33454	ACCURATE ENVIRONMENTAL LLC 9725	1,595.00 1,595.00
721387 311234853 311234854 311234855	07/15/2016 33220 33220 33220	ARAMARK UNIFORM & CAREER 9589	15.63 30.13 18.85 64.61
721388 3998291301	07/15/2016 33687	AT&T 281	620.80 620.80
721389 147404396 7/01/1	07/15/2016 POLICE UVERSE	AT&T 281	100.00 100.00
721390 0738033665 0625	07/15/2016 CIRCUITS	AT&T 282	274.56 274.56
721391 0780773571 0625	07/15/2016 CIRCUITS	AT&T 282	811.49 811.49
721392 674369 674607	07/15/2016 33307 33307	BIG TWIN INC 5031	202.58 202.95 405.53
721393 16061476 CONT#	07/15/2016 35683	BNSF RAILWAY COMPANY INC 537	100.00 100.00
721394 526 49496 526 49607 526 49860 526 50007	07/15/2016 33274 33274 33274 33274	BRIDGESTONE AMERICAS INC 1855	496.72 240.58 40.00 820.48 1,597.78
721395 45999	07/15/2016 33261	BROWNS SUPER SERVICE INC 670	200.00 200.00
721396 35731 CARDINAL	07/15/2016 35731	CITY OF TUCSON 10403	91.82 91.82
721397 507578 507641 507674	07/15/2016 33267 33267 33267	CONRAD FIRE EQUIPMENT INC 1073	215.05 265.29 58.08 538.42
721398 25000993	07/15/2016 33329	CRAFCO INC 9801	202.63 202.63
721399 176247	07/15/2016 34780	CYTEK MEDIA SYSTEMS INC 1227	78,014.00 78,014.00
721400 258663 258756 258781	07/15/2016 33270 33270 33270	DOUG RICHERT PONTIAC CADILLAC 1397	317.70 13.39 24.32 355.41
721401 680935	07/15/2016 33259	ED BOZARTH CHEVROLET INC 578	72.62 72.62
721402 2 4210874 2 4210879 8 648219	07/15/2016 33243 33243 33243	ELLIOTT AUTO SUPPLY COMPANY 5676	419.44 13.83 216.88 1,970.90

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8 648352	33243		71.61
8 648420	33355		353.04
8 648591	33243		155.85
8 Z03511	33355		411.25
8 Z03522	33355		329.00
721403	07/15/2016	EXPERIAN INFORMATION SOLUTIONS 5760	136.76
CD1703005341	33426		39.06
CD1703005342	33426		97.70
721404	07/15/2016	FEDEX 1632	391.26
5 472 91520	33384		391.26
721405	07/15/2016	FINLAY AUTOMOTIVE SUPPLY INC 10237	232.21
018597	34115		14.40
018736	34116		28.44
019051	34115		30.78
020469	34115		19.72
020602	34115		47.51
020719	34115		91.36
721406	07/15/2016	FISHER PARKING & SECURITY 5802	7,714.25
15879	33501		7,714.25
721407	07/15/2016	FORTILINE INC 7351	8,285.28
3682961	35517		8,285.28
721408	07/15/2016	GALLAGHER BENEFIT SERVICES INC 10449	2,762.50
93790	35774		2,762.50
721409	07/15/2016	SPENCER & COMPANY 2321	857.42
S 13120	33281		475.65
S 13122	33281		82.28
S 13161	33281		299.49
721410	07/15/2016	JACOBSON ASBESTOS COMPANY 2487	4,250.00
12 16	35451		4,250.00
721411	07/15/2016	KANSAS AUTOMOTIVE INC 2639	210.22
2896406	33289		6.41
2896473	33346		9.80
2896526	33289		3.57
2897532	33289		17.95
2897733	33289		9.28
2897776	33289		8.49
2897861	33289		4.48
2897880	33289		2.60
2898051	33214		32.87
2898117	33289		7.06
2898159	33289		2.66
2898248	33289		16.81
2898281	33289		11.47
2898458	33289		13.60
2899053	33346		63.17
721412	07/15/2016	KANSAS DEPARTMENT OF REVENUE 2666	1,375.00
35792 JUNE 2016	35792		1,375.00
721413	07/15/2016	KANSAS DEPT OF REVENUE 2691	31,555.47
6187 JKX6 67D6 SALES TAX WATE			31,555.47
721414	07/15/2016	KANSAS SECURED TITLE/ 2747	100.00

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
SN042917	35568		100.00
721415	07/15/2016	KANSAS STATE UNIVERSITY 10429	25.00
16 65	35623		25.00
721416	07/15/2016	LAIRD NOLLER FORD INC 2939	147.20
1175726	33294		147.20
721417	07/15/2016	LOWER HEATING & A/C INC 3119	167.00
101350	33670		167.00
721418	07/15/2016	NAILL ENTERPRISES LTD 4931	96.15
7801 7	33462		96.15
721419	07/15/2016	NATIONAL TESTING NETWORK INC 10389	3,000.00
3283	35673		500.00
3320	35673		1,750.00
3328	35673		750.00
721420	07/15/2016	NUTRI JECT SYSTEMS INC 10124	73,900.00
6390	32863		73,900.00
721421	07/15/2016	OZARK INTEGRATED PEST SERVICE 3791	265.00
1454062416	33422		35.00
1455062416	33422		230.00
721422	07/15/2016	REEVES WIEDEMAN COMPANY INC 4154	30.79
4836768	33416		30.79
721423	07/15/2016	SAFELITE FULFILLMENT INC 6839	175.00
156987	33318		175.00
721424	07/15/2016	SANCHEZ PROFESSIONAL CLEANING 10169	598.75
17A	35306		508.75
17B	35306		90.00
721425	07/15/2016	SHAWNEE COUNTY EXTENSION COUNC 4508	12.00
33587 SNCO LAN	33587		12.00
721426	07/15/2016	SHAWNEE COUNTY 4521	10.00
025HYF2016	33228		1.50
92616	33228		8.50
721427	07/15/2016	SOLARWINDS INC 9151	5,694.00
IN280124	35614		5,694.00
721428	07/15/2016	SOUTHWEST PAPER COMPANY INC 4674	1,356.58
910267	33701		406.76
910268	33701		194.93
910269	33701		72.40
910270	33701		118.60
910271	33701		102.38
910272	33701		71.78
910273	33701		109.53
910274	33701		223.50
910275	33701		56.70
721429	07/15/2016	TOPEKA FOUNDRY & IRON WORKS IN 5029	78.25
5518 BS16	33306		58.95
5536 BS16	33306		19.30
721430	07/15/2016	WESTAR ENERGY INC 5376	528,347.06

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
0115356084-6.16		METERED TRAFFIC SIGNALS	9,950.29
0262780905-6.16		1127 INNOVATION PKWY PUMP	23.85
0552066743-6.16		4103 SW POSTOAK DRIVE	251.16
0681383808-6.16		101 SW US HIGHWAY 75 SIGN	44.91
0749842804-6.16		2200 WATERWORKS DR	29.33
0793252472-6.16		927 HARRISON OFFICE	936.26
0843913860-6.16		5261 NW BRICKYARD RD	34.14
0846578667-6.16		801 NE KINCAID RD	616.26
1047755001-6.16		635 SW GAGE BLVD B ZOO BEARS	50.75
1079563957-6.16		1215 SW OAKLEY AVE	307.68
1119938145-6.16		402 SE BRANNER ST LT	61.33
1213827529-6.16		635 SW Gage #19 - ARC BUILDING	345.13
1315447745-6.16		5928 SW 53RD ST PUMP	45.24
1348331074-6.16		3305 SE WESTEDGE	51.65
1408512766-6.16		1215 SW 38TH	2,076.37
1421891304-6.16		215 SE 7TH - COMMONS 2.69%	352.00
1421891304A-6.1		215 SE 7TH - CONTRACTS 1.95%	255.16
1421891304B-6.1		215 SE 7TH - IT/ERP 7.32%	957.85
1421891304C-6.1		215 SE 7TH - FACILITIES .20%	26.17
1421891304D-6.1		215 SE 7TH - TPAC 60%	7,851.20
1421891304E-6.1		215 SE 7TH - COURT 5.6%	732.78
1421891304F-6.1		215 SE 7TH - CREDIT UNION 1.2%	157.02
1421891304G-6.1		215 SE 7TH - CITY CLERK 1.6%	209.37
1421891304H-6.1		215 SE 7TH - HR/WEELLNESS 4.7%	615.01
1421891304I-6.16		215 SE 7TH - PROSECUTION 1.86%	243.39
1421891304J-6.1		215 SE 7TH - PROBATION 2.4%	314.05
1421891304K-6.1		215 SE 7TH - COUNCIL OFFICE 1.	143.94
1421891304L-6.1		215 SE 7TH - CITY4 .86%	112.53
1421891304M-6.1		215 SE 7TH - LEGAL 1.3%	170.11
1421891304N-6.1		215 SE 7TH - LEGAL SPEC LIABIL	170.11
1421891304NO-6		215 SE 7TH - MAYOR .82%	107.30
1421891304OP-6		215 SE 7TH - CITY MGR 1.3%	170.11
1421891304Q-6.1		215 SE 7TH - FINANCE 3.80%	497.24
1519476504-6.16		813 SW CLAY STREET	574.05
1597278899-6.16		419 SE 13TH ST.	35.04
1601805968-6.16		3500 SW WANAMAKER ST LT	64.98
1644917029-6.16		3245 NW WATER WORKS DR	109,872.04
1671696488-6.16		7215 SW TOPEKA BLVD	35.30
1677223701-6.16		635 SW GAGE BLVD A - VET CLINI	315.81
1709729387-6.16		201 NW TOPEKA-STREET	23.85
1720154406-6.16		6834 SW 17TH STREET PUMP	184.57
1737172307-6.16		6531 SW 29TH ST S LT	150.15
1747452090-6.16		2400 NW WATERWORKS	13,876.95
1762092009-6.16		1908 SE 29TH ST B	33.94
1793486451-6.16		120 NW CRANE -SW	23.85
1830815552-6.16		420 NW WAITE ST	24.31
1883517398-6.16		619 SE RICE RD	710.58
1894285067-6.16		1115 NE POPLAR ST B	37.31
1911987884-6.16		4827 NW 17TH ST PUMP (SUNFLOWE	26.67
1947734359-6.16		201 NW TOPEKA-STREET PAL	534.91
1977020420-6.16		2521 SE 2ND ST	79.86
2069150421-6.16		7325 SW 40TH	39.42
2158288989-6.16		400 BROADMOOR	0.00
2189423730-6.16		2700 SW FAIRLAWN RD	894.81
2266273903-6.16		825 S KANSAS AVE G CENTRE CITY	1,309.28
2272608403-6.16		800 SE MONROE ST (PAL)	199.15
2273632565-6.16		1800 NE GRANTVILLE RD	2,298.92
2336545121-6.16		635 SW GAGE BLVD C - CARNIVORE	49.75
2336829480-6.16		NINTH STREET/215 SE 9TH	2,309.54
2362208215-6.16		1915 WESTERN	986.21
2437202074-6.16		200 NE QUINCY ST	55.25
249842055-6.16		215 SE 7TH - COMMONS 2.69%	150.61
249842055A-6.16		215 SE 7TH - CONTRACTS 1.95%	109.18
249842055B-6.16		215 SE 7TH - IT/ERP 7.32%	409.83

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249842055C-6.16		215 SE 7TH - FACILITIES .20%	11.20
249842055D-6.16		215 SE 7TH - TPAC 60%	3,359.28
249842055E-6.16		215 SE 7TH - COURT 5.6%	313.53
249842055F-6.16		215 SE 7TH - CREDIT UNION 1.2%	67.19
249842055G-6.16		215 SE 7TH - CITY CLERK 1.6%	89.58
249842055H-6.16		215 SE 7TH - HR/WEELLNESS 4.7%	263.14
249842055I-6.16		215 SE 7TH - PROSECUTION 1.86%	104.14
249842055J-6.16		215 SE 7TH - PROBATION 2.4%	134.37
249842055K-6.16		215 SE 7TH - COUNCIL OFFICE 1.	61.59
249842055L-6.16		215 SE 7TH - CITY4 .86%	48.15
249842055M-6.16		215 SE 7TH - LEGAL 1.3%	72.78
249842055N-6.16		215 SE 7TH - LEGAL SPEC LIABIL	72.78
249842055O-6.16		215 SE 7TH - MAYOR .82%	45.91
249842055P-6.16		215 SE 7TH - CITY MGR 1.3%	72.78
249842055Q-6.16		215 SE 7TH - FINANCE 3.80%	212.75
2518492210-6.16		CORONADO/917 QUINCY	2,487.74
2527930189-6.16		620 MADISON - COMMONS .14%	11.15
2527930189A-6.1		620 MADISON - HOLLIDAY ROOM 5.	438.17
2527930189B-6.1		620 MADISON - WELLNESS CLINIC	260.51
2527930189C-6.1		620 MADISON - TPD INTERNAL AFF	116.31
2527930189D-6.1		620 MADISON - WATER 3.6%	286.80
2527930189E-6.1		620 MADISON - HND 14.6%	1,163.13
2527930189F-6.1		620 MADISON - IT 5.3%	422.23
2527930189G-6.1		620 MADISON - TSG 5.6%	446.13
2527930189H-6.1		620 MADISON - PARKING 3.12%	248.56
2527930189I-6.16		620 MADISON - ENG 18.8%	1,497.73
2527930189J-6.1		620 MADISON - CODE 4.9%	390.37
2527930189K-6.1		620 MADISON - DSD PERMIT 6.45%	513.85
2527930189L-6.1		620 MADISON - DSD INSPECTION 6	513.85
2527930189M-6.1		620 MADISON - TPD EMER COMM 2.	232.63
2527930189N-6.1		620 MADISON - FIRE INS 2.52%	200.76
2527930189O-6.1		620 MADISON - PW ADMIN 4.07%	324.24
2527930189P-6.1		620 MADISON - PLANNING 11.3%	900.23
2556481079-6.16		8TH & MADISON (PAL)	217.49
2772553529-6.16		4130 SE EAST EDGE RD PUMP	246.33
2868104065-6.16		201 NW TOPEKA-STREET	223.68
2909742456-6.16		200 N KANSAS AVE	23.85
2952910200-6.16		3305 SW 46TH	57.81
2978671422-6.16		635 SW GAGE BLVD 2 - CONCESSIO	592.59
3068995963-6.16		2739 SE LAKE TERR	27.99
309522996-6.16		201 NW TOPEKA-STREET PAL	190.93
3145100253-6.16		1901 WESTERN	1,569.51
3182415820-6.16		3919 SE 29TH STREET	251.54
3216962429-6.16		5950 SW 41ST	22.50
3235310123-6.16		550 NW 46TH	82.45
3358892424-6.16		635 SW GAGE BLVD #14 - QUARAN	84.86
3359889707-6.16		318 NW CRANE ST	33.18
3377855825-6.16		3332 SW WANAMAKER ST LT	68.45
3379200926-6.16		3140 SW WANAMAKER ST LT CENTER	68.01
342334703-6.16		6315 SW 29TH ST ST LT	117.88
3429732386-6.16		QUINCY ST PUMP FPM	29.33
3468280796-6.16		201 NE CURTIS ST	126.50
3481742208-6.16		1419 NE SEWARD AVE	354.44
3675168021-6.16		3105 NW GREEN HILLS RD HALF DA	55.07
3675521733-6.16		1200 JEFFERSON	447.95
3703989372-6.16		810 NW US HIGHWAY 24 PUMP	61.51
3704094176-6.16		2744 SE 33RD TERR.	61.06
3769422865-6.16		639 SW GAGE BLVD- ZOO RAIN FO	1,736.62
3791139844-6.16		3441 SHORELINE DR.	66.44
3890967088-6.16		635 SW GAGE BLVD #1 - OFFICE	1,404.86
3962419033-6.16		545 NE LAKE	12,104.98
4010895542-6.16		400 NE SPRUCE LN PUMP	129.20
4058088318-6.16		5000 1/2 SW REDBUD LN.	195.43
4141273470-6.16		934 NE QUINCY	37.47

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
416151990-6.16		BURNETTS MOUND (tower)	52.87
4181861543-6.16		500 NE STRAIT AVE.	11,835.29
4208864031-6.16		WINTER & I70	82.12
4264149424-6.16		4748 NW GREEN HILLS RD	159.63
4269643687-6.16		2901 SE CROCO	46.60
4284165684-6.16		815 SW GAGE BLVD-ZOO COMMISSAR	472.80
4398184091-6.16		1901 WESTERN AVE A	164.79
4451931225-6.16		2906 SW KANZA DR LT	135.69
4495154762-6.16		315 SE 21ST	58.60
4495259422-6.16		6402 SW 21ST ST ST LT	70.09
4500418622-6.16		201 NW TOPEKA-STREET 55.2.%	1,404.79
4500418622A-6.1		201 NW TOPEKA-FLEET 28.2%	717.66
4500418622B-6.1		201 NW TOPEKA-FORESTRY 13.7%	348.65
4500418622C-6.1		201 NW TOPEKA-FACILITIES 2.9%	73.80
4542484126-6.16		JACKSON/512 SW JACKSON	2,450.96
4565831865-6.16		6305 SW 9TH B B	1,806.18
4634088434-6.16		1019 SW 22ND	11,127.33
4672756422-6.16		3205 NW HICKORY RIDGE LN	80.76
4688166907-6.16		3300 SE DOWNING DR	97.88
4727296348-6.16		324 SE JEFFERSON - FIRE	23.85
4732150028-6.16		3033 SW WANAMAKER ST LT	56.01
4756774986-6.16		3930 SW WANAMAKER	33.18
4789320685-6.16		415 SE 43RD PUMP	71.25
4901109460-6.16		TOWNSITE/120 SE 6TH	5,348.99
5026432749-6.16		2816 SW 29TH ST.- WW	3,255.38
5033670348-6.16		700 JEFFERSON- COMMONS .14%	0.30
5033670348A-6.1		700 JEFFERSON- HOLLIDAY ROOM 5	11.65
5033670348B-6.1		700 JEFFERSON - WELLNESS CLINI	6.92
5033670348C-6.1		700 JEFFERSON - TPD INTERNAL A	3.09
5033670348D-6.1		700 JEFFERSON- WATER 3.6%	7.62
5033670348E-6.1		700 JEFFERSON- HND 14.6%	30.92
5033670348F-6.1		700 JEFFERSON- IT 5.3%	11.22
5033670348G-6.1		700 JEFFERSON- TSG 5.6%	11.86
5033670348H-6.1		700 JEFFERSON- PARKING 3.12%	6.61
5033670348I-6.16		700 JEFFERSON- ENG 18.8%	39.81
5033670348J-6.1		700 JEFFERSON- CODE 4.9%	10.38
5033670348K-6.1		700 JEFFERSON- DSD PERMIT 6.45	13.66
5033670348L-6.1		700 JEFFERSON- DSD INSPECTION	13.66
5033670348M-6.1		700 JEFFERSON- TPD EMER COMM 2	6.18
5033670348N-6.1		700 JEFFERSON- FIRE INS 2.52%	5.34
5033670348O-6.1		700 JEFFERSON- PW ADMIN 4.07%	8.62
5033670348P-6.1		700 JEFFERSON- PLANNING 11.3%	23.94
5044012316-6.16		6400 UNIVERSITY	750.66
5080166655-6.16		CRANE & N HARRISON (PAL)(Impou	655.22
5162823140-6.16		ITS CAMERAS	80.61
5209177869-6.16		322 NW CRANE ST (Impound)	218.23
5237660226-6.16		1439 NE ATCHISON AVE	155.26
5256371057-6.16		N TYLER & KS RV	23.96
5278673283-6.16		3306 SE CROCO RD	628.16
528113064-6.16		2222 NW 35TH ST	358.25
52866323-6.16		6009 SW 29TH ST ST LT	82.91
5288815051-6.16		5961 SW 10TH	672.42
5365632154-6.16		322 NW CRANE ST (PAL)	270.72
5380218945-6.16		831 NE US HWY 24	35.04
5652128807-6.16		1641 SW ANCASTER	118.87
5755425065-6.16		635 SW GAGE BLVD - A-QUARANTEE	371.90
575745505-6.16		4545 NW 43RD ST PUMP	58.77
6029216846-6.16		635 SW GAGE BLVD #24 - APES	888.30
6043959044-6.16		CRANE & N HARRISON (PAL) (Impo	18.86
6145729420-6.16		318 NW CRANE ST	334.05
6149102541-6.16		600 SW 42ND ST TANK	23.85
6358801391-6.16		2700 NE MERIDEN RD	1,135.85
6385101124-6.16		4540 NW SIOUX	533.64
6418900406-6.16		230 SE ALKIRE	83.71

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6473225120-6.16		4300 SE 23RD TERR	1,770.32
6548990643-6.16		PARKNSHOP/611 QUINCY	1,278.24
6600935533-6.16		BURNETT'S MOUND	87.28
6684018868-6.16		5002 NW KENDALL DR	87.74
6806672566-6.16		1610 BUTTON RD.	113.50
6878412783-6.16		3245 NW WATER WORKS DR	62.40
6987642013-6.16		2860 SE GOLDEN	40.32
7006406272-6.16		2000 NW TYLER	141.73
7052702107-6.16		2101 SW URISH RD	724.76
7054526981-6.16		DECORATIVE STREET LIGHTS	1,090.23
7093577888-6.16		2000 NW 17TH ST	811.89
7108482567-6.16		223 SW TUFFY KELLOGG DR LT	97.93
7129070441-6.16		324 SE JEFFERSON	2,234.99
7165756657-6.16		400 US HWY 24	66.11
7222261768-6.16		138 N KS AVE	72.26
7291675894-6.16		300 SE 40TH	123.49
731539692-6.16		BURNETTES MOUND (PAL) (tower)	69.47
7391817447-6.16		123 SE 29TH ST LT	42.46
7479004144-6.16		112 SW 8TH CROSBY PLACE	1,304.11
7548807911-6.16		4035 SW 6TH AVE - ZOO LIGHTING	210.93
7561894529-6.16		8TH & MONROE (PAL)	103.25
7634627729-6.16		3030 SE CROCO RD.	87.28
7672355786-6.16		3450 SW BELLE AVE POND	303.72
7678466617-6.16		200 NE CRANE	907.50
7781238941-6.16		STREET LIGHTS	148,374.82
7858393411-6.16		3712 SW STONEBRIDGE CT.	51.77
7891221852-6.16		300 SE JEFERSON - FIRE 54%	410.82
7891221852A-6.1		300 SE JEFERSON - FLEET 46%	349.96
8045856673-6.16		932 NE Quincy - FIRE	476.69
8101041023-6.16		3158 1/2 SE 6TH AVE	26.32
8276026298-6.16		322 NW CRANE ST (PAL) (Impound	33.18
8290044485-6.16		3414 SE 35TH ST.	223.60
8336454201-6.16		1600 NW BUTTON RD.	31,942.01
8345937008-6.16		635 SW GAGE BLVD ZOO HYENA	133.34
8513066501-6.16		2300 SE 45TH ST	64.43
857144328-6.16		2000 NW 17TH ST	33.18
8573461924-6.16		1103 QUINCY/TANK	27.55
8595931907-6.16		201 NW TOPEKA-STREET	23.85
8718757529-6.16		1703 INDIAN HILLS	140.28
8797295426-6.16		3107 SE SILVERLEAF CT	52.31
8828977802-6.16		6305 SW 9TH ST	1,817.13
889044562-6.16		1419 NE SEWARD AVE	15.15
8917561729-6.16		120 NW CRANE - EMER WATER PUMP	818.99
8927971666-6.16		1200 DIVISION ST.	5,463.89
8990425420-6.16		PEDESTRIAN ST LIGHTS	2,356.24
9163909456-6.16		5610 SW FOXCROFT CIR.	61.51
9172705484-6.16		6255 CALIFORNIA (Gun Range)	275.60
9244495706-6.16		2001 NW WINTER ST	36.19
9281634463-6.16		635 SW GAGE BLVD - EXHIBIT	67.34
9381575612-6.16		1115 NE POPLAR ST	35,162.00
9388419420-6.16		1908 SE 29TH ST A	71.59
9396200104-6.16		1325 SW 16TH STREET	29.23
9406297791-6.16		720 SW 21st STREET	1,184.88
9415932749-6.16		1615 NW 8TH ST	155.84
9464440167-6.16		1801 SW 44TH	109.84
9511026279-6.16		SCHOOL SPEED FLASHER	371.00
9553074355-6.16		434 SE NORWOOD	4,571.31
9561558646-6.16		2447 SE 29TH STREET #9 99.98%	1,213.60
9610319286-6.16		1900 SW 17TH ST LT	80.11
9619954781-6.16		6548 SW 21ST ST ST LT	68.89
9662481100-6.16		5605 SW FOXCROFT CIR S	40.42
9673824013-6.16		320 S KANSAS AVE CHIEF OFF 3.0	715.02
9673824013B-6.1		320 S KANSAS AVE EXEC SRV 1.0	238.34
9673824013C-6.1		320 S KANSAS AVE TRAIN 1.0%	238.34

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9673824013D-6.1		320 S KANSAS AVE ADULT CRIME 7	1,668.38
9673824013E-6.1		320 S KANSAS AVE CRIME SCENE 1	238.34
9673824013F-6.1		320 S KANSAS AVE FIELD OPS 26.	6,270.73
9673824013G-6.1		320 S KANSAS AVE COMM POLICE 2	476.68
9673824013H-6.1		320 S KANSAS AVE SCHOOL RES 2.	476.68
9673824013I-6.1		320 S KANSAS AVE MOTORCYCLE UN	238.34
9673824013J-6.1		320 S KANSAS AVE ANIMAL CONTRO	715.02
9673824013K-6.1		320 S KANSAS AVE REC/PROP 6.0%	1,430.04
9673824013L-6.1		320 S KANSAS AVE PD IT .32%	76.27
9673824013M-6.1		320 S KANSAS AVE NARC 3.0%	715.02
9673824013N-6.1		320 S KANSAS AVE BIKE UNIT 1.0	238.34
9673824013O-6.1		320 S KANSAS AVE CANINE UNIT 2	476.71
9673824013P-6.1		320 S KANSAS AVE - FLEET 8.44%	2,011.59
9673824013Q-6.1		320 S KANSAS AVE - CORONER 4.0	953.36
9673824013R-6.1		320 S KANSAS AVE - SHERIFF 27.	6,656.84
969270611-6.16		3700 FAIRLAWN PUMP	8,086.89
9772420004-6.16		6900 SW CRESTWOOD	44.08
9785702480-6.16		2306 SE SAGIS CT	105.00
9804384888-6.16		1901 SW 17TH ST ST LT	64.64
9905880069-6.16		1200 NE DIVISION (PAL)	33.76
994842527-6.16		2010 SW 37TH ST	926.43
721431	07/15/2016	ARC PHYSICAL THERAPY PLUS	9956
1010069	33984		900.00
721432	07/15/2016	STORMONT VAIL WORKCARE	4783
43017	34113		888.90
43075	34113		312.41
43103	34113		3,520.00
43270	34113		1,677.70
43323	34113		390.00
721448	07/15/2016	D L SMITH ELECTRIC CONSTRUCTIO	1236
5397	34863		59,625.00
721449	07/15/2016	FASTENAL COMPANY	1619
KSTOP229700	33271		0.72
721450	07/15/2016	GILMORE CRANE CORPORATION INC	1895
12661	35699		1,896.56
721451	07/15/2016	KANSAS SAND & CONCRETE	2744
90061907	33407		363.00
90061908	33407		847.00
90062656	33453		26.10
90062668	33407		2,420.00
90062669	33407		544.50
90063145	33407		1,210.00
90063146	33407		1,210.00
90063147	33407		1,210.00
90063148	33407		605.00
90063651	33407		605.00
90064209	33407		310.00
721452	07/15/2016	KEY REFRIGERATION SUPPLY LLC	2848
4187970 00	33408		1,996.00
721453	07/15/2016	MID-STATES MATERIALS LLC	3401
56743	34591		15,543.71
56814	33425		657.51
721454	07/15/2016	MIDWEST MOTOR SUPPLY CO INC	2854
5005698	33478		148.40

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Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721455	07/15/2016	ROACH HARDWARE 4230	545.12
117652	33413		19.99
117686	33413		8.48
117713	33413		24.98
117775	33413		425.71
117789	33413		10.59
117793	33413		8.59
117833	33413		-10.59
117851	33413		5.16
117921	33413		7.48
117950	33413		31.46
117984	33413		13.27
721456	07/15/2016	SAFETY SUPPLIES 4336	165.95
SSI 1605101	33421		165.95
721457	07/15/2016	SHAWNEE COUNTY 4504	100,618.32
JUNE 2016	DE		100,618.32
721458	07/15/2016	SHAWNEE COUNTY 4518	700,395.14
JUNE 2016	DE		700,395.14
721459	07/15/2016	SHAWNEE COUNTY 7574	18,941.97
JUNE 2016	DE		18,941.97
721460	07/15/2016	TARWATER FARM & HOME SUPPLY 4872	440.00
1334202	33568		440.00
721461	07/15/2016	HELPING HANDS HUMANE SOCIETY 8872	25.00
CR 2002 002303	TC CARTER		25.00
721462	07/15/2016	KANSAS BUREAU OF INVESTIGATION 2646	56.32
CR 2016 000005	RM ORTIZ		56.32
721463	07/15/2016	MELANSON, POLYANA 10441	25.00
CR 2015 000786	WA MORTON		25.00
721464	07/22/2016	BUTLER & ASSOCIATES PA 730	49.31
00000238116072		Garnishment - Pct of Net	49.31
721465	07/22/2016	BUTLER & ASSOCIATES PA 730	49.35
00000238116072		Garnishment - Pct of Net	49.35
721466	07/22/2016	BUTLER & ASSOCIATES PA 730	49.31
00000238116072		Garnishment - Pct of Net	49.31
721467	07/22/2016	BUTLER & ASSOCIATES PA 730	49.31
00000238116072		Garnishment - Pct of Net	49.31
721468	07/22/2016	BUTLER & ASSOCIATES PA 730	108.16
00000230316072		Garnishment - Pct of Net	108.16
721469	07/22/2016	BUTLER & ASSOCIATES PA 730	108.16
00000230316072		Garnishment - Pct of Net	108.16
721470	07/22/2016	BUTLER & ASSOCIATES PA 730	45.93
00000263716072		Garnishment - Pct of Net	45.93
721471	07/22/2016	BUTLER & ASSOCIATES PA 730	45.93
00000263716072		Garnishment - Pct of Net	45.93

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721472	07/22/2016	BUTLER & ASSOCIATES PA 730	310.69
00000261016072		Garnishment - Pct of Net	310.69
721473	07/22/2016	H KENT HOLLINS ATTORNEY AT LAW 6502	108.18
00000230316072		Garnishment - Pct of Net	108.18
721474	07/22/2016	H KENT HOLLINS ATTORNEY AT LAW 6502	96.89
00000246816072		Garnishment - Pct of Net	96.89
721475	07/22/2016	H KENT HOLLINS ATTORNEY AT LAW 6502	96.88
00000246816072		Garnishment - Pct of Net	96.88
721476	07/22/2016	MARTIN PRINGLE OLIVER WALLACE 3214	183.51
00000237916072		Garnishment - Pct of Net	183.51
721477	07/22/2016	MCNEILEPAPPAS PC 10454	226.95
00000102216072		Garnishment - Pct of Net	226.95
721478	07/22/2016	ZIMMERMAN & ZIMMERMAN PA 5186	308.99
00000263116072		Garnishment - Pct of Net	308.99
721479	07/22/2016	ZIMMERMAN & ZIMMERMAN PA 5186	49.31
00000238116072		Garnishment - Pct of Net	49.31
721480	07/22/2016	1ST DUE EMERGENCY RESPONSE 5911	589.25
16 2472	33604		589.25
721481	07/22/2016	ADVANCE STORES COMPANY INC 64	87.41
1649618170929	33251		87.41
721482	07/22/2016	AMEC FOSTER WHEELER 7704	13,598.00
S39991484	34800		13,598.00
721483	07/22/2016	ARAMARK UNIFORM & CAREER 9589	64.61
311259709	33220		15.63
311259710	33220		30.13
311259711	33220		18.85
721484	07/22/2016	ARMAG CORPORATION 10127	2,332.00
8220	35612		2,332.00
721485	07/22/2016	AT&T 281	444.68
1109882307	LONG DISTANCE		444.68
721486	07/22/2016	AUTO ZONE INC 310	48.94
1634110228	34547		48.94
721487	07/22/2016	BA DESIGNS LLC 327	98.00
BA17508	35518		98.00
721488	07/22/2016	BIG TWIN INC 5031	532.94
675076	33307		532.94
721489	07/22/2016	BRIDGESTONE AMERICAS INC 1855	1,465.19
526 49423	33274		1,027.88
526 50179	33274		257.60
526 50298	33274		179.71
721490	07/22/2016	BROWNS SUPER SERVICE INC 670	356.50
46594	33261		250.00
46742	33261		106.50

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721491	07/22/2016	CE WATER MANAGEMENT INC 858	2,145.00
C46173	33818		1,145.00
C46174	33818		625.00
C46177	33818		375.00
721492	07/22/2016	CELLCO PARTNERSHIP 9497	850.03
9767925046	DE		850.03
721493	07/22/2016	CIBER INC 935	16,345.00
04 928176	35509		16,345.00
721494	07/22/2016	COREFIRST BANK & TRUST 1111	1,594.22
JUNE 2016	35816		1,594.22
721495	07/22/2016	CRAFCO INC 9801	89.58
25001010	33329		89.58
721496	07/22/2016	CYTEK MEDIA SYSTEMS INC 1227	5,001.00
176248	35839		5,001.00
721497	07/22/2016	DOUG RICHERT PONTIAC CADILLAC 1397	169.14
258876	33270		169.14
721498	07/22/2016	ENVIRONMENTAL ENERGY INC 1545	65.00
41581	35319		65.00
721499	07/22/2016	ENVISION INDUSTRIES INC 1549	30.90
0003450970	33371		30.90
721500	07/22/2016	FINLAY AUTOMOTIVE SUPPLY INC 10237	65.37
021212	34115		57.82
021947	34115		7.55
721501	07/22/2016	FISHER PARKING & SECURITY 5802	2,625.00
15882	35724		2,625.00
721502	07/22/2016	FOREST PARK CONFERENCE AND 10324	1,350.00
35452 6/1-30/16	35452		1,350.00
721503	07/22/2016	HALL COMMERCIAL PRINTING 2053	2,357.07
161073	35242		1,027.00
161074	35242		1,330.07
721504	07/22/2016	HEALTHSTAT INC 9951	31,509.78
41651	34744		31,509.78
721505	07/22/2016	HERESITE PROTECTIVE COATINGS 10422	731.25
0099120 IN	35539		731.25
721506	07/22/2016	SPENCER & COMPANY 2321	361.12
S 13026	33281		20.90
S 13218	33281		-101.14
S 13221	33281		10.24
S 13227	33281		52.20
S 13246	33345		333.08
S 13262	33281		45.84
721507	07/22/2016	INFORMATION NETWORK OF KANSAS 2395	480.42
1297274	33870		284.00
1302698	34024		196.42
721508	07/22/2016	INTEGRITY MUNICIPAL SYSTEMS 9893	5,250.00

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5933	33892		5,250.00
721509 061516	07/22/2016 33284	JAYHAWK AUTO INC 2501	1,152.00
721510 35754	07/22/2016 35443	JMA INFORMATION TECHNOLOGY 2536	25,124.88
721511 2898137 2898921	07/22/2016 33289 33289	KANSAS AUTOMOTIVE INC 2639	35.66
721512 LC 60624 070116	07/22/2016 35757	KANSAS DEPT OF HEALTH & ENVIR 2674	150.00
721513 35760#17174 HO	07/22/2016 35760	KANSAS DEPT OF HEALTH & ENVIR 2676	20.00
721514 DOERR J 2016 E	07/22/2016 35813	KANSAS GOVERNMENT FINANCE 2711	50.00
721515 6060480	07/22/2016 33412	KANSAS ONE CALL SYSTEM INC 2728	3,093.00
721516 35812 ACCT0044	07/22/2016 35812	KANSAS SECRETARY OF STATE 2745	41.75
721517 SN042965	07/22/2016 35574	KANSAS SECURED TITLE/ 2747	100.00
721518 9751	07/22/2016 33291	KARRS KARTS 2784	260.40
721519 1177559	07/22/2016 33294	LAIRD NOLLER FORD INC 2939	68.13
721520 35791 601 NW J/	07/22/2016 35791	LAWYERS TITLE OF TOPEKA INC 3002	98,022.08
721521 10263	07/22/2016 35297	LOWER HEATING & A/C INC 3119	4,326.00
721522 2917	07/22/2016 32442	MIDWEST COATING 3407	590.00
721523 42564.5825	07/22/2016	MOSER, ROBERT E BALTIMORE MD 7/26-30/16 3537	215.35
721524 7801 8	07/22/2016 33462	NAILL ENTERPRISES LTD 4931	96.15
721525 248	07/22/2016 33326	ONE WAY CUSTOM PAINT 9113	576.50
721526 5178	07/22/2016 34430	PETDATA INC 10112	3,076.55
721527 702194 702195	07/22/2016 33725 33725	PUR O ZONE INC 6773	660.42

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721528 4842098	07/22/2016 33416	REEVES WIEDEMAN COMPANY INC 4154	14.78
			14.78
721529 51030	07/22/2016 33362	ROLLING PRAIRIE 9658	25.15
			25.15
721530 00687 157685	07/22/2016 33318	SAFELITE FULFILLMENT INC 6839	150.00
			150.00
721531 18A 18B 3	07/22/2016 35306 35306 35306	SANCHEZ PROFESSIONAL CLEANING 10169	508.75 90.00 807.30
			1,406.05
721532 SB931779 SW126391	07/22/2016 33235 33235	SBC GLOBAL SERVICES INC 286	5,562.99 1,110.44
			6,673.43
721533 2010 5169	07/22/2016 34875	SEABROOKS INC 10180	279.00
			279.00
721534 128	07/22/2016 33621	SHAWNEE COUNTY 4505	7,500.00
			7,500.00
721535 35111	07/22/2016 35111	SHAWNEE COUNTY EXTENSION COUNC 4508	600.00
			600.00
721536 33608 3	07/22/2016 33608	SHAWNEE COUNTY 4519	225.00
			225.00
721537 371945	07/22/2016 35246	LINEAGE MAILING SERVICES LLC 9223	1,768.93
			1,768.93
721538 34950716	07/22/2016 35732	THE WELLNESS COUNCIL OF 10448	395.00
			395.00
721539 300	07/22/2016 35750	TOPEKA INDEPENDENT LIVING 5772	70.00
			70.00
721540 JUN 2016 ACCT :	07/22/2016 33511	TRANSUNION RISK AND 9436	139.00
			139.00
721541 000504630 #3976 503139 ACCT 39	07/22/2016 35828 35828	TRAVELERS INSURANCE COMPANY 5089	10,959.12 4,305.36
			15,264.48
721542 9019528698	07/22/2016 35352	VERITIV OPERATING COMPANY 10171	509.04
			509.04
721543 054	07/22/2016 33367	WELLS, DAVID L 5359	920.00
			920.00
721544 PK47847833 PK4855971 PK51466383 PK58090737 PK800508	07/22/2016	JUSTIN BURGER 10446	29.97 18.00 18.00 18.00 18.00
			101.97
721545 PK00000929	07/22/2016	MATTHEW HOFER 10443	26.89
			26.89

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721546 PK00000931	07/22/2016	JOY HUBER CORONADO PARKING GARAGE 10445	13.51 13.51
721559 PK00000921	07/22/2016	ANNETTE ROHDE CORONADO PARKING GARAGE 10444	29.33 29.33
721560 00000005516072	07/22/2016	BC SERVICES INC Garnishment - Pct of Net 10424	412.28 412.28
721561 00000027816072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	84.00 84.00
721562 00000065816072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	144.00 144.00
721563 00000006716072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	94.62 94.62
721564 00000023216072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	97.22 97.22
721565 00000080616072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	136.62 136.62
721566 00000119216072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	63.70 63.70
721567 00000067716072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	484.61 484.61
721568 00000238516072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	36.92 36.92
721569 00000004416072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	87.69 87.69
721570 00000229616072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	202.61 202.61
721571 00000250316072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	95.54 95.54
721572 00000100916072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	138.46 138.46
721573 00000015216072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	183.69 183.69
721574 00000254716072	07/22/2016	CHAPTER 13 TRUSTEE Bankruptcy - Amt 26 PP 2494	60.00 60.00
721575 00000241016072	07/22/2016	FAMILY SUPPORT PAYMENT CENTER Child Support - Amt 6780	449.31 449.31
721576 00000258816072	07/22/2016	FAMILY SUPPORT PAYMENT CENTER Child Support - Amt 6780	125.54 125.54
721577 UNF1160722171(UNF1160722171(	07/22/2016	FRATERNAL ORDER OF POLICEMEN Union Dues - FOP Union Dues - FOP 1773	77.76 9,224.12 9,301.88

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721578	07/22/2016	GENERAL REVENUE CORPORATION 1867	186.59
00000081416072		Student Loan Federal - Pct	186.59
721579	07/22/2016	ILLINOIS STUDENT ASSISTANCE 9196	303.69
00000035416072		Student Loan Federal - Pct	303.69
721580	07/22/2016	KANSAS DEPARTMENT OF REVENUE 6574	324.35
00000111616072		Tax Levy State - Pct	324.35
721581	07/22/2016	PIONEER CREDIT RECOVERY INC 3940	227.26
00000215516072		Student Loan Federal - Pct	227.26
721582	07/22/2016	SUPPORTKIDS SERVICES INC 4283	183.48
00000089816072		Child Support - Amt	183.48
721583	07/22/2016	OFFICE OF THE ATTORNEY GENERAL 10437	92.31
00000265316072		Child Support - Amt	92.31
721584	07/22/2016	UNITED STATES GOVERNMENT 9489	151.51
00000215516072		Student Loan Federal - Pct	151.51
721585	07/22/2016	WILLIAM GRIFFIN CHAPTER 5446	2,145.24
00000055616072		Bankruptcy - Amt 26 PP	2,145.24
721586	07/22/2016	WILLIAM GRIFFIN CHAPTER 5446	1,246.16
00000041316072		Bankruptcy - Amt 26 PP	1,246.16
721587	07/22/2016	WILLIAM GRIFFIN CHAPTER 5446	807.70
00000080116072		Bankruptcy - Amt 26 PP	807.70
721588	07/22/2016	FASTENAL COMPANY 1619	14.39
KSTOP229951	33271		0.96
KSTOP230017	33225		13.43
721589	07/22/2016	GRAINGER 1964	518.00
9154383674	35635		395.04
9154383682	35637		122.96
721590	07/22/2016	HYDRO FLEX CORPORATION 2368	156.40
44710	33282		156.40
721591	07/22/2016	KANSAS SAND & CONCRETE 2744	8,290.76
90060807	33407		486.00
90061719	33538		688.45
90061905	33538		308.50
90061906	33538		308.50
90062667	33538		369.38
90063144	33538		436.25
90063650	33538		279.80
90064210	33538		972.38
90065057	33538		495.00
90065058	33407		605.00
90065059	33407		302.50
90065060	33407		847.00
90065079	33407		242.00
90065728	33407		340.00
90066445	33407		605.00
90066446	33407		510.00
90066811	33538		495.00
721592	07/22/2016	MCCRAY LUMBER COMPANY 3280	71.80
TO00661027 001	33465		60.00

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
TO00665185 001	33465		11.80
721593 56971	07/22/2016 33425	MID-STATES MATERIALS LLC 3401	1,205.18
721594 4998616 5015533 5021322 5022640 5023341	07/22/2016 33478 33478 33478 33478 33478	MIDWEST MOTOR SUPPLY CO INC 2854	4,536.02 678.36 905.35 735.81 1,414.95 801.55
721595 118046 118133 118162	07/22/2016 33413 33413 33413	ROACH HARDWARE 4230	38.83 6.99 16.49 15.35
721596 65005	07/29/2016 35781	ACTION SIGNS TO GO 43	200.00
721597 ID 7453 8/1/16-7/	07/29/2016 35869	AMERICAN PUBLIC WORKS 181	2,480.00
721598 201606 0	07/29/2016 33370	VCA CENVET INC 5886	1,325.41
721599 311185013 311209845 311234852 311259708 311284603 311284604 311284605 311284606	07/29/2016 33493 33493 33493 33493 33493 33220 33220 33220	ARAMARK UNIFORM & CAREER 9589	741.66 135.41 135.41 135.41 135.41 135.41 15.63 30.13 18.85
721600 JULY 2016	07/29/2016 MONTHLY PHONE	AT&T 281	19,271.84
721601 2989259	07/29/2016 28170	AT&T CAPITAL SERVICES 284	7,131.57
721602 1634114643	07/29/2016 34547	AUTO ZONE INC 310	108.76
721603 82192385	07/29/2016 35848	BOUND TREE MEDICAL LLC 563	555.60
721604 46831 46834 46835 46839 46949	07/29/2016 33261 33261 33261 33261 33261	BROWNS SUPER SERVICE INC 670	1,350.00 450.00 200.00 200.00 250.00 250.00
721605 8390 8631	07/29/2016 33443 33443	C & B INDUSTRIES INC 9568	165.68 108.83 56.85
721606 508317	07/29/2016 33267	CONRAD FIRE EQUIPMENT INC 1073	69.76

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721607 33461 JUL 2016	07/29/2016 33461	CONSOLIDATED RURAL WATER 1076	1,240.00
721608 5580 5627	07/29/2016 35717 34050	CREATIVE BUSINESS SOLUTIONS 1165	3,222.50 96.25
721609 023214	07/29/2016 34115	FINLAY AUTOMOTIVE SUPPLY INC 10237	57.14
721610 35452 7/1-8/16	07/29/2016 35452	FOREST PARK CONFERENCE AND 10324	360.00
721611 2016 10	07/29/2016 33467	GASOCHEM INTERNATIONAL LLC 9927	6,187.92
721612 100	07/29/2016 35782	GRASSLAND HERITAGE FOUNDATION 10239	250.00
721613 3 0616	07/29/2016 32558	HERITAGE STRATEGIES LLC 8830	4,736.00
721614 S 13285 S 13294 W 15560	07/29/2016 33281 33345 33281	SPENCER & COMPANY 2321	34.18 1,190.24 309.45
721615 616322	07/29/2016 33285	JAMES L DUNLAP 2533	95.00
721616 21011	07/29/2016 33284	JAYHAWK AUTO INC 2501	315.00
721617 W6000 APR-JUN	07/29/2016 33410	KANSAS DEPT OF HEALTH & ENVIR 2674	662.00
721618 35648 PERMIT G 35648 PERMIT G 35648 PERMIT G	07/29/2016 35648 35648 35648	KANSAS DEPT OF HEALTH & ENVIR 2676	60.00 60.00 60.00
721619 9753	07/29/2016 33291	KARRS KARTS 2784	20.10
721620 2133006000 07/1	07/29/2016 DE	KAW VALLEY ELECTRIC 8159	89.56
721621 23111	07/29/2016 34869	KUCERA INTERNATIONAL INC 10139	8,131.50
721622 1617000 2016063	07/29/2016 35797	LEXISNEXIS RISK SOLUTIONS 10460	3,850.00
721623 376	07/29/2016 35271	MM EXCAVATING LLC 9938	1,802.30
721624 33572 MAY & JUN	07/29/2016 33572	MOSER, ROBERT E 3537	375.00
721625 KS08 190063	07/29/2016 33418	MOTION INDUSTRIES INC 3545	938.82

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
721626 7801 9	07/29/2016 33462	NAILL ENTERPRISES LTD 4931	96.15 96.15
721627 072016TPD	07/29/2016 33695	OYLER, ANNA L 9790	100.00 100.00
721628 5625070516	07/29/2016 33360	PRODUCTS PLUS INC 9311	207.00 207.00
721629 002074 007707 008038	07/29/2016 33606 35915 33861	SAMS CLUB 4357	55.28 199.00 159.20 413.48
721630 001 19A 19B	07/29/2016 35588 35306 35306	SANCHEZ PROFESSIONAL CLEANING 10169	550.00 508.75 90.00 1,148.75
721631 739868	07/29/2016 35868	SECURITY EQUIPMENT SUPPLY INC 4455	2,639.25 2,639.25
721632 56344	07/29/2016 35543	SIMILAR MODE UNIFORMS INC 4563	378.00 378.00
721633 383242	07/29/2016 35246	LINEAGE MAILING SERVICES LLC 9223	1,836.93 1,836.93
721634 32877	07/29/2016 32877	THE LARSON GROUP INC 10132	121,900.00 121,900.00
721635 CDBG TSA 2015	07/29/2016 34031	THE SALVATION ARMY INC 4938	10,167.11 10,167.11
721636 298	07/29/2016 35750	TOPEKA INDEPENDENT LIVING 5772	70.00 70.00
721637 48135	07/29/2016 33308	RAD INC 5042	11.22 11.22
721638 0000693358306	07/29/2016 33250	UNITED PARCEL SERVICE INC 5140	78.30 78.30
721639 26337653	07/29/2016 33250	UNITED PARCEL SERVICE INC 5140	64.50 64.50
721640 9551 9562	07/29/2016 33616 33616	VAC-CON SERVICES INC 8824	69.04 80.92 149.96
721641 16126 13533	07/29/2016 34699	VULCAN INDUSTRIES INC 8966	18,409.53 18,409.53
721653 KSTOP230267	07/29/2016 34738	FASTENAL COMPANY 1619	2.84 2.84
721654 9158708033	07/29/2016 35874	GRAINGER 1964	882.45 882.45
721655 90066978 90066979	07/29/2016 33538 33538	KANSAS SAND & CONCRETE 2744	436.25 250.63 4,782.88

COUNCIL REPORT OF VENDOR PAYMENTS

Between 7/2/2016 and 7/29/2016

Check No.	Check Date/PO #	Vendor Name and Number	Check Amount
90067584	33407		319.00
90067598	33538		500.00
90067821	33538		312.50
90067822	33407		2,420.00
90068518	33407		544.50
721656	07/29/2016	MID-STATES MATERIALS LLC 3401	1,420.54
57138	33425		585.40
57158	33473		835.14
721657	07/29/2016	MIDWEST MOTOR SUPPLY CO INC 2854	1,043.55
5035714	33478		1,043.55
721658	07/29/2016	RICK'S CONCRETE SAWING 4207	928.00
16 1365	33835		728.00
16 1430	33835		200.00
721659	07/29/2016	ROACH HARDWARE 4230	19.86
118343	33413		6.28
118349	33413		13.58
721660	07/29/2016	SAFETY SUPPLIES 4336	671.99
SSI 1606116	35894		271.99
SSI 160707	33421		400.00
Total for Check Payments			2,382,531.80
TOTAL OF PAYMENTS			20,631,267.92

Payment Listing

CB255 Date: 08/09/16
Time: 10:04

JOB SUBMISSION PARAMETERS

User Name: INFORBC\kjohnson
Job Name: CB255KEJ2
Step Nbr: 1

Cash Code: 07 US BANK OPERATING ACCT
or Cash Code Group:

Transaction Code: SYS AP SYSTEM PAYMENT
Check Date: 070216 - 072916
Check Nbr: -
Company: 1 CITY OF TOPEKA

Transaction Status: P Paid
Report Sequence: C By Transaction Code
Detail Option: Summary

Payment Listing

CB255 Date 08/09/16
Time 10:04

Page 1

Payment Listing
Cash Code 07 US BANK OPERATING ACCT
By Transaction Code (Status: Paid)

Transaction Code SYS AP SYSTEM PAYMENT

Reference Number	Payment Nbr	Co.	Post Date	Pay Date	Void Date	Amount	Status	Payee Name	Pay Group	Proc Grp
BROKAW MIC	721327	1	06/28/16	07/08/16		7.00	Historical	MICHELLE BROKAW	COT	
CERVANTES	721328	1	06/30/16	07/08/16		60.85	Historical	BRIANNA N CERVANTES	COT	
HOUCK JOHN	721329	1	06/30/16	07/08/16		49.73	Historical	JOHN S HOUCK	COT	
HOMEMAKERS	721330	1	07/06/16	07/08/16		445.00	Historical	HOMEMAKERS LLC	COT	
PIPER ASHL	721331	1	07/06/16	07/08/16		439.74	Historical	ASHLEY L PIPER	COT	
WOOLERY TH	721332	1	07/06/16	07/08/16		223.16	Historical	THERON L WOOLERY	COT	
PURDUM KAI	721333	1	06/27/16	07/08/16		10.97	Historical	KAILEIGH JEAN PUDUM	COT	
RITTER SCO	721334	1	06/27/16	07/08/16		13.08	Historical	SCOTT RITTER	COT	
COLEMAN JA	721335	1	06/20/16	07/08/16		80.84	Historical	JAMAL M COLEMAN	COT	
DIXON JOSE	721336	1	06/15/16	07/08/16		16.52	Historical	JOSEPH W DIXON	COT	
GILLEN OLI	721337	1	06/17/16	07/08/16		9.00	Historical	OLIVIA CELESTINA GIL	COT	
HAMILTON/P	721338	1	06/20/16	07/08/16		15.25	Historical	JAN HAMILTON CHAPTER	COT	
KNOLL LESL	721339	1	06/15/16	07/08/16		125.55	Historical	LESLIE A KNOLL	COT	
1819 SEWAR	721433	1	07/07/16	07/15/16		7873.41	Historical	ERNESTINE G SANDATE	COT	
3637 US HW	721434	1	07/07/16	07/15/16		1245.00	Historical	MARJORIE A SCHAFER	COT	
KS GAS SER	721435	1	07/07/16	07/15/16		1445.41	Historical	KANSAS GAS SERVICE	COT	
USD NO 501	721436	1	07/13/16	07/15/16		450.00	Historical	UNIFIED SCHOOL DISTR	COT	
SCOTT LISA	721437	1	07/05/16	07/15/16		1236.50	Historical	LISA SCOTT	COT	
ARAB SHRIN	721438	1	07/08/16	07/15/16		306.73	Historical	ARAB SHRINE	COT	
TORGESON T	721439	1	07/07/16	07/15/16		650.00	Historical	TORGESON TRENCHING	COT	
AMEND MEGA	721440	1	07/11/16	07/15/16		88.47	Historical	MEGAN C AMEND	COT	
DRIVER HEA	721441	1	07/11/16	07/15/16		573.26	Historical	HEATHER DRIVER	COT	
GRIGSBY AU	721442	1	07/11/16	07/15/16		46.94	Historical	AUDRA E GRIGSBY	COT	
MIKKELSEN	721443	1	07/11/16	07/15/16		72.00	Historical	MALCOM S MIKKELSEN	COT	
STAFFORD S	721444	1	07/11/16	07/15/16		53.71	Historical	SONJA A STAFFORD	COT	
CBK/OSBOUR	721445	1	06/29/16	07/15/16		200.00	Historical	COLLECTION BUREAU OF	COT	
COOK & ASS	721446	1	06/29/16	07/15/16		340.00	Historical	COOK & ASSOCIATES	COT	
REYES MIRL	721447	1	06/28/16	07/15/16		10.00	Historical	MIRLA C REYES	COT	
HURT KEVIN	721547	1	07/18/16	07/22/16		98.56	Historical	KEVIN HURT	COT	
CAHILL JOH	721548	1	07/19/16	07/22/16		8.00	Historical	JOHN T CAHILL	COT	
CLARK SAVA	721549	1	07/11/16	07/22/16		10.00	Historical	SAVANNA CLARK	COT	
KINNEY AMY	721550	1	07/11/16	07/22/16		10.00	Historical	AMY KINNEY	COT	
FOSTER JAN	721551	1	07/14/16	07/22/16		10.00	Historical	JANICE FOSTER	COT	
TETUAN MAR	721552	1	07/14/16	07/22/16		10.00	Historical	MARY H TETUAN	COT	
COOPER JAM	721553	1	07/12/16	07/22/16		27.00	Historical	JAMES LEE COOPER	COT	
DAVIS ADRI	721554	1	07/11/16	07/22/16		410.00	Historical	ADRIANNE DANIELLE DA	COT	
JONES TYSH	721555	1	07/14/16	07/22/16		677.00	Historical	TYSHIKA TIFFANAE JON	COT	
PARSHALL M	721556	1	07/13/16	07/22/16		56.00	Historical	MELINDA MARIE PARSHA	COT	
GONZALES P	721557	1	07/18/16	07/22/16		10.00	Historical	PHILLIP A GONZALES	COT	
MAINEY WIL	721558	1	07/18/16	07/22/16		17.51	Historical	WILLIAM A MAINEY	COT	
BATIS DEVE	721642	1	07/21/16	07/29/16		58.42	Historical	BATIS DEVELOPMENT CO	COT	
CLARKE MON	721643	1	07/21/16	07/29/16		36.96	Historical	MONTE L CLARKE	COT	
DEVOE CLIN	721644	1	07/21/16	07/29/16		62.44	Historical	CLINT M DEVOE	COT	
MISKELL MI	721645	1	07/21/16	07/29/16		66.03	Historical	MIKE P MISKELL	COT	
REIFF HALE	721646	1	07/21/16	07/29/16		55.08	Historical	HALEY N REIFF	COT	
STITHEM BR	721647	1	07/21/16	07/29/16		117.92	Historical	BRUCE A STITHEM	COT	
CHIK FIL A	721648	1	07/20/16	07/29/16		100.00	Historical	CHIK FIL A	COT	
RAYTON	721649	1	07/22/16	07/29/16		2640.00	Historical	QUIANNA RAYTON	COT	
JORDAN BAR	721650	1	07/27/16	07/29/16		590.00	Historical	BARBARA JORDAN	COT	

Payment Listing

CB255 Date 08/09/16
Time 10:04

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Payment Listing
Cash Code 07 US BANK OPERATING ACCT
By Transaction Code (Status: Paid)

Transaction Code SYS AP SYSTEM PAYMENT

Reference Number	Payment Nbr	Co.	Post Date	Pay Date	Void Date	Amount	Status	Payee Name	Pay Group	Proc Grp
DRINOVSKY	721651	1	06/17/16	07/29/16		10.00	Historical	STEPHANIE DRINOVSKY	COT	
HAWKER KEV	721652	1	07/18/16	07/29/16		10.00	Historical	KEVIN HAWKER	COT	

Transaction Code SYS Total ----- 21179.04

Cash Code 07 Total ----- 21179.04

Report Total ----- 21179.04

*** REPORT COMPLETED ***



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Bill Fiander DOCUMENT #: PUD16/2
SECOND PARTY/SUBJECT: Heartland Management Co./First Assembly Church PROJECT #: N/A
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 500 and 520 SW 27th Street in the city of Topeka, Kansas from “O&I-2” Office and Institutional District, “R-1” Single Family Dwelling District with a Conditional Use Permit for a Surface Parking Lot and “R-1” Single-Family Dwelling District ALL TO “PUD” Planned Unit Development District (O&I-2 use group and a Professional/Administrative Office). (PUD16/2) (Council District No. 3)

(Approval would allow expansion of the administrative headquarters of the Newcomer Funeral Group and includes a new single-story office 4,300 square foot office building and associated parking. A protest petition was filed; therefore all members of the Governing Body must be present in order to vote on the ordinance.)

POLICY ISSUE:

Property owners have filed a protest petition changing the normal voting requirements. The Governing Body has the following options. All members of the Governing Body must be present:

- Adopt the recommendation by three-fourths vote of all the governing body members (8 minimum).
- Amend the recommendation granting the zoning request by three-fourths vote of all the governing body members (8 minimum).
- Reject the recommendation (i.e. deny rezoning application) by two-thirds vote of the governing body (7 minimum)
- Remand back to the Planning Commission with a statement specifying the basis for the governing body’s decision. (6 votes)
- Defer taking any action until a future date. (6 votes)

STAFF RECOMMENDATION:

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

BACKGROUND:

The key issues related to this request included the traffic impact on Western (local street), compatibility with the residential neighborhood to the north and west, loss of historic and neighborhood character, and stormwater increases on adjacent properties.

In its recommendation of approval, Planning staff believes the issues are adequately addressed, as indicated by the conditions on the Master PUD Plan.

As described in detail in the staff report the key issues have been addressed as follows:

- The traffic increase from the new development on Western and SW 27th Street is minimal and will have no adverse impact on these roadways. The developed conditions will only increase traffic on SW 27th by approximately 2% and between 0% to 5% on Western.
- The PUD plan reduces driveway access for the Newcomer Group to SW 27th Street. The plan proposes to close both the Western driveway and the single lane driveway on 27th.
- SW 27th Street is a collector roadway and is designed to accommodate any additional traffic added to the street that is caused by closing the Western driveway access opening.
- The PUD plan establishes design parameters (including elevations, signage, uses, and building coverage limitations) for the new building to ensure it will not harm the residential character of the neighborhood to the north and west.
- The PUD plan and stormwater report require improvements to the drainage system that will improve existing conditions for surrounding properties. Specifically, the project does not increase the total amount of impervious surface.
- The PUD requires that: *“Any increases in intensity (including uses, changes in driveway access, building sizes) or changes to the building elevations that alter the development character shall require a Major Amendment to the PUD Plan”.* (i.e. Planning Commission/Governing Body approval).

Following principles in the Land Use and Growth Management Plan – 2040 the area is considered a transitional area since it “transitions” from non-residential office to residential. In transition areas, a PUD may be used between non-residential and residential uses to provide for some flexibility for limited development, but still in a manner that is not out of character with the residential area to which it transitions.

The PUD plan as conditioned, establishes design parameters (setbacks, coverage limitations, design, signs, use groups, landscaping) to ensure the intensity of use and building is a step down from what an “O&I-2” zoning permits and is in conformance with the Comprehensive Plan.

PUD16/2 is a request to rezone property at 520 SW 27th Street (Newcomer) and a portion of 500 SW 27th Street (First Assembly Church) from “O&I-2” Office and Institutional District, “R-1” Single Family Dwelling District with a Conditional Use Permit for a vehicle surface parking lot, and “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development (“O&I-2” Office and Institutional uses for the existing building and a new professional/administrative office only for the proposed building).

The current owners propose two phases of development: The first phase (summer 2017) is planned to re-construct shared parking and access for better utilization by both First Assembly Church and the Newcomer Funeral Group, including the closure of driveways. The second phase (long term) includes construction of a new administrative office building used by the Newcomer Group with a maximum footprint of 4,300 sq. ft. (8,600 gross area) and a single story design with a basement.

Property owners who constitute 28% of the real property within 200 feet of the subject property have filed a protest petition which changes the voting requirements for considering the Planning Commission's recommendation.

BUDGETARY IMPACT:

There is budgetary impact to the City.

SOURCE OF FUNDING:

None Applicable

ATTACHMENTS:

Description

Ordinance

Staff report

Summary Report

Aerial Map

Zoning Map

Master PUD Plan - Revised per PC submitted 8-17-16

Proposed Elevations

Applicant Report to City from Neighborhood Meeting

NIM sign in sheet

Traffic Considerations based on 6-22-16 counts

Traffic counts, 6-22-16

Protest Petitions and Map

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 500 and 520 SW 27th Street in the City of Topeka, Kansas from “O&I-2” Office and Institutional District, “R-1” Single Family Dwelling District with a Conditional Use Permit for a Surface Parking Lot and “R-1” Single-Family Dwelling District ALL TO “PUD” Planned Unit Development District (O&I-2 use group and a Professional/Administrative Office) **(PUD16/2) (Council District No. 3)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

Lot 1, Block A, Newcomer Subdivision and a part of Lot 3, Block A, First Assembly Subdivision, City of Topeka, Shawnee County, Kansas, all being more particularly described as follows: Beginning at the Southwest corner of said Lot 1, Block A, Newcomer Subdivision; thence Northerly along the West line of said Lot on the platted bearing of N00°00'00"E, 345.47 feet (345.41 feet Plat) to the Northwest corner of said Lot; thence N89° 25'49"E, 164.08 feet (N89°27'17"E, 164.16 feet Plat) to the Northeast corner of said Lot, being common to the Northwest corner of said Lot 3, Block A, First Assembly Subdivision; thence N89°47'30"E, 191.55 feet along the North line of said Lot 3; thence S00°11'56"E, 67.17 feet; thence S44°49'43"W, 25.79 feet; thence S89°49'43"W, 72.57 feet; thence S00°11'56"E, 257.09 feet to the Southeast corner of said Lot 3, Block A, First Assembly Subdivision; thence S89°31'11"W, 101.68 feet (101.71 feet Plat) to the Southwest corner of said Lot 3; thence S00°02'40"E, 2.50 feet to the Southeast corner of said Lot 1, Block A, Newcomer Subdivision; thence S89°24'51"W 164.34 feet (S89°25'28"W, 164.36 feet Plat) to the Point of Beginning. Containing 2.27 acres more or less.

from “O&I-2” Office and Institutional District, “R-1” Single Family Dwelling District with a Conditional Use Permit for a Vehicle Surface Parking Lot and “R-1” Single-Family Dwelling District ALL TO “PUD” Planned Unit Development District (O&I-2 use group and a Professional/Administrative Office.)

subject to:

- 1. Use and development of the site in accordance with the Master Planned Unit Development**

Plan for Newcomer Funeral Group.

Section 2. The Master PUD Plan for Newcomer Funeral Group shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to building permit and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

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

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, August 15, 2016

APPLICATION CASE NO

PUD16/2- Newcomer Funeral Group

**REQUESTED ACTION / CURRENT
ZONING:**

Rezoning from “O&I-2” Office & Institutional District and “R-1” Single Family Dwelling District with a Conditional Use Permit for a Parking Lot (520 SW 27th) and rezoning from “R-1” Single Family Dwelling District (west portion of 500 SW 27th) **ALL TO** “PUD” Planned Unit Development District (O&I-2 uses, restricted to a professional or administrative office).

APPLICANT / PROPERTY OWNER:

Heartland Management Company: Warren J. Newcomer Jr.; President First Assembly of God: Steven E. Peoples, President of the Board

APPLICANT REPRESENTATIVE:

Daren Miller, Heartland Management Co. / Mark Boyd, Schmidt, Beck & Boyd Engineering, LLC

PROPERTY ADDRESS & PARCEL ID:

520 SW 27th Street/PID: 1330702021009000 (Newcomer office) and a portion of 500 SW 27th Street/PID: 1330702021011000 (First Assembly Church).

PARCEL SIZE:

2.27 acres

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The PUD plan proposes a new single-story office (Building #2) with maximum Gross Floor Area (GFA) of 8,600 sq. ft.: 4,300 sq. ft. (ground floor); 4,300 sq. ft. (basement) and to re-configure and re-construct parking on the church’s property for shared use by both applicants. The plan proposes to close the Western entrance, the single-lane drive closest to Western and widen and move to the west the second 27th Street driveway, which will be shared by Newcomer and the church.

DEVELOPMENT / CASE HISTORY:

CU05/12 (October 2005); a Conditional Use Permit for expansion of the Newcomer Funeral Services Group facility to include the remodel of a former residence (3,000 sf) sitting to the north of existing building for a “*Reception, conference, and assembly facility*” on that part of the property zoned “R-1”. This CUP also included a new driveway on to SW Western Avenue, located at the north end of the property. The Planning Commission recommended approval in October 2005. The Governing Body

approved CU05/12 in November 2005.

CU05/12A (June 2009); a minor amendment to the Conditional Use permit CU05/12 to revise the site plan by removing the *"Reception, conference, and assembly facility"*, which was never completed, and including in its place a parking lot to serve the Newcomer Funeral Service Group office and expand the existing building by 1,900 sq. ft.. The already approved Western driveway was moved further south from the previous plan CU05/12. The Planning Commission reviewed the request and determined the change could be processed as a minor amendment at their June 15, 2009 meeting. The CUP regulations, at the time, did not have criteria to distinguish major from amendments so, in this case, the Planning Commission made that determination. The Planning Department approved CU05/12A as a minor amendment in July 2009. The former residence was demolished around 2009.

PHOTOS:



ZONING AND CHARACTER OF SURROUNDING AREA:

Other than the applicant's existing building, the surrounding area is zoned entirely "R-1" Single-Family Dwelling District. The area is predominantly residential and institutional in character and includes a mix of single family residences and churches. The Topeka Country Club golf course is located to the south of SW 27th Street. The First Assembly of God Church and parking lot, which includes two buildings, is located immediately to the east. Grace United Methodist Church is located to the west across SW Western Avenue. A large 5,600 sq. ft. (2,384 foot print) single family residence, formerly a Florence Crittenton Home for Unwed Mothers, is also located to the west and surrounded by parking. Single family residences are located on the adjoining land to the north.

PUD MASTER PLAN ELEMENTS (PROPOSED):

DEVELOPMENT PHASING:

Phase I (summer 2017): Reconstruct Church's parking lot, remove parking lot along north property line and return to green space, and re-construct earth berm along the north property line to re-direct and improve the flow of stormwater so it reaches an inlet on the church's property line near Topeka Blvd. Remove and curb/gutter Western driveway. Remove and curb/gutter single-lane driveway off SW 27th Street and return this area to green space.

Phase II (long-term): Construct Building #2 and re-configure parking as needed. Re-locate and construct new stormwater detention pond, vacate easements and abandon sanitary sewer main if needed.

GENERAL NOTES:

A re-plat is required prior to permits.

Site development plans by phase are required prior to permits.

Relocation and/or abandonment of sanitary sewer and vacation of easements are required prior to building permit issuance for Building #2.

UTILITIES:

Addresses lighting to indicate parking lot lighting shall be full cut-off, shielded and recessed to prevent cast of lighting beyond the property lines. No lighting shall exceed 3 foot-candles as measured at the property line.

PARKING, CIRCULATION & TRAFFIC:

Access is provided from SW 27th Street via the reconstructed driveway on 27th Street and intended for shared use. The single lane drive on 27th and the Western entrance are proposed to be closed during Phase I construction (Summer 2017).

BUILDINGS, SETBACKS, AND

Provides maximum building height of 25' and single-story design.

DESIGN:

Building setbacks: Western – 30'; 27th Street – 25'; North property line – 30'; East property line – 30'. The building will front on to SW Western.

Building elevations to be consistent with existing Building #1. A conceptual graphic is attached.

LANDSCAPE:

The PUD addresses landscaping for both phases. Landscaping will be emphasized along SW Western, SW 27th Street, and the north property line. Detailed landscape plans to be submitted at the time of site development for each phase.

SIGNAGE:

Electronic Message Centers are not permitted.

Sign Illumination: Building #1- Signage shall be lit only indirectly by flood lighting or ground level spot lights. Internal illumination is not permitted. Building #2- Signage shall not be illuminated, either indirectly or internally.

Free-standing signs: Building #1- One sign per building; Building #1- 50 sq. ft., 5' tall; Building #2- 25 sq. ft., 4 ft. tall

Wall signs: One sign per building; Building #1- 40 sq. ft.; Building #2- 25 sq. ft.

PROJECT DATA:Use groups:

Building #1- "O&I-2" Office and Institutional District

Building #2 - "O&I-2" uses restricted to a "Professional Office, and Administrative office"

Total Maximum Buildings:

Building #1 (existing) – ground floor (8,280 sf); basement (8,280 sf)

Building #2 (proposed) – ground floor (4,300 sq. ft.); basement (4,300 sq. ft.)

Off street parking: 1 space at 400 sf requires 63 stalls total
88 stalls total will be provided. The plan proposes no new parking stalls, but only to remove and reconfigure existing parking stalls.

VARIANCES REQUESTED:

None

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:

A re-plat of Newcomer Subdivision and First Assembly Church is required prior to building permit/parking lot permit approval.

TRAFFIC VOLUMES:

Based upon the size of the expansion and known traffic volume on SW 27th Street (KDOT 2014 - 2,995 Average Daily Traffic, immediately east of SW Burlingame) and the June 22, 2016 traffic counts, the City Traffic Engineer determined the development does not meet the threshold of requiring a Traffic Impact Analysis (TIA).

SW 27th Street is classified as a Collector on the MTPO Functional Classification Map. SW Western is a local street. Federal Highway Metrics indicate local streets typically may carry up to 3,000 ADT and Collectors may carry up to 5,000 ADT. KDOT counts and the traffic counts taken on June 22, 2016 show neither SW 27th nor SW Western exceed these general metrics.

KDOT 2014 counts indicate SW 27th Street east of Burlingame Road carries 2,995 ADT. Engineering also conducted more current 24-hour traffic counts on June 22, 2016 at the Newcomer (Western) driveway, Newcomer 27th single lane driveway, and 27th Street drive shared by church and Newcomer.

(Note: The counts were taken on a Wednesday where activity at the church may be higher than average because of church functions.)

The City Traffic Engineer's summary of findings is as follows and full analysis is attached:

Existing Conditions:

The parking lot for the existing 16,000 sq. ft. building has two entrances. One of the entrances is off of SW Western and the other is off of SW 27th. Persons accessing the office building also use the parking lot of the church which is immediately east of the subject office building property. The church parking lot has two entrances off of SW 27th with the western most entrance being the only one of the two with significant use for the office building.

EXISTING TRAFFIC (June 22, 2016, 24-hour counts, at each of three entrances)

<i>Location</i>	<i>Observed Total Two-Way Traffic Volume (vehicles per day)</i>	<i>Traffic Volume Generated by Existing Office Building (newcomer)</i>
SW Western north of entrance	202	23 (11.4%)
SW Western south of entrance	219	39 (17.8%)
Office parking lot entrance off SW Western	62	62 (100%)
SW 27 th west of entrances	2142	87 (4.1%)
SW 27 th east of entrances	2158	81 (3.8%)
Office parking lot entrance off SW 27 th	36	36 (100%)
Shared office/church parking lot entrance off of SW 27 th	132	84 (63.6%) Church 48 (36.4%)

Total Trips Generated by Existing Newcomer Office Building = 182 Trips Per Day
Trip Generation Rate of Existing Office Building = 11.4 Trips Per 1000 Square Feet

Summary (Project Conditions):

Assuming the proposed 8,600 sf new office building would generate traffic trips at the same rate (11.4 trips per 1,000 sf) as the existing building, the new office building would generate an additional 98 vehicle trip ends. The proposed new building would increase traffic generated by the development from about 182 trips per day to about 280 trips per day. Distribution of these trips over the roadway network shows the following traffic impacts.

- The construction of the proposed 8,600 sq. ft. building will generate about 98 additional vehicle trip ends per day – 49 vehicles entering and 49 vehicles exiting.
- Traffic on SW Western Street north of the PUD would likely increase around 5% from about 202 vehicles per day (vpd) to about 216 vpd if an entrance to the development from SW Western Street is provided.
- Traffic on SW Western Street north of the PUD would likely increase 0% to 5% if the existing entrance from the PUD is removed.
(Conservative assumption that same amount of traffic continues to turn right and travel on Western.)
- Traffic on SW 27th Street will increase by about 2% from around 2,150 vehicles per day to around 2,200 vehicles per day.

**FLOOD HAZARDS,
STREAM BUFFERS:**

The property is not affected by a stream buffer or flood zone.

HISTORIC PROPERTIES:

There are no “listed” historic properties in the neighborhood. The neighborhood does contain residences of historic value. The neighborhood between Merriam Court and 24th Street has expressed interest with Planning staff in creating a historic district.

NEIGHBORHOOD MEETING

The applicant held a Neighborhood Information Meeting on June 9, 2016. The applicant’s report to the City is attached.

PUBLIC COMMENT:

Following is a summary of comments received by the Planning Department both via email and from the neighborhood meeting:

- The rezone and size of new building will radically change the historic and residential character of the neighborhood.
- Western Avenue provides access to the residential neighborhood. There is already enough traffic from this office using the driveway (and more office development will generate more traffic).
- Delivery truck traffic to the office building using residential streets to avoid Topeka Blvd.
- Additional parking lot lighting impact neighbors.
- Added multi-modal conflicts between vehicles/bikes/pedestrians

attributed to new bike sharrows on 27th street, more traffic attributed to office, and lack of sidewalks.

- Need for traffic signal at SW 27th/Topeka Blvd
- Drainage issues to north may be attributed to the rate of release from the applicant's detention pond and storage building setting within easement causing a "dam" preventing water from running off to the inlet at Topeka Blvd.
- The location of a "pool" next to houses that will hold water and bring mosquitos. (i.e. *The applicant has proposed a "detention pond" which are typically dry, except during rain event and designed to hold water for short time, i.e. during a 100-year event the basin will drain within two hours.*)
- This development affects the historic character of the neighborhood.
- The change in zoning and resulting development will negatively affect the values of neighborhood homes.
- The neighborhood is being "gradually invaded by business groups, such as Noller Ford" encroaching from the north.
- The residents are concerned about what the owner might do with the property. The lack of trust is in part a result of the owner's demolition of the house that used to be located at the rear of the property and installing the Western driveway.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Water quality treatment measures are not required since the increase in new impervious area will be less than one acre.

Water quantity measures are required. The applicant has submitted a Stormwater Management Report as required. This report has been approved by the Department of Public Works per memo dated July 15, 2016. The memo indicates the flume located at the existing Newcomer parking lot shall not be directed towards proposed building (if not re-located during expansion).

Phase I proposes removal of the parking lot on the north side and construction of a 3' berm south of the Newcomer/First Assembly property line that will divert water to the inlet at the northeast corner of the church property. Phase II will include construction of a stormwater detention pond adjacent with the berm. The detention pond will discharge into the swale and into the inlet located on the church property just west of Topeka Blvd. This inlet and 21-inch main on Topeka Blvd. have capacity to handle the discharge. The property owners are expected to maintain the inlet in the future.

ENGINEERING/TRAFFIC:

The single lane driveway on SW 27th and the driveway on Western will be closed as a part of Phase 1. The City Traffic Engineer has approved the proposed design since SW 27th Street is a collector street and has capacity to provide access for these uses.

There are no current projects listed in the CIP for SW 27th Street. SW 27th Street is Route #8 in the Topeka Bikeways Plan. "Sharrows"

and a bike crossing at SW 27th/Topeka Blvd were provided as part of Phase 1 of the Bikeways Plan. A future design in the plan calls for a 10' wide side path along the south side of SW 27th Street, but this is not yet included in City funds.

The Quinton Heights NIA (west of SW Western Street) is eligible to apply for Community Empowerment Grants (CBDG) that could be used to fund sidewalk construction within their boundary limits. Staff is recommending the developer also provide a sidewalk along the north side of SW 27th and along Western, which is not within the NIA. The area is listed as a "Medium Priority" area in the Pedestrian Master Plan. There may be funding in the future to connect this sidewalk to Topeka Blvd.

Because of concerns from the neighborhood and the Newcomer development, Public Works will conduct a traffic assessment for the Quinton Heights Neighborhood proposed to begin fall 2016. The focus of the study will look at:

- Traffic signal warrants at 27th and Topeka- *The last study was conducted approximately ten years ago and the intersection did not meet those warrants at the time.*
- Speed study on 27th.
- Speed and cut through from 21st to 27th on Fillmore and Buchanan
- Stop sign at 26th and Fillmore
- Alley between Buchanan and Fillmore
- Line of sight at intersections
- Study to involve significant public involvement with the NIA

FIRE:

The closure of Western does mean response time for the Fire Department may be hindered if a conflict occurs at the driveways on SW 27th Street. This is satisfactory unless SW 27th is blocked in an emergency situation. If SW 27th Street is blocked, this may reduce response times for the church and Newcomer. With the closure of the Western driveway, the closest hydrant the Fire Department has the ability to lay hoses and connect with is located at SW 27th/Western intersection. An on-site fire hydrant and service line will likely be required by the developer when Building #2 is constructed. The Fire Department also requires a temporary access road be constructed during Phase 1 so they can access the existing building during parking lot improvements.

DEVELOPMENT SERVICES:

Parking Lot and Building Permits are required for each phase.

KEY DATES

SUBMITTAL:

June 3, 2016 Continued by the applicant from July 18th.

**NEIGHBORHOOD INFORMATION
MEETING:**

June 9, 2016

LEGAL NOTICE PUBLICATION:

June 22, 2016 July 20, 2016 re-advertised

**PROPERTY OWNER NOTICE
MAILED:**June 24, 2016 July 22, 2016 re-notified

STAFF ANALYSIS**CHARACTER OF THE NEIGHBORHOOD:**

The character of the neighborhood is predominantly single-family residential and institutional in land uses and zoning. The Country Club Place Addition lying to the north between Merriam Court and 24th Street was platted approximately 100 years ago as a single family neighborhood. The institutional uses lie along the neighborhood's major east-west streets (SW 27th and SW 24th) and include churches and USD 501 administration office/Quinton Heights Education Center. The remainder of the neighborhood is entirely single-family with the exception of the Newcomer existing office building at SW Western and 27th Street, originally constructed in the 1968 for another office. The Topeka Country Club (zoned "R-1" and developed 1951) lies south along SW 27th Street. First Assembly Church was constructed in the 1966. USD 501 constructed their administration office on SW 24th Street sometime in the early 1980s. Quinton Heights Education Center (formerly school) on 24th Street was constructed in 1950.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:

The rear of the property north of the parking lot contained a house, built in 1965, that was unoccupied for some time before it was demolished. The owner demolished the house in 2009 and in 2012 constructed the parking lot, entrance off Western Avenue, and a 1,900 addition to the office, leaving much of the north end of the property vacant but attractively landscaped. The rest of the property has been vacant since.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

The north end of the property is currently zoned "R-1" with a Conditional Use Permit for a parking lot. The south half of the property is zoned "O&I-2" Office and Institutional District where the current Newcomer office building is located. The remainder of the church parking lot is zoned "R-1". Under the current "O&I-2" zoning, the property is suitable as presently restricted for its present uses, but does not allow for an expansion of the existing Newcomer office (constructed 1968). The portion of the property north of the parking lot (with CUP) is no longer suitable as presently restricted for "R-1" uses. The parking lot to the south makes it so the remnant is not suitable or viable for the development of a new house between the parking lot and the north property line. The remainder of the "R-1" property is already developed for a church and parking lot.

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The subject property lies within an area designated *Urban/Suburban Low Density Residential* by the Land Use and Growth Management Plan – 2040 (LUGMP). This category is generally characterized by *"a cohesive display of single- or two-family development up to a maximum of six dwelling units per acre. (pg. 43)"*. The subject property, as well as the properties north, west, and east are zoned "R-1" Single-Family Dwelling District. The purpose of the "R-1" district states that it *"is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses"*.

The area between the existing Newcomer office and neighborhood is considered a transitional area since it "transitions" from non-residential office to residential. In transition areas, a PUD may be used between non-residential and residential uses to provide for some flexibility for limited development, but still in manner that is not out of character with the residential area it transitions into. Land use policies of the LUGMP indicate a line of demarcation should be established at the Newcomer/First Assembly north property line and Western Avenue. No further rezonings should be supported by staff that will allow further encroachment of office uses into the single-family neighborhood.

This PUD allows the owner some flexibility to expand an office building that has existed on the site since 1968, but still provides a transition into the residential neighborhood. The PUD plan, and as conditioned by staff, establishes design parameters (setbacks, coverage limitations, design, signs, use groups, landscaping) to ensure the intensity of use and building is a step down from what an "O&I-2" zoning permits.

As conditioned to allow an appropriate "transition" into the residential neighborhood, the request is in conformance to the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES:

As proposed and conditioned, the development will have little to no detrimental effect upon nearby properties and the surrounding neighborhood. Specifically, the building coverage limitations and closure of the Western driveway entrance significantly reduce any negative impact that may have occurred from further encroachment of office uses into the neighborhood. Traffic for Newcomer and First Assembly Church will have their only driveway entrance on SW 27th Street, which is classified as a collector street and has capacity. SW Western Street is a local residential roadway. The minimal increase in traffic generated by the proposed development is negligible and will not have a significant adverse impact on SW Western Street roadway safety. SW 27th Street is a collector roadway. The minimal increase in traffic generated by the proposed development is negligible and will have no adverse impact on roadway safety.

The PUD zoning provides an appropriate transition from institutional uses into the single-family neighborhood and addresses building design and scale, signage, landscaping, and uses all in the attempt to ensure a future building remains in keeping with the character of the area and its location south and east of the line of zoning demarcation suggested by the Comprehensive Plan. The PUD provides the owner flexibility to expand his office, the building which has existed since 1968. Building #2 will front on to SW Western and is consistent with pattern of development in the neighborhood. The existing elevation of the northern portion of the site (i.e. higher than the existing building) and the proposed building layout for Building #2 will limit and prevent further impacts from parking lot lighting that may currently be impacting residential properties to the west.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:

The purpose of the PUD is to provide more certainty for both the landowner and property owners about the future uses and physical development of the property, as well as its effect on adjacent residential property. Under the restrictions stated on the PUD, there should not be a significant impact on the value of nearby properties since this is a "transition area" and transition areas are allowed some flexibility to develop. The PUD and staff conditions address aesthetics, allowed uses, design, building coverage, setbacks, heights, landscaping, and signage all with potential to have a negative impact on nearby properties to ensure this development does not have a negative impact on nearby properties. These design standards and coverage requirements are intended to ensure the property develops in character with the neighborhood.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are presently available to this area or will be extended, abandoned, or re-located at developer expense. Easements will be vacated prior to construction within the Building #2 envelope if the building encroaches into the easement.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. The property will be platted.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Newcomer Funeral Group as recorded with the Office of the Shawnee County Register of Deeds.
2. Add following note under Utilities: *"Fire hydrant locations and access to be approved by the City of Topeka Fire Department as part of the improvement plans prior to the start of construction. A temporary fire access road to 520 SW 27th Street shall be constructed during Phase 1. An on-site fire hydrant and service line connection may need to be provided for Building #2 (Phase 2) at the time of site development."*
3. Adding the following note under General Notes: *"Any increases in intensity (including uses, changes in driveway access, building sizes) or changes to the building elevations that alter the development character shall require a Major Amendment to the PUD Plan."*
4. Revising Note #2 under General Notes to add: *". . . The building and parking lot configuration is conceptual. Minor adjustments may be necessary upon further review to comply with all applicable City Codes."*
5. Revising Note #3 under Building and Structural Notes to include at the end of the first sentence: *". . . and maintain a residential appearance on all four sides."*
6. Adding the following under Project Data under Building #2: *". . . and specifically excluding medical, dental and health clinics, and any retail sales typically allowed in O&I-2."*
7. Adding the following note under Circulation, Parking, and Traffic: *"A sidewalk shall be constructed across the frontages of SW Western and SW 27th Street at the time of construction of Phase 1."*
8. Immediate relocation of the tool shed currently located within a platted drainage easement on the current First Assembly Church Subdivision.
9. Revising Landscape note #2 to include after sentence referring to Phase I: *". . . Additional trees along the north property line may also be required with the development of Phase I."*
10. Adding the following note under Circulation, Parking, and Traffic: *"A cross access and shared parking agreement shall be provided between the owner(s) of the subject property and the property owner(s) of the platted lots to the east. The agreement shall be binding upon all heirs, executors, administrators, and assigns of said owners."*

ATTACHMENTS:

Aerial Photo
Zoning Map
Master PUD Plan
Building Elevations
City Traffic Engineer summary
NIM Report (6-9-2016)
Public Testimony

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

RE: PUD16/2 Newcomer Funeral Group PUD Plan By: Heartland Management Co./First Assembly of God Church

PUD16/2 is a request to rezone property at 520 SW 27th Street (Newcomer) and a portion of 500 SW 27th Street (First Assembly Church) from “O&I-2” Office and Institutional District, “R-1” Single Family Dwelling District with a Conditional Use Permit for a vehicle surface parking lot, and “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development (“O&I-2” Office and Institutional uses for the existing building and a new professional/administrative office only for the proposed building).

The current owners propose two phases of development: The first phase (summer 2017) is planned to re-construct shared parking and access for better utilization by both First Assembly Church and the Newcomer Funeral Group, including the closure of driveways. The second phase (long term) includes construction of a new administrative office building used by the Newcomer Group with a maximum footprint of 4,300 sq. ft. (8,600 gross area) and a single story design with a basement.

The key issues related to this request included the traffic impact on Western (local street), compatibility with the residential neighborhood to the north and west, loss of historic and neighborhood character, and stormwater increases on adjacent properties. In its recommendation of approval, Planning staff believes these issues are adequately addressed, as indicated by the conditions on the Master PUD Plan.

As described in detail in the staff report, these key issues have been addressed as follows:

- The traffic increase from the new development on Western and SW 27th Street is minimal and will have no adverse impact on these roadways. The

developed conditions will only increase traffic on SW 27th by approximately 2% and between 0% to 5% on Western.

- The PUD plan reduces driveway access for the Newcomer Group to SW 27th Street. The plan proposes to close both the Western driveway and the single lane driveway on 27th.
- SW 27th Street is a collector roadway and is designed to accommodate any additional traffic added to the street that is caused by closing the Western driveway access opening.
- The PUD plan establishes design parameters (including elevations, signage, uses, and building coverage limitations) for the new building to ensure it will not harm the residential character of the neighborhood to the north and west.
- The PUD plan and stormwater report require improvements to the drainage system that will improve existing conditions for surrounding properties. Specifically, the project does not increase the total amount of impervious surface.
- The PUD requires that: “*Any increases in intensity (including uses, changes in driveway access, building sizes) or changes to the building elevations that alter the development character shall require a Major Amendment to the PUD Plan*”. (i.e. Planning Commission/Governing Body approval).

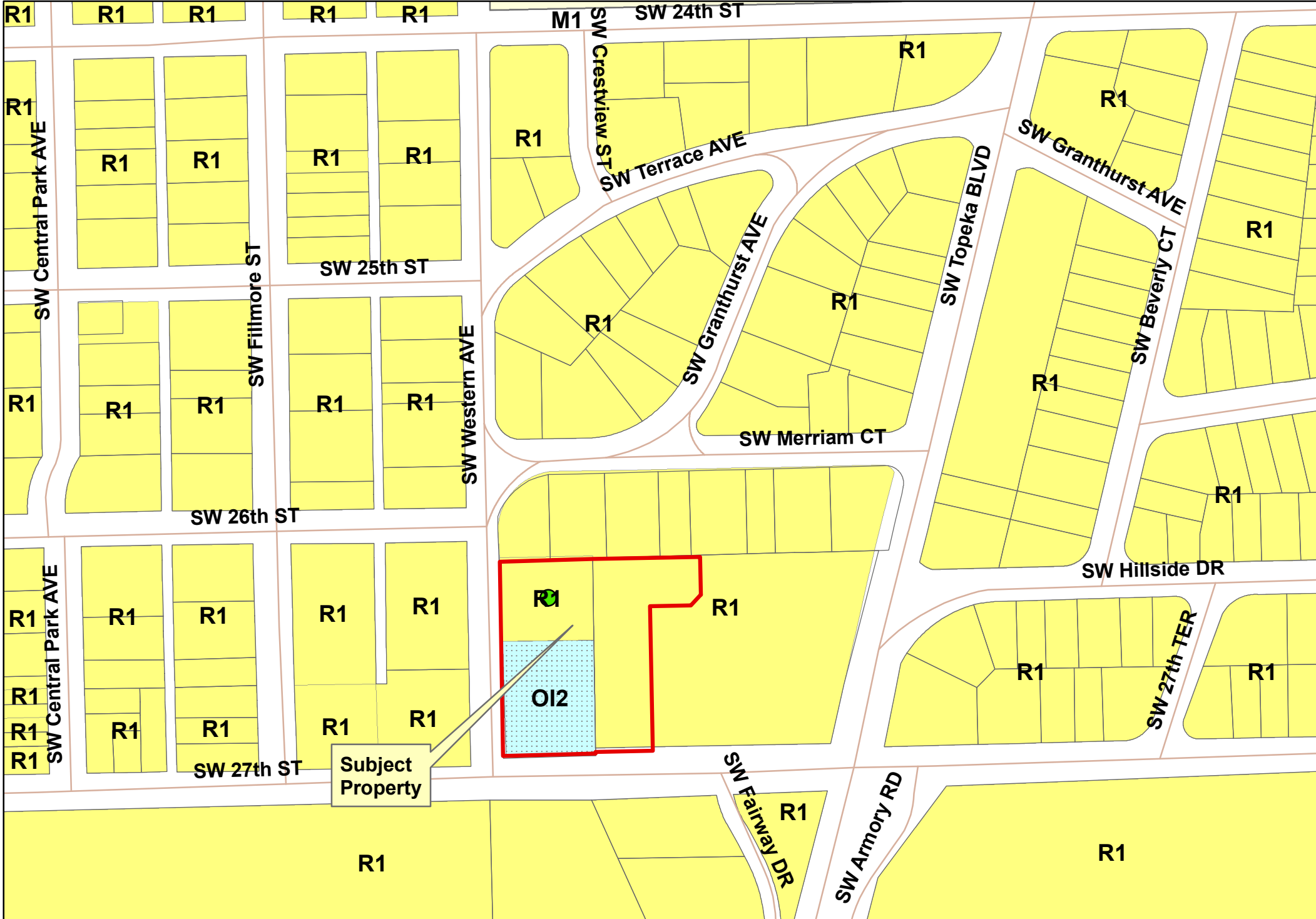
Following principles in the Land Use and Growth Management Plan – 2040, this area is considered a transitional area since it “transitions” from non-residential office to residential. In transition areas, a PUD may be used between non-residential and residential uses to provide for some flexibility for limited development, but still in a manner that is not out of character with the residential area to which it transitions. The PUD plan, as conditioned, establishes design parameters (setbacks, coverage limitations, design, signs, use groups, landscaping) to ensure the intensity of use and building is a step down from what an “O&I-2” zoning permits and is in conformance with the Comprehensive Plan.

The Planning Commission recommended approval by a vote of 7-0-2 at its August 15, 2016 meeting, as reflected in its minutes. The Planning Department recommended approval as reflected in the attached staff report. The Master PUD Plan, as presented to the City Council, reflects all conditions of approval as recommended by the Planning Commission.



PUD16/2 Newcomer Funeral Group PUD





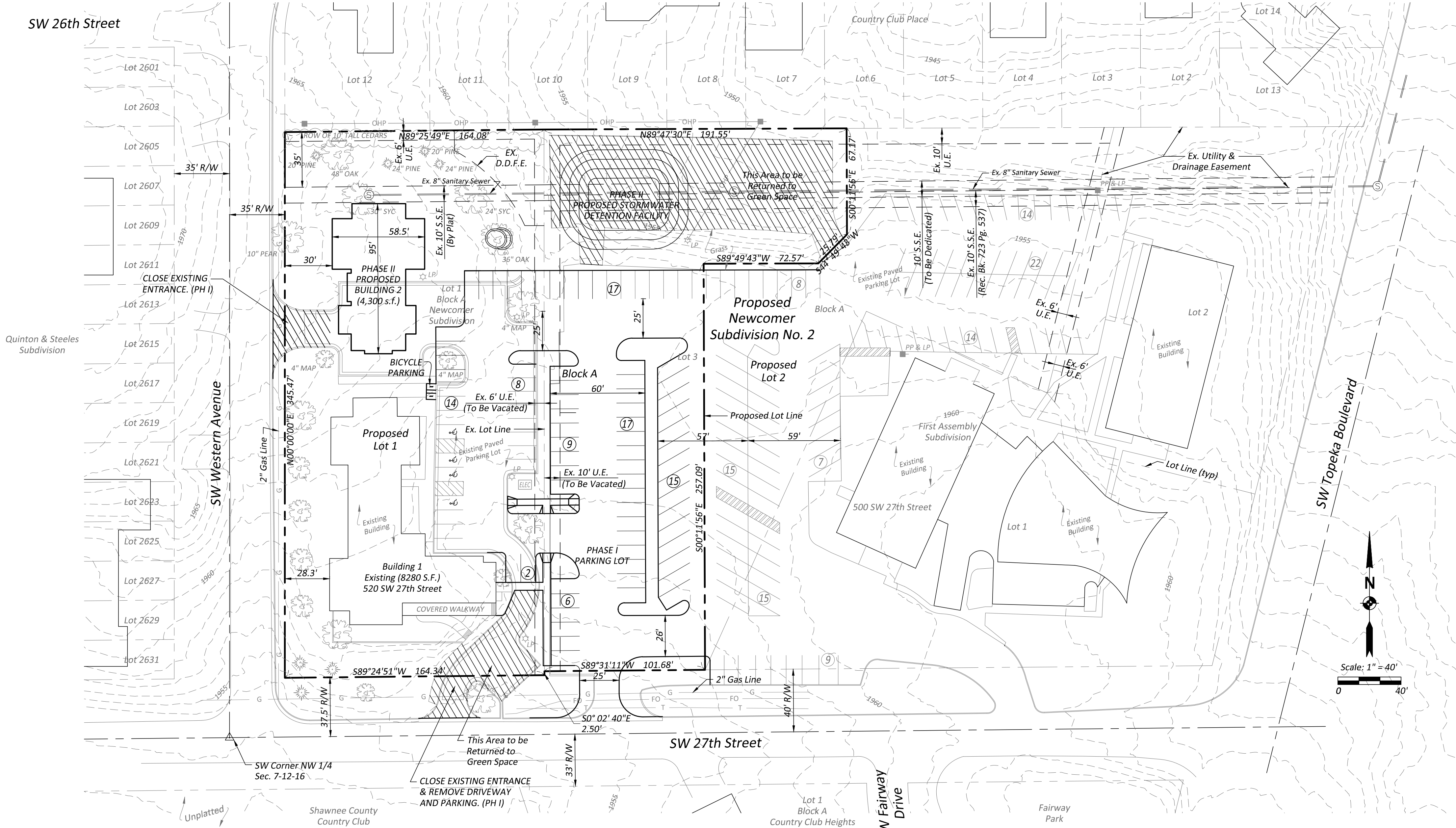
PUD16/2 Newcomer Funeral Group PUD



MASTER PLANNED UNIT DEVELOPMENT PLAN
NEWCOMER FUNERAL SERVICE GROUP

BOOK _____ PAGE _____

DATE _____ TIME _____



RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF SAID CHAPTER AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PUD PLAN APPROVAL:

BILL FIANDER, PLANNING DIRECTOR DATE: _____

SECRETARY TO THE PLANNING COMMISSION

STATE OF KANSAS)

COUNTY OF SHAWNEE)

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME BILL FIANDER, PLANNING DIRECTOR, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE:

HEARTLAND MANAGEMENT COMPANY, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, HEARTLAND MANAGEMENT COMPANY HAS SIGNED THESE PRESENTS THIS _____ DAY OF _____, 2016.

REN NEWCOMER, PRESIDENT
HEARTLAND MANAGEMENT COMPANY

STATE OF KANSAS)

COUNTY OF SHAWNEE)

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED REN NEWCOMER, PRESIDENT, HEARTLAND MANAGEMENT COMPANY AND WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

PROJECT DATA

PROPOSED ZONING:

BUILDING NO. 1: PUD "O&I-2" OFFICE & INSTITUTIONAL DISTRICT USE GROUP.

BUILDING NO. 2: PUD "O&I-2" OFFICE & INSTITUTIONAL DISTRICT USE GROUP
RESTRICTED TO PROFESSIONAL OR ADMINISTRATIVE OFFICE AND SPECIFICALLY
EXCLUDING MEDICAL, DENTAL AND HEALTH CLINICS, AND ANY RETAIL SALES TYPICALLY
ALLOWED IN O&I-2.

TOTAL STRUCTURES:

EXISTING (BUILDING NO. 1):
SINGLE-STORY OFFICE
GROUND FLOOR = 8,280 S.F. MAXIMUM
BASEMENT FLOOR = 8,280 S.F. MAXIMUM

PROPOSED (BUILDING NO. 2):
SINGLE-STORY OFFICE
GROUND FLOOR = 4,300 S.F. MAXIMUM
BASEMENT FLOOR = 4,300 S.F. MAXIMUM

TOTAL MAXIMUM BUILDING AREA: 25,160 S.F.

PARCEL SIZE: 2.27 Acres

PARKING CALCULATIONS:

PARKING PROVIDED: 88 STANDARD
(4 ADA ACCESSIBLE)

PROPOSED BIKE RACK PARKING: 4 SPACES

PARKING REQUIRED:
BUILDING NO. 1 (EXISTING): 16,460 S.F. OFFICE, MEETING ROOMS,
MEDIA STUDIOS, STORAGE & MECHANICAL @ 1 SPACE / 400 S.F. = 41 SPACES
BUILDING NO. 2 (PROPOSED): 8,600 S.F. OFFICE, MEETING ROOMS,
MEDIA STUDIOS, STORAGE & MECHANICAL @ 1 SPACE / 400 S.F. = 22 SPACES
TOTAL SPACES REQUIRED = 63 SPACES (2 ADA ACCESSIBLE)

PERFORMANCE OBJECTIVE:

To Provide a professional office within a residential transitional setting, while reasonably accommodating the needs of the owners of the facility and the surrounding neighborhood.

Development Phasing Schedule:

Phase I (Summer 2017): Reconstruct parking lot and entrance from SW 27th St. Remove parking lot entrance from SW Western Ave. and remove the single-lane entrance off SW 27th St. Construct earthen berm along the North Property Line in accordance with the Approved Drainage Report. Remove asphalt parking along the North property line as depicted on the plan.

Phase II (Long Term Plan): Construct Building No. 2 and reconfigure parking as necessary. Relocate stormwater detention facility as necessary in accordance with the Approved Drainage Report. Vacate easements and abandon sanitary sewer main, as necessary to accommodate construction of Building No. 2.

GENERAL NOTES:

- No building or parking lot permits shall be issued until the property is re-platted. No building or parking lot permits shall be issued until individual site development plans for each phase subject to TMC 18.190.060(c) have been reviewed and approved by the Planning Director. These site plans shall address individual building site locations, off-street parking and internal circulation, fire hydrants, landscaping, pedestrian connectivity, external lighting, signage, building elevations, utilities, storm water, relationship to adjacent lots, etc. The building and parking lot configuration is conceptual. Minor adjustments may be necessary upon further review to comply with all applicable City Codes.
- The sanitary sewer easement crossing Building No. 2's envelope shall be vacated by the City of Topeka prior to building permit approval for any buildings within the Building No. 2 envelope that encroach on the easement. At such time, the sanitary sewer within the easement shall be abandoned, re-located an/or removed.
- Any increases in intensity (including uses, changes in driveway access, building sizes) or changes to the building elevations that alter the development character shall require a Major Amendment to the PUD Plan.

UTILITY NOTES:

- Lighting shall be full cut-off, shielded and recessed with cut-off angles to prevent the cast of lighting beyond the property and not exceed three 3 foot candles as measured at the property line. Exterior lighting shall follow accepted national guidelines for parking lot lighting (ie. CPTED). The type, illumination, pole height and quantity of new parking lot lighting shall be approved by the Topeka Planning Department at the time of permit approval by Development Services.
- Fire hydrant locations and access to be approved by the City of Topeka Fire Department as part of the improvement plans prior to the start of construction. A temporary fire access road to 520 SW 27th Street shall be constructed during Phase 1. An on-site fire hydrant and service line connection may need to be provided for Building #2 (Phase 2) at the time of site development.

BUILDING AND STRUCTURE NOTES:

- No building within development shall exceed 25' in height and shall be no more than a single-story design and maintain a residential appearance on all four sides.
- Building set-back lines along perimeter boundary shall be as follows:
30' along SW 27th St., SW Western Ave., North and East Property Line
- Architectural elements shall be consistent with the existing Building No. 1. Elevations to be approved by the Planning Department at the time of site development plan review.

CIRCULATION, PARKING & TRAFFIC NOTES:

- Handicap parking spaces shall meet minimum ADA criteria with a minimum of four handicap spaces per 100 parking spaces.
- A 40 foot sight triangle, measured from the face of curb extended, shall be maintained at all entrances, no obstructions greater than 30) inches above grade of any adjacent street or entrance may be placed within this area. (Reference City of Topeka Code for Fence Construction)
- All new drives, streets, parking areas, approaches and walks shall be constructed to City of Topeka Standards.
- A sidewalk shall be constructed across the frontages of SW Western and SW 27th Street at the time of construction of Phase 1.
- All drives, lanes, and privately owned access ways providing accessibility to structures, buildings, and uses within the planned unit development shall be considered and serve as mutual rights of access of owners, tenants, invited guests, clients, customers, support and utility service personnel and emergency service providers, including law enforcement, fire protection, and ambulance services. All access ways providing general accessibility to, and circulation among, the uses within the planned unit development shall be maintained at all times in good serviceable condition with the maintenance of said access ways being the responsibility of the owner.
- A cross access and shared parking agreement shall be provided between the owner(s) of the subject property and the property owner(s) of the platted lots to the east. The agreement shall be binding upon all heirs, executors, administrators, and assigns of said owners.

LANDSCAPE NOTES:

- Future improvements will be subject to City of Topeka Landscape Ordinance No. 17846 and addendums thereto.
- Landscape shall be emphasized along SW Western Ave., SW 27th St., and within the 30 ft. building setback along the north property line. For Phase I (parking lot), additional 'large' trees may be required along SW 27th Street and additional trees may also be required along the north property line. For Phase II (Building No. 2), 'large' trees may be required along SW Western and a mix of trees, including coniferous trees, provided along the north property line. Detailed landscape plans shall be submitted at the time of site development plan review for each phase prior to building or parking lot permits being issued. Landscape plans shall address point values, types and quantities of landscaping, including required landscape buffers. Any significant trees removed with construction shall be replaced elsewhere on-site and indicated on the Landscape Plans.
- Care and Maintenance: The care, maintenance, and ownership of common open space, parking areas, utilities, access ways, stormwater management easements, fencing, and landscaping shall be the responsibility of the owner of title. All landscaping shall be installed pursuant to phasing schedule and properly maintained. If any portion of the landscaped material dies, it shall be replaced by the next planting season.

SIGNAGE:

- No electronic message centers (EMC), temporary or portable signs shall be permitted. Temporary real estate signs relating to the sale or lease of the property are not included within these restrictions.
- Building No. 1 signage shall be lit only indirectly, such as through the use of flood lighting or ground level spot lights. Building No. 2 signage shall not be illuminated.
- Free standing signs: One (1) monument style sign shall be permitted per building with a base compatible with the building's architecture. Signage for Building No. 1 shall be limited to a maximum of 50 sq. ft. per sign face, 5 ft. in height as measured form average natural grade. Signage for Building No. 2 shall be limited to 25 sq. ft. per sign face. and 4 ft. in height as measured form average natural grade.
- Wall signs: One (1) wall sign shall be permitted per building. Signage for Building No. 1 shall be limited to 40 sq. ft. per sign face. Signage for Building No. 2 shall be limited to 25 sq. ft. per sign face.
- TMC Title 18, Division 2 Signs shall govern all other signs unless specifically stated herein.

Rev.	By	Date	Description

Newcomer Funeral Service Group
520 SW 27th Street
Topeka, Kansas 66611

Schmidt, Beck & Boyd
Engineering, LLC

1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8630



MASTER PLANNED UNIT DEVELOPMENT PLAN
NEWCOMER FUNERAL SERVICE GROUP
PROJECT LOCATION:
520 SW 27th Street
Topeka, Kansas 66611

SBB Proj. No.:	16-015
Drawn by:	JEM
Checked by:	RS
Date:	3/16/2016
Scale:	1" = 40'
Drawing No.:	

PUD 16 / 2

Sh. 1 of 1

Neighborhood Informational Meeting Minutes
Heartland Management Co.

June 9, 2016

There were 14 neighbors in attendance plus 3 members from the church and 3 from the City planning department. A sign in sheet was available and request was made for the neighbors to sign.

The meeting began at 6:04 pm at the church with Ren Newcomer providing opening comments thanking the attendees for coming. Mr. Newcomer explained that this meeting was a result of the previous meeting in that he listened to the neighbors' concerns about having the new property all being zoned O&I 2. Based on the comments from the neighbors he rescinded his request for zoning and is now pursuing a more restrictive "Planned Unit Development".

Mr. Boyd provided a handout and slide presentation showing the proposed plan to purchase the additional parking and detention space. He explained that the parking lots would be combined with Newcomer's existing lot and the existing Newcomer entrance on 27th street would be removed. He explained the building envelope and answered questions about the setbacks published on the provided drawings.

The neighbors interrupted Mr. Boyd's presentation stating that they wanted the entrance on Western closed due to all the traffic that was being generated in the neighborhood. Multiple conversations about Fillmore traffic, its slope and stop sign were discussed along with neighbors stating that they count the trucks and everyday there is at least 2 Fed EX, 3 UPS and every week there is a Coke semi as well as landscape trucks parked on Western.

The neighbors expressed concern about more auto traffic endangering the children and pedestrian walking traffic in the neighborhood. Several commented about the speed of the traffic on 27th and how a sidewalk needs to be installed before life is lost and eluded the city was not cooperative in the matter.

Mr. Newcomer shared that adding sidewalks on his property was being considered. Several neighbors reiterated that the city needed to do something on 27th and that sidewalks to nowhere were pointless and a waste of money.

The neighbors were concerned about the traffic associated with the 501 building. That this additional traffic was responsible for the addition of a bridge on Fillmore and that a long time respected resident, Dr. Melcus, moved out of the neighborhood because of the traffic 501 added.

One individual commented "not all the traffic is your (Newcomer) fault".

Another asked if Mr. Newcomer would install a traffic light at 27th and Topeka Blvd.

Mr. Newcomer discussed many things have changed since the 1960's and referred to the church history timeline. He couldn't speak for the city regarding traffic signal.

Mr. Steve Vogel said he didn't want it because he has water problems already and that the new detention area would be higher than his property increasing his water problems. Mr. Boyd

explained there would be no hydraulic pressure associated with a detention basin. Mr. Vogel explained he is involved in professional real-estate in Phoenix and is not a novice in this area and disagreed with Mr. Boyd.

One neighbor stated "it just changes the dynamic of the neighborhood".

Another neighbor did not have any problem with adding parking but doesn't want a building in his back yard.

A few neighbors stated they did not trust Mr. Newcomer and that he had violated their trust by tearing down the house and cutting down trees without authority. They stated that they were promised that there would be no entrance on Western.

Mr. Newcomer stated that he did not recall the process of the addition of the Western entry way or which trees the neighbors were referring to being cut down. The neighbor stated it was the trees that blocked their view located on an easement and were illegally cut down.

Mr. Newcomer responded with comments about the processes we used would have been done with all the required permits or approvals but didn't recall the details about the event. He indicated that multiple new trees had been planted and city wide how he has been dedicated to the improvements of all his properties.

Mr. Newcomer asked the owner of the Crittenden home "what can I do to gain your trust"? Another person at the table stated "close the entrance to Western" and "plant more trees". The question was finally answered "I will never trust you again". The subgroup continued commenting about "not knowing your plans" and "your bright lights" and "we don't know what the hell you are doing over there!".

Mr. Newcomer took exception to these comments and invited everyone to come to the facility. Several of the neighbors stated that it was where they live not work and he needed to be part of the neighborhood and attend their gatherings and open communications with the neighbors.

One neighbor commented about what would happen if after the rezoning Mr. Newcomer moved out. Mr. Newcomer commented that this is what the PUD is for and that they should consider that comment. Many conversations erupted simultaneously at this point.

Mr. Boyd intervened and asked if there were any additional concerns not yet covered that should be discussed. Hearing none the meeting was closed.

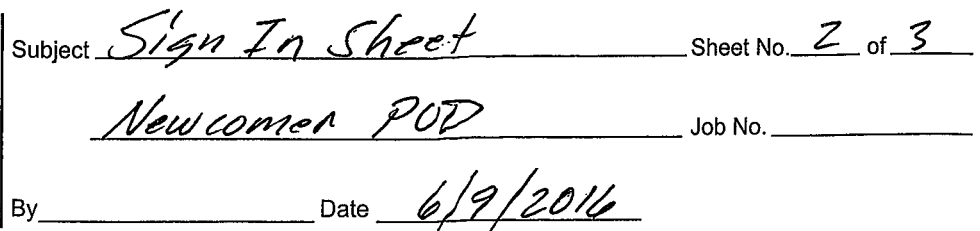
Darren Miller
Newcomer Funeral Service Group


Mark Boyd
SBB Engineering, LLC

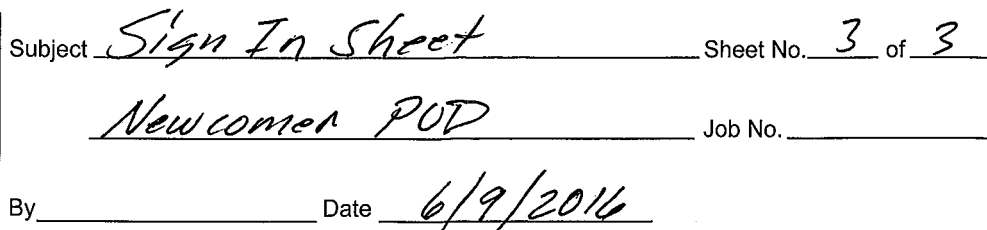


Subject Sign In Sheet Sheet No. 1 of 3
Newcomer POD Job No. _____
 By _____ Date 6/9/2016

Name	Address	Phone # / email address
Sharyn Sawyer	2601 SW Western	785 338 3498
Randy Sawyer	2601 SW Western Ave	785 409 0603
Amy Potts	717 SW Merriam Ct	
John Potter	717 SW Merriam Ct.	
Annal Brewer	City Planning	308-3010
Michael Hall	C.D.T. PLANNING	368-3007 / mg hall@topoka.org
Steve Vogel	555 Merriam	480.921.5250
Jan + Larry Engler	7147 SW 53 rd	(785) 478-4347
Alvin + Carol Crow	26871 Gladden Rd	785 256-6594
Steve Peoples	4445 SW Wanamaker Rd	785 234 5555 steve@topokafirst.com
ALICE BROOKS	2525 SW WESTERN	
GARY Hulse	2808 SW Fillmore	



Name	Address	Phone# / email address
Nick & Tillie Alexander	2509 Fillmore	232-5715 F52alexander1@ AOL. COM



Name	Address	Phone # / email address
Howard Blackmon	2615 SW Fillmore	354 7063
Roger Stewart	2401 S.W. Western	235-8642

TRAFFIC CONSIDERATIONS

Terry L. Coder, PE
City Traffic Engineer
8/4/16

Existing Conditions:

The parking lot for the existing 16,000 sq. ft. building has two entrances. One of the entrances is off of SW Western and the other is off of SW 27th. Persons accessing the office building also use the parking lot of the church which is immediately east of the subject office building property. The church parking lot has two entrances off of SW 27th with the western most entrance being the only one of the two with significant use for the office building. Traffic on SW Western, SW 27th, and at these three entrances was counted for a 24 hour period on Wednesday June 22, 2016. These counts are tabulated as follows:

EXISTING TRAFFIC

Location	Observed Total Two-Way Traffic Volume (vehicles per day)	Traffic Volume Generated by Existing Office Building
SW Western north of entrance	202	23 (11.4%)
SW Western south of entrance	219	39 (17.8%)
Office parking lot entrance off SW Western	62	62 (100%)
SW 27 th west of entrances	2142	87 (4.1%)
SW 27 th east of entrances	2158	81 (3.8%)
Office parking lot entrance off SW 27 th	36	36 (100%)
Shared office/church parking lot entrance off of SW 27 th	132	84 (63.6%) 48 Church (36.4%)

Total Trips Generated by Existing Office Building = 182 Trips Per Day

Trip Generation Rate of Existing Office Building = 11.4 Trips Per 1000 Square Feet

Projected Conditions:

It is proposed to add a new 8600 sq. ft. office building to the site. Assuming the new office building would generate traffic trips at the same rate as the existing building, the new office building would generate an additional 98 trips. It is been proposed to eliminate the existing SW 27th Street entrance that serves only the office building park lot and provide a formal shared entrance to the office building and church parking lots off of 27th. In addition, site design alternatives have been evaluated for the conditions where the existing entrance off SW Western would remain and where it would be removed. Tabulations of the projected traffic volume increases for the addition of the new office building for each of these scenarios follow:

Additional Trips = 8600 Sq.Ft x 11.4 Trips/1000 Sq. Ft. = 98 Trips

PROJECTED TRAFFIC WITH ENTRANCE OFF OF SW WESTERN

Location	Projected Total Two-Way Traffic Volume (vehicles per day)	Percent Increase
SW Western north of entrance	$202+11 = 213$	5%
SW Western south of entrance	$219+22 = 241$	10%
Office parking lot entrance off SW Western	$62+33 = 95$	53%
SW 27 th west of entrances	$2142+33+11 = 2186$	2%
SW 27 th east of entrances	$2158+32 +11 = 2201$	2%
Office parking lot entrance off SW 27 th	0	-100%
Shared office/church parking lot entrance off of SW 27 th	$36+132+65 = 233$	76%

PROJECTED TRAFFIC WITH ONLY ONE SHARED ENTRANCE OFF OF SW 27TH

Location	Projected Total Two-Way Traffic Volume (vehicles per day)	Percent Increase
SW Western north of entrance	$202+11 = 213$	5%
SW Western south of entrance	213	-1%
Office parking lot entrance off SW Western	0	- 100%
SW 27 th west of entrances	$2142+44+11 = 2197$	2%
SW 27 th east of entrances	$2158+32 +11 = 2201$	2%
Office parking lot entrance off SW 27 th	0	-100%
Shared office/church parking lot entrance off of SW 27 th	$36+132+65 + 95 = 328$	148%

Summary:

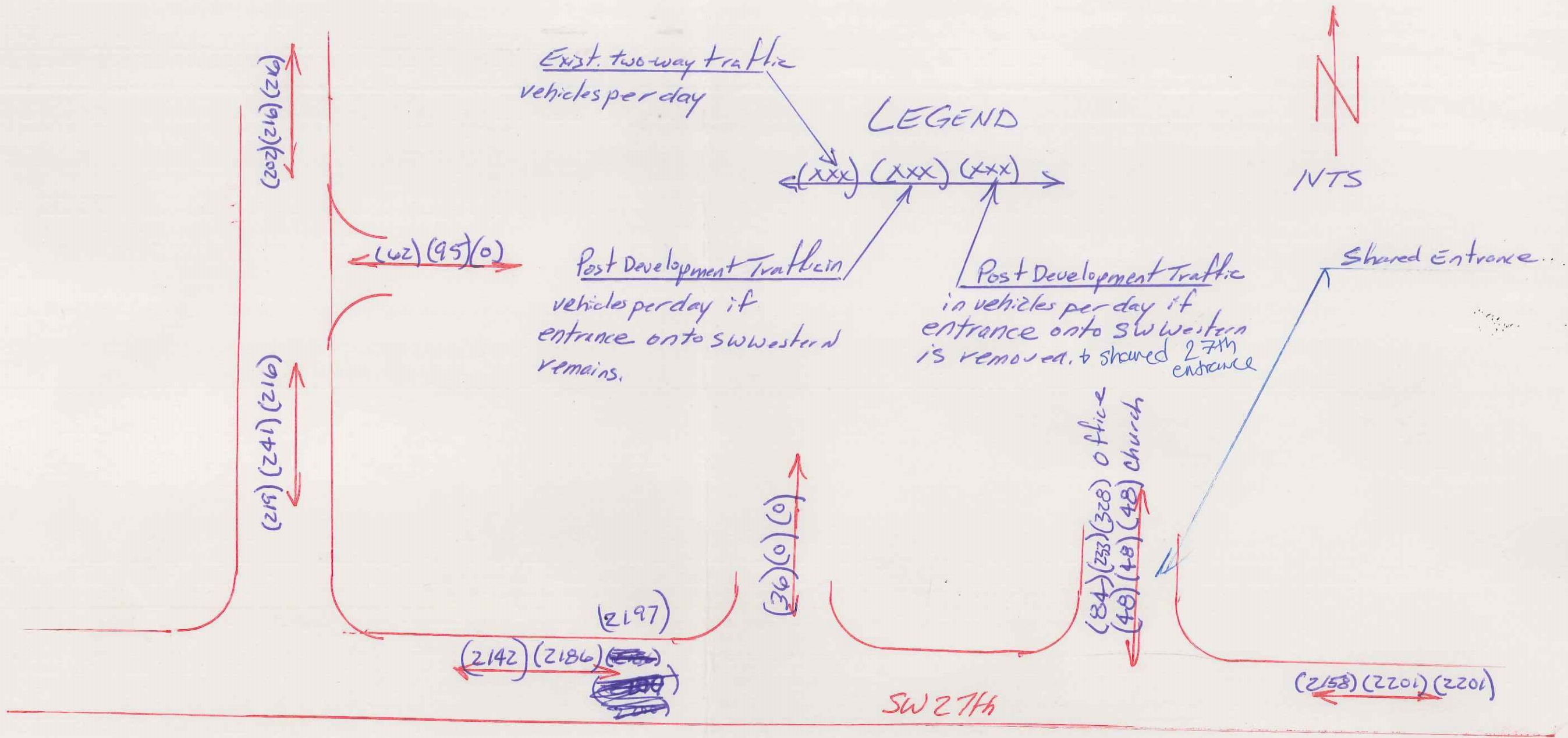
The proposed new building would increase traffic generated by the development by about 53.75% from about 182 trips per day to about 280 trips per day. Distribution of these trips over the roadway network shows the following traffic impacts.

- The construction of the proposed 8600 sq. ft. building will generate about 98 additional vehicle trip ends per day – 49 vehicles entering and 49 vehicles exiting.

- Traffic on SW Western Street north of the PUD would likely increase around 5% from about 202 vehicles per day (vpd) to about 213 vpd if an entrance to the development from SW Western Street is provided.
- Traffic on SW Western Street north of the PUD would likely increase in the amount of 0% to 5% if the existing entrance from the PUD is removed.
- Traffic on SW 27th Street will increase by about 2% from around 2150 vehicles per day to around 2200 vehicles per day.

SW Western Street is a local residential roadway. The minimal increase in traffic generated by the proposed development is negligible and will not have significant adverse impact on SW Western Street roadway safety.

SW 27th Street is a collector roadway. The minimal increase in traffic generated by the proposed development is negligible and will have no adverse impact on roadway safety.

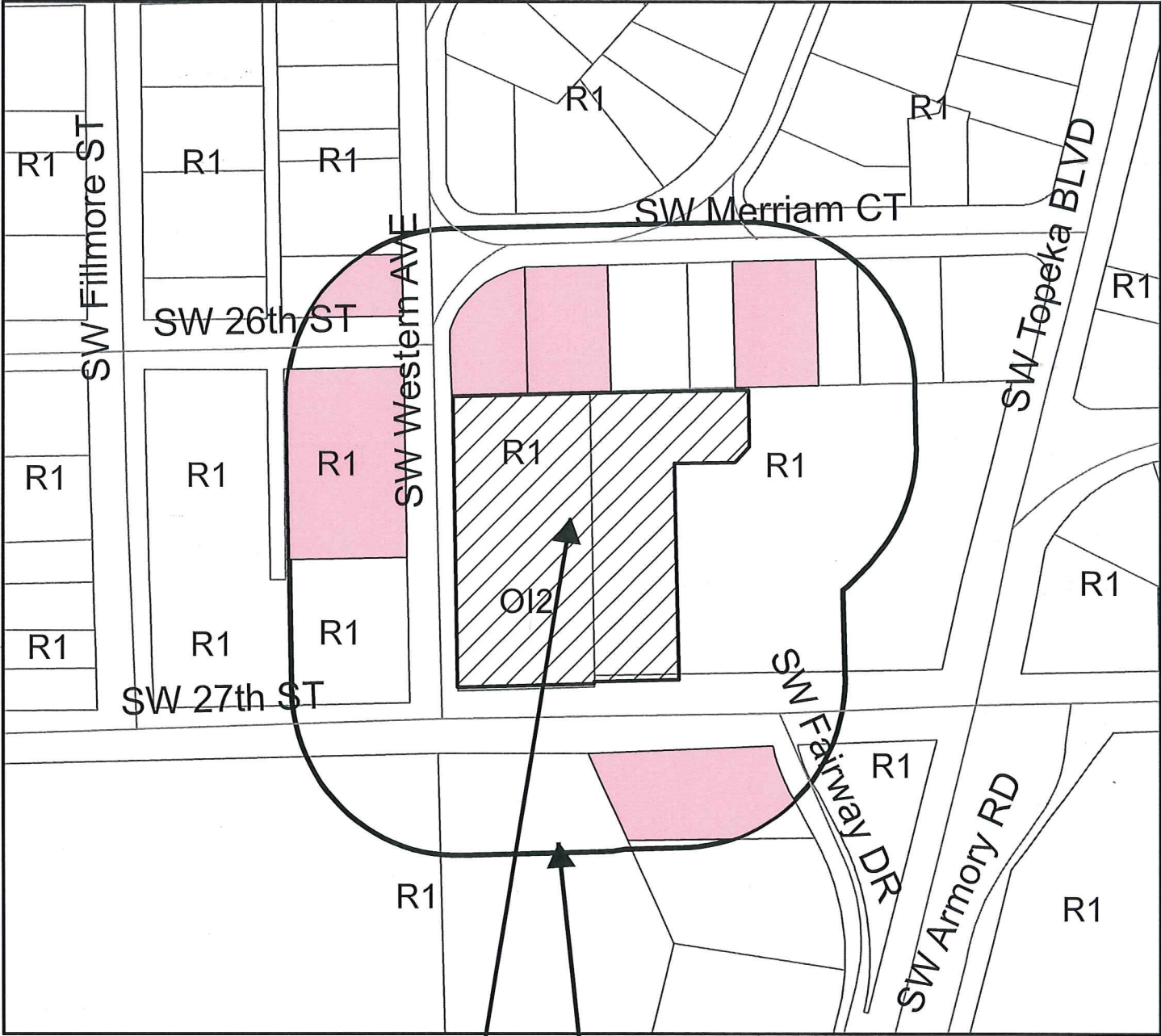


Prepared
By: T. Coder
8-3-14

Legal Protest Computation

TOTAL AREA	=	495, 813. 304
LESS REQUEST AREA	=	98, 989. 586
LESS R/W AREA	=	115, 289.01
NET AREA	=	281,534.708
PROTEST AREA	=	80, 203.338
<u>PROTEST AREA</u>	=	<u>101,997.7</u>
NET AREA		281, 534. 708
Land Area %	=	0.3622917 (36%)

PUD16/2 By: Heartland Management Co./First Assembly Church



Rezoning
Requested Area

200 ft
Notification Area

PUD16_2 protest parcels_clip to buffer



ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) PUD 16/02 requesting a zoning classification change
FROM R-1 District
TO O and I 2 District
and located at/about 520 SW 27th Street in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Signature

Typed or Printed Name

Signature

Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 24th day of August, 2016, before me a Notary Public in and for said County and State, came John R. Potter

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission Expires



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) HUD 16/02 requesting a zoning classification change

FROM R-1 District

TO D and I 2 District

and located at/about 520 SW 27th Street in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Signature

Brandon J. Eakes

Typed or Printed Name

Lot	Block	Addition	Address
1011	15	Country Club Place	711 SW Merriam Ct.

Signature

Kelly J. Eakes

Typed or Printed Name

Lot	Block	Addition	Address
1011	15	Country Club Place	711 SW Merriam Ct.

ACKNOWLEDGEMENT

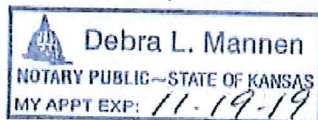
STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 25 day of August, 2016, before me a Notary Public in and for said County and State, came Brandon J.
and Kelly J. Eakes

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



Debra L. Mannen
Notary Public

My Commission Expires 11-19-2019

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

RECEIVED
CITY CLERK
2016 AUG 25 P 1:17
TOPEKA, KANSAS

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) PUD 16/02 requesting a zoning classification change
FROM R-1 District
TO O and I 2 District
and located at/about 520 SW 27th Street in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

[Signature]
Signature

Lot
6+5

Block
15

Addition
Cowboy Club
Place

Address
681 SW Merriam Ct.
TOPEKA, KANSAS

David W. Hewitt
Typed or Printed Name

[Signature]
Signature

Typed or Printed Name

ACKNOWLEDGEMENT

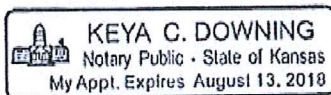
STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 26th day of August, 2016, before me a Notary Public in and for said County and State, came David W. Hewitt

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 8-13-2018

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) PJA/6/02 requesting a zoning classification change.

FROM R-1 District

TO O and I 2 District

and located at/about 520 SW 27th Street in the City of Topeka, Kansas.

RECEIVED
CITY CLERK
2016 JUN 26 P 3:38
TOPEKA, KANSAS

SECTION II--Protestor(s)

NAME(s)

**ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY**

<u>Richard M. Singer</u> Signature	<u>Lot 1</u>	<u>Block A</u>	<u>Addition Country Club Heights #2</u>	<u>Address 2701 SW Fairway Dr.</u>
<u>Richard M. Singer</u> Typed or Printed Name				
<u>Shirley A. Singer</u> Signature	<u>Lot 1</u>	<u>Block A</u>	<u>Addition Country Club Heights #2</u>	<u>Address 2701 SW Fairway Dr.</u>
<u>Shirley A. Singer</u> Typed or Printed Name				

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 26th day of August, 2016, before me a Notary Public in and for said County and State, came Richard M. Singer and Shirley A. Singer to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Tyhera M. Cord
Notary Public

My Commission Expires 5-27-20



Tyhera M. Cord
Notary Public
State of Kansas

My Appt. Expires 5-27-20

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) PUD 16/02 requesting a zoning classification change
FROM R-1 District
TO D and I 2 District
and located at/about 520 SW 27th Street in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Alice O. Brooks Lot
Signature

2525, 2527, 2529 Addition
Quinton and Steeles

Alice Owens Brooks
Typed or Printed Name

Address
2525 SW Western Ave.

Signature

Typed or Printed Name

RECEIVED
CITY CLERK
2016 AUG 29 A 8:51
TOPEKA, KANSAS

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 29th day of August, 2016, before me a Notary Public in and for said County and State, came Alice O. Brooks

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



Jennifer Goodrich
Notary Public

My Commission Expires _____

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) Pud 16/02 requesting a zoning classification change
FROM R-1 District
TO D and I 2 District
and located at/about 520 SW 2746 Street in the City of Topeka, Kansas.

RECEIVED
CITY CLERK
2016 AUG 29 A 1:58
TOPEKA, KANSAS

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Randall E. Sawyer Lot
Signature

2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617

Randall E. Sawyer
Typed or Printed Name

Addition Address
Quinton and Steeles 2601 SW Western Ave.

Shayne B. Sawyer Lot
Signature

2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617

Shayne B. Sawyer
Typed or Printed Name

Addition Address
Quinton and Steeles 2601 SW Western Ave.

ACKNOWLEDGEMENT

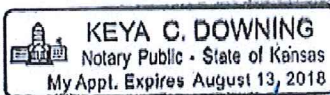
STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 29th day of August, 2016, before me a Notary Public in and for said County and State, came Randall Sawyer
Shayne Sawyer

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



Keya C. Downing
Notary Public

My Commission Expires 8/13/2018

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Bill Fiander DOCUMENT #: PUD16/3
SECOND PARTY/SUBJECT: Working Men of Christ PROJECT #: N/A
Ministry Inc
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Topeka Municipal Code Section 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1025 SW Western Avenue in the city of Topeka, Kansas from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development District (“R-2” Single Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations stated herein). (PUD16/3) (Council District No. 1)

(Approval would allow the house at 1025 SW Western to be used as a correctional placement residence as conditioned in the Ordinance.)

POLICY ISSUE:

Governing Body options:

- Approve the Planning Commission’s recommendation by a minimum of 6 votes.
- Amend the Planning Commission’s recommendation by a minimum of 7 votes.
- Deny the Planning Commission’s recommendation by a minimum of 7 votes.
- Remand back to the Planning Commission for further consideration, with a statement specifying the basis for the governing body’s decision by a minimum of 6 votes.
- Defer the item to a specific date by a minimum of 6 votes.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The key issues of the rezoning to a Planned Unit Development relate to compatibility with the single family residential neighborhood, potential changes to the structure that would make it difficult for it to revert back to a single family residence, operating characteristics of the residence, over-concentration of uses and public safety.

As described in detail in the staff report the issues are addressed with the following conditions:

- The applicant's use is specifically tied to Statement of Operations that keeps the residence used for their intended purpose or very similar uses. A change to this will require re-approval by the Planning Commission and Governing Body.
- No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling.
- The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245.
- No signage advertising the nature of the use shall be permitted.

As conditioned and restricted by the requirements of the PUD, the rezoning request is in conformance to the Land Use and Growth Management Plan and Historic Holliday Park Neighborhood Plan. The PUD proposes an adaptive re-use of an existing residence that previously sat vacant in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

PUD16/3 is a request for a Planned Unit Development zoning district ("PUD" R-2 uses with the addition of a Correctional Placement Residence) to allow the adaptive re-use of the single family residence at 1025 SW Western Street. The use of a Correctional Placement Residence is specifically tied to the Statement of Operations included on the ordinance reclassifying the property.

The PUD is needed to allow the owners to use the single-family residence as a faith-based discipleship house for men or women transitioning out of prison. A maximum of seven (7) residents and one (1) staff will reside in this particular house at a given time.

In May 2016, the City Council approved an amendment to the Planned Unit Development Regulations to allow a property that is less than an acre to be rezoned to a "PUD" provided the applicant proposes an adaptive re-use of the existing structure. This request meets those criteria.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Summary Report

Staff report

Aerial Map

Zoning Map

Applicant letters/sign in

Holliday Park Letter

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson amending the “District Map” referred to and made a part of the Zoning Ordinances by TMC 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1025 SW Western Avenue in the City of Topeka, Kansas from “R-2” Single Family Dwelling District **TO** “PUD” Planned Unit Development District (“R-2” Single Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations stated herein). **(PUD16/3) (Council District No. 1)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

The South half of Lot 345 and all of Lot 347, and the North 6 1/4 feet of Lot 349, Western Avenue, Young's Addition to the City of Topeka, Shawnee County, Kansas.

from “R-2” Single Family Dwelling District **ALL TO** “PUD” Planned Unit Development District (“R-2” use group plus a Correctional Placement Residence only as indicated in the statement of operations), **subject to:**

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).
2. Use and development of the site according to the “Statement of Operations” submitted by the operator with their application (Exhibit A) keeping as a single family residence. Any change to this “Statement of Operations” shall require major amendment approval by the Planning Commission and City Council.

STATEMENT OF OPERATIONS
1025 SW WESTERN AVENUE

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Amendments filed by Operator (see case PUD 16/3), regarding the above described property. The proposed use of both of the property is to provide a highly structured, programmatic group living home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described location will be used as and considered the residence of the men or women it serves and functions as single-family dwelling..

The house will be operated similar in nature to a traditional group home with the exception that it will be a structured environment with the focus on training the residents in all aspects of pursuing life skills, education, job training, and therapy and is monitored by a governing organization overseeing operations of the residence. All residents will be expected to obtain employment and participate in all programs as detailed in the governing organization’s operations

plan.

The maximum number of residents for the Western Avenue property will be 7 residents and 1 staff resident.

The Operator will provide all transportation needs for the residents including transportation to and from work, meetings with parole officers, attendance at their respective church meetings and rehabilitation meetings. The Western Avenue property has been in operation for approximately 18 months.

The Western Avenue property is a 2 story structure with a fully equipped kitchen and 3 bedrooms located on the second floor. The main floor of this residence consists of 2 bedrooms being utilized by the staff residents and an office and common living area. No renovations to this home are anticipated unless required as a result of this application. No interior walls will be added to create additional rooms. We are currently awaiting further instructions on the installation of any fire detection devices and/or sprinklers as may be required by City code.

The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of 2 parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

The Operator works closely with both the Kansas Department of Corrections and the Kansas Parole Department. The Operator does not supervise its residents on behalf of either of the two aforementioned agencies, other than the supervision which is part of the voluntary rules and policies of each house to which the residents agree to abide in order to reside in the house. The goal of this program is to be an asset in the neighborhoods where their homes are located; to improve each neighborhood in appearance, community growth, and safety; and to successfully launch its residents back into their respective communities equipped with the societal, life skills to be successful in all they do.

3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated in the Statement of Operations and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. "No signage advertising the nature of the use shall be permitted".
5. "A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."
6. "No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). A maximum of five bedrooms are allowed. Planning staff shall approve any future permits submitted to Development Services prior to approval."
7. "Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services no later than six months from the date of publication of the Ordinance.
8. "The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245."

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

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

Mayor Larry E. Wolgast

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

RE: PUD16/3 By: Working Men of Christ (1025 SW Western)

PUD16/3 is a request for a Planned Unit Development zoning district (“PUD” R-2 uses with the addition of a Correctional Placement Residence) to allow the adaptive re-use of the single family residence at 1025 SW Western Street. The use of a Correctional Placement Residence is specifically tied to the Statement of Operations included on the Ordinance reclassifying the property.

The PUD is needed to allow the owners to use the single-family residence as a faith-based discipleship house for men or women transitioning out of prison. A maximum of seven (7) residents and one (1) staff will reside in this particular house at a given time.

In May 2016, the City Council approved an amendment to the Planned Unit Development Regulations to allow a property that is less than an acre to be rezoned to a “PUD” provided the applicant proposes an adaptive re-use of the existing structure. This request meets those criteria.

The key issues of the rezoning to a Planned Unit Development relate to compatibility with the single family residential neighborhood, potential changes to the structure that would make it difficult for it to revert back to a single family residence, operating characteristics of the residence, over-concentration of uses, and public safety. As described in detail in the staff report, these issues are addressed with the following conditions:

- The applicant’s use is specifically tied to Statement of Operations that keeps the residence used for their intended purpose or very similar uses. A change to this will require re-approval by the Planning Commission and Governing Body.

- No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling.
- The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245.
- No signage advertising the nature of the use shall be permitted.

As conditioned and restricted by the requirements of the PUD, the rezoning request is in conformance to the Land Use and Growth Management Plan and Historic Holliday Park Neighborhood Plan. The PUD proposes an adaptive re-use of an existing residence that previously sat vacant in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

The applicant held a neighborhood information meeting. Concerns stated at the meeting included changes in ownership, types of offenders, operating characteristics, and overconcentration of similar uses in the neighborhood. After deferring the item from its July 18, 2016 meeting, the Planning Commission recommended the request be approved by a vote of 9-0-0 at its August 15, 2016 public hearing, as stated in the attached minutes. The Planning Department recommended the request be approved, as stated in the attached staff report.

STAFF REPORT – PLANNED UNIT DEVELOPMENT

TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, August 15, 2016

The Planning Commission held a public hearing on **Monday, July 18, 2016** and **DEFERRED** the item to the August meeting by a vote of **8-0-0**. The Commission directed staff to explore the following items and make a recommendation as appropriate:

- Revise the Statement of Operations to exclude references to “faith-based organizations” and religious – specific programs and replace with “structured” or “highly programmatic” specific language.
- Explore possibility of adding a sunset clause that would cause the PUD to expire after three or five years.
- Determine if fencing is appropriate along the south, north, or all property lines.

Staff reviewed the request to require a privacy fence around all or one property line. Regarding the land use pattern and character of the neighborhood, a privacy fence in the rear yard is not necessary for compatibility with the neighborhood and, therefore, staff is not recommending it as a requirement. The applicant may apply for fence permit if they desire to enclose their rear yard for further privacy and has indicated they are willing to do so. A wood privacy fence in the rear yard is subject to staff level administrative review only for its location in the historic district. City staff indicated a “wood” privacy fence would be acceptable if the applicant chooses to do so. A different material (i.e. vinyl) would require Landmarks Commission approval and may not necessarily be approved.

According to Legal staff, State Law will not allow a “PUD” zoning to “sunset” or automatically “expire” since this is an amendment to the District Map and differs in legal requirements from a Conditional Use Permit. A change to the District Zoning map must follow procedures for a zone change as outlined in TMC 18.245 and State Law. Legal staff will send a separate memorandum further clarifying.

Alternatively, the following language has been added to the Conditions of Approval to address concerns of the Planning Commission, “The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245.”

The Conditions of Approval have been amended accordingly and the revised Statement of Operations is attached.

APPLICATION INFORMATION

PUD16/3 – 1025 SW Western

APPLICATION CASE NO:

REQUESTED ACTION / CURRENT ZONING:

Zone change from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” use group plus a Correctional Placement Residence, Limited that proposes an adaptive re-use of the existing residence, only as indicated by Exhibit A).

APPLICANT / PROPERTY OWNER:

Working Men of Christ Ministry, Inc. (WMOC)

APPLICANT REPRESENTATIVE:

Spencer Lindsay, President, Working Men of Christ, Inc.
Robert Christensen, Law Office of Robert W. Christensen

PROPERTY LOCATION / PARCEL ID:

1025 SW Western/PID: 0973604012024000

PARCEL SIZE:

0.14 acres/6,098 sq. ft.

STAFF PLANNER:

Annie Driver, AICP, Planner II

BACKGROUND:

The applicant applied in February for the “M-2” Multiple-Family Dwelling District along with a Conditional Use Permit to allow a “Correctional Placement Residence, Limited” for their other residence on 1175 SW Clay (Case #PUD16/4), the corresponding application tonight.

They withdrew those applications after staff indicated a lack of support to rezone to “M-2” Multiple-Family Dwelling District and instead proposed an amendment to the Planned Unit Development regulations that accommodates a “PUD” on property less than one acre where a re-use of a building is proposed. Rezoning the property to “M-2” would have permitted the full-range of residential uses in a neighborhood that was downzoned from multiple-family residential to implement the plan.

In reviewing the Clay proposal, staff discovered the subject property at 1025 SW Western is also used by the applicant for the same use desired at 1175 SW Clay. At the time the applicant purchased this property, they were unaware the use was not permitted in the “R-2” Single-Family Dwelling District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

A faith-based discipleship house for homeless men or women, which includes those transitioning out of prison. A maximum of seven (7) residents and one (1) staff will reside in this particular house at a given time. The operating characteristics of the house are similar to a typical half-way house, except the house is religiously-based and places an emphasis on Christian ministry, bible studies, job training, and therapy with the ultimate focus of transitioning the men (or women) back into society. The average length of stay widely varies, but ranges from six months to two years. This length of stay is very dependent upon when the individual resident feels they are ready to move out.

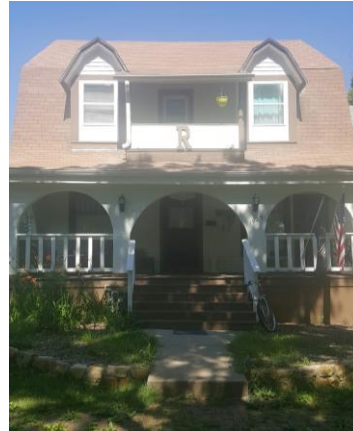
Although, operated independently from the Kansas Department of Corrections (KDOC), WMOC is a “partner” with KDOC.

The City Attorney determined this use falls under the definition of a “*Correctional Placement Residence, Limited*”¹ because a

¹ “Correctional Placement Residence, Limited” - Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state-operated or franchised work release program, or a privately operated facility housing parolees; or

minimum of three (3) individuals may be parolees coming out of a prison sentence.²

PHOTO:



DEVELOPMENT / CASE HISTORY:

The residence was constructed in 1920 and contains 2,340 sq. ft. and five bedrooms. The property was downzoned from multiple-family residential to single-family residential in 1998 as a part of implementation of the Holliday Park Neighborhood Plan (1998). It was likely zoned multiple-family dwelling district after 1966 and remained such until the time of the downzoning. There are no records the property has been used as a group home use in the past. It's last known past use was a duplex in 2008. The residence was vacant until its present use by this owner.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The character of the neighborhood south of SW 10th Avenue is zoned single-family residential ("R-2" District). The neighborhood still consists of a mix of legal non-conforming, multi-family uses that remain from prior to the downzoning in 1998. A multiple-family property lies to the south. Offices and institutional uses ("O&I-2" District) and multiple-family uses are located along the frontage of SW 10th Avenue that were originally converted from single-family residences. The subject property is located along a collector street (SW Western) with access provided via the public alley to its rear.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:

No exterior modifications are planned that affect existing setbacks and dimensional requirements. The dimensional requirements remain the same as in the base "R-2" District.

(5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

² "Correctional placement residence or facility, limited" means a facility occupied by three to 15 individuals, including staff members who may reside there.

OFF-STREET PARKING:	A minimum of two staff parking spaces are required and these are provided from the existing driveway off the alley. The residents will not own or use motor vehicles. All transportation is provided by the Working Men of Christ staff
SIGNAGE:	No signage is proposed.
LANDSCAPING:	Not applicable
OTHER DESIGN GUIDELINES AND CONSIDERATIONS:	Exterior and interior modifications to the structure are restricted by the subject property's location within the Holliday Park National Historic District. Further modifications may need to be reviewed by the Landmarks Commission if they require a building permit. The neighborhood plan also has design standards for exterior improvements.
COMPREHENSIVE PLANS:	<u>Historic Holliday Park Neighborhood Plan</u> (update adopted 2008) <u>Land Use and Growth Management Plan – 2040</u>
TRANSPORTATION/MTPO PLANS:	None applicable

OTHER FACTORS

SUBDIVISION PLAT:	Platted as the South ½ of Lot 345, all of Lot 347, and the North 6 ¼ feet of Lot 349, Western Avenue, Young's Addition.
FLOOD HAZARDS, STREAM BUFFERS:	Not applicable
UTILITIES:	The residence is connected to existing utilities.
TRANSPORTATION/TRAFFIC:	Western is classified as a Major Collector on the <u>MTPO Functional Classification Map</u> . The property is not located on a bicycle route as designated in the <u>Topeka Bikeways Plan</u> .
HISTORIC PROPERTIES:	Holliday Park National Historic District. Pending review by the Landmarks Commission at their meeting on July 14, 2016. Staff recommended approval.
NEIGHBORHOOD INFORMATION MEETING:	The applicant conducted a Neighborhood Information Meeting on Monday, June 27th at 6:00 pm located at the Topeka-Shawnee County Public Library. The property is located within the Historic Holliday Park NIA. The applicant's report is attached. Key concerns expressed at the meeting are as follows: The effect a change in operator will have the PUD zoning, openness with the NIA regarding residents and types of offender living in the

house, monitoring and rules of residents, maintenance of the houses, and the close or overconcentration of like or similar uses within close proximity to each other. A letter from Holliday Park NIA is attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: None

WATER POLLUTION CONTROL: None

FIRE: Additional fire alarms, door hardware, and/or fire suppression may need to be provided.

DEVELOPMENT SERVICES: Per the 2006 International Building Code this will be classified as a Group R-3 – Residential Occupancy with use as a congregate living facility. Due to the age of the structure, Development Services will not require the applicant bring the building up to the most current 2006 adopted building codes. A phasing plan for building, fire, and life safety modifications will be developed between the applicant, Fire Marshal, and Development Services upon approval of the rezoning prior to issuance of their occupancy permit. A conditional Certificate of Occupancy will be issued by Development Services pending modifications that are required. No modifications are being proposed that should require a building permit.

KEY DATES

SUBMITTAL: June 3, 2016

NEIGHBORHOOD INFORMATION MEETING: June 27, 2016

LEGAL NOTICE PUBLICATION: June 22, 2016

PROPERTY OWNER NOTICE MAILED: June 24, 2016

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The character of the neighborhood is predominantly single family residential in land uses and zoning. However, there still remains a scattering of multi-family residential conversions and apartments within the neighborhood located along side single-family residences from the time the neighborhood was zoned for multiple-family dwellings. A single property containing a triplex and duplex lies directly to the south. The blocks along the frontage of SW 10th are predominantly office and institutional and multiple-family residential uses that were converted from single-family residences.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER

PRESENT CLASSIFICATION: The residence was constructed as a single-family residence in 1920. There have been no interior or exterior modifications made to the structure that would affect use of the property for a single-family dwelling in the future. The subject property has been used by the Working Men of Christ since at least 2015. Prior to that, it was unoccupied. Before occupying the residence, the applicant was unaware their use was not permitted in the “R-2” District. Zoning records indicate the property was last used as a duplex in 2008 and no zoning records indicate it was used as a group home or similar such use in the past. However, five or more unrelated individuals may have lived in the residence and permitted in the zoning as a “Family”³.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable to which it has been restricted under the “R-2” zoning classification. The PUD zoning will not change this use group or restrictions of this “R-2” classification except to allow the indicated conditional use. This PUD allows the residence to be occupied while still physically functioning as a single-family dwelling. Currently, a maximum of two parolees may live in the residence as it is presently zoned. The “*Correctional Placement Residence, Limited*” use comes into consideration when there is a minimum of at least three individuals falling under the criteria in this definition. The WMOC falls under this category making the use no longer suitable to which it has been restricted, as they are currently occupying the home.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is classified *Residential – Low Density (Urban)* in the Historic Holliday Park Neighborhood Plan (2008). The plan provides this designation for those areas “*where the highest concentrations of cohesive single-family uses exist without a significant mix of two/multiple-family uses or major frontage along arterial streets. . . the ‘urban’ designation . . . recognizes predominately single-family districts that have either been built on smaller lots and/or contain two/multiple-family conversions that have taken place over time.*”

The applicant’s only rezoning option other than that proposed is to rezone to the “M-2” Multiple-Family Dwelling District with a Conditional Use Permit for a “*Correctional Placement Residence, Limited*”. A straight “M-2” Multiple-Family Dwelling District zoning on the subject property would not be in conformance to the neighborhood plan since this “M-2” zoning would allow a future owner to convert the structure into individual apartment units or break-up the nature of the single-family dwelling. A “spot” zoning, such as this, is not desired in a single-family neighborhood that was intentionally downzoned in 1998 to prevent these types of residential conversions. However, infill development and adaptive re-use of older and historic structures conform to policies in Land Use and Growth Management Plan- 2040. The PUD proposes an adaptive re-use of the existing residence in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

This adaptive re-use PUD zoning will restrict the use of the property as indicated in Exhibit A and the PUD conditions of approval. The base use group of the PUD will remain “R-2” Single-Family Dwelling District and, therefore, restrict future development of the property to this zoning district. Further, the PUD establishes conditions on the zoning of the property limiting exterior and interior physical and structural modifications that may prevent the residence from being returned to a single-family dwelling use in the future (i.e. addition of interior walls, bathrooms, bedrooms). As conditioned, the rezoning request is in conformance to the Land Use and Growth Management Plan and Historic Holliday Park Neighborhood Plan.

Nevertheless, staff is concerned with the close concentration of “*Correctional Placement Residences*” and similar such uses (i.e. “Oxford Houses” - drug/alcohol rehab houses) in this neighborhood and surrounding neighborhoods because of the fear they create real or perceived crime problems and have negative impacts on property values. Future rezonings to accommodate similar such uses in Historic Holliday Park that are in close proximity to this use would be discouraged by staff.

³ “Family” means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit with common kitchen facilities in a dwelling unit.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: As conditioned, there should be limited detrimental effects upon nearby properties. The applicant's use functions similarly to a "Family" in its characteristics. The proposal presents no parking problems for the neighborhood as parking is already provided in the rear for a staff member and residents will not have or use motor vehicles. A maximum of seven residents plus one staff will live in the house at any one time. Under a "Family" in the zoning code, up to five unrelated individuals may live in a single-family house without oversight by a staff member. There is also no limit on the number of parked vehicles. The PUD provides more certainty for the neighborhood concerning monitoring aspects of residents.

The City recognizes the neighborhood's past experience and perception of those "unregulated" halfway houses that have been developed in the past within close proximity to each other and the impact they may have had on public safety and property values. The "*Correctional Placement Residence*" zoning category was created after the adoption of these neighborhood plans to ensure there is a public process and oversight of these types of uses, as well as, the opportunity for the neighborhoods to voice input. Staff believes this rezoning request is consistent with that intention and provides openness between the operator of the "*Correctional Placement Residence*" and the neighborhood. The operator should make all attempts to remain open with the neighborhood concerning current residents and is encouraged to inform the neighborhood when there is a change in residents. Staff is not aware of other similar permitted or conditional uses that exist today in this neighborhood.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: As conditioned, reclassification of the subject property should not harm the public health, safety, and welfare of the neighborhood because it limits modifications to the interior and exterior of the residential structure that would prevent the structure from returning to a single-family use. The single-family dwelling will remain physically intact so exteriorly it will have little impact. Any harm to the public health, safety, and welfare may come from a lack of compliance with conditions of their approval and monitoring oversight by the applicant. The PUD zoning helps to ensure an adaptive re-use within the single-family neighborhood and continued use of an unoccupied residence. There is a better chance the structure's exterior and interior will be preserved in its original form if it is occupied rather than left to stand vacant. The hardship remains upon the individual landowner to re-locate if their zoning is not approved since they currently occupy the residence.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to the subject property.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: No exterior improvements are planned affecting existing setbacks or dimensional standards. The subject property's base zoning of "R-2" Single Family Dwelling District will still apply unless otherwise stated in the conditions of approval. In response to the question from the neighborhood information meeting, the operator or ownership may transfer to a new owner since the zoning remains with the land. However, the use of the residence must continue to comply with Exhibit A (as attached).

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to** the following conditions:

The following conditions of approval will be reflected in the adopting Ordinance reclassifying the property.

1. *The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).*

2. Use and development of the site according to the "Statement of Operations" submitted by the operator with their application (Exhibit A) keeping as a single family residence. *Any change to this "Statement of Operations" shall require major amendment approval by the Planning Commission and City Council.*
3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated by Exhibit A and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. "No signage advertising the nature of the use shall be permitted".
5. "A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."
6. "No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). *A maximum of five bedrooms are allowed.* Planning staff shall approve any future permits submitted to Development Services prior to approval."
7. "Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services no later than six months from the date of publication of the Ordinance."
8. *"The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245."*

Attachments:

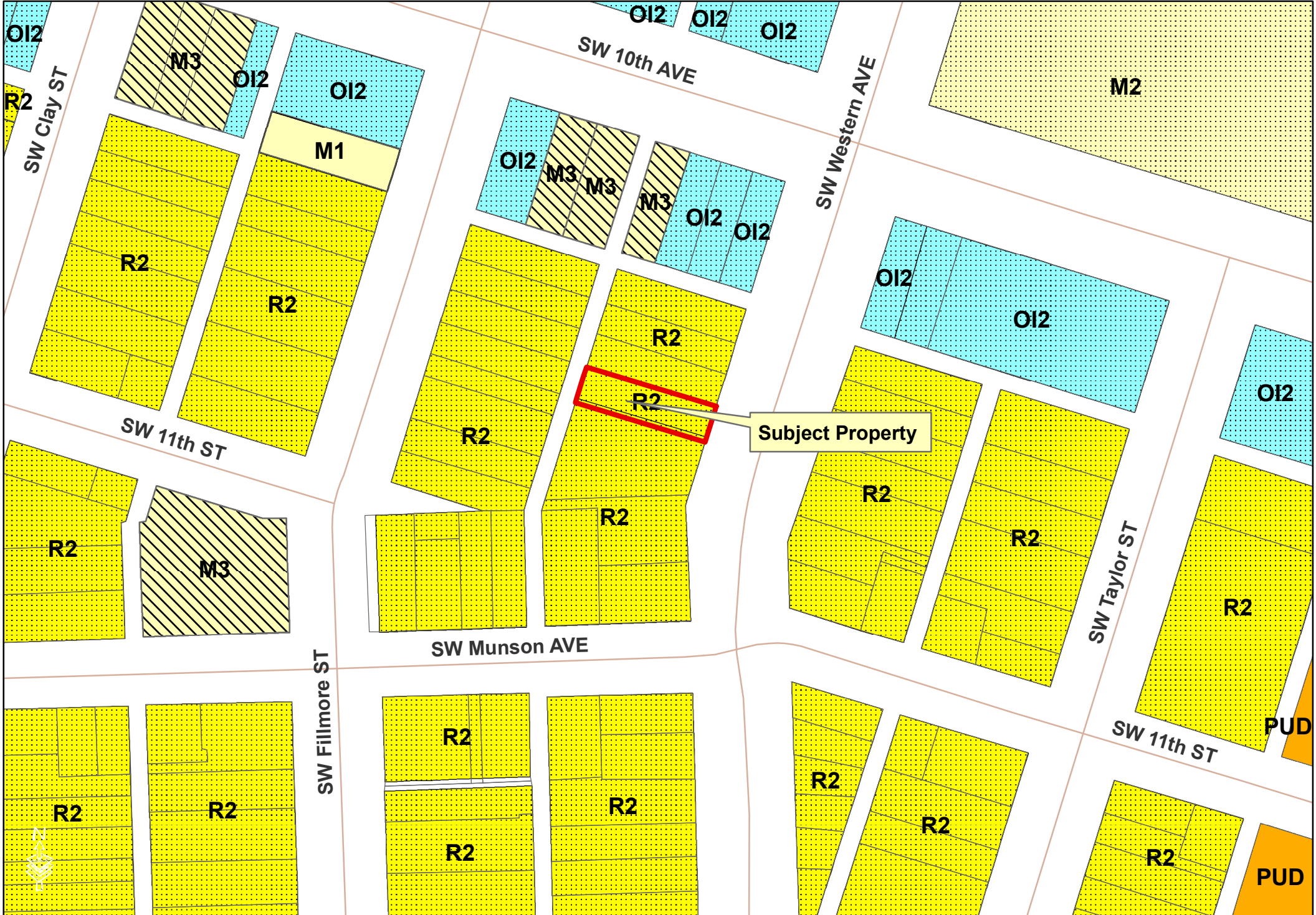
Memorandum from Legal staff
Exhibit A: Statement of Operations
Aerial Map
Zoning Map
Applicant letters as attached/sign-in
Holliday Park letter



PUD16/3 By: Working Men of Christ, Inc.



Topeka Planning Department - 2016



PUD16/3 By: Working Men of Christ, Inc.

PUD 102 / 3
1025 SW Western.

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 3:55 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Topeka Meeting 6/27/16 NIM
Attachments: Topeka.pdf

On June 27th 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1025 SW Western, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There were 13 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

The main concern that played a huge factor in the neighborhood was if our Ministry is not approved for the zoning would we continue to leave men in there under a different circumstance in which we gave them 100% assurance that we would not leave any men there under any other circumstance than complete approval.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West
Working Men Of Christ Ministry
Evangelist/CMO
(316) 218-5824
wmocministry@gmail.com
workingmenofchristministry.com

Sign in Sheet

Date: June 27, 2016 at 6:00 pm, Topeka Shawnee County Public Library

Date: June 27, 2016 at 6:00 pm, Topeka Shawnee County Public Library

[illegible]

PUD 16/13

HISTORIC HOLLIDAY PARK NIA

RECEIVED
JUL 07 2016
TOPEKA PLANNING
DEPARTMENT

785-845-8431
endaniels@aol.com

812 SW 11th Street
Topeka, KS
66612

July 7, 2016

Michael Hall, AICP
Planner III
Topeka Planning Department
620 SE Madison
Topeka, KS 66607

Dear Mr. Hall:

I am sending this letter on behalf of the Historic Holliday Park NIA in response to a request by Working Men of Christ's purchase of the house at 1025 SW Western in the environs of our NIA, our downzoning plat (done 20 years ago with then Neighborhood Planner, Bill Flander) and our National Register Historic District.

We have become aware that the WMC has been operating their house in our neighborhood for more than a year, but after making a request for construction at 1175 SW Clay for another similar property, it became clear that this house must be rezoned, or create some kind of overlay to provide for what they are doing.

We called a special meeting on June 22, 2016, at which time our NIA voted unanimously to support the WMC, but that the property needed to be independent of the special use "PUD" meaning we don't approve of rezoning the parcel, but rather creating a special use permit for the WMC, leaving the property out of it. We arrived at this decision as a result of the work done 20 years ago downzoning our area, the work done creating a National Register Historic District and our belief that we already have a number of group home type settings in our neighborhood and we feel that the spirit of the downzoning and the Historic Register Designation was to retain as much residential character as possible for now and the future.

We have all invested much in our neighborhood and while we understand the spirit of the WMC's mission, we must think of the ongoing revitalization and health of the area. Too many social services types of properties in the middle of residential areas, two blocks from a high school, etc., just gets to be too much. So, while we approve of them being here for the moment, we don't want the property to be rezoned, as we know that going forward, it would likely set a precedent for the property, and lead to further decline of residential homes and their values.

We would hope our views would be considered in this matter as many of our residents have invested all of their resources in this neighborhood and its ongoing revitalization.

Sincerely yours,

Nikki Daniels, President

Holliday Park NIA

CC: Bill Fiander, AICP, Director, City of Topeka Planning Department
Jennie Chinn, Kansas State Historic Preservation Office
Karen Hiller, City Councilperson District 1



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Bill Fiander DOCUMENT #: PUD16/4
SECOND PARTY/SUBJECT: Working Men of Christ PROJECT #: N/A
Ministry Inc
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson amending the “District Map” referred to and made a part of the Zoning Ordinances by TMC 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1175 SW Clay Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development District (“R-2” Single Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations, as stated herein). (PUD16/4) (Council District No. 1)

(Approval would allow the residence to be renovated and re-used as a correctional placement residence as indicated in the Ordinance reclassifying the property.)

POLICY ISSUE:

The Planning Commission recommended the request be approved by a vote of 8-0-0 at its July 18, 2016 public hearing, as stated in the attached minutes. The Planning Department recommended the request be approved, as stated in the attached staff report.

Governing Body options:

- Approve the Planning Commission’s recommendation by a minimum of 6 votes.
- Amend the Planning Commission’s recommendation by a minimum of 7 votes.
- Disapprove the Planning Commission’s recommendation by a minimum of 7 votes.
- Remand back to the Planning Commission for further consideration, with a statement specifying the basis for the governing body’s decision by a minimum of 6 votes.
- Defer the item to a specific date by a minimum of 6 votes.

STAFF RECOMMENDATION:

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

BACKGROUND:

The key issues of the rezoning to a Planned Unit Development relate to compatibility with the single family residential neighborhood, potential changes to the structure that would make it difficult for it to revert back to a single family residence, operating characteristics of the residence, over-concentration of uses, and public safety. As described in detail in the staff report, these issues are addressed with the following conditions and recommendations:

- The applicant's use is specifically tied to Statement of Operations that keeps the residence used for their intended purpose or very similar uses. A change to this will require re-approval by the Planning Commission and Governing Body.
- No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling. A maximum of five bedrooms are permitted.
- The owner shall allow the City to make periodic inspections for compliance with these conditions of approval.
- No signage advertising the nature of the use shall be permitted.

As conditioned and restricted by the requirements of the PUD, the rezoning request is in conformance to the Land Use and Growth Management Plan and Tennessee Town Neighborhood Plan. The PUD proposes an adaptive re-use of an existing residence that previously sat vacant in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

PUD16/4 is a request for a Planned Unit Development zoning district ("PUD" R-2 uses with the addition of a Correctional Placement Residence) to allow the adaptive re-use of the single family residence at 1175 SW Clay Street. The use of a Correctional Placement Residence is specifically tied to the Statement of Operations included on the Ordinance reclassifying the property.

The PUD is needed to allow the owners to use the single-family residence as a faith-based discipleship house for men or women transitioning out of prison. A maximum of seven (7) residents and one (2) staff will reside in this particular house at a given time.

In May 2016, the City Council approved an amendment to the Planned Unit Development Regulations to allow a property that is less than an acre to be rezoned to a "PUD" provided the applicant proposes an adaptive re-use of the existing structure. This request meets those criteria.

BUDGETARY IMPACT:

There is no impact to the City's adopted budget.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:**Description**

Ordinance

Summary Report

PC minutes

Staff report

Aerial Map

Zoning Map

Applicant letters/sign in

Tennessee Town Letter 1-22-2016

Tennessee Town Letter 7-18-2016

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson amending the “District Map” referred to and made a part of the Zoning Ordinances by TMC 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1175 SW Clay Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District **TO** “PUD” Planned Unit Development District (“R-2” Single Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations, as stated herein). **(PUD16/4) (Council District No. 1)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

**The south half of Lot 419 and all of Lots 421, Block 10, on Clay Street, Kings Addition to
the City of Topeka, Shawnee County, Kansas**

from “R-2” Single Family Dwelling District **TO** “PUD” Planned Unit Development District (“R-2” use group plus a Correctional Placement Residence only as indicated in the statement of operations), **subject to:**

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).
2. Use and development of the site according to the “Statement of Operations” submitted by the operator with their application keeping as a single family residence, as stated herein. Any change to this “Statement of Operations” shall require re-approval by the Planning Director and may require major amendment approval by the Planning Commission as provided in TMC 18.190.070 if the use or character is altered or new conditional use is requested.

“STATEMENT OF OPERATIONS
1175 CLAY STREET

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Plan by Operator (see case file PUD16/4), regarding the above described property. The proposed use of both of the property is to provide a highly structured, programmatic group living home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described location will be used as and considered the residence of the men or women it serves and functions as single-family dwelling.

The house will be operated similar in nature to a traditional group home with the exception that it will be a structured environment with the focus on training the residents in all aspects of pursuing life skills, education, job training, and therapy and is monitored by a governing organization overseeing operations of the residence. All residents will be expected to obtain

employment and participate in all programs as detailed in the governing organization's operations plan.

The maximum number of residents for the Clay Street property will be 7 residents and 2 staff residents.

The Operator will provide all transportation needs for the residents including transportation to and from work, meetings with parole officers, appointments, programs, job trainings, church, rehabilitation meetings, and any other meetings consistent with the organization's operating plan. The Clay Street property will require some minor renovations in order to be placed in operation.

The Clay Street property has a full basement that is unfinished and it contains the heating system and hot water heater. It will be utilized for storage purposes only as allowed by City Code. The main floor of this property will be used for the kitchen, dining, and community living area. Also located on the main floor will be the office and living quarters for the house director and house manager. There are two bedrooms and one bathroom on the main floor. The second floor of this property will be used for sleeping quarters for the residents. There are currently three bedrooms and two bathrooms on the second floor. No interior walls will be added to create additional rooms on either floor. The third floor is a finished attic, however there are no plans for its use until a secondary egress is provided, which is not in the current plans. We are currently awaiting further instructions on the installation of any fire detection devices and/or sprinklers as may be required by City Code.

The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of two parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

The Operator works closely with both the Kansas Department of Corrections and the Kansas Parole Department. The Operator does not supervise its residents on behalf of either of the two aforementioned agencies, other than the supervision which is part of the voluntary rules and policies of each house to which the residents agree to abide in order to reside in the house. The goal of this program is to be an asset in the neighborhoods where their homes are located; to improve each neighborhood in appearance, community growth, and safety; and to successfully launch its residents back into their respective communities equipped with the societal, life skills to be successful in all they do.

3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated in the Statement of Operations and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. "No signage advertising the nature of the use shall be permitted".
5. "A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."
6. "No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). A maximum of five bedrooms are allowed. Planning staff shall approve all future permits submitted to Development Services prior to approval."
7. "Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services prior to occupancy and use."

8. "The PUD is subject to annual inspections by the Zoning Inspector for compliance with these conditions of approval."

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

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

Mayor Larry E. Wolgast

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

RE: PUD16/4 By: Working Men of Christ (1175 SW Clay)

PUD16/4 is a request for a Planned Unit Development zoning district (“PUD” R-2 uses with the addition of a Correctional Placement Residence) to allow the adaptive re-use of the single family residence at 1175 SW Clay Street. The use of a Correctional Placement Residence is specifically tied to the Statement of Operations included on the Ordinance reclassifying the property.

The PUD is needed to allow the owners to use the single-family residence as a faith-based discipleship house for men or women transitioning out of prison. A maximum of seven (7) residents and one (2) staff will reside in this particular house at a given time.

In May 2016, the City Council approved an amendment to the Planned Unit Development Regulations to allow a property that is less than an acre to be rezoned to a “PUD” provided the applicant proposes an adaptive re-use of the existing structure. This request meets those criteria.

The key issues of the rezoning to a Planned Unit Development relate to compatibility with the single family residential neighborhood, potential changes to the structure that would make it difficult for it to revert back to a single family residence, operating characteristics of the residence, over-concentration of uses, and public safety. As described in detail in the staff report, these issues are addressed with the following conditions and recommendations:

- The applicant’s use is specifically tied to Statement of Operations that keeps the residence used for their intended purpose or very similar uses. A change to this will require re-approval by the Planning Commission and Governing Body.

- No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling. A maximum of five bedrooms are permitted.
- The owner shall allow the City to make periodic inspections for compliance with these conditions of approval.
- No signage advertising the nature of the use shall be permitted.

As conditioned and restricted by the requirements of the PUD, the rezoning request is in conformance to the Land Use and Growth Management Plan and Tennessee Town Neighborhood Plan. The PUD proposes an adaptive re-use of an existing residence that previously sat vacant in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

The applicant held a neighborhood information meeting. The Tennessee Town NIA unanimously expressed support for the request. The Planning Commission recommended the request be approved by a vote of 8-0-0 at its July 18, 2016 public hearing, as stated in the attached minutes. The Planning Department recommended the request be approved, as stated in the attached staff report.

**Minutes of the
Topeka Planning Commission
PUD16/03 and PUD16/04**

Monday, July 18, 2016

PUD16/03 by Working Men of Christ Ministry requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1025 SW Western Avenue. (Driver)

Ms. Driver explained that Items E2 & E3 on the agenda are quite similar and asked if the Commission would consider a summary of each case before discussion and Public Hearing. Hearing no objection, it was agreed by unanimous consent.

Ms. Driver spoke to the history of the two cases and reviewed the staff report for Item E2 on the agenda, noting staff recommendation of approval subject to conditions in the staff report. She added that following the completion of the staff report, concern arose regarding the statement of operations, specifically in regard to references to faith based activities/characteristics. She explained that a further condition is recommended, namely that the applicant revise their statement of operations to remove references to faith-based activities and characteristics. In place of this, language could be added regarding highly structured programs and operations with a focus on job training, life skills, education and therapy. The final statement would need to be reviewed and approved by both Planning staff and the COT legal staff.

Ms. Driver reviewed the staff report for Item E3, stating that staff recommends approval subject to the same condition as in item E2, amending the statement of operations.

Mr. Gales asked Ms. Driver if the applicant is agreeable to the requested changes in their statement of operations. She stated that she had just spoken with them prior to the convening of this meeting and they would have an opportunity to respond when they came forward to speak.

Mr. Beck asked why the stipulation (condition) is being placed upon them. Ms. Feighny explained that the approval is attached to the land itself rather than to the property owner; with the change, subsequent property owners would not be required to have only faith-based operations.

Mr. Gales asked why this ministry would be treated differently from a church, and Ms. Feighny explained that based on our zoning code, it is considered a correctional placement residence.

Mr. Bob Christensen came forward on behalf of the applicant, introducing himself as an attorney who has been involved with Working Men of Christ (WMOC) Ministry as their attorney and a board member since their inception. He stated that they have appreciated the cooperation they’ve received from the City and staff and that he believes Ms. Driver’s presentation to have been comprehensive. He added that WMOC’s focus is to get their ministry in place and they will not object to changing the statement of operations. He is confident they will be able to reach satisfactory language. He did state that their desire would be to leave the statement as it is and have it be granted as a separate entity, however they will do what’s necessary to have the plan approved.

Mr. Christensen gave information about how residents enter the program, and referenced the letter from Officer Diehl included in the agenda packet. Mr. Christensen stated that he doesn’t think there are similar houses in Topeka; this is a unique ministry. They have five houses in Wichita and WMOC believes they’re some of the best neighbors they’d had in a long time.

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With no questions from commissioners, Mr. Gales declared the **public hearing open**.

Mr. Nels Anderson of 1025 SW Fillmore, stating that while he has no issues with the WMOC ministry or their house, he does have grave concerns about property values and people's willingness to invest in the neighborhood because of the two houses in such close proximity to the neighborhood.

Mr. Gales stated that if WMOC move out, the home could return to a single family residence; it does not have to be a correctional placement residence. Mr. Anderson explained that the concern comes from the fact that the PUD is related to the land not the property owner so it could continue as a correctional placement residence and the presence of WMOC sets a precedent.

Ms. Maura Dingman of 1118 SW Taylor came forward to express concern about the PUD. She stated that she owns 7 homes in Holliday Park and reminded the Commission that the neighborhood is a national register historic district. As a neighborhood, they approve of the mission and spirit of the WMOC Ministry but are concerned about the character of the neighborhood and the house itself. Their desire would be that the use would be allowed solely to WMOC and not transferrable to another property owner. Like Mr. Anderson, she's concerned that the house will get "labeled", and she and her neighbors are concerned about property values.

Mr. Michael Michner, owner of Western Properties LLC (3 houses and large triplex). Mr. Michner stated that he echoes the concerns of the other who had spoken in regard to property values. He stated that he's been in the neighborhood for approximately 15 years and property values have been increasing. His concerns are property values and the proximity of his properties to the 1025 SW Western house. He stated that if the Commission approves the application, he would like to see a privacy fence built to shield his three houses.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Mr. Armstrong asked staff to address the ability to apply this directly to the property owner and not the property itself. Mr. Hall explained that zoning goes with the property, not the property owner; this is true of a conditional use permit and a change in zoning. Mr. Fiander added that the only real option he sees would be to add a time restraint/renewal requirement on the PUD (a sunset clause). It's also okay for the Zoning Inspector to do inspections to ensure the things are operating in conformance with the PUD conditions. Mr. Fiander stated that while a sunset is not what staff is recommending, they could help the Commission explore that possibility.

Mr. Woods stated that he felt a sunset might be appropriate, potentially with a renewal time being shorter than the time period when re-sale is foreseen so to alleviate residents' concerns that what is approved today would perpetuate itself.

Mr. Haugh stated that another option would be to deny the request, and he expressed concern that the house may sit vacant and deteriorate unless homeowner(s) in the neighborhood purchased the house and kept it up. He also expressed concern about the applicant using the property with a non-conforming use and asking the Commission to solve their problem of non-compliance by re-zoning.

At this point Ms. Dingman stated that she'd like to provide the Commission with some history; hearing no objections from Commissioners, Mr. Gales invited Ms. Dingman to come to the podium to speak.

Ms. Dingman stated that a couple years after the neighborhood downzoned, the property was sold and the new owner, unaware of the downzoning, began remodeling to turn the house into a duplex. The neighborhood informed the City, and the owner stopped the remodel. She stated that she thought there was a single family living in the home for a couple years just prior to WMOC acquiring the property.

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Ms. Dingman added that many property owners have in fact purchased multiple properties on the block and the block is now one of the most beautiful in the neighborhood.

With no questions from Commissioners, Ms. Dingman returned to her seat.

Mr. Beck stated that from what he's heard, he believes the concern is not the intended use at the present time but in the future. He believes that the requirement to have either the staff or the Commission as a whole periodically review the operation to confirm they continue to meet the conditions of the PUD is a viable option and believes a 3-year review would be. If, upon the review, the use appears no longer applicable for the neighborhood, the use would revert back to R2. He stated that he is not hearing the residents say they are concerned about the current user but rather a continued future use.

Mr. Fiander stated that this would be an appropriate condition but it's not one that staff has talked with the applicant about.

Mr. Kannarr expressed concern that a sunset clause has the potential of making it difficult to sell the property.

Mr. Fiander stated that staff would recommend approval regardless of whether or not the house were occupied and stated that reintegration is a serious issue in our society; the ability to have a community adopt reasonable policies for reintegration in terms of land use is part of what staff considered, but at the same time, staff does not wish to overstep the character of the neighborhood or create unintended consequences. The PUD was crafted as narrowly as possible short of adding a sunset clause.

Discussion continued and included questions about condition #8 and how that would be enforced, and possible options as to how to proceed.

Mr. Gales invited Mr. Christensen back to the podium to respond to the discussion. Mr. Christensen stated that he thinks the idea of a sunset clause may be welcomed by the applicant as it would help hold the ministry accountable and give them an opportunity to share about their success. He thought a 3-5-year term would work and reminded the Commission that WMOC would be making a financial investment in the house.

Mr. Beck reminded the commission regarding Mr. Michner's request for a privacy fence. Commissioners discussed the viability of the request.

Motion by Mr. Gales to approve staff recommendations to approve the PUD with a change to the statement of operations, to add a sunset clause requiring the PUD conditions be reviewed by the Planning Commission in 3 years for verification of compliance for renewal, and to request a fence on 3 sides of the 1025 Western yard to assure privacy to neighbors.

Commissioners discussed the fence and Mr. Beck seconded in order to further discussion, which did continue.

Mr. Beck suggested and Mr. Gales agreed to revise the motion regarding the fence to ask that only the southern property have a privacy fence, meeting requirements of the city/permitting.

Mr. Beck seconded.

Mr. Kannarr suggested that a deferral might be a better option to give staff an opportunity to explore all the requested changes. He elaborated that this may give staff, neighbors, and applicant an opportunity to come to agreement regarding the sunset and fence.

Discussion continued and Mr. Gales asked the applicant regarding their opinion of continuing the case. Mr.

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PUD16/03 and PUD16/04**

Christensen returned to the podium and stated that while they hadn't anticipated a request for a fence, they would be open to providing that to move the ministry forward. He asked the Commission to be mindful of the fact that there are men who are needing a place to live, adding that they are willing to proceed in whatever manner is requested.

Mr. Gales confirmed with Mr. Fiander that the case could be considered again at the August 15, 2016 Planning Commission meeting.

Mr. Gales asked Ms. Dingman to return to the podium to respond to concerns expressed. She stated that she likes the idea of a sunset. Mr. Gales then offered Mr. Michner an opportunity to speak again and he declined.

Mr. Gales rescinded his previous motion and moved that Item E2 be tabled with the intent to come back before the Commission at the August 15, 2016 meeting, giving staff and the applicant an opportunity to review all pertinent items. Second by Mr. Kannarr. Mr. Fiander asked for and received confirmation that "sunset" refers to an end to the PUD with the option for renewal. **APPROVAL** (8-0-0)

PUD16/04 by Working Men of Christ Ministry requesting to amend the District Zoning Classification from "R-2" Single Family Dwelling District TO "PUD" Planned Unit Development ("R-2" Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1175 Clay Street. **(Driver)**

Ms. Driver stated that she had nothing new to add regarding this case, and Mr. Gales invited Mr. Christensen to speak for the applicant.

Mr. Christensen stated they only ask that the same concessions previously discussed in regard to the Western property be considered in relation to this. He added that the property on Clay is not occupied at this time.

Mr. Gales declared the public hearing open.

Mr. Michael Bell, president of Tennessee Town NIA, came forward to speak in support of the proposal. He stated that Tennessee Town is a low to moderate income neighborhood with vacant homes that they are trying to get back on the taxrolls and, of course, finding good neighbors as well. He stated that the NIA is supportive of the WMOC mission and group and voted to endorse WMOC's efforts to establish a discipleship house at 1175 Clay. At their July 11, 2016 meeting they voted to send a letter of support to the Planning Commission.

Mr. Gales asked for and received from Mr. Bell confirmation that the letter provided as a handout is the letter referred to.

Mr. Gales asked Mr. Bell if, having heard the previous concerns regarding the property on Western, Tennessee Town shares them. Mr. Bell replied that they do not.

With nobody else coming forward to speak, Mr. Gales declared the public hearing closed.

Following brief discussion, Mr. Beck moved approval of the PUD with recommendations of staff, including the proposed change to the statement of operations discussed earlier. Second by Ms. Cavazos.
APPROVAL (8-0-0)

**Minutes of the
Topeka Planning Commission**

PUD16/03 and PUD16/04

Monday, August 11, 2016

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, July 18, 2016

APPLICATION INFORMATION

APPLICATION CASE NO:	PUD16/4 – 1175 SW Clay
REQUESTED ACTION / CURRENT ZONING:	Zone change from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” use group and a Correctional Placement Residence, Limited that proposes an adaptive re-use of the existing residence, only as indicated by Exhibit A).
APPLICANT / PROPERTY OWNER:	Working Men of Christ Ministry, Inc. (WMOC)
APPLICANT REPRESENTATIVE:	Spencer Lindsay, President, Working Men of Christ, Inc. Robert Christensen, Law Office of Robert W. Christensen
PROPERTY LOCATION / PARCEL ID:	1175 SW Clay Street/PID: 0973604022019000
PARCEL SIZE:	0.14 acres/6,098 sq. ft.
STAFF PLANNER:	Annie Driver, AICP, Planner II
BACKGROUND:	The applicant applied in February for the “M-2” Multiple-Family Dwelling District along with a Conditional Use Permit for a “<i>Correctional Placement Residence, Limited</i>” for their residence on this property. They withdrew those applications after staff indicated a lack of support to rezone to “M-2” Multiple-Family Dwelling District and instead proposed an amendment to the Planned Unit Development regulations that accommodates a “PUD” on property less than one acre where a re-use of a building is proposed. Rezoning the property to “M-2” would permit the full-range of residential uses in a neighborhood that was downzoned from multiple-family residential to implement the <u>Tennessee Town Neighborhood Plan</u>.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:	A faith-based discipleship house for homeless men or women, which includes those transitioning out of prison. A maximum of seven (7) residents and two (2) staff will reside in this particular house at one time. The operating characteristics of the house are similar to a typical half-way house, except the house is religiously-based and places an emphasis on Christian ministry, bible studies, job training, and therapy with the ultimate focus of transitioning the men (or women) back into society. The average length of stay
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widely varies, but ranges from six months to two years. This length of stay is very dependent upon when the individual resident feels they are ready to move out.

Although, operated independently from the Kansas Department of Corrections (KDOC), WMOC is a “partner” with KDOC.

The City Attorney determined this use falls under the definition of a “*Correctional Placement Residence, Limited*”¹ because a minimum of three (3) individuals may be parolees coming out of a prison sentence.²

PHOTO:



DEVELOPMENT / CASE HISTORY:

The building was constructed as a residence in 1915 and contains 3,559 sq. ft. and five bedrooms. Although used in the recent past as a “Group Home³, the structure remains physically intact as a single-family residence. The structure has been vacant since at least 2012. The property was downzoned from “M-2” Multiple-Family Dwelling District as part of the implementation of the Tennessee Town Neighborhood Plan in 2001. Likely, it was zoned for multiple-family residential uses after 1966 and remained such until the time of the downzoning.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The character of the neighborhood on both sides of SW Clay is residential in character and zoned “R-2” Single Family Dwelling District. An apartment complex (zoned PUD for “M-2” Multiple-Family Dwelling District uses) and church (zoned “R-2”) lie just west of the subject property. The property lies along SW Clay (local street) and takes access via the public alley to its rear.

¹ “Correctional Placement Residence, Limited” - Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state-operated or franchised work release program, or a privately operated facility housing parolees; or (5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

² “Correctional placement residence or facility, limited” means a facility occupied by three to 15 individuals, including staff members who may reside there.

³ “Group home” means a dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. “Group home” does not include “group residence, general” or “group residence, limited.”

COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:

No exterior modifications are planned that affect existing setbacks and dimensional requirements. The dimensional requirements remain the same as in the base "R-2" District.

OFF-STREET PARKING:

A minimum of two staff parking spaces are required and these are provided from the existing driveway off the alley. The residents will not own or use motor vehicles. All transportation is provided by the Working Men of Christ staff.

SIGNAGE:

No signage is proposed.

LANDSCAPING:

Not applicable

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

The neighborhood plan also has design standards for exterior improvements.

COMPREHENSIVE PLANS:

Tennessee Town Neighborhood Plan (adopted 2001)
Land Use and Growth Management Plan – 2040

TRANSPORTATION/MTPO PLANS:

Topeka Bikeways Plan

OTHER FACTORS

SUBDIVISION PLAT:

Platted as South ½ of Lot 419 and all of Lot 421, Block 10, on Clay Street, King's Addition

FLOOD HAZARDS, STREAM BUFFERS:

Not applicable

UTILITIES:

The residence is connected to existing utilities.

TRANSPORTATION/TRAFFIC:

The property is located on the 25th Street/Clay bike route as designated in the Topeka Bikeways Plan.

HISTORIC PROPERTIES:

Not applicable

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on Monday, June 27th at 6:00 pm located at the Topeka-Shawnee County Public Library. The property is located within the Tennessee NIA. The NIA has expressed support for the proposal and a letter of support is attached.

Key concerns expressed at the meeting are as follows:
Effects a change in operator will have the PUD zoning, openness with the NIA regarding residents and types of offender living in the house, monitoring and rules of residents, maintenance of the houses, and the close or overconcentration of like or similar uses within close proximity to each other. The attendees at this meeting were from the Holliday Park neighborhood related to Case #PUD16/3.

The applicant held an initial neighborhood information meeting on February 22, 2016 and a meeting at the NIA on November 9, 2015 in which the residents of Tennessee Town expressed support. Meeting minutes are attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	None
WATER POLLUTION CONTROL:	None
FIRE:	Additional fire alarms, door hardware, and/or fire suppression may need to be provided.
DEVELOPMENT SERVICES:	Per the 2006 International Building Code this will be classified as a Group R-3 – Residential Occupancy with use as a congregate living facility. Due to the age of the structure, Development Services will not require the applicant bring the building up to the most current 2006 adopted building codes. A phasing plan for building, fire, and life safety modifications will be developed between the applicant, Fire Marshal, and Development Services upon approval of the rezoning prior to issuance of their occupancy permit. A conditional Certificate of Occupancy will be issued by Development Services pending building modifications that are required.

KEY DATES

SUBMITTAL:	June 3, 2016
NEIGHBORHOOD INFORMATION MEETING:	June 27, 2016
LEGAL NOTICE PUBLICATION:	June 22, 2016
PROPERTY OWNER NOTICE MAILED:	June 24, 2016

STAFF ANALYSIS:

CHARACTER OF NEIGHBORHOOD: The character of the neighborhood is single family residential in land use and zoning along SW Clay, and to the north and east. The homes on the block vary in terms of size and upkeep. The blocks lying west of the subject property are multi-family residential and institutional in zoning and land uses, including apartments and a church. However, there still remains a scattering of other multi-family residential conversions and apartments within the neighborhood from the time the neighborhood was zoned for multiple-family dwellings.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property contains a vacant residential structure since approximately 2012 when it was last used as a “Group Home” for mentally disabled residents, which is permitted in the “R-2” District. The applicant purchased the property in 2015. Prior to purchasing the property, the applicant was unaware the zoning did not permit their intended use. The residence was historically constructed as a single-family residence in 1915. There have been no major interior or exterior modifications made to the structure that would affect the use of the property for a single-family dwelling in the future.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable to which it has been restricted under the “R-2” zoning classification. However, the large size of the existing structure (3,559 sq. ft.) and its current condition will require substantial investment and therefore, use as a residence by single-family not as viable. The PUD zoning will not change this use group or restrictions of this classification. The PUD allows the residence to be occupied while still physically functioning as a single-family dwelling.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is classified *Residential – Low Density (Urban)* in the Tennessee Town Neighborhood Plan (2001). The plan provides this designation for those areas “*where there are highest concentrations of cohesive single-family uses exist without a significant mix of two/multiple-family uses or major frontage along arterial streets and where a realistic potential exists to sustain this as the predominate character.*”

The applicant’s only rezoning option other than that proposed is to rezone to the “M-2” Multiple-Family Dwelling District with a Conditional Use Permit for a “Correctional Placement Residence, Limited”. A straight “M-2” Multiple-Family Dwelling District zoning on the subject property would not be in conformance to the neighborhood plan since this “M-2” zoning would allow a future owner to convert the structure into individual apartment units or break-up the nature of the single-family dwelling. A “spot” zoning, such as this, is not desired in a single-family neighborhood that was intentionally downzoned in 2001 to prevent these types of residential conversions. However, infill development and adaptive re-use of older and historic structures conform to policies in Land Use and Growth Management Plan-2040. The PUD proposes an adaptive re-use of the existing residence in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

This adaptive re-use PUD zoning will restrict the use of the property as indicated in Exhibit A and the PUD conditions of approval. The base use group of the PUD will remain “R-2” Single-Family Dwelling District and, therefore, restrict future development of the property to this zoning district. Further, the PUD establishes conditions on the zoning of the property limiting exterior and interior physical and structural modifications that may prevent the residence from being returned to a single-family dwelling use in the future (i.e. addition of interior walls, bathrooms, bedrooms). As conditioned, the rezoning request is in conformance to the Land Use and Growth Management Plan and Tennessee Town Neighborhood Plan.

Nevertheless, staff is concerned with the close concentration of “*Correctional Placement Residences*” and similar such uses (i.e. “Oxford Houses” - drug/alcohol rehab houses) in this neighborhood and surrounding neighborhoods because of the fear they create real or perceived crime problems and have negative impacts on public safety. Future rezonings to accommodate similar such uses in Tennessee Town that are in close proximity to this use would be discouraged by staff.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: As conditioned, little or no detrimental effects upon nearby properties are anticipated. The applicant's use functions similarly to a "Family"⁴ in its characteristics. The proposal presents no parking problems for the neighborhood as parking is already provided in the rear for a staff member and residents will not have or use motor vehicles. A maximum of seven residents plus one staff will live in the house at any one time. As a comparison, under a "Family" in the zoning code up to five unrelated individuals may live in a single-family house without oversight by a staff member. The PUD provides more certainty for the neighborhood concerning monitoring of the residents.

The City recognizes the neighborhood's past experience and perception of those "unregulated" halfway houses that have been developed in the past within close proximity to each other and the impact they may have had on public safety and crime rates. The "*Correctional Placement Residence*" zoning category was created after the adoption of these neighborhood plans to ensure there is a public process and oversight of these types of uses, as well as, the opportunity for the neighborhoods to voice input. Staff believes this rezoning request is consistent with that intention and provides openness between the operator of the "*Correctional Placement Residence*" and the neighborhood. The operator should make all attempts to remain open with the neighborhood concerning current residents and is encouraged to inform the neighborhood when there is a change in residents. Staff is not aware of other similar permitted or conditional uses that exist today in this neighborhood.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: As conditioned, reclassification of the subject property is not expected to harm the public health, safety, and welfare of the neighborhood because it limits modifications to the interior and exterior of the residential structure that would prevent the structure from returning to a single-family use. The single-family dwelling will remain physically intact so it will have little impact. Any harm to the public health, safety, and welfare may come from a lack of compliance with conditions of their approval and monitoring oversight by the applicant. The PUD zoning helps to ensure an adaptive re-use within the single-family neighborhood and continued use of an unoccupied residence. There is a better chance the structure's exterior and interior will be preserved in its original form if it is occupied rather than left to stand vacant.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to the subject property.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: No exterior improvements are planned affecting existing setbacks, exterior alterations, or dimensional standards. The subject property's base zoning of "R-2" Single Family Dwelling District will still apply unless otherwise stated in the conditions. In response to the question from the neighborhood information meeting, the operator or ownership may transfer to a new owner since the zoning remains with the land. However, the use of the residence must continue to comply with Exhibit A (as attached).

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to the following conditions:**

The following conditions of approval will be reflected in the adopting Ordinance reclassifying the property.

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).

⁴"Family" means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit with common kitchen facilities in a dwelling unit.

2. Use and development of the site according to the "Statement of Operations" submitted by the operator with their application (Exhibit A) keeping as a single family residence. Any change to this "Statement of Operations" shall require re-approval by the Planning Director and may require major amendment approval by the Planning Commission as provided in TMC 18.190.070 if the use or character is altered or new conditional use is requested.
3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated by Exhibit A and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. *"No signage advertising the nature of the use shall be permitted".*
5. *"A minimum of two (2) driveway parking spaces shall be provided off the alley for staff. "*
6. *"No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). A maximum of five bedrooms are allowed. Planning staff shall approve all future permits submitted to Development Services prior to approval."*
7. *"Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services prior to occupancy and use."*
8. *"The PUD is subject to annual inspections by the Zoning Inspector for compliance with these conditions of approval."*

Attachments:

Exhibit A: Statement of Operations
Aerial Map
Zoning Map
Tennessee Town letter 1-22-2016
Applicant letters as attached/sign-in.



PUD16/4 By: Working Men of Christ, Inc.





PUD16/4 By: Working Men of Christ, Inc.



PUD 16 / 4
1175 SW Clay

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 3:55 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Topeka Meeting 6/27/16 NIM
Attachments: Topeka.pdf

On June 27th 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1025 SW Western, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There were 13 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

The main concern that played a huge factor in the neighborhood was if our Ministry is not approved for the zoning would we continue to leave men in there under a different circumstance in which we gave them 100% assurance that we would not leave any men there under any other circumstance than complete approval.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West
Working Men Of Christ Ministry
Evangelist/CMO
(316) 218-5824
wmocministry@gmail.com
workingmenofchristministry.com

Sign in Sheet

Date: June 27, 2016 at 6:00 pm, Topeka Shawnee County Public Library
(All Historic Holliday Park residents)

[illegible]

Annie Driver

PUD 10/4

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 4:59 PM
To: Annie Driver
Subject: Re: Clay St

- Tennessee Town NIA - NIM 2/22/16

In February 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

On Tue, Jun 28, 2016 at 4:53 PM, Annie Driver <adriver@topeka.org> wrote:

Thanks, but this was in reference to the meeting at the library in February 2016?

From: Shannon West [mailto:wmocministry@gmail.com]
Sent: Tuesday, June 28, 2016 4:50 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Clay St

In November 2015, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West

Working Men Of Christ Ministry

Evangelist/CMO

PUP 10/4 - 1175 SW Clay

Annie Driver

From: Michael Hall
Sent: Tuesday, February 23, 2016 8:50 AM
To: Annie Driver; Bill Fiander; Mary Feighny
Subject: Quick Summary of NIM for WMOC

2/22/16 NIM.

Follow Up Flag: Follow up
Flag Status: Completed

There were 4 people representing WMOC at last night's meeting: Bob Smith, Spencer Lindsey, Shannon West, and Zack _____. They gave an effective presentation including a 13 minute video. They have clearly given this presentation before and it looked like it is aimed primarily at sponsors and donors.

Tennessee Town President Michael Bell attended. In addition, 3 other people attended and at least two of them live in the general neighborhood. A news cameraman showed up later into the meeting.

Meeting – WMOC Presentation:

- They have 4 houses in Wichita and one in Topeka – at 1025 SW Western. In addition to the house they are trying to open on Clay, they are trying to open at least one in Wyandotte County.
- The process they have allows only those former inmates that really want to be there and who are willing to make a commitment.
- They stress that they are a “discipleship house” and not a “halfway house”.
- Typically inmates are given \$40 or \$100 when released from incarceration. WMOC gives released inmates the opportunity to earn \$160 if they complete a Bible correspondence course

Meeting – Discussion:

- One of the attendees lives in Holiday Park (Lynette Farmer??). She said “Central Topeka has taken a lot of hits and it doesn't get much support from the City. How will you contribute to the community. How will you uplift the community.”
- Response from WMOC: WMOC takes men out into the community to serve the community. Working with churches and other groups, they find opportunities to help people, i.e. moving, painting, etc.
- Michael Bell spoke: He talked about what the NIA is doing and he supports WMOC. A lot of concerns about Central Topeka are based on perceptions only.
- Resident of Holliday Park: Please help us do something about the Dillon's store closing.
- Spencer Lindsey, WMOC: In the first 30 days the men are at the house, they are not allowed to go out and get a job. They are required to do 20 hours of community service. WMOC doesn't let them get a job until they build a relationship at the house. Men have a tendency to be tempted to get into trouble with their first paycheck.
- Second Woman – lives on Fillmore: She is the City Director of _____. She works with inmates. Said that the most important decision they make when released is choosing where to live.
- The third woman attending the meeting appeared to be with the second woman.

In general there was no serious opposition expressed at the meeting.

Michael Hall, AICP
Current Planning Manager
City of Topeka
785-368-3007

Annie Driver

PUD 16/4
1175 SW clay

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 4:50 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Clay St

Tennessee Town N/A meeting
11/9/15

Follow Up Flag: Follow up
Flag Status: Completed

In November 2015, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West
Working Men Of Christ Ministry
Evangelist/CMO
(316) 218-5824
wmocministry@gmail.com
workingmenofchristministry.com



Tennessee Town Neighborhood Improvement Association

1195 SW Buchanan
Topeka, KS 66604

Web: <http://tenntownnia.weebly.com>

E-Mail: tenntown@yahoo.com

Nextdoor.com:

https://tennesseetown.nextdoor.com/news_feed/

Twitter: @tenntown

January 22, 2016

Michael Hall, AICP
Planner III
Topeka Planning Department
620 SE Madison
Topeka, KS 66607

Dear Mr. Hall:

This letter comes to you as a result of Working Men of Christ's purchase of the house at 1175 SW Clay in the Tennessee Town Neighborhood Improvement Association and WMOC's plans to renovate the house as a "discipleship" house that would facilitate the transition of inmates back into the community.

After having met with WMOC's Director Spencer Lindsay, as well as WMOC's Bob Smith and Les Wedel, and listening to WMOC's presentation at the NIA's November 9, 2015, general membership meeting, WMOC asked the NIA to draft a support letter for its efforts regarding 1175 SW Clay. At that meeting the membership supported WMOC's goals but had questions about zoning issues that had come up regarding WMOC's proposed use of 1175 SW Clay and the number of similar houses in Tennessee Town.

At the NIA's January 11, 2016, general membership meeting the questions posed at the prior meeting were answered: a way to address the zoning issues had been identified and it was revealed that currently there were no other houses similar to WMOC's proposed house in Tennessee Town. Topeka Police Department Community Officer Michael Diehl also offered information that showed that the incidences of crime over the past five years at similar houses in Topeka was no greater than the incidences of crime overall (51 crimes in 60 months).

At the NIA's January 11, 2016, general membership meeting the following was moved and seconded: "The Tennessee Town NIA endorses Working Men of Christ's efforts to establish the House of Joshua discipleship house at 1175 SW Clay." The motion was approved.

Please let us know if you have any questions moving forward.

Thank you for your time and assistance.

Michael Bell

Patrick DeLapp

Sandra Lassiter

Michael Bell

Patrick DeLapp

Sandra Lassiter

Tennessee Town NIA President

Tennessee Town NIA Vice-President

Tennessee Town NIA Secretary-Treasurer

cc: Bill Fiander, Director, Topeka Planning Department
Susan Hanzlik, Planner II, Topeka Planning Department
Spencer Lindsay, Director, Working Men of Christ Ministries
Patrick DeLapp, Tennessee Town NIA Vice-President
Sandra Lassiter, Tennessee Town NIA Secretary-Treasurer



Tennessee Town Neighborhood Improvement Association

1195 SW Buchanan

Topeka, KS 66604

Web: <http://tenntownnia.weebly.com>

E-Mail: tenntown@yahoo.com

Nextdoor.com:

https://tennesseetown.nextdoor.com/news_feed/

Twitter: @tenntown

July 18, 2016

Topeka Planning Commission
c/o City of Topeka Planning Department
620 SE Madison
Topeka, KS 66607

Dear Planning Commission Members:

This letter comes to you as a result of Working Men of Christ's purchase of the house at 1175 SW Clay in the Tennessee Town Neighborhood Improvement Association and WMOC's plans to renovate the house as a "discipleship" house that would facilitate the transition of inmates back into the community.

At the NIA's January 11, 2016, general membership meeting the following was moved and seconded: "The Tennessee Town NIA endorses Working Men of Christ's efforts to establish the House of Joshua discipleship house at 1175 SW Clay." The motion was approved.

Since that meeting, in consultation with the City of Topeka's Planning Department, a "Planned Unit of Development" zoning designation was identified as the best way to enable WMOC to proceed with creating a discipleship house at the aforementioned address.

At the NIA's July 11, 2016, general membership meeting the following was moved and seconded: "The NIA will send a letter to the planning commission supporting the PUD zoning request for Working Men of Christ at 1175 SW Clay." The motion was approved.

Please let us know if you have any questions moving forward.

Thank you for your time and assistance.

Michael Bell

Patrick DeLapp

Sandra Lassiter

Michael Bell

Patrick DeLapp

Sandra Lassiter

Tennessee Town NIA President

Tennessee Town NIA Vice-President

Tennessee Town NIA Secretary-
Treasurer

cc: Bill Fiander, Director, Topeka Planning Department
Susan Hanzlik, Planner II, Topeka Planning Department
Spencer Lindsay, Director, Working Men of Christ Ministries
Patrick DeLapp, Tennessee Town NIA Vice-President
Sandra Lassiter, Tennessee Town NIA Secretary-Treasurer

between \$15,000 and \$20,000).

Just as the parties were coming to the realization that demolition might be the only feasible course of action under the circumstances, HHHS received an offer to purchase the property from an individual desirous of operating a retail tire and automotive shop at that location. The purchase involves seven acres, total: HHHS owns four acres in fee simple and the remaining three acres are subject to the City's reversionary interest as referenced more specifically above. HHHS has agreed to split the purchase proceeds accordingly by retaining only 4/7 of the total purchase price and remitting the remaining 3/7 to the City. There are several benefits to this proposal. First and foremost, the prospective buyer has stated that he plans are to remodel the dilapidated structure *at his own cost*. Therefore, the City would have no obligation to fund either demolition or remediation of the structure. In addition, the property, which is currently exempt from property taxes, would be placed back on the tax rolls and immediately begin generating property tax.

BUDGETARY IMPACT:

Revenue of \$3440, minus closing costs (Costs would be split between the City and HHHS).

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Quit Claim Deed

Mail Tax Statement to:
Helping Hands Humane Society, Inc.
5720 S.W. 21st Street
Topeka, KS 66604

Property Address: 2625 NW Rochester Road, Topeka, KS 66617

This deed is being recorded pursuant to K.S.A. 79-1437e, exemption 12

QUIT CLAIM DEED

City of Topeka, Kansas (“Grantor”),

CONVEYS, RELEASES, AND QUITCLAIMS TO

Helping Hands Humane Society, Inc. (“Grantee”),

All of Grantor’s interest, including any reversionary interest, in the following described REAL ESTATE situated in the County of Shawnee in the State of Kansas, to wit:

A tract of land in Northeast Quarter of Section 18, Township 11 South, Range 16 East of the Sixth P.M., in Shawnee County, Kansas, beginning on the South Line of said Quarter Section 100 feet West of the centerline of Rochester Road; thence Westerly along the South Line of said Quarter Section to the Centerline of Old Soldier Creek 541.19 feet; thence Northeasterly along centerline of Old Soldier Creek 275.76 feet to the South Line of the New Soldier Creek right of way; thence Easterly along the New Soldier Creek right of way, a distance of 448.64 feet being 100 feet West of Rochester Road Centerline; thence South 275.0 feet parallel to the Centerline of Rochester Road to the point of beginning.

Together with all affixed buildings, improvements, and fixtures, and other benefits derived from the REAL ESTATE;

EXCEPT AND SUBJECT TO: easements, restrictions, and reservations of record and all taxes and assessments that may be levied, imposed or become payable hereafter.

For the sum of One Dollar and other valuable consideration.

IN WITNESS WHEREOF, Grantor has executed this deed on the day and year first above written.

City of Topeka, Kansas

By: Jim Colson
Title: City Manager

Date: _____

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this ____ day of _____, 2016 before me, the

undersigned, a Notary Public, came Jim Colson, City Manager, who acknowledged himself to be an authorized agent of the City of Topeka, Kansas, and that he, as such agent executed the foregoing instrument for the purposes therein contained by signing the same on behalf of the City of Topeka, Kansas, and hereby acknowledges this instrument.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above mentioned

Notary Public

My Appointment Expires:_____



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Jacque Russell, Human Resources Director **DOCUMENT #:**
SECOND PARTY/SUBJECT: Management and Executive Compensation Plan **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A DISCUSSION regarding (1) the Management and Executive Market Comparability Study and (2) the Management and Executive Classification and Pay Plan.

(Review of the City's current compensation plans and discuss implementation of results from a management and executive compensation study.)

POLICY ISSUE:

Pursuant to TMC 2.25.030, the City Council shall review and approve the city's compensation plan. Adjustments to the compensation plan is a duty of the Human Resources Director pursuant to Personnel Code, Article IV.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

A recent wages comparability study of management and executive employee compensation was recently conducted and concluded. The results and recommended plan have been reviewed and are supported by City staff.

BUDGETARY IMPACT:

Financial Impact of compensation plan is addressed as part of the annual budget process.

SOURCE OF FUNDING:

Varies

ATTACHMENTS:

Description

Resolution

Management and Executive Classification and Pay Plan

Appendix A

1 RESOLUTION NO. _____
2
3

4 A RESOLUTION introduced by City Manager Jim Colson, approving management and
5 executive compensation plans.
6

7 WHEREAS, for the past twenty years, the City of Topeka has utilized a pay matrix
8 structure for its management employees, with the matrix containing forty (40) grades and
9 twenty-one (21) steps in each grade.

10 WHEREAS, TMC 2.25.030 provides that the city's compensation plan shall be
11 reviewed and approved by the city council; and

12 WHEREAS, because City Administration also has the authority to revise and
13 update pay plans pursuant to the Personnel Code Article IV, the respective duties of the
14 Governing Body and City Administration are clarified in this Resolution.

15 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
16 CITY OF TOPEKA, KANSAS, that:

17 Section 1. Pursuant to recommendations contained within a recent wage
18 comparability study of management and executive employees: (a) employee performance
19 should be an important consideration when adjusting compensation of management and
20 executive employees; and (b) the pay structure for management and executive employees
21 should be changed to a salary range model.

22 Section 2. The City adopts and approves the attached Management and
23 Executive Classification and Pay Plan which provides a compensation structure for a
24 salary range model based on market comparability and employee performance for
25 management and executive employees. The financial impact of any compensation plan is
26 addressed as part of the annual budget process.

Section 3. In accordance with the Personnel Code, Article IV, Section 1.A. and Section 2.B, maintenance of the Management and Executive Classification and Pay Plan within authorized budget authority, such as adjustments for market comparability, creation of new classifications and development of Administrative Rules and Regulations related to salary administration and performance adjustments within the Plan, are duties of the Human Resources Director, under the authority of the City Manager.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



THE CITY OF TOPEKA MANAGEMENT AND EXECUTIVE CLASSIFICATION AND PAY PLAN

I. INTRODUCTION

- A. The Director of Human Resources and the City Manager will administer pay in such a manner as to attract, motivate and retain the most highly qualified personnel available.
- B. The Director of Human Resources with the City Manager's guidance and approval shall evaluate positions in a consistent manner and place them in an appropriate pay structure that is competitive within the City's industry, local community and region.
- C. The City will compensate each employee on the basis of his or her performance and contribution to the accomplishment of the City's performance goals, strategies and objectives and provide incentives toward individual growth through a performance recognition program.
- D. The Director of Human Resources and the City Manager reserve the right to modify, revoke, suspend, terminate or change positions and salary levels in accordance with the City's Personnel Code. However, any changes to the overall Classification and Pay Plan (Plan) shall be approved by the governing body. The language used in the Plan is not intended to create, nor is it to be construed to constitute a contract between the City of Topeka and any one or all of its employees.

II. SALARY PAY PLAN OBJECTIVE

This Plan outlines the basic components to assist management in administering salaries. If an exceptional situation occurs, please notify the Director of Human Resources before proceeding. A course of action will be recommended that will ensure the City's salary actions are consistently fair and equitable.

III. PLAN COMMUNICATION

Plan communication regarding the salary structure as it impacts an employee's current position is important for motivation. Employees will generally receive information about their position upon hire and when evaluated. Information at these times will include:

- Beginning rate of pay.
- Dates of performance and salary evaluations.
- Increases are based on performance and are not automatic.
- Employee's current rate of pay.
- Effective date of any salary change and the new rate of pay.
- Minimum, midpoint and maximum of the employee's pay range.
- Date of the next performance evaluation, which is normally twelve (12) months after the last evaluation.

IV. COMPENSATION

PAY STRUCTURE

The pay structure is reviewed periodically to ensure that it remains competitive with local, regional and industry market pay. Increases to the pay ranges do not result in a general "across the board" individual employee pay increase. Employee pay increases will be based on individual performance.

SALARY LEVEL

The salary level is a numerical level assigned to each job that has been formally described and evaluated. This level reflects the job's evaluation and the dollar value currently being paid in the competitive labor market for positions in that level. See APPENDIX A.

SALARY RANGE

- A. Each salary level is assigned a dollar range that includes a minimum, midpoint, and maximum.
 - I. **Minimum:** The salary range minimum represents the lowest salary an employee should be paid when assigned the duties of a position in a particular level. This does not necessarily suggest that the minimum is the exclusive hiring rate, but new employees should generally not be paid less than the minimum. An employee's hiring rate should be determined by his or her qualifications and how they meet the required knowledge, skills, abilities, and experience as described in the job description.

2. **Midpoint:** The salary range midpoint is considered to be the current market rate for the job. Employees who are fully qualified and experienced in all aspects of their job should normally be paid at or near the salary range midpoint. Due to the annual increases in the salary range, however, an employee may be in a job classification for several years before reaching the midpoint of the salary range.
3. **Maximum:** The highest salary that can be paid for positions in a pay level is the salary range maximum. The salary range maximum is determined by establishing a reasonable percentage spread between the minimum and maximum rates. The additional portion of the range above the midpoint provides adequate opportunity for individual salary growth and ample opportunity for salary differentiation based upon performance.

V. PERFORMANCE RECOGNITION / PERFORMANCE EVALUATIONS

- A. The salary ranges provided herein are intended to recognize individual differences among positions allocated to the same salary classification, the purpose of which is to provide employee incentives and reward employees for meritorious service and continued improvement within a particular position.
- B. All increases in salary within any range shall be made only on the basis of fully satisfactory performance and continued improvement.
- C. Increases in salary within any range shall be neither automatic nor a matter of right and shall be affected only upon the recommendation and approval of the Director of Human Resources and the City Manager after completion of a thorough employee performance evaluation.
- D. An employee shall be eligible for a salary increase at his or her next performance evaluation in accordance with Administrative Rule and Regulation- Performance Recognition and Evaluation.



THE CITY OF TOPEKA

MANAGEMENT AND EXECUTIVE CLASSIFICATION AND PAY PLAN

APPENDIX A

Management and Executive Structure

Job Title and Salary Grade Level	Salary Range		
	Min	Mid	Max
Level 15	\$150,720	\$188,400	\$226,080
City Manager			
Level 14	\$108,400	\$135,500	\$162,600
Deputy City Manager			
Police Chief			
Level 13	\$101,260	\$126,580	\$151,900
City Attorney			
Deputy Chief of Police			
Director of Development Coordination (Economic Development)			
Director of Finance			
Director of Public Works			
Fire Chief			
Utilities Director			
Level 12	\$87,750	\$109,690	\$131,630
Administrative Hearing Officer			
Administrative Municipal Court Judge			
City Engineer			
Deputy City Attorney			
Deputy Director of Public Works			
Deputy Fire Chief			
Director of Neighborhood Relations			
Director of Human Resources			
Director of Information Technology			
Major, Police			
Planning Director			

Level 11	\$76,040	\$95,050	\$114,060
Budget & Performance Manager			
Captain, Police			
Chief of Litigation			
Chief of Prosecution			
Deputy Director, Neighborhoods Relations			
Deputy Director, Information Technology			
Division Chief			
Fire Marshall			
Municipal Court Judge			
Shift Commander, Fire			
Superintendent of Transportation			
Water General Manager			
WPC General Manager			
Zoo Director			
Level 10	\$68,880	\$86,100	\$103,320
Assistant City Engineer			
Battalion Fire Chief (24 hour)			
Chief Accounting Officer			
City Network Engineer			
Director of Business Services			
Director Water Services			
Director, Street Maintenance & Traffic Operations			
Division Director Community Engagement			
Division Director Housing Services			
Division Director Property Code & Development Services			
Engineer III			
Human Resources Specialist IV			
Lieutenant, Police			
Manager, Human Resources			
Manager, Information Technology			
Manager, Tech/Support Groups			
Manager, Water Treatment Plant			
Public Information Officer			
Purchasing Director			
Senior Attorney			
Water System General Manager			

Level 9	\$62,620	\$78,270	\$93,920
Architect V			
Assistant Budget Manager			
Assistant Director Water Services			
Assistant Superintendent SMTD			
Assistant to the City Manager			
Director of Customer Service			
Director of Water Meter Services			
Director of Water Plant Operations			
Management Analyst III			
Manager, Construction Inspection			
Manager, Facilities			
Manager, Fleet Services			
Manager, Laboratory Operations			
Manager, Pavement Improvements			
Manager, Street Operations			
Manager, Survey, Design & Records			
Manager, Water Customer Service			
Manager, Water Utility Infrastructure			
Manager, WPC Operations			
Network Engineer III			
Planner III			
Senior Management Analyst			
Zoo Veterinarian			
Level 8	\$56,920	\$71,150	\$85,380
Associate Attorney			
Chief Executive Aide			
Engineer II			
Facilities Supervisor			
Human Resources Specialist III			
Infrastructure Support Manager			
Manager Property Code Services			
Manager, Community Education			
Manager, Field Services			
Manager, Fire Logistics			
Manager, Neighborhood Relations			
Manager, Quality Assurance			
Manager, Special Projects			
Manager, Wellness			
Media Relations Director			
Production Specialist III			
Program Administrator			

Public Relations Specialist III			
Rehabilitation Specialist III			
System Developer III			
Technical Support Analyst II			
Traffic Operations Administrator			
Zoo Operations Manager			
Level 7	\$51,740	\$64,680	\$77,620
Accountant III			
Application Developer			
Architect IV			
City Clerk			
City Council Office Manager			
Compliance Inspector II			
Deputy Municipal Court Clerk			
Electronics Technician III			
Grants Administrator			
HRIS Analyst			
Management Analyst II			
Manager, Forestry			
Municipal Court Admin. & Court Clerk			
Paralegal III			
Paralegal IV			
Probation Officer II			
Technical Support Analyst I			
Technical Trainer I			
Level 6	\$47,040	\$58,800	\$70,560
Accountant II			
Architect III			
Assistant Attorney			
Clerical Supervisors III			
Education Specialist II			
Engineer I			
Environmental Engineering Tech III			
Human Resources Specialist II			
Manager Support			
Production Specialist II			
Production Supervisor			
Public Relations Specialist			
Rehabilitation Specialist II			
Senior Program Administrator			
Senior Program Coordinator			
Senior Project Manager			

Supervisor III			
Surveyor III			
Technical Support Analyst III			
Training Specialist II			
Level 5	\$42,760	\$53,450	\$64,140
Accountant II			
Clerical Supervisors II			
Crime Analysis Unit Coordinator			
Electrical & Instrument Mechanic III			
Engineering Technician III			
Grant Coordinator			
Legal Specialist III			
Management Analyst			
Project Coordinator			
Project Manager, WPC			
Senior Animal Control Officer			
Senior Executive Assistant			
Senior Paralegal			
Supervisor II			
User System Consultant III			
Level 4	\$38,870	\$48,590	\$58,310
Accountant I			
Accounting Specialist III			
Administrative Officer			
Architect II			
Business Services Manager			
Compliance Inspector I			
Crime Analyst			
Electronics Technician II			
Engineering Technician II			
Environmental Engineering Tech I			
Executive Assistant II			
HR Analyst I			
Human Resources Specialist I			
Legal Specialist II			
Paralegal I			
Production Specialist			
Program Coordinator			
Surveyor II			
Training Specialist I			
Wellness Coordinator			

Level 3	\$36,800	\$44,170	\$51,530
Accounting Specialist II			
Business Support Analyst			
Electronics Technician I			
Executive Assistant I			
Legal Specialist			
Public Relations Specialist I			
Surveyor I			
Zoo Keeper III			
Zoo Registrar			
Level 2	\$33,460	\$40,150	\$46,840
Environmental Engineering Tech I			
Human Resources Assistant II			
Office Specialist			
Supervisor I			
Level 1	\$30,420	\$36,500	\$42,580
Executive Assistant I			
Human Resources Assistant I			



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE:	September 6, 2016	
CONTACT PERSON:	Karen Hiller, Chairperson	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 City Council Rules and Procedures.

(Councilmember Karen Hiller, Committee Chair will provide an update on committee actions to date.)

POLICY ISSUE:

The City Council Rules and Procedures was referred to the Policy and Finance Committee on June 7, 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 26, 2016, and August 19, 2016, the Committee met to discuss the City Council Rules and Procedures but took no action. The Committee is planning to schedule another meeting to continue work on this item. Pending items before the Committee are Records Fees and Council Training Rules; both will be discussed at a future Committee meeting.

BUDGETARY IMPACT:

Not applicable.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Summary of Proposed Substantive Changes
Council Rules and Procedures
Charter Ordinance No. 117
Final Report

Summary of Proposed Substantive Changes to GB Rules

TOPIC	CURRENT	CHANGE
References to “Council” and “governing body”	“Council” is used throughout the Rules.	Replace with “governing body.” Charter ordinance refers to ‘governing body.’
Quorum, Section 2.2 – (Line 97)	Five members of the Council	Six members of the governing body. Charter ordinance changed quorum requirements.
Agenda Contents; Appointments, Section 5.3 – (Lines 282-85)	Appointments are on the consent agenda. Consent agenda is approved by a majority of the governing body, including the mayor.	Since mayor appoints to boards/commissions, subject to Council approval, mayor shouldn’t vote on appointments. Appointments will be a separate item on the agenda for vote by Council members.
Amending motions, Section 6.2(e) – (Lines 385-99)	A motion to amend requires consent of the person who originally made the motion to approve an item and the person who seconded the original motion.	The proposed revision will bring this section in accord with Robert’s Rules of Order in which treatment of amendments depends upon timing. More specifically: 1. After motion and second (but <i>before</i> Chair states the motion): Consent of maker and second required. (“friendly amendment”) 2. <i>After</i> Chair states the motion: No such Consent required.
Majority vote required, Section 7.2(b) – (Lines 478-81)	Vote of five council members required to pass any item.	Delete. Charter ordinance addresses voting requirements (six for governing body votes; five council votes when mayor has veto rights).
Council committee appointments, Section 8.2(b) – (Line 518)	Deputy mayor appoints in May.	Deputy mayor appoints in February. Change is consistent with state law changing election terms

		from April to January.
Chair of Budget, Long-Range Planning, and Committee of the Whole, 8.2(d) – (Line 535-38)	Deputy mayor chairs	Mayor chairs. Recommendation of Citizens Government Review Committee.
Consideration by Committee, Section 8.5(b) – (Line 572)	Currently titled “Consideration by Committee.”	Change title of subsection (b) to “Referred Item Action Deadline” to more accurately reflect the language contained therein.
Committee actions, Section 8.5(c) – (Line 581-93)	Options include: passing an item, not passing an item, no recommendation, and pass as amended	Clarify: (1) recommend approval; (2) recommend changes; (3) recommend no approval; and (4) make no recommendation (no second means no recommendation).
Committee minutes, Section 8.10 – (Line 646-51)		Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action taken (including the result of any vote(s) taken). Staff should now be ensured sufficient time to draft minutes prior to the “next” committee meeting with Council adoption of the above-referenced definition of “minutes, (given that a verbatim transcription would not be required).

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Topeka City Council
City of Topeka
Governing Body I

Rules and Procedures

Adopted on _____

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81 **1. AUTHORITY**

82
83 **1.1 Charter:** TMC §A2-30 provides that the council-governing body may
84 determine its own rules of procedure for meetings. The following set of rules
85 shall be in effect upon their adoption by the council-governing body and until
86 such time as they are amended or new rules adopted in the manner provided
87 by these rules.
88

89 **2. GENERAL RULES**

90
91 **2.1 Meetings to be Public:** All meetings of the council-governing body shall be
92 open to the public, except for executive sessions as provided for by state
93 statute. Persons attending meetings ~~of the council~~ shall turn off or mute
94 any device or instrument capable of emitting an audible sound or tone before
95 entering the meeting room.
96

97 **2.2 Quorum:** Five-Six members of the council-governing body shall constitute a
98 quorum and be necessary for the transaction of business
99

100 **2.3 Record of Proceedings:** An account of all proceedings of the
101 council-governing body shall be kept by the city clerk and shall constitute the
102 official record ~~of the council~~.
103

104 **2.4 Right of Floor:** Any member desiring to speak shall be recognized by the
105 meeting chair, and shall confine his or her remarks to the subject under
106 consideration or the one to be considered.
107

108 **2.5 Duties of City Manager Relative to City Council Governing Body:**

- 109
110 (a) The members of the council-governing body and the city manager
111 shall observe scrupulously the relationship and the respective
112 authorities and responsibilities of each as provided by the statutes,
113 city ordinances, council-governing body rules or procedure and the
114 ethics of good conduct. Generally speaking, the council-governing
115 body shall act as a policy-making body only except as specifically
116 provided otherwise by statute and the city manager shall act as the
117 administrative head of the city. The council-governing body shall
118 delegate to the city manager all administrative duties not specifically
119 required by statute to be performed by the ~~council governing body~~.
120 No member of the ~~city council or the mayor-governing body~~ shall
121 interfere directly with the conduct of any municipal department. All
122 instructions or direction to the city manager shall come from the
123 council as a whole-governing body after approval of a majority
124 (five)(six) of the council members. The city manager shall disregard
125 any other instructions or directions and shall refer them to the
126 council-governing body as a whole. Requests for routine information

may be made to the city manager, department heads or their designees by individual councilmembers or the mayor, but all requests for lengthy or detailed reports shall be made only to the city manager. No instructions or directions shall be given by individual councilmembers or the mayor to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the entire council governing body for such action as may be appropriate in each individual case.

Comment [LR1]: CM Hiller proposed adding as sentence to the end of 2.5(a) in her "Updated for 5-17-16" document: "When the city manager has delegated staffing of a task or committee to specified staff members, direct communication and task agreement are expected to occur between appropriate council members and said staff."

- (b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the city council governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the council governing body— unless excused by a majority ~~(five)~~ of the council governing body. The city manager shall prepare and submit the annual budget to the council governing body, shall keep the council governing body advised as to the financial condition and requirements of the city and shall make recommendations ~~to the council~~ on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations ~~to the city council~~. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the council governing body on matters pertaining to the affairs of the city.

2.6 Duties of City Attorney ~~Relative to City Council~~:

- (a) The city attorney or a designee shall attend all meetings of the ~~city council governing body~~. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have been approved as to form and legality by the city attorney or a designee before presentation to the ~~council governing body~~. When requested by any member of the council or the mayor, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of council governing body rules of procedure and opinions as to legality of matters under consideration. The city attorney is the chief legal advisor to the governing body and the city manager, who are entitled to rely upon his or her legal opinions which shall be considered final as they relate to municipal affairs except as they may be adjudicated in the courts.
- (b) The city attorney shall be the parliamentarian for the ~~council governing body~~, and shall provide advice and counsel to the meeting

Comment [LR2]: CM Hiller proposed adding a sentence to the end of 2.6(a) in her "Updated for 5-17-16" document: "In the event that legal issues arise between the city manager and the mayor, council members or governing body as a whole, the city attorney shall advise and represent the governing body."

chair on all interpretations of ~~council~~the rules and procedures for the conduct of meetings. However, the meeting chair shall rule on all such matters, as provided by Rule 4.4.

Comment [LR3]: CM Hiller proposed adding a new section 2.7, entitled "Relation of the Mayor and Council to Assistant to the Mayor and Assistant to the Council," in her "Updated for 5-17-16" document.

- 2.7 City Clerk:** The City Clerk or a designated representative shall attend all meetings of the ~~council~~council-governing body and shall keep the official record (minutes) and perform such other duties as may be requested ~~by the council~~.
- 2.8 Officers and Employees:** When there is pertinent business from their departments on the ~~council~~ agenda, department heads or their designees shall attend such ~~council~~ meetings upon request of the city manager.
- 2.9 Rules of Order:** "Roberts Rules of Order Revised" shall govern the proceedings of the council in all cases, unless they are in conflict with these rules.
- 2.10 Television Coverage:** Except as otherwise provided herein, the public portions of ~~any city council~~council-governing body meetings shall be televised live, subject to budget constraints or technical difficulties.
- 2.11 Seating During ~~Council~~ Meetings:** The council shall be seated in council district order.

3. TYPES OF MEETINGS

- 3.1 ~~Council-Governing Body~~ Meetings:** The ~~council~~council-governing body shall meet in the council chambers for meetings pursuant to TMC § 2.15.020.
- 3.2 Special ~~Council-Governing Body~~ Meetings:** Special meetings may be called by the city manager, mayor or by four (4) or more members of the council. The call for a special meeting shall be submitted to the city clerk, except an announcement of a special meeting during any meeting at which a quorum of members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. Only such business may be transacted at a special meeting as may be listed in notice. Except for emergencies, the city clerk shall provide documented notice of a special meeting to the city manager, the entire governing body, and shall post the notice on the City's web site at least 24 hours prior to the meeting date.
- 3.3 ~~Council~~ Committee Meetings:** Committee meetings may be held pursuant to Rule 8.

220 | **3.4 Attendance of Media at ~~Council~~ Meetings:** All meetings of the ~~city~~
221 | ~~council~~governing body and its committees shall be open to the media, freely
222 | subject to recording by radio, television, and photographic services at any
223 | time, provided that such arrangements do not interfere with the orderly
224 | conduct of the meetings.
225 |

226 | **4. CHAIR AND DUTIES**
227 |

228 | **4.1 Chair:** The mayor, if present, may preside as chair at all meetings of the
229 | ~~council~~governing body. In the absence of the mayor, the deputy mayor shall
230 | preside. In the absence of both the mayor and deputy mayor, the city clerk
231 | shall preside until a chair is elected.
232 |

233 | **4.2 Call to Order:** The meetings of the ~~council~~governing body shall be called to
234 | order by the mayor or, in the mayor's absence, by the deputy mayor. In the
235 | absence of both the mayor and the deputy mayor, the meeting shall be
236 | called to order by the city clerk for the election of a temporary chair.
237 |

238 | **4.3 Preservation of Order:** The chair shall preserve order and decorum,
239 | prevent attacks on personalities or the impugning of member's motives, and
240 | confine members in debate to the question under discussion. The following
241 | will not be tolerated: uttering fighting words, slander, speeches invasive of
242 | the privacy of individuals, unreasonably loud or repetitious speech, and
243 | speeches so disruptive of ~~council~~ proceedings that the legislative process is
244 | substantially interrupted. Any ~~councilmember~~governing body member
245 | engaging in any of these will be warned once by the chair and if the behavior
246 | continues, the ~~councilmember~~governing body member will be ordered to
247 | leave the council chambers and that order shall be effective after a two thirds
248 | affirmative vote of the ~~council~~ members present. If necessary, the
249 | ~~councilmember~~governing body member will be escorted from the chambers if
250 | such ~~council~~ member persists in interfering with the ability of the
251 | ~~council~~governing body to reasonably carry out ~~council~~its functions.
252 |

253 | **4.4 Point of Order:** The chair shall determine all points of order, subject to the
254 | right of any member to appeal to the council. If any appeal is taken, the
255 | question shall be, "Shall the decision of the chair be sustained?"
256 |

257 | **4.5 Questions to be Stated:** The chair shall state all questions submitted for a
258 | vote and announce the result.
259 |

260 | **5. AGENDAS**
261 |

262 | **5.1 Preparation and Circulation:** The city manager shall create an agenda for
263 | ~~council~~governing body meetings. Each Thursday, the city clerk shall make
264 | available the agendas for the next two consecutive meetings and, absent
265 | technical difficulties, post the agendas to the City's website.

266
267
268 | **5.2 Addition and Removal of Items from the Agenda:** Notwithstanding
269 section 5.1, items may be added to the agenda ~~at a council meeting~~ pursuant
270 to TMC 2.15.040. The city manager may remove any item from the agenda
271 if the item is not ready for consideration unless the governing body has taken
272 action to defer the item to a date certain or the item has been considered by
273 a ~~council~~ committee pursuant to Council Rule 8.5(b).

274 **5.3 Agenda Contents:** Each agenda shall include the following:
275

- 276 • Call to order.
- 277 • Invocation.
- 278 • Pledge of allegiance.
- 279 • Mayoral Proclamations.
- 280 • Presentations. Presentations include staff reports.
- 281 • ~~Roll Call.~~
- 282 • Appointments. Appointments made by the Mayor to boards and
283 commissions will be confirmed collectively by the Council. Any
284 appointment may be considered separately by request of a council
285 member, in which event the item will be moved to Action items.
- 286 • Consent agenda. The consent agenda is comprised of routine matters
287 to be approved collectively (e.g. ~~Council-meeting~~ minutes,
288 ~~appointments~~, license applications, claims). Any item may be
289 considered separately by request of a ~~council-governing body~~
290 member or the city manager, in which event the item will be moved to
291 Action items.
- 292 • Action items. Action items include matters where the Council or
293 governing body, as appropriate, takes action. (e.g. ordinances,
294 resolutions).
- 295 • Non-action items. Non-action items include discussions, public
296 hearings, and any other items not requiring action.
- 297 • Announcements. The city manager, mayor, and council members
298 may offer comments regarding City business and/or bring to the
299 attention of the public upcoming events of interest. The Clerk shall
300 briefly summarize items that are on the agenda for the next scheduled
301 ~~Council-governing body~~ meeting.
- 302 • Public comment.
- 303 • Adjournment.

304
305 **5.4 Planning Department Agenda Items:** Public hearings on zoning matters
306 shall be conducted by the Planning Commission in accordance with state
307 law. No additional public hearings shall be held by the governing body.
308
309
310
311

312 **5.5 Public Comment:**

- 313
- 314 (a) General public comment: Requests by members of the public to
- 315 speak during the public comment portion of the meeting will be placed
- 316 on the agenda on a "first-come, first-served" basis. The request
- 317 should state the name of the individual(s) desiring to be heard.
- 318 Comments pertaining to personnel and litigation matters shall not be
- 319 allowed. Further, public comment shall be limited to topics directly
- 320 relevant to business of the ~~City Council~~governing body. Rules of
- 321 decorum as provided in these rules will be observed.
- 322
- 323 (b) Public comment on an agenda item: Members of the public may
- 324 comment concerning a specific agenda item at the time the item is
- 325 considered. Persons will be limited to addressing the
- 326 ~~council~~governing body one (1) time on a particular matter unless
- 327 otherwise allowed by an affirmative vote of ~~five-six~~ (56) members of
- 328 the ~~council~~ governing body.
- 329
- 330 (c) Members of the public desiring to comment must notify the City Clerk
- 331 by 5:00 p.m. on the day of the ~~Council~~governing body meeting.
- 332 Members of the public ~~addressing the council~~ will be limited to four (4)
- 333 minutes unless the ~~council~~ governing body, by majority vote, extends
- 334 the limitation. Debate, question/answer dialogue or discussion with
- 335 ~~council~~governing body members will not be counted towards the four
- 336 (4) minute time limitation.
- 337

338 **5.6 Adjournment:** Adjournment shall occur no later than the hour of 10:00 p.m.

339 or as shall be announced by the chair at the conclusion of business.

340 Meetings may be continued beyond the hour of 10:00 p.m. only when

341 approved by a majority of members present.

342

343 **6. RULES OF ORDER**

344

345 **6.1 Governing Procedure:** "Roberts Rules of Order Revised" shall govern the

346 proceedings ~~of the council in all cases~~, except as provided below and unless

347 they are in conflict with these rules.

348

349 **6.2 Motions:** Generally speaking, actions ~~of the council~~ shall be indicated by a

350 vote of the ~~council members~~ members present at each meeting after motions

351 have been made and seconded ~~by individual council members~~. Except as

352 otherwise provided by ordinance, statute or these rules, the following rules

353 shall apply to motions ~~by the individual council members~~:

354

- 355 (a) *"To Defer"*: Consideration of any ordinance, resolution or other matter
- 356 on a ~~city council~~ meeting agenda may be deferred for up to six (6)
- 357 months ~~by the affirmative vote of at least five (5) members of the~~
- 358 ~~council~~. The deferral date may be amended by the approval of a

359 motion establishing a new date for consideration of the item. The new
360 date for consideration shall be no sooner than the next ~~regular city~~
361 ~~council governing body~~ meeting following approval of the motion.
362

363 (b) "To Refer": Such action shall be appropriate in connection with
364 investigation and report (e.g. refer a matter to a committee).
365

366 (c) "To Strike": This motion may be used to remove an item from the
367 agenda without prejudice to said item so that it may be returned to the
368 agenda at any later date in accordance with established procedure.
369

370 (d) *To Dispose of a Matter with Affirmative or Negative Action:* In order to
371 dispose of a matter with affirmative or negative action ~~by the council~~
372 ~~after such matter has been presented and discussed~~, the following
373 motions shall be in order:
374

375 (1) "To approve": A specific recommendation or proposal.
376

377 (2) "To disapprove": A specific recommendation or proposal.
378

379 (3) "To request": A specific action.
380

381 (4) "To direct": A specific action.
382

383 (e) *To Amend a Motion:* The purpose of a motion to amend is to retain
384 the original motion but with a few changes accomplished by deleting
385 or adding verbiage. The motion "to amend" shall be in order providing
386 the motion for amendment is made with the consent of the maker and
387 the second to the original motion. Treatment of amendments will
388 depend upon timing. More specifically:
389

390 (1) After a motion has been made and seconded, but before the
391 Chair states the motion – any proposed amendment will
392 require the consent of the two individuals who made and
393 seconded the motion.
394

395 (2) After the Chair states the motion – members of the governing
396 body may propose amendments without such consent.
397

398 A motion ~~shall~~may be amended only once before a vote has been
399 taken.
400

401 (f) *To Substitute a Motion:* The purpose of a substitute motion is to offer
402 a different approach to the subject matter. It is different from a motion
403 to amend because a motion to amend seeks to retain the original
404 motion with a few changes (usually accomplished by deleting or

405 adding verbiage). Substitute motions cannot be used for purposes of
406 confusing the issue and cannot be contrary to the original motion.
407

408 A motion "to substitute" shall be in order providing that the substitute
409 motion shall be made immediately after the original motion has been
410 made and seconded and before a vote has been taken. Substitute
411 motions shall be made only once and shall be debatable providing the
412 original motion was a debatable motion.
413

- 414 (g) *To Reconsider a Motion/Item:* Except as provided below, an item
415 previously acted upon may not be reconsidered until six (6) months
416 has elapsed since the previous action. This limitation shall apply to
417 any matter considered and voted on ~~by the city council~~, including the
418 consideration of ordinances or resolutions which repeal, in their
419 entirety, previously adopted ordinances or resolutions. These
420 limitations on reconsideration shall not apply to the following:
421

- 422 (1) A motion to reconsider the matter that is adopted during the
423 same meeting as the initial action.
424
425 (2) Reconsideration is needed to correct a typographical or legal
426 error in the original item, or if the new item amends or differs in
427 a substantive manner from the previously adopted or
428 considered item.
429
430 (3) Reconsideration is otherwise allowed by statute or law.
431

- 432 (h) *To Suspend a Rule:* In order to temporarily suspend any particular
433 rule for a particular purpose not contrary to statute or city ordinance, a
434 motion "to suspend" a rule shall be in order. Suspension of a rule
435 shall be approved by a two thirds (2/3rds) majority of the
436 ~~council governing body~~, shall take effect for the particular rule in
437 question ~~only for the particular time in a particular meeting in~~
438 ~~question~~ and shall not be considered as a permanent suspension of a
439 rule.
440

- 441 (i) *To Adjourn a Meeting:* In order to adjourn a ~~council~~ meeting, a motion
442 "to adjourn" shall be in order providing such motion is made at the
443 ordinary or usual conclusion of business on the agenda and providing
444 that motions to adjourn shall not be used to embarrass, to harass, to
445 foreclose discussion and debate, or for any other purpose other than
446 the orderly termination of ~~council~~ proceedings at such times as may
447 be appropriate in each particular meeting.
448

- 449 (j) *Calling the Question:* A call for the question, if seconded, shall
450 immediately end all debate and discussion, and if passed by two
451 thirds (2/3rds) vote, the current motion must be voted on without

Comment [LR4]: CM Hiller proposed (in her "Updated for 5-17-16" document) that this subsection of Section 6.2 be deleted because the GB does not currently engage in this action.

452 delay; provided however, that the call of the question shall not be
453 implemented until all members of the ~~council-governing body~~ have
454 had an opportunity to speak to the current motion. After the formal
455 vote has been taken ~~by the council~~, all further discussion of the matter
456 shall cease unless appropriate affirmative action follows to place the
457 matter again ~~before the council~~ for reconsideration.
458

459 7. ORDINANCES AND RESOLUTIONS

460 7.1 Preparation of Ordinances and Resolutions:

- 461 (a) Ordinances and resolutions shall be prepared by the city attorney or
462 designee upon request by the city manager. In keeping with TMC
463 Section A2-28(c) which prohibits governing body members from giving
464 orders to staff, any requests by members of the governing body for
465 preparation of ordinances or resolutions shall be directed to the city
466 manager.
467
468 (b) All ordinances and resolutions shall address fiscal impacts, if any, and
469 identify funding sources.
470
471
472

473 7.2 Consideration of Ordinances and Resolutions:

- 474 (a) Recording of Votes: All votes shall be reported in the ~~official record of~~
475 ~~the council minutes~~.
476
477 (b) ~~Majority Vote Required: An affirmative vote of at least five (5)~~
478 ~~members of the council shall be necessary to pass an ordinance, a~~
479 ~~resolution, motion, or any other proposition (except as otherwise~~
480 ~~specified in city ordinance or statute)~~ Manner of Voting. When any
481 vote is called, each ~~council~~ member shall respond "yes (aye)," or "no
482 (nay)" or "abstain." No ~~council~~ member shall vote in absentia. A
483 ~~council~~ member must be physically present at the time a vote is called
484 in order for the ~~council~~ member to vote.
485
486 (c) Notice. No action shall be taken on any ordinance or resolution
487 unless the item has been provided to the governing body at least five
488 days prior to a ~~council~~ meeting. This restriction shall not apply to
489 ordinances or resolutions that (1) have no administrative impact; and
490 (2) no fiscal impact greater than \$5000.00.
491
492

493 7.3 Numbering Ordinances and Resolutions: Upon passage, a number shall 494 be assigned to each ordinance or resolution by the city clerk. 495 496 497

498 **8. COMMITTEES**

499
500 **8.1 Purpose:** The orderly and timely transactions of the city government shall
501 be better served by having in place a committee framework whereby
502 resolution of certain issues may be developed prior to consideration by the
503 ~~full city council governing body~~. The committee framework shall include the
504 use of standing committees and special committees.
505

506 **8.2 Standing Committees:**

507
508 (a) The ~~council governing body~~ shall have the following four (4) standing
509 committees, each comprised of three (3) members of the council:
510

- 511
 - Policy and Finance.
 - Economic and Community Development.
 - Public Health and Safety.
 - Transient Guest Tax.

512
513 (b) Appointment. The deputy mayor shall appoint the members of the
514 standing committees. Appointments shall be made by the first
515 meeting in ~~May~~February. Each councilmember shall fill out a
516 committee preference list for a standing committee and the deputy
517 mayor shall make every effort to appoint councilmembers to the
518 committee of their choice.
519

520
521 (c) Term. Councilmembers shall serve on their assigned committees for a
522 one (1) year term. Councilmembers who wish to change committee
523 assignments may do so with permission of the deputy mayor. Each
524 standing committee shall elect the chair from among its members.
525

526
527 (d) The Council shall have the following standing committees comprised
528 of all members of the council:
529

- 530
 - Budget
 - Long-range planning
 - Committee of the whole

531
532 The ~~deputy~~ mayor shall be the chair of the Budget, Long-range
533 planning and the Committee of the whole. ~~The mayor shall serve as a~~
534 ~~non-voting, advisory member of all standing committees comprised of~~
535 ~~all members of the council.~~

Comment [LR5]: There was discussion on May 10th of leaving this language as it is currently written.

536
537
538
539
540 **8.3 Special Committees:**

541
542 (a) Special committees may be established when there is an issue that
543 needs special focus and would be better handled outside standing

committees. Special committees may be created by a majority vote of the ~~council governing body~~. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.

- (b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

- (a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them ~~by the council~~. This does not preclude standing committees from considering other matters within the scope of their duties.
- (b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

- (a) Reference to Committee; Initiation by Committee: Any item ~~coming before the city council~~ may be referred to a committee by a majority vote of the ~~council governing body~~. The examination of any subject can be initiated by a committee chair or by majority vote of the committee.
- (b) ~~Consideration by Committee~~ Referred Item Action Deadline: Each item referred to a committee shall remain in that committee until the committee shall act upon it or it is dislodged from the committee's consideration as provided for in subsection (d) or until passage of sixty (60) calendar days, after which the item shall be placed on ~~the~~ an council agenda, whichever occurs first.

Comment [LR6]: CM Hiller proposed changing the title of this subsection (in her "Updated for 5-17-16" document) to more accurately reflect the language contained therein.

(c) Committee Action:

- (1) ~~Recommendation. An item shall be, upon majority vote of the committee, reported out of such committee by the chair. The recommendation of the committee shall be reflected in one (1) of the following manners: A committee may take any of the following actions:~~
- Pass the item ~~Recommend approval of the item.~~
 - Recommend changes to the item.
 - Do Not Pass the item ~~Recommend that the item not be approved.~~

- ~~No Recommendation~~Make no recommendation (no second means no recommendation).
- Pass As Amended

(2) Placem~~ent~~d on Governing Body Meeting Agenda. An item ~~reported out of~~considered by a committee shall be placed on ~~an council agenda and the chairperson or designee shall~~ advise the governing body. Both majority and minority reports of a committee may be filed at the request of any committee member, with the report proceeding to the city council.

(d) Discharge from Committee:

(1) The ~~city council governing body may at any meeting held thirty (30) days or more after any item has been referred to a committee can, upon motion of any council member,~~ determine whether ~~such a~~ committee ~~shall should~~ be discharged from further consideration of ~~the an~~ item provided that at least 30 days have passed since the item was referred to the committee.-

(2) If ~~during the course of a council meeting,~~ a majority of the ~~council governing body~~ votes in the affirmative ~~on said motion to discharge the committee,~~ the ~~council governing body~~ ~~shall may then~~ determine whether the item should be committed to any other committee or ~~shall proceed to be discussed addressed~~ by the ~~city council governing body.~~

Comment [LR7]: CM Hiller proposed revising this subsection (c)(2) of Section 8.5 (in her "Updated for 5-17-16" document) as follows: "An item referred to and considered by a committee shall be placed on a governing body agenda and the chairperson or designee shall advise the governing body with a report. Items considered by a committee at the direction of the chairperson or by majority vote of the committee may be placed on a governing body agenda and report by the chairperson."

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

- (a) The absent committee member.
- (b) The committee chair.
- (c) The deputy mayor.

8.8 Committee Meeting Times: Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the

city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.

8.9 Agenda Preparation: The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.

8.10 Minutes: Minutes shall be kept of each meeting. Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action(s) taken (including the result of any vote(s) taken). Minutes shall be reviewed and approved by the committee at the next meeting. ~~The minutes shall reflect the attendance of members and vote on each issue.~~

Comment [LR8]: Staff has retained the word "next" rather than replacing it with the word "subsequent" due to the proposed inclusion of what constitutes "Minutes." [By defining what staff will be expected to provide, there should be no confusion (i.e., verbatim minutes are not required).]

8.11 Public Comment: Public comment may be allowed on any matter on a committee agenda, at the discretion of the chairperson. All rules of decorum and conduct for comment established by these ~~Topeka City Council~~ Rules and Procedures shall be applicable to public speakers.

8.12 Committee Expenses: No committee shall incur any expense without having been authorized by a vote of a majority of the ~~council~~ governing body.

8.13 Rules: These ~~Council~~ Rules and Procedures shall apply to committees unless inconsistent with this section.

8.14 Television Coverage: Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.

Comment [LR9]: CM Hiller proposed adding a new section 9, entitled "Work Groups/Task Forces," in her "Updated for 5-17-16" document.

9. CITIZEN INPUT

9.1 Manner of Addressing the ~~Council~~Governing Body: Each person ~~addressing the council~~ shall step up to the microphone and shall state his or her name in an audible tone or voice for the record. All remarks shall be addressed to the ~~council as a governing body,~~ and not to any member thereof. No person, other than members of the ~~council governing body~~ and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members ~~of the council~~. Any questions asked by the person having the floor or by ~~council~~ members shall be allowed at the sole discretion of the meeting chair.

9.2 Personal and Slandorous Remarks: The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, speeches disruptive of

~~council~~ proceedings that the legislative process is substantially interrupted. Any individual engaging in this type of behavior will be warned once by the chair and if the behavior continues, the speaker will be ordered to leave the podium. If necessary, the speaker will be escorted to a seat in the council chambers, or escorted from the chambers if such person persists in interfering with the ability of the ~~council governing body~~ to reasonably carry out ~~council-its~~ functions.

- 9.3 Communication with the Governing Body.** Nothing in these ~~Council~~ Rules ~~and Procedures~~ shall be construed to limit a person's ability to contact members of the governing body.

10. SUSPENSION AND AMENDMENT OF ~~COUNCIL~~ RULES

- 10.1 Suspension of These Rules:** Any provision of these rules not governed by the city charter or city code may be temporarily suspended by a two thirds (2/3rds) vote of the ~~council governing body~~. The vote on any such suspension shall be included in the record.

- 10.2 Amendment of These Rules:** These rules may be amended, or new rules adopted, by a majority vote of ~~all members of the council governing body~~, provided that the proposed amendments or new rules shall have been considered at a ~~council governing body~~ meeting.

(Published in the Topeka Metro News February 15, 2016 and February 22, 2016)

CHARTER ORDINANCE NO. 117

A CHARTER ORDINANCE introduced by City Manager Jim Colson, amending Charter Ordinances codified at TMC Sections A2-1, A2-22 A2-26, A2-29, and A2-30, creating new Section A2-21.5, and repealing in its entirety Section A2-25.5, all concerning the form of government.

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

Section 1. Charter Ordinance 102, § 1 codified at TMC § A2-1, Statutes made inapplicable, is hereby amended to read as follows:

Statutes made inapplicable.

The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. ~~12-3002, 12-3003, 13-103, 13-502, 13-506~~ through 13-516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, ~~25-2107, 25-2108a, 25-2110, 25-2110a, and 25-2117~~, and provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

Section 2. The Code of the City of Topeka, Kansas, are hereby amended by adding a section, to be numbered A2-21.5, which said section reads as follows:

Eligibility for Office

Effective January 1, 2017, any person desiring to become a candidate for Mayor or Councilmember shall comply with the filing deadlines and process established in state law. Any ordinance that is in conflict with state law shall no longer be effective.

31 Section 3. Charter Ordinance 102, § 2 codified at TMC § A2-22, Election and
32 terms, is hereby amended to read as follows.

33 **Election and terms.**

34 (a) ~~Time of primary and general elections. The primary city election for the~~
35 ~~Mayor and district Councilmembers shall be held on the Tuesday preceding by five (5)~~
36 ~~weeks the first Tuesday in April of odd numbered years, and the general city election~~
37 ~~shall be held on the first Tuesday in April of odd numbered years, both elections to be~~
38 ~~conducted in the manner prescribed in this Charter Ordinance and applicable state law.~~

39 (b) ~~Primary elections. In each year in which the term of the Mayor expires, if~~
40 ~~there are more than two (2) candidates who have filed for the office of Mayor, a primary~~
41 ~~city election at large shall be held for the nomination of two (2) candidates for the office.~~
42 ~~Each qualified elector of the city shall be entitled to vote for one (1) candidate. The two~~
43 ~~(2) candidates receiving the greatest number of votes cast shall be placed on the~~
44 ~~general city election ballot as the candidates nominated for election as Mayor.~~

45 ~~In each year in which the term of a district Councilmember expires, if there are~~
46 ~~more than two (2) candidates who have filed for the office to be filled, a primary city~~
47 ~~election shall be held within each such district for the nomination of two (2) candidates~~
48 ~~from that district. Each qualified elector who is a resident of the district shall be entitled~~
49 ~~to vote for one (1) candidate from his or her district. The two (2) candidates from each~~
50 ~~such district receiving the greatest number of votes cast shall be placed on the general~~
51 ~~city election ballot as the candidates nominated for election from the district.~~

52 (c) ~~General eElections.~~ In the general city mayoral primary and general
53 elections all qualified electors of the city shall be entitled to vote on the election of the

54 Mayor. Of the two (2) candidates nominated for the office of Mayor, the candidate
55 receiving the highest number of votes in the general election shall be elected Mayor.

56 ~~In each year in which the term of a district Councilmember expires, In primary~~
57 ~~and general elections for district Councilmembers, each qualified elector who is a~~
58 ~~resident of the district shall be entitled to vote in the city general election for the~~
59 ~~Councilmember from his/her respective district. The candidate receiving the highest~~
60 ~~number of votes in the general city election of the two (2) candidates nominated from~~
61 ~~those districts shall be elected as Councilmember from those districts.~~

62 (db) Terms of office. The Mayor shall be elected to a four (4) year term. The
63 district Councilmembers shall be elected to staggered four (4) year terms. Terms of
64 office that would have expired in April of 2017 shall expire on January 8, 2018. Terms of
65 office that would have expired in April of 2019 shall expire on January 13, 2020.

66 Section 4. Charter Ordinance 98, § 3 codified at TMC § A2-25.5, Powers of
67 the City Council, is hereby repealed.

68 **Powers of the City Council.**

69 ~~In addition to any other grant of authority under the Constitution of the State of~~
70 ~~Kansas, applicable state law, or Charter Ordinance No. 94, as amended, the Council~~
71 ~~shall have the following duties, powers and responsibilities including, but without~~
72 ~~limitation thereto:~~

73 ~~The ability to override a mayoral veto of any council legislation whether by resolution or~~
74 ~~ordinance by a two thirds (2/3) vote of the entire council, that number being six (6).~~

75 Section 5. Charter Ordinance 112, § 1 codified at TMC § A2-26, Meetings –
76 Deputy Mayor, is hereby amended to read as follows:

77 **Meetings – Deputy Mayor.**

78 (a) The ~~Council~~governing body shall establish, by ordinance, a meeting
79 schedule for each calendar year, with a minimum of two meetings each month.

80 (b) ~~In April of each year, the Council~~The governing body shall elect a
81 ~~Councilmember to serve as deputy mayor in the absence or temporary disability of the~~
82 ~~mayor. The deputy mayor shall serve for one (1) year. The deputy mayor elected in April~~
83 ~~of 2016 shall serve until a successor is elected at the first governing body meeting in~~
84 ~~January of 2017 to serve a term that expires on January 8, 2018. Thereafter, a deputy~~
85 ~~mayor shall be elected at the third meeting in January for a one year term.~~

86 Section 6. Charter Ordinance 96, § 4 codified at TMC § A2-29, Vacancies –
87 Forfeiture of office – Filling of vacancies, is hereby amended to read as follows:

88 **Vacancies – Forfeiture of office – Filling of vacancies.**

89 (a) Vacancies. The office of district Councilmember or Mayor shall become
90 vacant upon death, resignation, recall, removal from office in any manner authorized by
91 ~~law, failure of the electorate to elect an officeholder as provided for in Article II herein, or~~
92 ~~by forfeiture of office pursuant to K.S.A. 60-1205, as it may be amended.~~

93 ~~(b) Forfeiture of office. A district Councilmember or Mayor shall ipso facto forfeit~~
94 ~~his or her office if he or she at any time during the term of office lacks any qualification~~
95 ~~for the office prescribed by this Charter Ordinance or other applicable law, or if he or~~
96 ~~she violates any other provision of this Charter Ordinance. A forfeiture does not occur if~~
97 ~~a district Councilmember no longer resides in his or her elected district as a result of~~
98 ~~redistricting.~~

(eb) Filling of vacancies. A vacancy in the offices of Mayor or district Councilmember shall be filled by appointment of an elector qualified to fill the vacant position by a majority vote of the remaining members of the governing body, including the Mayor. If such the vacancy occurs before January 1 of an odd numbered year leaving an unexpired term of more than one (1) year June 1 in an election year, such the unexpired term shall be filled at the next regular city primary and general election in the same manner as if the term were expiring and the term of the appointed member shall end upon election of a member for the unexpired term on the second Monday in January following certification of the election.

Section 7. Charter Ordinance 112, § 2 codified at TMC § A2-30, Council rules of procedure, is hereby amended to read as follows:

Council Governing body rules of procedure.

(a) Meetings. The Council governing body shall meet at least twice in every month at times and places as ~~the Council may be~~ prescribed by ordinary ordinance. Special meetings may be held on the call of the Mayor or of four (4) or more district Councilmembers in the manner prescribed by rules of the Council governing body.

(b) Rules and journal. The Council governing body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.

(c) Voting; Quorum.

(1) Five (5) Six (6) members of the Council governing body shall constitute a quorum.

(2) All actions by the Council governing body shall be taken by the an affirmative vote of five (5) six (6) or more members of the Council, unless a

greater or lesser number of votes is required by ~~this Charter Ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. The votes of all Councilmembers shall be recorded in the journal~~ordinance or state law.

(3) All actions by the Council with regard to ordinances enacted pursuant to Article 12, § 5(b) of the Kansas Constitution (ordinary ordinances) shall be taken by an affirmative vote of five (5) or more Councilmembers.

(d) ~~Form. Proposed ordinary ordinances and resolutions shall be introduced in the Council only in written or printed form. No ordinary ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause of all ordinary ordinances shall be: "Be it Ordained by the Council of the City of Topeka, Kansas:."~~ Any ordinary ordinance which repeals or amends an existing ordinary ordinance ~~or part of the Code of Ordinances of the city shall set out in full the sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.~~

(e) Procedure. All ordinances shall be considered at a Councilgoverning body meeting. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Councilgoverning body may adopt.

(f) ~~Emergency ordinances. An ordinary ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency. Neither an~~

~~ordinance granting, reviewing, or extending a franchise, nor a Charter Ordinance, shall be passed as an emergency ordinance.~~

~~(gf) Publication. The City Clerk or such other city officer as the Council governing body may designate shall cause all ordinary ordinances, as soon as practicable after they have been passed and signed, to be published once in the official city newspaper, unless Kansas Statutes or other applicable law require more publications. In lieu of publication of the entire ordinance, the City Clerk may publish a summary of the ordinance provided all of the following requirements are met in accordance with state law:~~

~~(1) The publication is identified as a "summary" and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the City Clerk's office or on the city's website.~~

~~(2) The City Attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient.~~

~~(3) The publication contains the city's official website address where a reproduction of the original ordinance is available for at least ninety days following the summary publication in the newspaper.~~

~~(4) If an ordinance is subject to a petition pursuant to state law, the summary shall contain a statement to that effect.~~

~~(h) Effective date. Except in the case of emergency ordinances, and except where Kansas Statutes otherwise specify, every adopted ordinary ordinance shall become effective upon its publication pursuant to subsection (g) or at any later date~~

~~specified therein. Emergency ordinances shall become effective upon passage or at any later date specified therein.~~

(ig) Signature, authentication and recording. All ordinary ordinances and resolutions passed or adopted by the Council shall be authenticated by the signatures of the Mayor and City Clerk or such other appointive officer as the Council governing body may designate. ~~The City Clerk or such other appointive officer as the Council may designate shall record in a properly indexed "Ordinance Book" kept for the purpose of every ordinary ordinance, immediately after its publication, or in the case of emergency ordinances immediately after passage.~~

Section 8. That original sections of Charter Ordinances codified as § A2-1, § A2-22, § A2-26, § A2-29, and § A2-30 of the Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 9. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 10. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 11. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

189 PASSED AND APPROVED by the Governing Body on February 9, 2016.

190

CITY OF TOPEKA, KANSAS

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196 ATTEST:

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202



Larry E. Wolgast
Larry E. Wolgast, Mayor

Brenda Younger
Brenda Younger, City Clerk

203 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**

204
205 The foregoing Charter Ordinance No. 117 was passed on the 9th day of February,
206 2016, as shown by the minutes, Book 2016 Page 43, by a vote of 10 for and 0 against,
207 being not less than two-thirds (2/3) of the members-elect of the governing body,
208 published in the Topeka Metro News, the official city newspaper, on the 15th day of
209 February, 2016, and on the 22nd day of February, 2016, being once each week for two
210 (2) consecutive weeks, and there being no petition demanding a referendum filed with
211 the City Clerk within sixty (60) days after the final publication, said Charter Ordinance
212 took effect on the 23rd day of April, 2016.



Brenda Younger
Brenda Younger, City Clerk

227 CERTIFICATE

228 CITY OF TOPEKA)
229 COUNTY OF SHAWNEE) ss:
230 STATE OF KANSAS)
231

232 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
233 Kansas, do hereby certify that the above and foregoing, consisting of 10 typewritten
234 pages, including the page upon which this Certificate is written, is a full true and correct
235 copy of Charter Ordinance No. 117 of the said City of Topeka, that all acts and things
236 required by Article 12, Section 5 of the Constitution of the State of Kansas were done
237 and performed in the manner and within the time prescribed and that said Charter
238 Ordinance became effective on the 23rd day of April, 2016.
239
240
241
242

Brenda Younger, City Clerk

THE CITIZENS GOVERNMENT REVIEW COMMITTEE
REPORT



City of Topeka, Kansas
May 20, 2014

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CITIZENS GOVERNMENT REVIEW COMMITTEE

FINAL REPORT

2014

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Presented by:

CITIZENS GOVERNMENT REVIEW COMMITTEE 2014

Jim Reardon - Committee Chair *(City Council District No. 6 Nominee)*

Jim is a graduate of Washburn University Law School. He is president of Peoples Wealth Management LLC investment advisors. Jim was a Topeka City Council member for 12 years and a former division director at the Kansas Dept. of Administration.

Judy Anderson Moler - Committee Member *(City Council District No. 9 Nominee)*

Judy is an attorney with extensive experience in local government law. She worked for the City of Wichita and the Kansas Association of Counties. She has served on the Mayor's Commission for the Status of Women and is a member of the League of Women Voters of Topeka-Shawnee County.

John Nave - Committee Member *(City Council District No. 4 Nominee)*

John served on the city council from 2003-2007. He was also on the Citizen's Government Review Committee that proposed our current form of government. He works for Goodyear Tire & Rubber Co. He is a graduate of Leadership Topeka 2001 and has served on various boards including United Way, Golden City Sertoma, Red Cross of Topeka, and Living the Dream, Inc.

Maynard Oliverius - Committee Member *(City Council District No. 7 Nominee)*

Maynard is a graduate of Fort Hays State University and the Master's program at the University of Minnesota. He served as President and Chief Executive Officer of Stormont-Vail Healthcare from 1996 until his retirement in 2012. He serves on several boards and Foundations including the Topeka Community Foundation; Security Benefit Fund Board, and the Stormont-Vail HealthCare Foundation Board.

Tina Williams - Committee Member *(City Council District No. 1 Nominee)*

Tina Williams, M.S., Ed., was a Spanish Language and English Language Learner Instructor for 10 years. She is currently an administrator at Washburn University in the Office of International Programs. She is the President of MANA de Topeka and active in community affairs.

PART ONE

REVIEW AND RECOMMENDATIONS

I. INTRODUCTION

“There is no ‘wrong’ form of government, it is only wrong if it is not working for the community it is being used in.”

—Don Moler, former Executive Director of the League of Kansas Municipalities

The Citizens Government Review Committee is impaneled to study and review the form of government of the city of Topeka and make recommendations to the city’s government body for amendment or modification. To our knowledge, this is the third Citizen’s Review Committee authorized by Resolution of the City Council/Governing Body.

We found many positives about the current form of government and the men and women who are entrusted with the governance of our community. We heard few actionable complaints in the two public hearings held at the Topeka Public Library or from the interactive internet connections established through Mayor Larry Wolgast’s office; through the City website; or by council member invitations to constituents.

As this report reveals, we received many thoughtful written and spoken recommendations from conferees who attended our committee meetings and citizens who attended our public hearings. Many of these recommendations have been incorporated in our recommendations herein. Several City Council members and Mayor Wolgast attended our sessions and provided helpful insight as well.

We did become aware of some common and recurrent themes or concerns from the public which have led to some of our recommendations. We also learned of areas of internal concern that need to be addressed by changes to the language to the Charter Ordinance and by clarifying the roles of our elected officials. These are identified and addressed in Section IV: Areas of Concern.

II. HISTORY

1983 Citizens Advisory Committee of Forms of Government

The first citizens committee was charged with researching the different forms of government and recommending what they considered the best form for Topeka. There were 16 members selected by the 5 members of the governing body (4 commissioners and the mayor) one representative from eight community groups and one member from each of the 3 Topeka senatorial districts.

The committee held six public hearings throughout the city and met weekly from August 1983 through March of 1984. The committee recommended the adoption of a new form of government—the Strong Mayor/Council/Chief Administrative Officer—which was placed on the November 1984 ballot. The measure passed and the new form of government began in April 1985.

1990 Topeka Charter Ordinance Review Committee

Pursuant to 1988 Ordinance, requiring the convening of a citizen review committee before July 1, 1989 and every 10 years thereafter, the Council impanelled committee to review the City's form of government. The committee was comprised of 15 members: 3 selected by the Mayor, one representative appointed by each of the nine Council members, and 3 at-large members selected by the other committee members. Thirteen committee meetings were held between August 1989 and April 1990. The major issue appeared to be the need to clarify the role of the mayor and council. The governing body adopted some recommendations and rejected others.

Discussion: The Strong Mayor/City Council Form of Government

Doug Mays, former City of Topeka Councilmember, told the 2014 committee he ran for the first Topeka City Council because people were fed up with the Commission Form of Government and wanted local government to be more responsive. He said the hybrid Strong Mayor/Council Form of Government seemed intriguing, and he wanted to be a part of it. He noted it was a wonderful experience to serve under the new form of government with a clean slate; however, system flaws developed early in the Strong Mayor/Council Form of Government. After approximately two years it was apparent the mayor was given too much power which continued to show in years to follow.

“Topeka is a collection of neighborhoods, which has hurt Topeka in the past and still continues to do.”—*Doug Mays former City Councilman*

Mr. Mays said over time it became apparent that Topeka was becoming more and more parochial rather than a city of the whole. The Strong Mayor/Council Form of Government created a problem for the chief executive officer because this person had no basic power, and the mayor called all the shots, which is why it is so important to define the role of the mayor in the current form of government.

1999 Citizen's Review Committee

This committee was impanelled by Resolution and adopted by the City's governing body on September 22, 1998. The committee met weekly from September 1998 through May of 1999. One televised public hearing was held. The committee solicited advice from current and past City office holders, current and former department heads, representatives from business and labor and final citizen input. The committee recommended numerous changes to the charter ordinance and urged the governing body to initiate action to consolidate the governments of the city and county. None of the recommendations were adopted by the governing body.

However the matter of consolidation (i.e. unified government) did come to a vote. Despite community wide support of the proposal and an ultimate vote at the polls that carried 70% to 30% of all voters but the measure was doomed to fail by the adoption of “dual majority” voting requirements (requiring that the measure must be passed by a majority of votes cast in the county as well as in the city. This measure was determined by the Kansas Legislature and supported by the Shawnee County Delegation.

Consolidation of city-county governments requires approval of the state legislature.

Former City Councilman and former Speaker of the House Doug Mays attended Public Hearing No. 1 and summarized the provisions of House Bill 2185, Topeka/Shawnee County consolidation proposal approved by the Kansas legislature.

Mays reported that while the bill provided for one “unified” government, the boundaries of the city would have still existed. The governing body would consist of five (5) commissioners to be elected by district; the city council would determine bonding responsibilities for any project located within city boundaries and the bonding for the County would be decided by the commissioners. The bill called for the consolidation of services “wherever possible.”

He stated the voters passed the proposal in the city; however, it failed because the majority of voters in the county were overwhelming against it. He said that a dual majority is very difficult to acquire. He noted that legislation led to the assumption of public health services from the City by the County; the voters of Topeka and Shawnee County created the Topeka and Shawnee County Public Library; and the City and County Parks & Recreation Departments are undergoing a merger.

In 2005 The Council/Manager form of government became effective.

The passage occurred in response to concerns expressed by a combination of business leaders, community leaders, and elected officials who wanted the governing body to end what seemed to be personality clashes and move forward in a more progressive manner. The committee was briefed on the decisions recommended, and the actions taken by the Governing Body in 2004 by former City Council member Lisa Stubbs, an advocate for the change, and Committee member John Nave (who was also a council member at the time of the change to the current form of government).

The subsequent meetings led the governing body members to adopt the Council-Manager form of government in 2004. As a result of the transition to the City-Manager Form of Government and the transfer of duties to the City Manager, the Mayor’s salary was substantially reduced.

It was anticipated that the role of the Mayor would be diminished by the transfer of administrative duties to the City Manager and as a result the Mayor’s salary was very substantially reduced.

The 2014 Citizens Committee to Review the Form of Government for the City was established by an ordinance established October 13, 2009 which replaced the 1988 ordinance and requires that a committee be impaneled before July 1, 2015 and every 10 years thereafter. The current committee of five citizens was selected by the City’s Governing body from numerous applicants.

III. COMMITTEE PROCESS AND METHODS

Throughout its work the Committee benefitted from the professional staff that coordinated and attended all of the meetings. Assistance was provided by Vicki Buening, assistant to Mayor Larry Wolgast, who prepared agendas, coordinated communication with the public and press and made arrangements for the facilities to accommodate our meetings; and Brenda Younger, Topeka City Clerk who researched information from other cities, provided verbatim minutes and who captured lengthy public comments flawlessly.

Also assisting the committee was Deputy City Attorney Mary Feighny who helped define the scope of the committee's inquiry and explained the workings of Kansas Statutory law as it applies to the Charter Ordinance of Topeka.

The Citizen's Review Committee held its initial meeting on January 23, 2014

The Committee decided to schedule regular weekly meetings in the 1:00 to 3:00 pm time period each Thursday. In completing its assignment the Committee has held 11 separate meetings and 2 public hearings.

IV. AREAS OF CONCERN

i. No Clear Direction

The committee's January 30th meeting featured a presentation by Don Moler, former Executive Director of the Kansas League of Municipalities who briefed the committee on the different forms of government in Kansas. Moler expressed concerns in regard to language in the Charter Ordinance which may run counter to state law or be ambiguous.¹

In his briefing, Don Moler identified what is perhaps the main area of concern:

The general term of "the Mayor and District Council members" is used frequently throughout the charter ordinance. Mr. Moler believes that Topeka may have the only charter ordinance in the state (and possibly the nation) written in this manner. He believes that the language contributes to misunderstandings and leads to an unintended divisive relationship.

Mr. Moler suggested that the committee consider the roles of the Mayor and Council members in terms of the "Governing Body."

In Topeka the Mayor is not thought of as just a figure head (regardless of what might have been the intent of the 2004 actions). In Topeka, the Mayor has a part to play that should make him/her the focal point of the Governing Body.

The Charter Ordinance was written in a way that creates unnecessary tension in the city government because there is no clear direction as to the roles of the Mayor and Council members as a Governing Body.

Moler says that the League of Kansas Municipalities believes that for the purposes of the Charter Ordinance the Mayor has a vote because the Charter Ordinance references the "governing body" and the mayor is considered part of the governing body. Moler stated that trying to limit the mayor's authority to vote may violate statutory authority.

Comment: Former Mayor William "Bill" Bunten discussed a drafting flaw and legal decision that casts doubt on the legality of the current ordinance. An interpretation in 2004 by the City

¹ More discussion can be found in this report under *Areas of Concern*.

Attorney denied him the opportunity to vote on the ordinance. This left the measure short of the required votes necessary to pass a Charter Ordinance. A subsequent Attorney General's Opinion declared the Mayor a member of the "governing body." Therefore, his favorable vote was required in order to achieve a majority vote.²

In his February 6th presentation, Former Mayor William Bunten told the committee:

"Another concern I had was that the duties of the city council were not to be found beyond Section 12, Subsection 1 and 2 on page 11, establishing a meeting time and electing a deputy mayor. You might respond that council members do vote on legislation, but they vote as members of the governing body, for it is the governing body which is vested with the 'power of legislation'...and that body currently includes the mayor. I believe the mayor should not be voting on legislation which he or she is empowered to veto."

In his February 13th discussion Mayor Larry Wolgast confirmed the drafting problems. Currently, the mayor is a member of the governing body and not a member of the council. Some items require a vote of the "governing body" and others a vote of the City Council.³

He sees the council and mayor as a "working unit" rather than assuming adversarial roles. He believes the current process and terminology is confusing for council members and for the public. He recommended that "the governing body" be the primary term used in the Charter.

Committee member John Nave was a City Council member at the time the current language was drafted. He reported that the language of the Charter Ordinance was approved by the City Council as a result of numerous meetings held in 2004 in response to concerns expressed by a combination of business leaders, community leaders and elected officials who wanted the city to move forward in a more progressive manner. He said it is now apparent the charter ordinance was crafted in a unique manner and is a hybrid to Topeka. Because of this, he said it is time to review the need for change or revision, specifically in regards to the districts (size/amount/election process); and to clarify the Mayor's leadership role because citizens in Topeka look to the Mayor for leadership and consider the mayor to be the presiding officer of the Governing Body.

All of this has led the committee to the realization that the attempt to diminish roles of the governing body (which was undertaken by popular request in 2004) resulted in the adoption of charter language that is vague and has created uncertainties. It likely that the current language is out of step with certain provisions of state law. For this reason, we suggested that more appropriate language be drafted and proposed for consideration by the governing body. Mary Feighny's draft is included in the Appendices.⁴

Comment: Doug Mays, former Topeka City councilman and legislative council to the City of

² See Attorney General Opinion No 2005-18 at Appendix No 1

³ For a better understanding of the matter of when the Mayor may or may not vote, see the Memo prepared by Deputy City Attorney Mary Feighny at Appendix No 2.

⁴ See Appendix No 3

Olathe, suggested that the committee study the Olathe Charter ordinance which changed that city's form of government from a council-mayor type of government to a *modified mayor-council-manager* form of government.

As the roles of the mayor and council members have become more harmonious, it is time to recognize the fact that a well-run city requires a united governing body, sharing responsibility and acting as one to give direction and purpose to the City Manager.

ii. At-Large Representation

Councilman Schmidt encouraged the Committee to look at how the charter could be used by the governing body to be more responsive to the needs of the city as a whole. He stated that he believes nine (9) districts provide sufficient representation of the entire city. He urged the committee to consider the matter of at large representation.

Neil Dobler former City of Topeka Acting City Manager appeared in his role as Board Chairman of the Greater Topeka Chamber of Commerce. He stated there is strong support of the current form of government. He indicated that there is also public support for changing council district representation to include at-large districts. He recommended that 7 council members represent the districts and 2 at large members to be elected at large.

Former City Administrator **John Arnold** spoke to the Committee on February 27th. He told the committee that over his career he worked in 10 cities, and every one of those cities had some form of at-large representation.

Comment: Mr. Dobler and Mr. Arnold recommend a mix of at-large and single-member district Council members. The committee noted that Olathe and the Unified Government (Kansas City Kansas/ Wyandotte County have two at-large Council members.⁵)

“..When candidates run for at-large positions, they raise issues that are broader in scope; issues that affect the entire community.”—Testimony of Allyn O. Lockner

The committee considered well-researched arguments for the mixed at-large system (and other topics) presented in a paper by **Mr. Allyn Lockner**. Sometimes, district elected members may choose to subordinate citywide concerns in favor of parochial interests. It was decided that the time has come to introduce the at-large concept.

Mr. Lockner identified two situations when problems can arise in mixed at large systems:

- When at-large positions are perceived by the Council (or the public) to be superior to that of district members
- When at-large candidates are perceived to be rivals to the mayor

In the end, the committee decided that the “School Board” voting method treated all council members equally; placed them all on the same level; accomplished the ends of community wide representation and offered the path of least resistance to implementation.⁶

⁵ Brenda Younger, Topeka City Clerk compiled an excellent comparison chart detailing the number of representatives in each elected body including those elected at large. See Chart at Appendix No 4.

iii. Election Dates

The committee considered suggestions from former Mayor Bunten and public commentators that voter turnout would be larger if City elections were held in August and November in conjunction with other elected officials rather than in February and April.

The League of Women Voters of Topeka-Shawnee County and the League of Kansas Municipalities (LKM) strongly oppose this suggestion.

Although the purported purpose is to increase voter turnout, the LKM indicates that moving elections to November of odd-years will have little impact on voter turnout with only a 10% increase in voter turnout being documented in those states that have implemented the change.⁷ Proponents claim turnout will increase because weather conditions are better in November than in April, but average temperatures and precipitation for early April and November are virtually identical.

What the LKM does not talk about in their position piece is the concern that local elections will be totally overshadowed by the heavily financed and intensive state and federal races. They fear that candidates for city elections will become for many voters, unknown names at the end of the ballot.

It appears that the municipalities are happy with the election system as it exists. We saw no good reason to change it.

⁶ For a well-researched paper on Voter Selection of Council Members and the Role of the Mayor in Budget Development see Improving City of Topeka's Council-Manager Form of Government by Allyn Lochner at Appendix No 5

⁷ For LKM position paper see Appendix 6

V. RECOMMENDATIONS: CITY OF TOPEKA GOVERNING BODY

The Committee agreed to the following by unanimous consent:

Sec A2-4. Form of Government

The Committee:

Supports the Council—Manager form of Government.

Sec. A2-21 Composition

The Committee Recommends:

That all 9 districts are retained and that all district representatives have equal voice, vote and power on the Governing Body.

Comment: This information was shared by former Mayor Doug Wright. *“Prior to 1985 no women and no one east of MacVicar was part of the governing body. The geographic district system allows everyone to feel like they have a voice. Every citizen in Topeka has someone on the city council they can talk to in this form of government.”*

While the number of Council members in Topeka is larger than most (but not all) Kansas cities, most of the council members and a number of the public commentators expressed satisfaction with the current average ratio of one council member to 14,500 constituents. City Manager Jim Colson indicated that he has no problem with the current number, and he said he has worked with larger Governing Bodies in other cities.⁸

Voting Powers

The committee recommends:

That all ten Governing Body members will be voting members with the exception that the Mayor will not have a vote on any matter upon which he/she has been given veto power by operation of law.

Eligibility of the Governing Body

The committee recommends:

That Governing Body members be elected on a nonpartisan basis.

Comment: It is noted that a current state initiative seems designed to turn local elections into partisan elections, to which there is great resistance by The League of Women Voters of Topeka-Shawnee County and the Kanas League of Municipalities as well. We believe that combining city elections with other elections that are partisan does not seem to be a good idea.

That all members continue to stand for election every four years on a staggered election basis.

⁸ For a Comparison Chart of surrounding governing bodies See Mayor Wolgast Chart at Appendix 7

Comment: Topeka citizen **Jason Fizell** pointed out that there is an unfairness built-in to the current system that he believed should be corrected. Namely, the Mayor is elected to a four-year term in the same election as odd-numbered council district seats. Thus, any council person holding an odd-number district seat must give up their seat to run for mayor while a council person in an even number seat does not.

Mr. Fizell offered two solutions. 1) Require even number district council people to relinquish their seat if they run for mayor. 2) Make the mayor's term six years so that odd numbered districts would stand for election with the mayor during the one election cycle and the even numbered districts during the next.

That Primary and General elections continue to be held at the current election dates.

Comment: Former Mayor Bunten and others argued in favor of holding city elections at the same time as statewide elections. A move to August and November would disrupt the traditional budget cycle for cities and schools and complicate the timing of financial interest reports required to be filed by Kansas officials. According to the League of Women Voters, the city governing bodies and school boards in the state overwhelmingly favor continuing 153 years of spring elections.⁹ We see no reason to disagree.

Method of Election¹⁰

The committee recommends:

That the Governing Body be a 10 member body consisting of 9 members running for election from the council districts where they reside and a Mayor who resides in the city and is elected at large. During a primary election held within the district, the two nominees from each district receiving the greatest number of votes within the district will stand for election in the General election on an at-large basis.

Comment: Proponents of this recommendation used the USD 501 School Board Member elections as an example. School Board candidates file for office and run in the primary election by district with city wide voters choosing one of two candidates from each district. While other methods of running at-large were considered by the 2014 Committee they required changing the composition of the districts or creating two classes of elected governing body officials.¹¹

One downside with this this recommendation is the possible increase in expense for the candidates to get their campaign messaging out to the entire city and not just their district. Another downside (pointed out by Councilman Schmidt) is that a candidate could win overwhelmingly in his/her district and yet lose out in the general election.

⁹ For further discussion see *Areas of Concern*

¹⁰ See Election Terms and Timelines Chart prepared by Brenda Younger, City Clerk at [Appendix 8](#)

¹¹ For further discussion see *Areas of Concern*

Sec. A2-25. Powers of the Governing Body

The committee recommends:

Changing references to “Council” or “Councilmember” to “Governing Body” and “Governing Body” member. The committee would retain the language indicating that the Governing Body will have no administrative powers.

Modeling the City’s organizational structure as follows:

The Governing Body is the equivalent of the City’s Board of Directors, and the Mayor is the equivalent of the Chairman of the Board. The City Manager is the equivalent of the City’s Chief Executive Officer tasked with administrative duties including carrying out the policy, legislation, ordinances, strategic plans and budgets approved by the Governing Body.

Comment: The city is organized under a corporate charter and Committee member Maynard Oliverius, a long time corporate executive, pointed out that the current structure is similar to a traditional corporate model.

The following elements are recommended by Council Member Karen Hiller to be included in the City Manager’s Strategic Plan:

- **Collaboration**
- **Integrity**
- **Accountability**
- **Professionalism**
- **Transparency**

It was suggested that the Strategic Plan express community values in the form of:¹²

- **Mission Statement**
- **Vision Statement**
- **Goal Statement**
- **Values Statement**

Mayor: Functions, Powers and Duties of the Mayor

The committee recommends:

That the Mayor serves as the presiding member for the purpose of conducting the business meetings of the city. As such, the Mayor would chair committees of the entire body, such as the budget committee and the committee of the whole.

That the Mayor shall review the budget and strategic plan prepared by the City Manager and provide input and recommendations to the Governing Body.

¹² As recommended by former council member Lisa Stubbs

Comment: This idea was first suggested at the public hearing by Mr. Allyn Lockner who saw the need for the Mayor's review prior to presentation to the Council. It was also mentioned by Council Member Karen Hiller, former Mayor Bill Bunten and by Mayor Larry Wolgast.

Modifying current Charter Ordinance language to allow the Mayor to vote on all policy, ordinances, legislation, budgets and other matters, except where the Mayor has veto power expressly mandated by State Statute.

Comment: The committee expressed support for adopting language regarding the Mayor as similar to that outlined in City of Olathe Charter Ordinance No. 28, Section 2.4:

"He or she shall represent the city Governing Body at all official city functions, and shall be the official representative of the Governing Body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend Governing Body action relating thereto.

The mayor shall be the official representative of the Governing Body at all conferences and meetings with citizen groups and organizations interested in promoting the welfare and development of the city, and shall recommend Governing Body action relative thereto. The mayor may inform the Governing Body concerning questions and policy, and may make policy recommendations to the Governing Body. The mayor shall be empowered to call special meetings as provided by law."

The committee recommends:

The governing body adopts language drafted by Deputy City Attorney Mary Feighny to bring the Topeka Charter Ordinance into compliance with State law.¹³

VI. OTHER RECOMMENDATIONS

The committee recommends:

That a long range planning committee made up of city and county leaders be convened for the purpose of resolving issues and implementing a workable plan to consolidate city-county government.

"Boundaries become barriers in regards to consolidation of government. If you want to consolidate, you will need extensive information on how counties operate today and in the past." --Joe Swalwell former Executive Director, Downtown Topeka

Comment: The idea of a long range plan was presented by former Downtown Topeka Executive Director **Joe Swalwell**. Swalwell referenced a detailed discussion of Shawnee County government written by the late **E.A. Mosher**, long time executive director of the League of Kansas Municipalities.

¹³ Comprehensive language changes can be found at Appendix No. 3

The report pointed out that Shawnee County is the hub of commerce for the surrounding 14 county region and it is critical that Shawnee County governing officials work together to maintain that position and to consider how to best accommodate this transitory demand on our facilities and resources. This seemed to provide a new approach to the continuing community interest in governmental consolidation since planning for the future holds no imminent jeopardy it offers the hope of future compromise and accommodation.

Recommends that the long range planning committee consider expanding the number of Country Commissioners from 3 to 5 in order to facilitate better communication among members, to provide broader representation of community interests.

Recommends that salary increases be implemented for Governing Body Members.

Comment: It should be noted that pay for Council members and Mayor was last discussed in 2004.

The committee expressed particular concern that the current low Mayor's salary (which was drastically reduced in 2004) will discourage many capable citizens from considering service as the presiding officer of our Governing Body.

Salary for public service is a complicated issue and there are many pros and cons. As former council member Lisa Stubbs pointed out: these positions were intended to be driven by a desire to do public service, not to serve as a career path. (Although it was noted that several council members have pursued other avenues of public service such as legislators or agency heads).

Public service as a Governing Body member is not an invitation to assume administrative duties or to micro-manage the city staff. Nevertheless, the Governing body responsibilities have increased over the years without as much as a cost of living increase for more than a decade. Governing Body Member salaries (like all other governing body salaries) should have at least, a periodic cost of living adjustment.

PART TWO

MEETING SUMMARIES

The committee's January 30th meeting featured a presentation by Don Moler, former Executive Director of the League of Kansas Municipalities who briefed the committee on the different forms of government in Kansas; how the term "Home Rule: relates to city government and the importance of the Charter Ordinance. Moler expressed concerns in regard to language in the Charter Ordinance which may run counter to state law or be ambiguous.¹⁴

February 6, 2014. Former Council Member **Lisa Stubbs** presented a review of the recommendations made by the 2nd Citizens Review Committee and the subsequent passage of the City Manager form of Government in November of 2004 by a 2 to 1 margin. Here is a summary of her discussion:

¹⁴ More discussion can be found in this report under *Areas of Concern*.

“There is no perfect form of government. What we passed in 2004 was an improvement. The most important thing that we can do is make it possible for constituents to be informed and involved; and to elect quality people as our elected officials who have the best interest of our community in-mind.”

The committee also heard from former Mayor **William “Bill” Bunten**. Mayor Bunten outlined a drafting flaw and legal decision that cast some doubt on the legality of the current ordinance. He also noted that the governing body had the “power of legislation”—not the city council. So the mayor had a vote as a member of the governing body to vote on legislation and also the power to veto legislation. Nowhere in the charter ordinance was the council given the power to override a mayoral veto. The result of this flaw left the “weak” mayor with the power to vote on legislation, veto legislation, and the council couldn’t do anything about it. He said the ordinance as written didn’t create a “weak” mayor, it created a possible despot.

While the ordinance was later changed, his commentary pointed out the hasty drafting that implemented the ordinance. Mayor Bunten said that the only duties specifically spelled out for the city council was to establish meeting times and elect a deputy mayor. Other key recommendations:

- Provide fiscal officer for mayor and council
- Hold elections in conjunction with state election dates in August and November
- Review compensation for Council and Mayor
- Vest the council with the “power of legislation” not the “governing body.”

Mayor Bunten also recommended several procedural matters and mayoral duties.¹⁵

February 11, 2014. The Committee met with the Topeka City Council in order to receive commentary and to outline the method of procedure.

February 13th meeting featured a discussion with **Mayor Larry Wolgast** regarding respective roles of the Mayor and Council members. The mayor described the ambiguity he found in in the Charter language, and he encouraged the committee to review the mayor’s duties and the mayor’s role. He suggested the term “strong” or “weak” mayor not be used to define the role of a mayor. He said the powers and duties of the mayor, council, city manager and deputy mayor need to be more clearly defined.¹⁶

Mayor Wolgast pointed out that currently, the mayor can veto council legislation unless Kansas law gives the mayor a vote; however, the mayor votes on appropriation ordinances but also has the right to line-item veto specific items in the budget, a confusing process that should be clarified. The mayor emphasized that he believes veto authority takes away the legislative aspect of city government. He said it would not be his desire to exercise veto power and he expressed

¹⁵ Bill Bunten’s comments in their entirety are on file at the City Clerk’s Office.

¹⁶ Lacking sufficient guidance from the Charter, Mayor Wolgast refers to Topeka Municipal Code Section A2-24: Mayor—Functions powers, and duties.

(a) *The Mayor shall be the chief elected officer of the city, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for the municipal activity.”*

the importance of working with the council and sharing their views. The committee with the help of the City Attorney determined that veto power has rarely been used in the past.¹⁷

Councilmember Nathan Schmidt (District 8) attended the meeting and he was asked for his input. Councilman Schmidt indicated that he strongly supports the mayor serving as the lead member of the council and having equal legislative authority, as well as having authority to make appointments to boards and commissions. He urged the committee to consider how to make sure the governing body represents the city as a whole as well as the respective districts. He urged the committee to consider the matter of at large representation.¹⁸

February 20, 2014. Two public meetings were held at the Topeka/Shawnee County Public Library¹⁹

Meeting of February 27, 2014. The committee welcomed City of Topeka City Manager Jim Colson, former City of Topeka Chief Executive Officer John Arnold, and former City of Topeka Mayor Doug Wright as conferees and they invited the input of former Executive Director Joe Swalwell of Downtown Topeka, Inc who was in attendance.

Note: *We have chosen Mr. Colson's remarks for the Concluding Comments portion of this report.*²⁰

Joe Swalwell, former Executive Director for Downtown Topeka, Inc., referenced a study written by Ernest A. Mosher, "Shawnee County Governance: Past, Present and in the Future" and made the following statements:

Boundaries become barriers in regards to consolidation of government and if you want to consolidate you will need extensive information on how counties operate today and in the past. Topeka is the center city gravity for surrounding communities and this factor should be used to our advantage.

Mr. Swalwell emphasized the need for better communication with city and county residents without creating anxiety because of fear of losing jobs, as well as, loss of equality of wages and duties. Any necessary training of employees should be in collaboration with local schools and attrition should be reviewed very carefully.

He suggested developing a round table discussion with Shawnee County leaders to develop a long-range study that would outline different consolidation scenarios including how consolidation could save money.

He suggested the council extend the city limits if overall costs of city government are to be reduced. He discouraged the council from altering city sales tax because people from surrounding cities and counties pay this tax and help fund infrastructure maintenance.

¹⁷ For a better understanding of the Mayor's Statutory Veto Powers see Appendix No 2

¹⁸ For further at-large discussion see Areas of Concern. For addition remarks from Mr. Schmidt See City Council Interviews at Part 4

¹⁹ See Public Hearings Section of this Report. P. 21

²⁰ See page 27 of this Report

“Leadership is defined by action—the act of getting people to work together.”—John Arnold

John Arnold, former City of Topeka Chief Executive Officer, reported he has over thirty years of experience in local government, ranging from being an employee to managing nine organizations with 75 to 1300 employees. He made the following observations:

Arnold said the City Manager Form of Government seems to be working. He said in the City Manager Form of Government, the role of the governing body is to engage the public. Action is hindered in the City of Topeka because the mayor is not a full-time voting member of the council. This tends to inhibit the elected governing body from working together. The mayor’s voting rights must be clarified because state law is not understood. He noted it has been unclear since 2004 when the charter ordinance was drafted.

He believes there are too many council districts. He says seven (7) is a better number with some being elected at-large. In his experience, seven (7) districts is a very workable number with four (4) elected by district and three (3) elected at-large. All the cities he has worked for included district members elected at-large; however, it always is a matter of opinion as to what is the best option for elections.

He said that the practice of referring matters to committees tends to slow down the progress of city business. He said it appears the City wants to operate like the State and he noted two former mayors (William Bunten and Joan Wagnon) have been former legislators.

Doug Wright, former City of Topeka Mayor and City Attorney. Mr. Wright served as the City Attorney during the Commission Form of Government, and was also the first Mayor when the City of Topeka changed from the Commission Form of Government to the Strong Mayor/Council Form of Government. Doug Wright stated he would provide a historical perspective as an observer of city government:

He said the Commission Form of Government proved to be an unfair system because four (4) out of the five (5) commission members were of the same ethnic race and from the same geographic area of the city. The current process of district elections should remain due to past statistics so everyone has a voice in local government and is provided the opportunity to communicate with a council person they can relate to. He cannot think of anything that would not apply to the entire city as a whole; therefore, he believes district elections are a good fit for Topeka. He said the mayor needs clearly defined powers because it is important for the community to look to a leader that has authority.

Review Committee Work Session-March 13, 2014

Council member **Karen Hiller** said the City of Topeka Charter Ordinance is sort of like a constitution. It should include core values and key non-negotiable ways of doing business. She briefly highlighted what she would like reviewed in the current charter:

- Mission and Vision for the city should be included;
- Language regarding excellence, long-range strategic plans and goals, performance-based, transparency and inclusiveness should be included;

- Role of the mayor is included, however, vote and veto issues need to be resolved;
- Role of the deputy mayor is included; however, the roles of city manager and other council staff hiring and review processes need to be addressed;
- Preparation of staff organization chart by the city manager is included and approved by the council; however it has not been followed;
- Annual report of financial condition and administrative actions by February 28 has not always been followed;
- Annual audit engaged by and reported to the council should be included;
- Agenda items should be provided twelve (12) days in advance notice as indicated in the Council rules;
- Emergency ordinances language allows them to be introduced and passed in the same day; however, she is not sure if this has ever happened;
- Regarding board and commissions she recommended consideration be given to specifying that the described procedure would apply to all appointments, not just those for City-created boards.

Comment: Committee members felt that this degree of specificity would not be included in a document similar to a constitution. A better place for this procedural detail would be a *policy manual*.

Councilmember Nathan Schmidt made the following statements:

He advocates making the mayor a full voting member of the council with legislative duties. The mayor's role should be similar to the Speaker of the House, with no veto power. The mayor should be elected at-large completing a ten (10) member city council.

Sylvester Zollicoffe, a member of the public appeared and spoke in opposition of changing the council districts. He stated he believes the mayor should have veto power and no voting rights. He stated he supports district representation only and believes the city needs to conduct more town hall meetings with the city manager and council members. He stated he supports only making technical changes to the charter ordinance.

Review Committee Meeting – March 20, 2014

Mayor Wolgast briefed the committee on **House Bill 2227** a proposal to move municipal elections to the fall (August and November) of odd-numbered years. Mayor Wolgast stated many city officials and school board members strongly oppose the change. He distributed a handout from the League of Kansas Municipalities expressing their concerns regarding the change in local elections, and why there is opposition to the bill throughout the state based on the following concerns:

- Political association would be required to be listed on the ballot;
- Transitional issues would impact all city officials (approximately 3,800) in the state of Kansas;
- Legislation would not make local elections partisan; however, the bill would give partisan officials the authority to fill vacancies on governing bodies;

- The bill would disrupt the budget cycle for cities by making the terms of elected officials to begin in January;
- The change complicates the many statutory requirements of local elections across the state;
- Increasing voter turnout is the purported purpose of the bill. Research indicates that moving local elections to the fall will have little impact with only a 10% increase in voter turnout being documented in those states that have implemented the change.

March 27, 2014 Review Committee Meeting

The Committee held a work session to discuss the content and structural development of the Report

Review Committee Meeting April 17, 2014

The Committee held a work session to review the first draft of the Report

Review Committee Meeting April 24, 2014

The Committee held a work session to review an updated draft of the Report.

Review Committee Meeting May 1, 2014

The Committee met to approve the final draft of the Committee Report

PART THREE

PUBLIC HEARINGS

Two public hearings were scheduled on **February 20, 2014** at the Topeka / Shawnee County Public Library.

Public Hearing No.1 1:00 P.M.

Frank Hoge stated he has lived in a neighborhood located close the Washburn University for the past 20 years. He has remained active in efforts to rebuild and renew neighborhoods. He stated things have changed a great deal from the past, and problems cannot be solved if new things cannot be thought of to help fix the problems, improving the overall city.

Marge Ahrens, spoke on behalf of the League of Women Voters (LWV) of Topeka and Shawnee County in the absence of MaryAnn Quilty, President of the organization who was ill. She stated the LWV does not support political parties or candidates; however, the LWV does promote the act of participation by citizens in government and educates people on those issues.

LWV indicated that they support the City Manager Form of Government with clear responsibility to appoint and supervise administrative personnel, as well as, the notion that elected officials should serve as policy makers and not interfere with the daily operations of the

City. She stated they are very concerned about the lack of public funds for services that they value.

LWV supports the core development of the city and sales tax incentive at its inception because it generates money to help develop the city. She said that while LWV supported GO Topeka being used as the economic development arm of the city; she cautioned that there is no oversight of funds, limited public participation and no measurable results from the services. She noted they purposed that a study be conducted of economic development and the effectiveness of GO Topeka.

Teresa Miller expressed concern with the Citizen Government Review Committee being selected by the Mayor and believes it is a conflict of interest. She stated there appears to be a power struggle between the Mayor and City Manager at this time. She spoke in support of consolidating city and county governments. She stated she supports how the City Manager is managing funds right now and noted the voters decided the current form of government, and it is slowly getting better.

She expressed concern that the past two council members that have represented Council District No. 2 not being from the north Topeka area. She requested that the City add a representative to the governing body to represent north Topeka.

John Jackson stated that he supports the current form of government and believes the City Council should continue to direct the City Manager on how to run the city. He stated he has tried to contact the Mayor and City Manager with no luck; therefore, he believes they should not reduce the number of council districts because people need a way to communicate with local government. He would support the same number of council districts or an increase in council districts.

David Cullip stated he supports the current structure of the Council and believes it provides excellent representation of citizens. He stated he supports 9 council districts because it allows representatives to interact with citizens. He said Topeka needs to work harder as a leader in promoting Kansas and set an example because Kansas is a strong state with a lot to offer.

He also expressed the importance of city and county leaders working together to find solutions and figure out a way to merge city and county government successfully because progress is stalled due to the repeated arguments between elected officials.

Kevin Dalton expressed concern with the current role of the mayor and believes it needs to be better defined in regards to voting and veto authority. He spoke in opposition of increasing the number of council districts because it could get cumbersome and difficult for elected officials to come to an agreement. He spoke in support of reducing the number of districts to six (6) and keeping the nine (9) district members. He explained there would be one representative elected from each six (6) districts and three (3) representatives elected at-large making a hybrid that works for Topeka.

He suggested increasing the number of county commissioners for better representation.

Allyn Lockner presented the committee with a paper based on research on the form of government he has compiled over the past 10 years. He encouraged Committee members to review his handout in its entirety. He said the current form of government is holding its own nationally, a form that is growing throughout the nation. He supports the current form of government; however, performance of the governing body could be improved by expending more time developing policy for the City and allowing the city manager to implement the policy.

The mayor is the only official in city government that represents the city at-large and the Topeka community is more than the sum of 9 districts. A thought, he said, that is not embraced by all current officials in city government. Mr. Lockner noted that the mayor currently has a diminished role in developing the budget, as the city manager prepares an annual budget for submission to the council for their review. This process is important because the policy determines what the city is willing to pay for. The mayor is elected at-large and should have more voice in the budget submitted to the council.

Mr. Lockner also advocated a method for electing City Council members on a mixed at-large basis:

1. All candidates for district council positions and for citywide council positions run for office in the primary election from the districts in which they reside.
2. Five (5) district council candidates run for office in the general election from the odd-numbered districts (1, 3, 5, 7 and 9) in which they reside.
3. Four (4) citywide council candidates run for citywide council positions in the general election from the even-numbered districts (2, 4, 6 and 8) in which they reside.

If the above recommendation is not approved, then he would recommend the entire council be elected at large with district residency requirements; the mayor would still be elected separately. He also recommends that council members who ran for citywide positions in general elections be compensated an additional 20% to 40% annually because of the additional citywide responsibilities and costs they would incur additional campaign expenses.

Public Hearing No.2

7:00 p.m.

Mary Jo Mastriano stated she appears as a member of the ADA (Americans with Disabilities Act) City Council Advisory Committee and made the following statements:

- She believes the City Manager form of government is a positive for the community because there is no favoritism for any certain area.
- The mayor should have more authority in the decision making process.
- She believes it is a good idea to keep nine (9) council districts for equal representation; however, if there is a change then the city manager and mayor should work more closely together to resolve problems.

Sam Hargis stated he believes the City is doing a good job; however, the City Manager and the Council have a full plate to manage. He made the following recommendations:

- Do not reduce the number of council members because it is a reasonable number to represent a city the size of Topeka.
- City Council members are the people that can take the pulse of the city and are representatives that are easily approachable.
- He supports two (2) council members to be elected at-large to provide opportunity to gather more input from citizens.
- Increase wages for council members.
- The role of the mayor should not be changed, and if it is, it should happen in small steps.

Ed Serrano would hate to see a new policy introduced that would hurt the integrity or the concept of the City Manager Form of Government.

- It was his understanding the mayor was given veto power as a compromise to the change in the role of the mayor.
- Due to the low wage compensation of the mayor, all accountability should stay with the city manager.
- He said certain districts are not able to get good representation. He suggested reducing the number of district representatives to seven; establish at-large members; or widen district boundaries and increase wage compensation for those representing larger districts.
- He stated that the number of people that participate in local government is low because it appears that it is always the same people participating.
- He would suggest district members receive \$20,000 annually if the number of districts were reduced to seven (7) with five (5) elected by district and two (2) elected at-large.

Lori Williams made the following comments:

- Do not reduce the number of council districts because 14,000 people is a lot for one council person to represent.
- She would support having one or two council districts elected at-large with the same amount of council districts.
- She stressed the importance of council members doing their best to meet with constituents, answering telephone calls, responding to emails, attending neighborhood improvement association meetings and staying on the move to keep up with the times.

J.R. Campbell stated he participated in the council district redistricting process. His comments:

- He would like to be represented by a person who knows the area.
- He would support having representatives elected by district and at-large.
- The number of districts needs to be a reasonable odd number.
- He suggested electing one of the council members to serve as mayor.
- A combined city-county government would be more efficient. The city and county should look at areas in government that could be combined and recommendation brought forward.
- Some of the larger counties have increased their county representatives to five (5) county commissioners. This suggestion should be studied as part of the consolidation plan.
- Mr. Campbell stated he would suggest seven (7) representatives be elected by district and two (2) at-large.

Chris Meinhardt said he believes council members salary should be increased or made the same as some City department heads.

The committee recognized the presence of Council members John Campos II, Chad Manspeaker and Nathan Schmidt. The Council members were invited to discuss some of the citizen comments with the committee.

Note: Brenda Younger, City Clerk, posted the unedited minutes and the audio recordings of the public hearing sessions conducted on February 20, 2014, to the City's website at the request of the Committee.

WEBSITE COMMENTS

The City of Topeka website offered a portal for public comments:

Glen Porterfield: (Grace Cathedral area). *"Go back to the Mayor/City Commission form of government."*

Tom Benaka: *"Please strongly consider a recommendation to merge Topeka and Shawnee County."*

Kevin Ratekin: *"...One of the major problems with this forum of government is that on one on the council are really qualified in any of the areas that they vote on. When it was the old forum of government when they had commissioners like Street Commissioner, Water Commissioner and Park Commissioner and so on. They were people that were all professionals in their fields...not just housewives and business people that know nothing about running a city... Please turn it back into the old forum of government..."*

Ken Kerl: *"Today's editorial in the Topeka Capital-Journal said a lot of things about a reduction in the size of the city council but offers no solid evidence to make the case. Just an opinion with nothing to back it up....The fact that the east side of town has a street project is a tribute to the 9-member council. Hey, I live on the west side of town, and I'm satisfied with city government performance...."*

Bob Schneider: *"I feel that it is much too early for the City Charter to be changed on representative districts. What is the rationale for at-large City Council positions?"*

Joe Weissbeck: *"...Should we be looking at consolidation again with the City and County?"*

Jason Fizell: It occurred to me as I was reading the most recent coverage of your committee's work that there is a bias built-in to the current system that really needs to be corrected. Any council person holding an odd-number district seat must give up their seat to run for mayor while a council person in an even number seat does not. I know this is late in the process, but it's

obviously unfair -- in that it affects different city council people differently, and some more negatively than others -- so I hope it's something you might all at least weigh in against it.²¹

PART FOUR

CITY COUNCIL MEMBER INTERVIEWS

Council member Chad Manspeaker reported that he is surprised the public is not more engaged in the budget process because municipal government is really important and touches every aspect of a citizen's life. He stated he continues to reach out to constituents in effort to engage them in city government. He stated he believes it is difficult for folks to sign up before a Council meeting. He said most people who ask for extension during public comment receive an extension. He stated that he feels like the Council is doing a good job and he understands it is their responsibility to educate the public on what is happening in the community and city government.

Council member Manspeaker said he supports consolidated government or one consolidated taxing entity. He noted consolidation was successful for Wyandotte County Kansas Unified Government because it has allowed growth as a community. He said would support the same format used by the Wyandotte County Kansas Unified Government which divides the city in two sections, one east district and one west district.

Council member Manspeaker stated he opposes representation at-large. He said he believes any Council person would help any constituent that contacts them. He understands the logic behind Topeka being viewed as a parochial community because a Council member is naturally defensive of those that put him/her in office. He indicated he is satisfied with the current number of council members. He supports district elections because he only has to please 14,000 citizens not 128,000 and that is a positive. He believes council district representatives will be more engaged with constituents when they are representing 14,000 people than if they were representing all 128,000 Topeka citizens.

Council member John Campos stated he opposes at-large elections because Topeka as community is very responsive to district representation. However, he believes there could be more unified duties within local government such as the functions performed by the Joint Economic Development Organization (JEDO). He said he respects the at-large election process; however, he stated he believes constituents in his district would oppose at-large representation because they expect him to remain actively engaged with them on a more personal level.

Council member Schmidt stated he would oppose following the same election format as the School Board. He would support keeping the number of council districts at nine (9) or reducing them to seven (7); and he would support splitting the city down the middle to create two (2) at-large districts.

Council member Nathan Schmidt made the following statements: He believes staff builds administrative procedures around the fact we have nine (9) separate council districts instead of

²¹ The Committee agreed that the matter needed to be addressed. See Mr. Fizell's comments and solutions at *Areas of Concern* pages 10-11.

the city as a whole, making the City inefficient because specific areas are not being aggressively targeted like they should be. He supports seven (7) council representatives being elected by district and two (2) at-large, along with the mayor, providing 30% of the governing body vote to be generated from at-large representation.

The current system is working; however, he believes adding at-large representation would increase the functionality of the governing body as a whole. He believes nine (9) representatives is a good number that covers all areas of the city; however, there have been issues with projects being delayed because of the lack of at-large representation.

Council member **Karen Hiller** said that no form of government is perfect. The voters chose this one, which has worked well in other places. Whenever there is a major change it takes 5 to 10 years to recover. We are now at that point where the system may work well for the first time. It would not be wise to change the system at this time. Instead, the goal should be to make sure the mission and vision for the city are stated clearly and the charter is absolutely set correctly for the form of government Topeka has. Her overall goals for city government are:

- **Performance** - make sure there are provisions for strategic plans, goals and performance measures so success can clearly be measured in this way.
- **Inclusiveness** – make sure the charter is clear that we want a full elected body, as well as, all citizens to be affirmatively invited to the table on all issues, with enough advance notice, and provided sufficient information and time for them to participate in a meaningful way.
- **Transparency** – Make sure we affirmatively pursue open meetings and open records practices. Establish core requirements for disclosures and checks and balances on key council and city manager procedures including agenda management, voting and line-item veto issues for the mayor, acceptance rather than approval of financial reports, arrangements for annual financial audits, nominations to boards and commissions.

Ms. Hiller understands that a smaller governing body is more appealing. However, as a council member her district is very demanding. All council members are not the same and do not require the same level of constituent input. There are many different ways to make sure all district needs are met. Serving as a council member is a full-time job if you want everyone to feel like they are being represented. She noted there are not many issues that come before the council that receive a heavily split vote; therefore, she is not sure the number of council district representatives needs to be changed. She recognized the debate of district vs. at-large would always be present.

PART FIVE

CITY MANAGER INTERVIEW

In drafting this report, we have endeavored whenever possible to express our recommendations in the language and thoughts of the citizens and the conferees whose insight guides them. This section summarizes the insight shared with the committee by **Jim Colson**, City of Topeka City Manager.

Mr. Colson said his transition into the City Manager position has been a very positive experience that has led to his own personal and professional development. He expressed his appreciation in working with talented people that display leadership throughout the community. He commended citizens for making the decision to implement the City Manager Form of Government. His comments follow:

City Manager Form of Government

The City Manager Form of Government concept offers the ideal combination of a trained professional leader who has experienced the many aspects of running a larger urban community while being aware of the equal importance of the elective body; and the necessity to engage residents in city government so the governing body can make informed decisions based on constituent input.

Role of the Mayor

The role of the mayor is vital and needs to be firmly defined; responsibilities clearly understood; and fit the overall scheme of governing the community. He believes the mayor should have the same voting rights and authority as council members. He stated he believes the mayor should serve as a leader to the council in the same manner as a chairman would serve an executive board, allowing the mayor to provide leadership, focus discussions, and drive the agenda of the council.

Mayor and City Manager Relationship

It is vital that the mayor and city manager are viewed as having a good working relationship with open lines of communication. It is vital that the city manager be provided an opportunity to listen and discuss issues with elected officials in order to understand and serve the community. He stated the current working relationship between the mayor and city manager is good and they support each other very well.

Council Districts

Mr. Colson does not have a strong opinion on the number of council districts. He expressed the importance of citizens feeling like they are engaged in the process of city government. The current council districts do this based on representation of reasonable number of residents of the community. Active citizen participation helps council members understand what is important to them when making decisions.

Consolidation

In local government there is always a strong case for finding more efficiencies and cost reductions through consolidation. However, there are a lot of details that need to be worked out and the consolidation process needs to be evaluated thoroughly. Mr. Colson is currently working through the Parks & Recreation consolidation. He expressed the importance of providing the highest level of service at the appropriate cost to the community.

.....

PART SIX

CONCLUDING COMMENTS

It seems to this committee that over the past decade as the City Manager has become a vital part of the operation of the city; the important role the Mayor plays in the perception of its citizens and in the day to day conduct of the city's business was not contemplated or perhaps even intended by the language of the present charter ordinance. This has led us to the understanding of why it is so important for the city to conduct a periodic citizen's review.

We conclude this assignment with a much deeper appreciation of the demands placed on our elected officials and on our public servants. We have learned so much from the conferees who volunteered their time in order to share their valuable experiences and insight. We want to thank the City Council members who supported our appointment. It is our hope that other citizens will have similar enriching opportunities.

What impressed the committee most in our public hearings was the lack of antagonism and the general feeling of well-being expressed by the community. For the most part, constituents are comfortable with the number of districts and their representation by the governing body. Several citizens advocated salary increases for their elected officials.

It appears that the City Manager form of government is alive and working well in Topeka. Of course things could always run better, and we hope the recommendations we offer will help facilitate harmony and assure that all avenues for improvement continue to be explored.

Respectfully submitted:

2014 CITIZENS GOVERNMENTAL REVIEW COMMITTEE

By _____
Jim Reardon, Committee Chair

From the Committee Members:

Judy Anderson Moler

The Committee met from January through May on an almost weekly basis. The Committee received both written and oral input throughout the process. The task afforded the Committee was taken seriously and all recommendations were discussed and considered. A thorough dialogue was afforded the information and those wishing to offer opinions.

The Chairman did an excellent composite of the points agreed upon and discussed at length. In all, I think it is a reasonable and fair recommendation and document to present to the City Council of Topeka.

John Nave

I would like to thank Mayor Wolgast and Council woman Everhart for asking me to sit on the review committee. It has been one of those life experiences that one doesn't forget, and being part of a distinguished group of community leaders has also been very rewarding.

We were asked to make recommendations that will affect the citizens of Topeka for years to come. I think us as a committee accomplished what was asked of us. We listened to past elected officials, community leaders, and citizens of Topeka in meetings and forums. We exchanged ideas and shared our own opinions. What came from the meetings and forums are recommendations that we believe will work in our City. We hope these recommendations are taken by the City Council and Mayor; accepted; and put in place for the Citizens of Topeka for a more efficient City Government.

Maynard Oliverius

It has been an honor to serve on the 2014 Citizens Government Review Committee. I wish to express my appreciation to the many members of our community who shared their views regarding the future structure of governance for Topeka. That input and knowledge was very valuable to the Committee and underscores the importance of citizen involvement in shaping our future.

Further, I express my appreciation to the City staff and other members of the Committee for their time, effort and work on this project. It has been a pleasure to be part of this fine team.

Finally, I want to thank the Mayor and Council for asking us to do this work. I hope the recommendations made here are helpful in setting the future course of our great City.

Tina Williams

In summary, the 2014 Citizens Government Review Committee conducted a comprehensive review of the City of Topeka Charter. The committee sifted through policy, comparing the forms of governments of other cities similar in size, and took into consideration the views and opinions expressed by peer citizens through public testimony at public forums and meetings as well as from current and former elected officials. The final report is the result of work by the committee members, our consultants, city staff representatives and the Deputy City Attorney.

Given the goal of developing recommendations the committee focused on what it determined were the most urgent issues and studied others that may be considered for future review. The committee by unanimous consent has proposed the recommendations as outlined in the report to strengthen and improve the functionality of the Mayor, City Manager, and City Council form of government and to clarify the roles and responsibilities of our elected officials. We trust that our recommendations will prove useful to the city's governing body, and to the citizens of Topeka.

APPENDIX No. 1

Attorney General Opinion # 2005-18

August 4, 2005

ATTORNEY GENERAL OPINION NO. 2005-18

Brenden J. Long
Topeka City Attorney
City Hall, 215 S.E. 7th Street
Room 353
Topeka, Kansas 66603

Re:

Constitution of the State of Kansas--Corporations--Cities' Powers of Home Rule; Charter Ordinances; Eligibility of Mayor to Vote as Member of Governing Body

Synopsis:

The mayor is a member of the "governing body" for purposes of the two-thirds voting requirement for passage of a charter ordinance prescribed by Article 12, Section 5(c)(2) of the Kansas Constitution, regardless whether a city's form of government precludes the mayor from voting on other matters coming before the council. Cited herein: K.S.A 12-104, 12-757, 12-1036a, 12-1036b, 12-10a01, 12-10a02, 77-101; Kan. Const., Art. 12, § 5.

* * *

Dear Mr. Long:

You inquire whether Article 12, Section 5(c)(2) of the Kansas Constitution includes the mayor as a member of the governing body for purposes of the two-thirds voting requirement for passage of a charter ordinance under circumstances where a city's form of government precludes the mayor from voting.

Article 12, Section 5(c)(2) of the Kansas Constitution prescribes the procedure for enacting a charter ordinance:

"A charter ordinance is an ordinance which exempts the city from the whole or any part of an enactment of the legislature. . . . [S]uch charter ordinance shall . . . designate specifically the enactment of the legislature . . . made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such city."⁽¹⁾

You indicate that the City of Topeka, by virtue of its home rule power, has adopted a council-manager form of government that does not utilize any of the statutory forms

of city government in Chapter 12 of the Kansas Statutes Annotated. Pursuant to Charter Ordinance No. 94, the City of Topeka's form of government includes a 10 member governing body comprised of nine district council members and the mayor.⁽²⁾ Under this structure, the mayor may veto council legislation, but cannot vote on other matters that come before the council.⁽³⁾

There are no Kansas appellate court decisions addressing whether the Home Rule Amendment⁽⁴⁾ includes the mayor as a member of the governing body for purposes of the two-thirds voting requirement when the city's form of government precludes the mayor from voting. However, we note that K.S.A. 12-104 defines "governing body" to include a mayor for all "acts granting . . . executive or administrative powers to city governments, or prescribing procedure." While the purpose of this statute, enacted in 1923, was to provide guidance to the commission formed to revise the general statutes,⁽⁵⁾ it is reasonable to presume that the meaning of "governing body" was taken into consideration when legislators crafted the Home Rule Amendment.⁽⁶⁾ In fact, the statutory mayor-council-city manager form of government,⁽⁷⁾ that took effect the day before the Home Rule Amendment,⁽⁸⁾ accords the mayor limited voting rights except in the case of charter ordinances in which case "the mayor's vote shall be counted on every occasion."⁽⁹⁾

We also note that at least one treatise on city home rule concludes that the mayor has an original vote on charter ordinances:

"Unlike 'ordinary ordinances' which require for passage a favorable vote of a majority of the members-elect of the council of council cities or the mayor and other commissioners of commission cities, a charter ordinance requires a favorable vote of two-thirds of the members-elect of the governing body. Although the constitution does not define the term "governing body," it is defined by state law for construing legislative grants of authority to mean the mayor and council or mayor and commissioners. Accepting this definition as applicable to charter ordinances, it appears the mayor in council cities has an original right to vote, whereas his right to vote on 'ordinary ordinances' is limited to casting the deciding vote where the number of favorable votes is one less than required."⁽¹⁰⁾

Citing K.S.A. 12-104, the League of Kansas Municipalities has also concluded that the mayor is included in determining the vote for charter ordinances.⁽¹¹⁾

While there are no Attorney General opinions addressing this issue, past Attorneys General have examined whether mayors can vote in zoning matters that require super majority votes.⁽¹²⁾ In Attorney General Opinion No. 92-41, Attorney General Robert T. Stephan considered a statutory mayor-council form of government⁽¹³⁾ where the mayor is a member of the governing body but is statutorily precluded from voting on any council matter.⁽¹⁴⁾ The zoning statute in question required a three-fourths vote "of all of the members of the governing body."⁽¹⁵⁾ General Stephan attempted to harmonize both statutes and concluded that the zoning provision

requiring a super majority vote did not include the mayor in a statutory mayor-council form⁽¹⁶⁾ of government.

In Attorney General Opinion No. 99-5, Attorney General Carla J. Stovall considered the identical zoning issue in relation to the Unified Government of Wyandotte County/Kansas City, Kansas. Like the City of Topeka, the Unified Government eschewed the statutory forms of city government and utilized its own form of government created by charter ordinance. In the Unified Government, the mayor is a member of the governing body and has limited voting rights. After reviewing K.S.A. 12-104 and the Unified Government's procedural rules, General Stovall concluded that the mayor is a member of the governing body for purposes of voting on zoning matters.

Unfortunately, these opinions are not helpful when considering whether the *Kansas Constitution* gives a mayor an original right to vote on a charter ordinance. However, we agree with the opinion of one author of a treatise on home rule who opines that because charter ordinances substitute the wisdom of local officials for that of the Legislature, special procedures are required by the Constitution.⁽¹⁷⁾ One of these procedures requires a two-thirds vote of the members-elect of the governing body. As the mayor is a member of the governing body by virtue of K.S.A. 12-104, no ordinance proscribing mayoral voting rights - charter or ordinary - can alter this constitutional requirement. Thus, despite the fact that the mayor of the City of Topeka has no voting rights in matters that come before the council, it is our opinion that the mayor is a member of the governing body for purposes of exercising a right to vote on charter ordinances.

Sincerely,

Phill Kline
Attorney General

Mary Feighny
Assistant Attorney General

PK:JLM:MF:jm

FOOTNOTES

Click footnote number to return to corresponding location in the text.

¹ Emphasis added.

² City of Topeka Charter Ordinance No. 94, Article II, §§ 7,11 ("[t]he council and mayor shall be the governing body of the city").

³ City of Topeka Charter Ordinance No. 94, Article II, §§10,16.

⁴ Kan. Const., Art. 12, § 5.

⁵ K.S.A. 77-101 *et seq.*; *State, ex rel. v. Davis*, 116 Kan. 211(1924).

⁶ *In re County Seat of Linn County*, 15 Kan. 500 (1875) (whenever a legislature uses a word in a statute in one sense and with one meaning and, subsequently, uses the same word in legislating on the same subject matter, it will be understood as using it in the same sense, unless there be something in the context or the nature of things to indicate that it intended a different meaning).

⁷ K.S.A. 12-1036a *et seq.*

⁸ June 30, 1961.

⁹ K.S.A. 12-1036b.

¹⁰ Wright W. Crummett, *City Home Rule in Kansas*, 9 W.L.J. 1, 14-15 (1969).

¹¹ League of Kansas Municipalities, *Constitutional Home Rule in Kansas*, 15 (8th ed. September, 1994).

¹² Attorney General Opinions No. 92-41 and 99-5.

¹³ K.S.A. 12-10a01 *et seq.*

¹⁴ K.S.A. 12-10a02.

¹⁵ K.S.A. 12-757(e) [now K.S.A. 12-757(f)(1)].

¹⁶ K.S.A. 12-10a01 *et seq.*

¹⁷ James W. Drury, *Home Rule in Kansas*, 65 (University of Kansas, 1965).



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Appendix No. 2

EXAMPLES OF ITEMS UPON WHICH THE MAYOR VOTES AND DOESN'T VOTE

MAYOR DOES NOT VOTE

A. Ordinances (Created in Municipal Code)

1. Allowing service monkeys within City limits
2. Establishing Council meeting schedule
3. Fire hydrants
4. Funeral processions
5. Historic landmarks
6. Human relations commission
7. Possession/consumption of alcohol
8. Public building commission
9. Repealing Utility Refund Program
10. Term limits/Sustainability Advisory Board
11. Topeka Zoo concessions/admission fees

B. Resolutions

1. Acquisition of fire apparatus
2. Approval of certain grants
3. Approving project budgets for capital improvement projects
4. Designating depositories
5. Establishing franchise fee rebate program
6. Establishing Legislative agenda
7. Establishment of Citizens Government Review Committee
8. Noise exceptions
9. Parking waivers
10. Participation in the Municipal Investment Pool
11. Personnel code amendments
12. SORT Planning Target Areas
13. Supporting grant applications
14. Waivers of annexation requirement/extension of city water/sewer

MAYOR DOES NOT VOTE (CON'T)

C. Miscellaneous

1. Appeal of tort claims
2. Appeals of business license denials
3. Appoint/terminate city manager
4. Appoint an employee to serve as city manager during the latter's disability or temporary absence
5. Approval of Council minutes
6. Approval of disposal of surplus real property
7. Approval of grants
8. Approval of settlement agreements
9. Approval of transient guest tax allocations
10. Approval of workers' compensation claims
11. Board appointments (mayor appoints/Council approves)
12. Business license applications
13. City manager contract
14. Demolition of properties not on state/national historic registers
15. Election of Council representatives to JEDO Board
16. Election of Council representatives to Metro Topeka Planning Organization Policy Board
17. Election of deputy mayor
18. Establish compensation for council members and mayor
19. Purchase of real estate

MAYOR VOTES

D. Ordinances

- *1. Adopting uniform codes
- *2. Annexation
- *3. Appropriation ordinances
- *4. Assessments to pay for costs/improvement districts
- *5. Charter ordinances
- *6. Condemnation/Initiation of Proceedings
- *7. Establishing a community improvement district
- *8. Establishing an improvement district (K.S.A. 12-6a01)
- *9. Establishing Business Improvement District Service Fee
- *10. Expenditure ordinances
- *11. Franchise agreements
- *12. Issuance of temporary notes/G.O. bonds/revenue bonds/refunding bonds
- *13. Land use ordinances (zoning, conditional use permits)
- *14. Liens on real estate/delinquent utility bills
- *15. Vacation of streets/alleys/easements

E. Resolutions

- *1. Approval of utility projects/authorizing issuance of revenue bonds
- *2. Banning concealed weapons in City buildings
- *3. Complimentary alcohol at certain art events
- *4. Declaring corporate limits of the City of Topeka
- *5. Establishing improvement district
- *6. Initiation of condemnation proceedings
- *7. Issuance of temporary notes/G.O. bonds/refunding bonds
- *8. Setting hearing date for consideration of establishing a community improvement district
- *9. Setting public hearing for consideration of establishing improvement district
- *10. Special event/alcohol permits (liquor and cereal malt beverage)

MAYOR VOTES (CON'T)

F. Miscellaneous

- *1. Approval of certain licenses (cereal malt beverage, scrap metal dealers)
- *2. Approval of special alcohol grant recommendations
- *3. Approval/Interlocal cooperation agreements
- *4. Demolition permits/determination of feasible and prudent alternatives
- ** 5. Filling vacant Council positions (Sec. A2-29)
- *6. Labor agreements
- *7. Lease purchase agreements
- *8. Plat approvals
- *9. Setting the public hearing for the budget

**State law requires action by 'governing body.'*

**** Charter ordinance 94**

APPENDIX No. 3

CHANGES TO CHARTER ORDINANCES TO BE CONSISTENT WITH STATE LAW

1. A2-24. Mayor-Veto

Current: Mayor can veto Council legislation and 'line item' veto items in appropriation ordinances. Cannot veto legislation in which Mayor has a vote.

Proposed change: Mayor can veto ordinances, except where state law requires a governing body vote. K.S.A. 12-3003.

2. A2-25.5 Veto Override

Current: 2/3 vote required to override veto (6 votes)

Proposed change: 3/4 vote required to override veto (7 votes). K.S.A. 12-3003

3. Sec. A2-29(b) Forfeiture of Office. Repeal

~~(b) Forfeiture of office. A district Councilmember or Mayor shall ipso facto forfeit his or her office if he or she at any time during the term of office lacks any qualification for the office prescribed by this Charter Ordinance or other applicable law, or if he or she violates any other provision of this Charter Ordinance. A forfeiture does not occur if a district Councilmember no longer resides in his or her elected district as a result of redistricting.~~

The section conflicts with state law. Elected officials forfeit their office only in accordance with state law through an ouster proceeding brought by the Attorney General/District Attorney or recall by the electorate. K.S.A. 60-1205; 25-4302.

4. Sec. A2-30(d) Ordinance Form.

~~(d) Form . Proposed ordinary ordinances and resolutions shall be introduced in the Council only in written or printed form. No ordinary ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause of all ordinary ordinances shall be: "Be it Ordained by the Council of the City of Topeka, Kansas:". Any ordinary ordinance which repeals or amends an existing ordinary ordinance or part of the Code of Ordinances of the city shall set out in full the sections or subsections to be repealed or amended, and shall indicate matter to be omitted by~~

(enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

The 2nd sentence is redundant in that K.S.A. 12-3004 addresses this issue.

The 3rd sentence conflicts with K.S.A. 12-3005 which prescribes the ordaining clause to read as follows: "Be it ordained by the governing body of the city of _____."

5. A2-30(f). Emergency ordinances. Repeal.

(f) ~~Emergency ordinances. An ordinary ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency. Neither an ordinance granting, reviewing, or extending a franchise, nor a Charter Ordinance, shall be passed as an emergency ordinance.~~

(Emergency ordinances are a remnant from when the charter ordinance required that an ordinance be read twice in a Council meeting before final passage, with one week in between. First readings have been eliminated. There is no need for an 'emergency ordinance.'

6. Sec. A2-30(g) and (h). Publication; Effective Date. Repeal

(g) ~~Publication. The City Clerk or such other city officer as the Council may designate shall cause all ordinary ordinances, as soon as practicable after they have been passed and signed, to be published once in the official city newspaper, unless Kansas Statutes or other applicable law require more publications. In lieu of publication of the entire ordinance, the City Clerk may publish a summary of the ordinance provided all of the following requirements are met:~~

(1) ~~The publication is identified as a "summary" and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the City Clerk's office or on the city's website.~~

(2) ~~The City Attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient.~~

(
~~(3) The publication contains the city's official website address where a reproduction of the original ordinance is available for at least ninety days following the summary publication in the newspaper.~~

~~(4) If an ordinance is subject to a petition pursuant to state law, the summary shall contain a statement to that effect.~~

~~(h) Effective date. Except in the case of emergency ordinances, and except where Kansas Statutes otherwise specify, every adopted ordinary ordinance shall become effective upon its publication pursuant to subsection (g) or at any later date specified therein. Emergency ordinances shall become effective upon passage or at any later date specified therein.~~

K.S.A. 12-3007 controls publication, ordinance summaries, and the effective date of ordinances.

State law doesn't recognize 'emergency ordinances.' All ordinances are effective upon publication unless a later date is stated in the ordinance. Appropriation ordinances are effective when passed.

(
7. A2-30(i). Signature, authentication and recording.

(i) Signature, authentication and recording. All ordinary ordinances and resolutions passed or adopted by the Council shall be authenticated by the signatures of the Mayor and City Clerk or such other appointive officer as the Council may designate. ~~The City Clerk or such other appointive officer as the Council may designate shall record in a properly indexed "Ordinance Book" kept for the purpose of every ordinary ordinance, immediately after its publication, or in the case of emergency ordinances immediately after passage~~

Strike-type section is redundant. K.S.A. 12-3008 requires that City Clerk maintain an 'ordinance book.'

(



CITY OF TOPEKA

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Appendix No. 4

February 18, 2014

RE: City Election Information

Committee Members:

Below is the information requested at the February 13, 2014 Citizens Government Review Committee meeting concerning elections in other cities.

City	Mayor	Total Members	At-Large	By-District
Wichita	at-Large	6		✓
Overland Park	at-large	12		✓
UGWC	at-large	10	✓ (2)	✓ (8)
Topeka	at-large	9		✓
Olathe	at-large	6	✓ (2)	✓ (4)
Lawrence		5	✓	
Manhattan		5	✓	

Overland Park - The Governing Body consists of the mayor and 12 councilmembers. Two councilmembers are elected from each of the city's 6 wards and serve staggered four-year terms.

Unified Government – The mayor serves as the eleventh member of the Commission.

Lawrence and Manhattan – One of the existing five members serves as mayor for a one-year term.

Thank you,

Brenda Younger, C.M.C.
City Clerk

APPENDIX No 5

Allyn Lockner Paper

IMPROVING CITY OF TOPEKA'S COUNCIL-MANAGER FORM OF GOVERNMENT

Testimony of Allyn O. Lockner before the
City of Topeka's Citizen Government Review Committee
at 1 pm on February 20, 2014 in Room 101C at
at the Topeka Shawnee County Public Library
at 1515 SW Tenth Avenue, Topeka, Kansas

Chairman Mike Reardon and members of the Citizen Government Review Committee:
Thank you for the opportunity to share ideas with you about improving Topeka's council-manager form of government.

My name is Allyn Lockner. I reside at 2135 SW Potomac Drive, No. 4, Topeka. I am a retired economist and certified public manager. I am a member of the American Academy of Certified Public Managers and the American Society for Public Administration. I represent no organization or group.

Looking Back to 2004

On July 20, 2004, a major positive change occurred in Topeka City governance. On that date the Topeka City Council passed and approved Charter Ordinance No. 94 which established the council-manager form of municipal government in our city. Under the ordinance and amendments, the basic characteristics include:¹

- Council has nine members who are elected by voters in nine council districts in the city.
- City council holds all municipal powers not otherwise held by the mayor or city manager, including override of mayoral vetoes by a two-thirds vote.
- Council appoints a professional city manager who has all administrative powers.
- Mayor is elected by voters at large in the city.
- Mayor and council are the governing body; mayor has no vote, except on charter ordinances.
- Mayor chairs council meetings, has veto power on council legislation, line item veto power of appropriation ordinances and exercises other specified powers.

¹ *Topeka Municipal Code*, Article II, Division 2 and Division 4.

Council-manager form is the most common form of municipal government.² According to the Municipal Year Book 1991 and 2008,³ usage has grown from 36.2 percent in 1990 to 48.9 percent in 2007 in all U. S. cities over 2,500 in population. At the same time, the mayor-council form declined from 54.5 to 43.5 percent, and other forms declined from 9.2 to 7.5 percent.

I don't claim to know the detailed, unwritten, and informal processes of Topeka government. As a resident, I have followed the actions of the mayor and city council periodically via their televised meetings, commercial television, and the Topeka Capital-Journal. I am also aware of recent research on council-manager governments.

Recent Research Findings about Council-Manager Governments

After studying the one hundred year history of the council-manager form of government, researchers conclude that the form does not automatically produce good government without the appropriate contributions of elected and administrative officials. If, however, one is choosing the form of government most likely to produce sound, long-term governance; effective implementation and service delivery; capable management; and transparent, ethically-grounded and citizen-oriented processes, the council-manager form is the preferred choice based on essential structural features.⁴

Researchers continue to study the council-manager form and other forms of local government. They find some cities, while retaining the major characteristics, have modified minor features of the council-manager form.⁵

One measure of governance quality is the level of reported conflict and cooperation that is present between and among elected officials and administrators. High levels of conflict or low levels of cooperation can hinder the decision-making process. Researchers determine what factors are likely to lead to conditions conducive to cooperation and lower perceived conflict in the local governance process. Data on government performance and indicators of perceived conflict and cooperation were collected from a national survey of municipal mayors, council members, and chief administrators in cities with populations of 50,000 to 250,000. The results suggest that form of government and proportion of council members elected by district are two factors that significantly influence governance at the local level. The authors find that council-manager municipalities have higher levels of cooperation and lower levels of perceived conflict than mayor-council municipalities, particularly for empowered mayor-council-manager cities.

² For a general discussion, see "Council-manager government."

³ Svara and Nelson, Figure 1.

⁴ Svara and Nelson.

⁵ For a discussion of variations in the structure of city governments, see Nelson and Svara, "Adaptation of Models Versus Variations in Form: Classifying Structures of City Government."

The authors also find that higher proportions of by-district seats are associated with lower levels of reported cooperation.⁶

Using data on the adoption of e-government, reinventing government, and strategic practices, researchers investigate the characteristics of municipal governments that are related to implementation of innovative practices. They find that higher innovation rates are associated with council-manager governments --- both with and without an elected mayor, higher population, greater growth, lower unemployment, sunbelt location, and higher population density. Controlling for all other variables, form of government (and variations within form) account for the greatest explanation of the adoption of innovative practices in municipalities. The researchers conclude that form of government remains an important variable to consider when investigating local government management and performance.⁷

The "rules of the game" embodied in municipal government institutions constrain as well as provide opportunities for local government officials to capture individual benefits related to policy action. Whether the projected benefits of cooperation are localized or community-wide are thought to combine with the political incentives produced under different forms of government to influence the likelihood local officials will enter into an economic joint venture with other local governments. Analysis of pooling survey data from the same cities at two time points provides evidence that prior agreements influence future cooperative actions and that joint ventures are more likely when there are localized benefits combined with mayor-council government, or when broader benefits are pursued under manager-council form of government.⁸

Researchers reveal that social context factors --- in particular economic conditions --- generate both adoption and abandonments of council-manager government. The scenario in which economic and social forces create demand for change are generally along with political actors channeling those demands to specific types of institutions.⁹ While applauding their work, a practicing deputy city manager comments that the researchers raise more questions than answers.¹⁰

The Great Recession's damaging effects on the finances of cities and counties have lead some observers to predict dramatic, widespread, and enduring changes to local government in response to fiscal pressure. However, the history of change in local government suggests otherwise, as does the experience of individual cities and counties that have confronted fiscal pressures in the past. Researchers suggest that financial problems will not overwhelm the

⁶ Nelson and Nollenberger.

⁷ Nelson and Svara, "Form of Government Still Matters: Fostering Innovation in U. S. Municipal Governments."

⁸ Hawkins.

⁹ Choi, Feiock and Bae.

¹⁰ Svrcek.

balance among an array of competing pressures that already confronted local governments long before the recession. Although some cities and counties will respond to the downturn with major, permanent changes, most will not. For local governments as a whole, equilibrium among the most important tensions they face will continue to resist dramatic moves and favor only gradual change.¹¹

Based on the governing body's performance over the past ten years and recent research findings about the council-manager form of government, I support the continuation of the council - manager form of government for Topeka. Performance can be improved by the governing body --- mayor and council --- devoting more time and energy to developing policies for the city, and city manager continuing to implement the governing body's policies and proposing policies and budgets to the body.

Role of Topeka Mayor in Budget Development

The following comments and questions pertain to sections of the *Topeka Municipal Code*.

1. Under section A2-22(b) and (c), the mayor is the only elected city official who represents all voters in the whole city.
2. Under section A2-21, the nine council members are elected separately from nine districts and represent voters in their districts.
3. Under section A2-55(g), the city manager prepares an annual budget for submission to the council for review, revision and approval. The city manager's 2014 Budget transmittal letter was addressed to the council members and the mayor.¹² The Budget contains no language describing the mayor's role during its development.¹³
4. Under section A2-24(a) (i), may the mayor perform a role in developing the annual budget by recommending to the council additions, deletions and other revisions of the budget submitted by the city manager to the council?
5. If "no," does the mayor who represents the whole city have no up-front role in developing the budget that is submitted to the council?
6. If "yes," does the mayor surrender the line-item veto power under section A2-24(a) (ix)?

From my review of the City of Topeka's documents, the answers to questions 4, 5 and 6 are unclear but yet important because the needs of nine districts are unlikely to be the needs of the

¹¹ Ammons, Smith and Stenberg.

¹² <http://www.topeka.org/pdfs/2014Budget/transmittal%letter.pdf>.

¹³ <http://www.topeka.org/pdfs/2014Budget/mayor>. Also, see section 3.05.050 Budget Schedule of the *Topeka Municipal Code*.

whole city. The content of the budget should reflect not only the needs of nine districts but also the needs of the whole city. The whole city of Topeka is greater than the sum of its nine districts.

If the mayor has no voice in developing the budget when city manager submits the budget to the council, there is a concern that the budget will not reflect city-wide priorities, but only or largely a collection of nine separate district priorities.

The mayor would have an opportunity to better perform these tasks by submitting to the council his/her recommendations on the annual operating budget submitted by the city manager to the council. Lastly, and most importantly, it would assist the mayor to perform his/her central role to inspire and encourage the city to move forward.

Having a voice in the development of the city budget would also better enable the mayor to perform at least two key powers and duties assigned to him/her by the council in the *Topeka Municipal Code*:

- Encourage programs for the physical, economic, social, and cultural development of the city, as specified in section A2-24(a) (ii), and
- Actively promote economic development to broaden and strengthen the commercial and employment base of the city, as specified in section A2-24(a) (iii).

I recommend that the *Topeka Municipal Code* specify that the mayor has the power to review the annual budget that the city manager submits to the council and to submit his/her recommended additions, deletions and/or other revisions of the budget to the council.

Voter Selection of Council Members from Topeka Districts and City

The council is representative of the diversity of the population of Topeka. There is a need to minimize actual or to avoid possible factionalism and divisiveness because council members represent the interests and priorities of voters in their separate districts rather than the city as a whole. For the mayor to exercise the powers specified in section A2-24, he/she needs to exercise leadership to forge consensus and negotiate compromise within the council. To do so, it is more important for the council to be a representative forum. The mayor needs to help council members to be able to work out their differences with more equality of power.¹⁴

The present single-member system for electing nine council members has other drawbacks. An inherent problem is the danger that district elected members will subordinate citywide

¹⁴ Parts of this section were adapted from the *Model City Charter*.

concerns to district and parochial problems. A single member system also has the potential for the classic problem of “log-rolling” or vote-swapping among council members to achieve district ends.

Recognizing that all of the powers and duties that can be exercised by the city rest with the popularly elected city council, the *Topeka Municipal Code* must provide for a council which is truly more representative of the city.

Nine council members each representing one of nine districts encourages “neighborhood-based gridlock” by making it increasingly difficult to gain council approval of new initiatives that would benefit the city as a whole, but face strong district and neighborhood opposition. There is a need to bring into closer balance the number of council members elected by and from districts and the number of members by and from the city at large in order to achieve more balance in council performance of its powers and duties specified in section A2-25.5. They include all powers and duties which are not specified for the mayor in section A2-24 and city manager in sections A2-54 and A2-55. For example, balance is particularly important in developing, implementing, reviewing and, if necessary revising a strategic plan for the city to resolve complex and difficult long-range citywide issues while not ignoring short-range and immediate district-wide and neighborhood problems.

With a combination of district and citywide council members, more balance is achieved between district and citywide focus. While district council members continue to weigh their district interests and issues, citywide members have a broader constituency and a clearer obligation to weigh the entire city’s interests and issues. If the city-district representation becomes unbalanced, the citywide elected mayor, acting as a facilitator, can facilitate consensus and compromise among district and citywide council members to better satisfy the preferences of the nine districts and the whole city.

Lastly and most important, Topeka City documents state “The city manager will work with the city council and mayor to develop a Strategic Plan that will serve as the foundation for annual review of services, programs and activities. Department business plans will be developed with direct lineage to the Council’s goals and the budget so that a citywide vision of where we are and where we want to go will be achieved through teamwork and communication.”¹⁵ (Underlining added.) The city council adopted the Balanced Scorecard management system in preparing and adopted (sic) the 2013 Annual Budget. The management system translates

¹⁵ “City of Topeka - Strategic Plan.”

strategy into tangible objectives and measures.”¹⁶ Both the Strategic Plan and Balanced Scorecard must be essential features of Topeka government.

For these reasons, a council with district-wide and citywide representation will be better able to work with the mayor and city manager in developing a more balanced district-wide and citywide strategic plan. Also, the city manager will be better able to implement the Balanced Scorecard management system that achieves the tangible objectives and measures that resolve the issues contained in the strategic plan.

At-large elections may tend to generate more candidates and greater voter turnout. That makes sense because more money is spent on at-large positions, raising awareness of the entire community that there is an important city election.

Also important, economic development issues take on a citywide scope. This is because representatives view themselves as stewards of the entire city, not just one part.

It should be noted that five council members representing districts would outnumber four council members representing the city at large and constitute a voting majority of the council. In addition, the at-large members need not ignore their interests of their four districts because they have to face the voters in their districts in the next primary. The mixed system ensures that district interests continue to receive consideration while the citywide interests are added for more consideration.

The mixed system combines the citywide perspective of the at-large council members with the local concerns and accountability of district council members. It allows minorities who live in concentrated areas to influence or even determine the outcome of elections in their districts.

A problem that may arise in the mixed system in two circumstances: when at-large members consider their positions to be superior to that of district members and when they are perceived as rivals to the mayor. To prevent this from occurring, at-large and district members should have equal status regarding the length of terms, and support services and facilities. Most important, all council members have the same duties, powers and functions.

The mixed system has become increasingly popular since the U. S. Department of Justice approved it as a method of electing the city council that is compliant with the requirements of the Voting Rights Act. For persons and groups concerned about scrutiny by the department or the

¹⁶ “City of Topeka - Strategic Priorities.”

courts under the act, precedent shows a clear preference for the majority of the council to be elected by and from districts rather than from the city at large.

Twenty-one percent of municipalities use mixed systems. These systems are most likely to be found in parts of the South and Central jurisdictions.¹⁷

Summarizing, what is necessary and logical is having the mayor and four council members who see the “big picture” in the Topeka community and they vote for the good of the entire community, not just a part of it. With an all-district council, the city runs the risk of not having coherent voices for major citywide issues. When candidates run for at-large positions, they raise issues that are broader in scope, issues that affect the entire community. The campaigns are about “us” as a city as well as about the “us” in each district.

With no at-large voices, the city would become more fragmented as each council member would want only those things that would reward his or her particular district.

Topeka needs a blend. The city needs district voices, and it needs citywide voices. The governing body would be balanced, and that is what needs to be achieved.

I recommend that section A2-22 of the *Topeka Municipal Code* specify a mixed at-large and single-member district system; the mayor is still elected separately.¹⁸ The characteristics of the mixed system include:

- 1. All candidates for district council positions and for citywide council positions run for office in the primary election from the districts in which they reside;**
- 2. Five district council candidates run for district council positions in the general election from the odd-numbered districts (1, 3, 5, 7 and 9) in which they reside; and**
- 3. Four citywide council candidates run for citywide council positions in the general election from the even-numbered districts (2, 4, 6 and 8) in which they reside.**

The committee may conclude the recommendation does not go far enough to ensure or enable members of the council consider the City of Topeka as a whole as well as their districts in making policy decisions. Or it may be concerned about characteristics 2 and 3.

If the above recommendation is not approved, I recommend that the entire council be elected at large with district residency requirements; the mayor would still be elected separately.¹⁹

¹⁷ National League of Cities. Also, see Frederickson, Johnson and Wood for a discussion of the changing structure of city governments, and International City/County Management Association for publications that discuss council-manager form of government.

¹⁸ *Model City Charter*, Alternative III – Option B.

Both reforms ensure that council members give more consideration to the City of Topeka as a whole as well as their districts in making policy decisions.

Council members who run at large will assume additional citywide responsibilities and incur additional campaign expenses. They should be partially compensated for additional responsibilities and expenses.

I recommend that council members who ran for citywide positions in the general elections be compensated an additional 20 to 40 percent annually.

Conclusion

Overall, I believe the recommended improvements in the *Topeka Municipal Code* will enable the Topeka council, mayor and city manager to better collaborate in providing service benefits at costs that will better enable more Topekans to live better lives in the future.

I will respond to your comments and questions.

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¹⁹ *Model City Charter, Alternative II - Option B.*

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To: Senator XXX
From: League of Kansas Municipalities
Re: S Sub for S Sub for HB 2141 (Moving Local Elections)

In anticipation of the debate on S Sub for S Sub for HB 2141 (formerly SB 211), the League wanted to express major concern with the proposed legislation. There was no hearing on the bill in its current form, and one staff revisor has said the bill is so problematic that a trailer bill will be necessary. We do not believe the problems with this legislation can be fixed, and respectfully request that you vote NO on moving local elections.

Transitional Issues

S Sub for Sub for HB 2141 would impact the elections for all 3,812 elected city officials in Kansas and the drafting of the bill raises serious procedural concerns. Many officials currently holding office would be removed from office before their terms expire, while others will have their terms extended. Kansas citizens voted for these local officials to serve a certain amount of time, and we feel it is inappropriate for the state legislature to override their collective will. Kansas cities vary on when and how often they hold elections, and the bill's language is ambiguous about whether locally-determined terms will be replaced by four-year, two-year, or staggered terms. These issues are local in nature, not the type of statewide issue that requires state action.

Unnecessary Partisanship

Although the legislation would not make local elections partisan, it gives partisan officials (who may not even reside within city limits) the authority to fill vacancies on governing bodies, and appears to require the publication of the political affiliation of all candidates for city office. Kansas has been served well for 153 years by local officials who put community first. We believe inserting partisanship into our local governing bodies is both unnecessary and unwise.

Disrupts Budget Cycle

The bill also disrupts the budget cycle for cities by making terms for their elected officials begin in January, rather than April. The current system allows city officials to take office and then begin working toward budgeting for community services. The proposed legislation would create a lag time between the community choosing its representatives and when those representatives could begin carrying out the will of their citizens. It would also force local officials to finalize budgets while they're campaigning for the August primary.

Complicates Other Statutory Requirements

Many of our cities are required by law to appoint city officers in May of each year. These officers include municipal judges, city clerks, city treasurers, and others. By moving elections from April to November, this legislation would end an efficient appointment process where elected officials take office and shortly thereafter appoint city staff. The bill would also complicate the filing of financial interest reports, since KSA 75-4302a requires that statements of substantial interests for certain governing body members be filed between April 15 and April 30.

No Resulting Increase in Turnout

Although the purported purpose of the legislation is to increase voter turnout, the research we found indicates that moving elections to November of odd-years will have little to no impact on voter turnout. Proponents claim turnout will increase because weather conditions are better in November than in April, but average temperatures and precipitation for early April and November are virtually identical.

We also feel that using voter turnout as the sole determiner of democratic health is inappropriate. Even though local governments have lower voter turnout than state and federal races, local government has the highest level of citizen satisfaction. We believe that interfering with elections at the most popular level of government, when no city governing body in the state supports ending 153 years of spring elections, is poor public policy.

APPENDIX No 6

KLM Position Paper

City	Population	Mayor/Council	Official Meetings/Month
Wichita	384,445	M/6	3
Overland Park	176,185	M/12	2
Unified Govt. Wyandotte County	146,453	M/8	3
Topeka	128,188	M/9	3
Olathe	127,907	M/6	2
Lawrence	88,727	M/4	2
Manhattan	53,678	M/4	2

Citizen Government Review, February 13, 2014; Mayor Presentation

APPENDIX No 7 Governing body comparison



CITY OF TOPEKA

City Clerk's Office
 215 SE 7th Street, Room 166
 Topeka, KS 66603-3914
 Tel: (785) 368-3940
 Fax: (785) 368-3943
byounger@topeka.org

Appendix No. 8

City Election Comparisons

City	Terms	Staggered	Election	Election Timeline	Process
Wichita, KS	4 yr. terms Limited to 2 terms	Yes	March/April	Election every 2 years, odd number years	Election Commission distributes dates & packets, City Clerk's office handles filing & fees then sends to Commission for verification
Overland Park	4 yr. terms No term limits	Yes	March/April	Election every 2 years, odd number years	Johnson County distributes dates & packets, CC handles paperwork & fees then sends to County for verification
Wyandotte Co	4 yr. terms No term limits	Yes	March/April	Election every 2 years, odd number years	Election office handles dates, packets, filings & fees
Olathe, KS	4 yr. terms No term limits	Yes	March/April	Election every 2 years, odd number years	Johnson County distributes dates & packets, CC handles paperwork & fees then sends to County for verification
Lawrence, KS	2 councilmembers serve 4 yr. terms, 4 councilmembers serve 2 yr. terms No term limits	Yes	March/April	Election every 2 years, odd number years	City Clerk's office handles filings & fees, Douglas Co processes packets & distributes fees & verification
Manhattan, KS	2 councilmembers serve 4 yr. terms, 1 serves 2 yr. term No term limits	Yes	March/April	Election every 2 years, odd number years	City Clerk's office handles filings & fees, Riley Co Election Officer distributes timelines and processes packets, fees & verification



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 6, 2016

DATE: September 6, 2016
CONTACT PERSON: Lisa Robertson **DOCUMENT #:**
SECOND PARTY/SUBJECT: Constitution Hall Project **PROJECT #:**
-- TGT Development
Agreement
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning the Transient Guest Tax Development Agreement with Friends of the Free State Capitol, Inc., a not-for-profit corporation, in relation to the Constitution Hall project.

POLICY ISSUE:

This Development Agreement is required by Resolution No. 8729 and provides the outline pursuant to which the Transient Guest Tax (TGT) funds allocated to the Constitution Hall project by the TGT Committee in August 2015 (in the amount of \$355,000.00) will be utilized in order for the project to move forward.

STAFF RECOMMENDATION:

BACKGROUND:

On October 20, 2015, the Governing Body approved resolutions granting transient guest tax (TGT) funding to Constitution Hall, the Downtown Plaza, the Evel Knievel Museum and the Historic Jayhawk Theatre. This funding was contingent upon submission of a development agreement to the Governing Body by April 20, 2016. On April 12, 2016, Constitution Hall requested that the Governing Body grant it an extension of time (in accordance with the terms of Resolution No. 8729). The Governing Body granted an extension of 180 days, which expires October 14, 2016. This Development Agreement is being proposed within the 180-day extension period approved by the Governing Body.

BUDGETARY IMPACT:

If this Development Agreement with Friends of the Free State Capitol is approved, transient guest tax (TGT) funding in the total amount of \$355,000.00 would become available in 2016, and be distributed in accordance with the terms of the Development Agreement over the course of the next twelve (12) years.

SOURCE OF FUNDING:

Transient Guest Tax funds

ATTACHMENTS:

Description

Resolution No. 8729

Development Agreement

RESOLUTION NO. 8729

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for Constitution Hall.

WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy hotel and motel rooms for short durations; and

WHEREAS, the funds generated by such taxes may be used for convention and tourism activities and to promote the general welfare of the city, including the attraction of industry; and

WHEREAS, the City currently imposes a 7% TGT; and

WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253, allocated 1% of the TGT for a period of 13 years to the development of the Great Overland Station, including Riverfront Park, and the historic preservation fund; and

WHEREAS, that funding will expire on December 31, 2015; and

WHEREAS, the TGT Committee is desirous of extending the 1% for an additional 12 years to provide a funding source for certain projects that the Committee believes will enhance tourism by putting more 'heads on beds' and delivering a quantifiable return on the City's investment; and

WHEREAS, the TGT Committee developed a process to consider applications for funding which were reviewed by a review board comprised of staff and tourism industry representatives; and

WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's recommendations to allocate approximately \$4.7 million dollars over a period of 12 consecutive years to fund certain projects, including Constitution Hall.

29 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
30 CITY OF TOPEKA, KANSAS, that:

31 Section 1. The City shall allocate \$355,000.00 over a period of 12 years to
32 provide funding for Constitution Hall subject to the terms and conditions contained in
33 this Resolution and a subsequently executed development agreement.

34 Such funds will be allocated annually in an amount determined by the City's chief
35 financial officer or designee. The commitments will begin in fiscal year 2016 and
36 continue until December 31, 2027 or until the maximum expenditure amount of
37 \$355,000.00 is met, whichever event is earlier.

38 Section 2. The City's funding commitment will be conditioned upon the
39 occurrence of the following:

40 (a) Enactment of a charter ordinance extending the current 1% TGT (which
41 expires on December 31, 2015) for an additional 12 years commencing in fiscal year
42 2016 and ending on December 31, 2027.

43 (b) Approval of a development agreement between the governing body and
44 the appropriate legal entity responsible for the project. Such agreement will contain
45 provisions addressing the use of TGT funds, including but not necessarily limited to:

46 (1) A project development budget identifying all funding sources and
47 the manner in which TGT funds will be spent.

48 (2) An operating plan for the project identifying various performance
49 metrics.

50 (3) A project timeline identifying established deadlines for various
51 milestones.

52 (4) A project design document.

53 (5) The anticipated economic impact of the project.

54 (6) An outline of the various responsibilities related to reporting,
55 inspections, audits, indemnification, insurance, and fund repayment in certain
56 specified circumstances.

57 The development agreement will also acknowledge that grant funding may be
58 reduced to correspond to lower than expected TGT revenues.

59 (c) The development agreement will be submitted to the governing body for
60 its consideration and approval within 180 days from the date of this Resolution; unless
61 an extension is granted by the governing body.

62 (d) If the entity contracting on behalf of Constitution Hall is a not-for-profit
63 entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto
64 regarding recordkeeping requirements for not-for-profit entities that receive public funds.

65 (e) The entity contracting on behalf of Constitution Hall shall not owe any debt
66 due to the City, including, but not limited to property taxes and special assessments and
67 shall be in good standing with the Kansas Secretary of State.

68 Section 3. All financial commitments referenced in this Resolution shall be
69 subject to the Budget and Cash Basis laws and any other applicable ordinances or
70 statutes.

71 ADOPTED and APPROVED by the Governing Body on October 20, 2015.

72
73
74
75
76
77 ATTEST:

78
79 Brenda Younger
80 Brenda Younger, City Clerk
81



CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor

CITY OF TOPEKA CONTRACT NO. _____

DEVELOPMENT AGREEMENT

1 THIS DEVELOPMENT AGREEMENT (hereinafter the “Agreement”) is hereby
2 made and entered into this ____ day of _____, 2016, by and between the City
3 of Topeka, a duly organized municipal corporation (hereinafter referred to as the “City”)
4 and the Friends of the Free State Capitol, Inc., a not for profit corporation (hereinafter
5 referred to as the “Grantee”).

6 WHEREAS, transient guest taxes (hereinafter referred to as “TGT”) may be
7 imposed on individuals who occupy hotel and motel rooms for short durations; and

8 WHEREAS, the funds generated by the TGT may be used for convention and
9 tourism activities and to promote the general welfare of the City, including the attraction
10 of industry; and

11 WHEREAS, the City currently imposes a Seven Percent (7%) TGT; and

12 WHEREAS, on August 30, 2003, the governing body of the City of Topeka
13 (hereinafter “Governing Body”), via Resolution No. 7253, allocated One Percent (1%) of
14 the TGT for a period of Thirteen (13) years for projects that enhance the rich historical
15 heritage of the City and the development of the Great Overland Station, including
16 Riverfront Park; and

17 WHEREAS, the Governing Body desires to extend this allocation of One Percent
18 (1%) for an additional Twelve (12) years to serve as a funding source for projects that
19 will enhance tourism by putting more heads on beds and delivering a quantifiable return
20 on the City’s investment; and

21 WHEREAS, the City's Transient Guest Tax Committee (hereinafter "TGT
22 Committee"), consisting of Council Members Coen, Jensen and Schwartz, appointed a
23 review board for the purpose of conducting a review of the various applications
24 submitted and recommending which projects should receive TGT funds; and

25 WHEREAS, the review board, comprised of City staff and representatives from
26 the convention and tourism industry, met on several occasions and presented its
27 recommendations to the TGT Committee; and

28 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
29 recommendation to allocate the anticipated funding – *approximately* Four Million Seven
30 Hundred Thousand Dollars (\$4,700,000.00) from January 1, 2016 through December
31 31, 2027 – for four projects; and

32 WHEREAS, the Constitution Hall was one of the projects selected by the review
33 board to receive TGT funds; and

34 WHEREAS, on October 20, 2015, the Governing Body allocated Three Hundred
35 Fifty-Five Thousand Dollars (\$355,000.00) over a period of twelve years to provide
36 funding subject to the terms and conditions contained in Resolution No. 8729 and a
37 development agreement approved by the Governing Body; and

38 WHEREAS, the parties desire to enter into this Agreement for the purpose of
39 specifying the rights and responsibilities relating to the project and the corresponding
40 disbursement of TGT funds; in accordance with the specific requirements set forth
41 herein, Resolution No. 8729 and any applicable provisions of the Topeka Municipal
42 Code.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS
CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. Funding Allocation; Distribution and Use. Subject to the terms and conditions contained in this Agreement and in Resolution No. 8729, the City will allocate the total amount of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00), (hereinafter "Allocated Funds") for the project known as "Constitution Hall," an integral part in the national "Prelude to Civil War," (hereinafter "Project"). Said Project is more fully described in the supporting documentation submitted by the Grantee, (hereinafter "Project Documents"), which are attached hereto as **Exhibit A** and incorporated herein by reference. Upon approval of the annual budget by the Governing Body, the City's chief financial officer (or his/her designee) will determine the appropriate amount based upon estimated revenues.

(a) Use. The Allocated Funds will be categorized as either a Preliminary Development Component of Allocated Funds or as a Physical Component of Allocated Funds, and can only be used as more specifically set out below:

(i) Preliminary Development Component. The Grantee may utilize no more than fifteen percent (15%) of the Allocated Funds, Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00), for the Preliminary Development Component of the Project, as more specifically described in **Exhibit A**, (which is attached hereto and incorporated herein by reference). The Preliminary Development Component of the Project consists, generally, of the following:

- Ten Thousand Dollars (\$10,000.00) to cover the costs associated with ensuring that the Project is appropriately referenced through the National Park Service in the National Historic Landmark program for the purpose of significantly increasing the opportunities for the Project to qualify for, and receive, national grants that can be used to complete the building restoration; and to retain the services of a professional advisor for the purpose of making recommendations for, and assisting with, board development;
- Eighteen Thousand Two Hundred Fifty Dollars (\$18,250.00) to retain the services of a design professional for the purpose of preparing/providing various architectural plans; and
- Twenty-Five Thousand Dollars (\$25,000.00) to retain the services of an employee or independent contractor/consultant for the purpose of assisting the Grantee with obtaining grants, donations and other sources of income to complete the Project at the point in time the Grantee: (a) has increased its board membership to at least nine members; and (b) has received a set of architectural plans from its design professional (as referred to in the second bullet point above) for presentation to donors, as well as to organizations that provide grants.

It is likely that the entire amount of Allocated Funds to be used for the Preliminary Development Component of the Project (Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00)), as more

specifically described above, will be withdrawn before the Grantee is in a position to proceed with the next phase (Physical Component) of the Project.

(ii) Physical Component. The Grantee shall utilize the remaining eighty-five percent (85%) of the Allocated Funds, Three Hundred One Thousand Seven Hundred Fifty Dollars (\$301,750.00), for the bricks and mortar part of the Project; (hereinafter referred to as the “Physical Component” and more specifically described in ***Exhibit A***, which is attached hereto and incorporated herein by reference). The Physical Component of the Project for preservation of Constitution Hall must apply *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*. While these standards assist with ensuring quality heritage tourism experiences and the integrity of the National Register of Historic Places, associated costs are (in general) greater than for most new construction. The Physical Component of the Allocated Funds shall consist of the following:

- One Hundred Seventy-Five Thousand Dollars (\$175,000.00) will be used to replace the original façade with a replicate. This portion of the Physical Component of the Project will require work and materials consisting of Twentieth Century brick removal, stone masonry, seven large front-facing windows, two front doors and integration with historic fabric of the foundation, floors and roof, as well as architectural services necessary to obtain the required

permits and comply with The Secretary of the Interior's Standards for the Treatment of Historic Properties. It is anticipated that this portion of the Physical Component of the Project will come at a total cost of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00): One Hundred Seventy-Five Thousand Dollars (\$175,000.00) from the Allocated Funds and the balance of One Hundred Eighty Thousand (\$180,000.00) from grants and private fund-raising efforts.

- One Hundred Twenty-Six Thousand Seven Hundred Fifty Dollars (\$126,750.00) will be used to construct the improvements needed in order to comply with the Americans with Disabilities Act (ADA), as well as related tourism amenities. This portion of the Physical Component of the Project will require the construction of an elevator and stairway permitting visitors access to the second floor meeting hall, as well as the basement (storehouse for the Lane Freedom Trail Underground Railroad). These two spaces are prime tourist attractions once ADA access and fire and safety considerations are met. It is anticipated that this portion of the Physical Component of the Project will come to a total cost of Two Hundred Forty Thousand Dollars (\$240,000.00): One Hundred Twenty-Six Thousand Seven Hundred Fifty Dollars (\$126,750.00) from the Allocated Funds and the balance of One Hundred Thirteen Thousand Two Hundred Fifty Dollars (\$113,250.00) from grants

and private fund-raising efforts.

The Grantee shall use the Physical Component of the Allocated Funds only for the Project. Any changes to the scope of the Project pertaining to the use of the Physical Component of the Allocated Funds, (including work and materials related to any yet uncertain work on the first floor of the building to make it street-level-ready for use and occupancy by visitors during regular, established hours of operation), shall be approved by the City Manager, or his/her designee.

(iii) Reporting. In order to ensure that any Allocated Funds distributed are used only for the Project, and as specified in this Agreement, the Grantee shall provide quarterly progress reports to the Director of Finance and Administrative Services in a form acceptable to the City, identifying the manner in which the Allocated Funds (both the Preliminary Development Component, as well as the Physical Component) are being expended toward completion of the Project. Said reports must be submitted quarterly (prior to each quarterly distribution), until either the Project has been completed or the Allocated Funds have been depleted, whichever occurs first. The City reserves the right to audit financial documents relative to the Project at any time during this Agreement and to request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The City shall have sole authority in this regard and shall base its decision upon reports submitted or, in the alternative, the absence of documents to substantiate

expenditures.

(b) Distribution. The Allocated Funds will be distributed over a twelve (12) year period, beginning in fiscal year 2016 and continuing through fiscal year 2027, or until the maximum expenditure amount of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) has been met; whichever is earlier. The Allocated Funds will be distributed quarterly based upon the *approximate* percentage of allocation approved by the TGT Committee; around Seven and One-Half Percent (7½%): the Preliminary Development Component will be distributed beginning in April 2016, and the Physical Component will be distributed upon the “Grantee’s Qualification for Funding.”

(i) Distribution of the Preliminary Development Component of the Allocated Funds will be made quarterly (if/as funds are available) upon Grantee’s submittal of its quarterly progress report, more specifically referenced in section 1(a)(iii) above; up to a maximum distribution of Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00).

(ii) Initial distribution of the Physical Component of the Allocated Funds will be *wholly contingent* upon documentation confirming that a sufficient portion of the Grantee’s private funding, as more specifically referenced in the Project Budget, (see **Exhibit A**, Project Documents), has been/will be received; that the Grantee has provided a Project Design and Construction Timeline in accordance with Section 2 below; and that the Grantee has provided an acceptable Operating Plan in accordance with Section 3 below. *The Director of Finance and Administrative Services*

181 *shall have sole discretion in determining whether or not said*
182 *documentation is acceptable.*

183 When the City has determined that the Grantee is entitled to begin
184 receiving the Allocated Funds needed to fund the Physical Component of
185 the Project, it shall notify the Grantee in writing and the same shall be
186 considered “Grantee’s Qualification for Funding;” provided, however, that
187 the City will be entitled to issue a separate “Qualification for Funding”
188 document for each phase of the Physical Component of the Project: the
189 façade replacement phase and the ADA/tourism amenities phase.

190 **2. Project Design and Construction; Timeline.** Continuing distribution of
191 the Physical Component of the Allocated Funds will be *wholly contingent* upon the
192 Grantee’s *ongoing compliance* with the Project Budget, as well as the construction
193 phases established in the Project design and construction documents, including
194 documentation demonstrating that the Project is on schedule and/or proceeding in a
195 timely manner considering all of the facts and circumstances involved (see ***Exhibit A***,
196 Project Documents). The Grantee will provide design and construction documents for
197 the Project to the Director of Finance and Administrative Services *prior to* the Grantee’s
198 Qualification for Funding as described in Section 1(b)(ii) above.

199 **3. Project Operating Plan; Economic Benefits, Impact.** Continuing
200 distribution of the Physical Component of the Allocated Funds will be *wholly contingent*
201 upon the Grantee’s submission of, and subsequent compliance with, an operating plan
202 for the Project, identifying the Project’s tourism support strategy, budget and the
203 anticipated economic impact of the Project, as well as documentation demonstrating

that the Project is being operated in a manner geared toward generating an economic benefit to the community considering all of the facts and circumstances involved (see **Exhibit A**, Project Documents). The Grantee will provide the operating plan to the City Manager, or his/her designee, *prior to* the Grantee's Qualification for Funding as described in Section 1(b)(ii) above.

4. Independent Auditor's Report. Upon request by the Governing Body, the Grantee shall provide to the City an independent auditor's report covering the period of this Agreement. The cost of such an audit shall be borne by the Project.

5. Inspection and Audit of Grantee's Records. The City, through its authorized agents, shall be entitled to inspect and review the books and records of the Grantee related to the Project for compliance with the terms of this Agreement. The Grantee shall cooperate fully with all such inspection and audit requests.

6. Project Completion. The Grantee shall complete the Project within no later than twelve years following the date of execution of this Agreement. Any request for an extension of time shall be submitted to the City Manager, who shall submit the request to the TGT Committee. The TGT Committee, after providing the Grantee with the opportunity to be heard, will make a recommendation to the Governing Body as to whether or not to grant or deny the request for extension with or without conditions; although requests shall not be denied unless for good cause.

7. Termination; Repayment of Allocated Funds.

(a) Subject to any extension granted pursuant to Section 6 above, this Agreement shall terminate upon the earliest of: the Grantee's completion of the Project and submission of all reports required by the City; or effective January 1,

2028; or if the Grantee fails to comply with any terms contained in Resolution 8729, or any of the terms of this Agreement.

(b) The City may require the Grantee to repay all or any portion of the Allocated Funds if any of the following occurs: (i) Expenditures are determined to be improper, unauthorized or unsubstantiated; (ii) the Grantee fails to allow inspection and audit of Project records in accordance with the terms of this Agreement; (iii) the Project is not completed within time period provided in this Agreement and no extensions of time are granted; (iv) the Grantee fails to provide City staff with access for purposes of inspecting the work being done on the Project that is the subject of this Agreement; (v) the Grantee fails to comply with applicable building codes, including the securing of any permits required by ordinance; and/or (vi) the Grantee fails to comply with the terms of this Agreement.

8. Open to Public; City Participation Noted. Upon completion of the Project funded pursuant to this Agreement, the Grantee shall ensure that the Project is open to the public on a regularly scheduled basis. This requirement shall survive the termination of the Agreement. Any reports, brochures, advertisements, news releases shall recognize the participation of the City in providing funding.

9. Compliance with State and Local Laws. The Grantee shall comply with all applicable City ordinances and state laws and shall secure all appropriate permits. The Grantee shall allow access to City staff to inspect the work that is the subject of this Agreement.

249 **10. Indemnification.** The City and its officers, agents and employees, shall
250 have no responsibility or liability of any failure or inadequacy of performance or
251 defective workmanship or materials in regard to the Project. The Grantee agrees to
252 fully and completely indemnify, release, defend and hold the City, its officers, agents
253 and employees, harmless from all claims, losses, liabilities, damages, suits, actions or
254 proceedings, including attorney fees, by any person, including Grantee, its agents and
255 employees, arising from personal injury, death or real or personal property damage,
256 from any cause whatsoever, in whole or in part, arising out of this Agreement or the
257 activities completed hereunder. The Grantee agrees to indemnify, hold the City
258 harmless and defend City from any and all claims, causes of action and damages of
259 every kind arising from the operations and activities of the Grantee, its officers, agents
260 and employees, carried out in furtherance of this Agreement. This indemnification and
261 hold harmless shall not include the sole negligence or willful misconduct of the City, its
262 officers, agents and employees.

263 **11. Insurance.**

264 (a) The Grantee shall carry commercial general liability in the amount
265 of one million dollars (\$1,000,000.00) commencing no later than the date on
266 which the Grantee begins any work to be completed as part of the Physical
267 Component of the Project, (as more specifically set forth in Section 2 above).
268 The insurance company/broker providing said insurance policy must have an
269 A.M. BEST rating of A or better; and “claims made” policies will not be
270 acceptable. The cost of said insurance policy shall be an expense of the
271 Grantee and the City shall be named as an additional insured. The Grantee

must ensure that all insurance certificates specify the name and address of the issuing insurance company/broker and are filed with the Contracts and Procurement Division.

(b) The Grantee shall also furnish, at its own expense, evidence of a satisfactory workers' compensation insurance policy covering all of the Grantee's employees to the statutory limit commencing no later than the date on which the Grantee begins any work to be completed as part of the Physical Component of the Project, (as more specifically set forth in Section 2 above). If the Grantee is not required to maintain workers' compensation insurance, the Grantee shall sign an agreement indemnifying the City from any and all liability which may arise as a result of the Grantee's failure to secure workers' compensation coverage.

(c) Should any insurance policy be cancelled, the Grantee shall ensure that the City receives written notice within thirty (30) days prior to the effective date of such cancellation. A certificate of liability insurance demonstrating compliance with this section shall be provided prior to execution of this Agreement by the City.

12. Debts to City; Secretary of State Certification. The Grantee shall not owe any debt due to the City, including, but not limited to, property taxes and special assessments. The Grantee shall be in good standing with the Kansas Secretary of State and shall submit a certificate from the Secretary of State as evidence of this status.

13. No Joint Venture; Independent Grantee. Nothing herein contained shall be construed or held to make the City a partner, a member of a joint venture or

associate of the Grantee in the conduct of the Project, nor shall either party be deemed the agent of the other. It is expressly understood and agreed that the relationship between the parties hereto is, and shall at all times remain, contractual as provided by the terms and conditions of this Agreement.

14. Discrimination. The Grantee shall not unlawfully discriminate against any employee, applicant for employment, recipient of service or applicant to receive services because of race, color, religion, sex, age, disability or national origin. The Grantee shall take affirmative action to ensure that applicants for employment, employees, applicants for service and recipients of service are treated equally and fairly without regard to their race, color, religion, sex, age, disability or national origin, as provided for by law. The Grantee shall, in all solicitations or advertisements for employees, or of services, placed by or on behalf of Grantee, state that all applicants shall receive consideration for employment or services without regard to race, color, religion, sex, age, disability or national origin, as provided for by law.

15. ADA Compliance. The Grantee shall comply with Title II of the Americans with Disabilities Act (ADA) and the implementing regulations of 28 C.F.R. Part 35 as to all of its facilities and programs. If at any time during the term of this Agreement, the City determines that the Grantee is not in compliance, the City shall issue a notice of non-compliance and the Grantee shall have ninety (90) days to cure the non-compliance. If the Grantee remains in non-compliance after the cure period, the City may terminate this Agreement and require reimbursement of all Allocated Funds.

317 **16. Assignment; Transfer.** The Grantee shall not assign any interest in this
318 Agreement and shall not transfer any interest in the same, whether by assignment or
319 novation; provided, however, that claims for money due or that become due to the
320 Grantee under this Agreement may be assigned to a bank, trust company or other
321 financial institution upon written consent of the City thereto.

322 **17. Entire Agreement.** This Agreement constitutes the entire agreement of
323 the parties, supersedes any and all prior agreements between the parties and neither
324 party shall rely upon any verbal representations, either express or implied, not
325 specifically stated herein. This Agreement shall not be amended or modified except by
326 written agreement of both parties.

327 **18. Availability of Funds.** The parties to this Agreement understand that
328 Allocated Funds are subject to the Budget and Cash Basis laws and that the amount of
329 Allocated Funds may be reduced to correspond to lower-than-expected Transient Guest
330 Tax revenues and require annual appropriation.

331 **19. Good Standing.** The Grantee is a 501(c)(3) nonprofit entity. The
332 Grantee represents that it is and will remain in good standing with the Kansas Secretary
333 of State and that it has all requisite power and authority to enter into and perform this
334 Agreement.

335 **20. Representations and Authority.** By signing this Agreement, The
336 members, officers, managers, agents and representatives of the Grantee who have
337 executed and delivered this Agreement and who may execute and deliver any other
338 documents, instruments and agreements or perform any acts or deeds in connection
339 with the transactions contemplated by this Agreement, represent that they have been

340 and will remain duly authorized and empowered to do so on behalf of the Grantee, and
341 the Grantee will be bound thereby. This Agreement will not be considered accepted,
342 approved or otherwise effective until the legally required signatures and approvals have
343 been given.

IN WITNESS WHEREOF, the parties have hereto 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 _____

FRIENDS OF THE FREE STATE CAPITOL,
INC.

(Name and Title)

Exhibit A

I. Topeka's First Permanent Building, a Landmark of the American West

The construction of Constitution Hall was begun by Topeka pioneers in March 1855, and completed under the direction of town association president Cyrus K. Holliday, for the purpose of hosting the Topeka Free State Constitutional Convention that fall. The next summer, on July 4, 1856, the Kansas Territorial Free State Legislature was dispersed by federal forces. Because of these climactic events – part of the nation's "Prelude to the Civil War" – the building is a landmark of the American West and was listed on the National Register of Historic Places in 2008. The building is among ten percent (10%) of National Register properties having received this distinction due to its National importance.

II. Project Summary/ Development Plan

The goal of the Project is to restore Constitution Hall, the Old Kansas Capitol, as an attractive, informative and important tourist destination, while at the same time developing a means for Project sustainability. The historic site can best meet these goals when organized as four distinct areas:

- Street Level
- Great Hall on the Second Floor
- Basement
- Rotary Park and surrounding Green Space

A very promising option is to legally separate the building's Street Level for placement on the tax rolls as income producing, such as for a restaurant or other public retail use. These places could have interpretive signage to celebrate the building's role in Topeka's history and development, have regular operating hours for public viewing, and provide regular income to meet historic site needs such as maintenance.

The Great Hall on the second floor—the "Constitution Hall"—when restored will be a distinguished community meeting and banquet hall. Historical exhibits and historic period artifacts will animate the space. Some space rental income would be produced. Most of the time when not specifically reserved, the hall will be open for tour groups. This great space cannot be fully utilized until accessibility requirements are met. However, visitors this fall will have year round access, via the new staircase on the south side, to view the second floor through a new secure window.

The Basement was the storehouse for the Lane Trail to Freedom's Underground Railroad operation. It is also where Jayhawkers stored Free State survival goods stolen from area proslavery towns in the days of Bleeding Kansas. With its dirt floors and low ceilings it captures the visitor's imagination, evoking what it was like to live and work in Topeka before the Civil War. It is a most popular part of current tours of the building. This will continue to be featured touring space for visitors.

The Topeka Rotary's pocket park "Topeka's Intersection to Freedom" was completed in 2016 with an excellent interpretive exhibit about two of Topeka's most nationally important heritage tourism locations, Constitution Hall and the Brown v. Board National Historic site. This pocket park, open year-round, is a tourist destination in its own right. Additional green space adjoining the park will be used to enhance visitor experiences. Local organizations such as Topeka Rotary will be encouraged to help develop the additional park area with amenities such as sunshade and a performance stage, picnic tables and landscaping as well as public art.

The annualized funds granted by the City will be used to complete two major improvements through the mechanism of matching funds. A major priority is construction in replication of the historic period façade so that the building will again appear as it was widely portrayed in 1856. This is essential to encourage people to visit the site, for building interpretation and ultimate restoration, as well as for sustainable historic site development. In tandem with the façade phase or as soon as matching funds are available, the City funds will also be used to build an elevator and stairway tower essential for full community access to the second floor and basement.

To complete both of the above two phases of construction, the applicant organization has requested up to 15% of the funds for critical architectural plans while it expands the membership and capacity of its board of directors. The applicant will then hire a part-time fund raiser employee or contractor to help gain matching funds to complete the Project. Should these "soft costs" be reduced along the way, resulting funds will be used to complete the historic site's physical improvements. If additional multiples for this match are obtained, in either grants or donations, the organization would be in a position to come back to the Governing Body, if appropriate, to request an amendment to undertake additional improvements to the site.

III. Allocated (Transient Guest Tax) Funds

The Allocated Funds are to be distributed in two parts: (1) the Preliminary Development Component; and (2) the Physical Component.

A. Preliminary Development Component Budget: \$53,250

Phase 1 -- ARCHITECTURAL PLANS	\$17,750
---------------------------------------	-----------------

This phase includes retaining a design professional to prepare schematic and design development documents.

Phase 2 – EXECUTIVE/DEVELOPMENT DIRECTOR FEES	\$25,500
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Upon completion of architectural plans for replication of the building's original façade, which plans will demonstrate visible progress to public and private donors, the second phase will include retaining a project Development Director to conduct a capital campaign with the goal of raising \$120,000 in private funds. These private funds will be

431 applied as a nearly fifty percent (50%) match of the Allocated Funds – the amount
432 needed to install ADA accessibility components and install a wide variety of tourism
433 amenities.
434

435 **Phase 3 -- NEW PRIVATE AND PUBLIC FUNDING QUALIFICATION**
436 **\$10,000**

437 Also valuable to fundraising is listing the building in the National Park Service, National
438 Historic Landmark program. This will enhance the opportunities for significant grant
439 funding nationwide. Any funds realized as a result would be used to develop the project
440 beyond the scope of the subject Agreement. The National Historic Landmark (NHL)
441 Program seriously considers applications for buildings that possess their original
442 appearance.
443

444 **B. Physical Component Budget: \$595,000**

445 **Phase 1 -- FAÇADE CONSTRUCTION** **\$355,000**
446

447 Façade replication will be funded using \$175,000 in Allocated Funds and approximately
448 \$180,000 in state and federal grant funds and/or donations.
449

450 Construction Budget

451 Architectural and Engineering Services, Phase 2	\$20,000
452 Building Permit Application and Admin.	4,000
453 Demolition and other site preparation	26,000
454 Structural integration	40,000
455 Stone masonry	160,000
456 Windows, doors and carpentry	45,000
457 General conditions	<u>60,000</u>
458 Subtotal	\$355,000

459
460 **Phase 2 -- TOURISM AMENITIES & RELATED ADA ACCESS: \$246,750**
461

462 A secondary stairway, elevator and west entrance to the historic second floor meeting hall
463 is desirable using private funds in the amount of \$126,750 in Allocated Funds and
464 approximately \$120,000 in privately donated funds.
465

466 Construction Budget

467 Architectural and Engineering Services	\$18,000
468 Building Permit Application and Admin.	2,500
469 Construction	192,750
470 General conditions	<u>33,500</u>
471 Subtotal	\$246,750

IV. Design and Construction Timeline; Operating Plan

Once finalized, a Design and Construction Timeline and Operating Plan will be added to this Exhibit A *prior* to the Grantee's Qualification for Funding, which is required prior to Grantee being able to receive any portion of the funding associated with the Physical Component of the Project. [See Section 1(b)(ii) above.] However, preliminary information is provided below:

During the restoration Project, Constitution Hall will continue to be open for tours by appointment and during special events. An objective in expanding the board of directors is to conduct regular tours by trained volunteers during the higher traffic tourist season. Ultimately, on completion of construction, open hours will increase to accommodate additional tourism in partnership with local agencies and regional and national partners.

Tour groups today view an interpretive exhibit inside on the street level. This explains historical importance and gives a feel for the era of use by the Free State Legislature and shortly after, the Kansas state legislature. Visitors are intrigued by the basement, which with dirt floors and other original conditions offers visitors an authentic feel for its use as a storehouse on the Lane Trail's Underground Railroad. This year, for the first time in more than 130 years, visitors can view the Great Hall on the second floor where the early legislatures, churches, town government and civic and social groups met. This space had long been divided by half-demolished partitions; it now takes little imagination to see and know that important historic events of the nation, state and city occurred here.

Constitution Hall is a leading participant in the "From Brown to Brown" Topeka heritage tour project, including a brochure published in partnership by the Topeka Freedoms Frontier Heritage Alliance and Brown v. Board of Education National Historic Site. It has also developed active and beneficial tourism partnerships with the Brown v. Board National Historic site, Freedom's Frontier National Heritage Area; Topeka's Freedoms Frontier Heritage Alliance, the National Underground Railroad Network to Freedom; Visit Topeka; Downtown Topeka, Inc. and Topeka's Downtown Rotary Club.

While in transition from a physical stabilization project, the adjacent supporting pocket park, created with private donations by Topeka Rotarians and others, is open year-round for tourists. The park contains an excellent exhibit about Constitution Hall and the Brown v. Board court case, as well as Topeka's founding and progress as the capital city. This will be a valuable springboard to encourage visitors to see other Topeka heritage sites.

By this fall, 2016, the second floor of the building may be viewed year-round from the outside through a window at the top of the new stairs on the south side of the building. The downstairs and basement will continue to be open by appointment. Takeaway project brochures, and brochures encouraging tourism at the Brown v. Board historical site and other Topeka historic sites, will be placed in weatherproof containers in the park area. The National Park Service sponsored "wayside" historic site marker was installed this summer (2016.)

513 In planning now is the potential for food truck events on a regular weekly basis for dining in the park
514 area (during which time the building could be toured). Board members also understand that student
515 groups look for picnic sites when they tour Topeka sites. Efforts are underway to add picnic benches
516 in the park that will encourage and accommodate more tour groups in 2017 and beyond.

517 Constitution Hall was the central point of gathering for Rotary's new annual Freedom Festival held
518 this July (2016). The goal of Festival promoters is to increase its attendance by encouraging visitors
519 to come to Topeka and celebrate the area's wealth of heritage tourism sites. Also in planning are
520 significant additional attractions for future festivals.

521 As construction phases conclude and the organization grows as a non-profit corporation, so will
522 opportunities for tourism of the historic site increase. Constitution Hall is already an attraction in the
523 eyes of Visit Topeka Inc. and the Freedoms' Frontier National Heritage Area. It is a goal to
524 coordinate with the Kansas Statehouse tour office and other area historic sites for connected
525 operations.