



City of Topeka City Council Agenda

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

September 20, 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:

"Diaper Need Awareness Month"

2. PRESENTATIONS:

"Topeka Zoo Update"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Topeka Public Building Commission

BOARD APPOINTMENT recommending the appointment of Randy Clayton to the Topeka Public Building Commission for a term ending October 1, 2020. *(Shawnee County Commission Designee)*

B. Board Appointment - Topeka Landmarks Commission

BOARD APPOINTMENT recommending the appointment of Mark Burenheide to the Topeka Landmarks Commission for a term ending September 22, 2019. *(Council District No. 1)*

C. Workers Compensation Claim - Kent Farr

APPROVAL of a Workers' Compensation Settlement for Kent L. Farr, Firefighter, in the amount of \$34,511 for the permanent partial impairment of his left knee and right shoulder for injuries suffered on November 19, 2014.

D. Resolution - Specks Bar and Grill - Noise Exception

A RESOLUTION introduced by Councilmember Jeff Coen, granting Specks Bar and Grill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 8)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the Governing Body to grant noise exceptions. Approval would allow for outdoor bands and amplified music during the hours of 7:00 p.m. and 10:00 p.m. on October 1, 2016 and 7:00 p.m. and 11:00 p.m. on October 2, 9, 16, 23, 30, 2016, at 2105 SW Mission Avenue.)

E. MINUTES of the regular meeting of September 13, 2016

F. APPLICATIONS:

5. ACTION ITEMS:

A. Ordinance - Memorial Street Designation - 600 block SE Lime (SNC16/1)

AN ORDINANCE introduced by City Manager Jim Colson, relating to the designation of street

names more specifically authorizing a memorial designation for the segment of SE Lime Street, lying between SE 6th and SE 7th Streets as Rev. Dr. W.L Templeton Memorial Drive. (SNC16/1) (Council District No. 2) *(The Mayor does not vote on this item. This is a home rule ordinance subject to mayoral veto.)*

(Approval memorializes the 600 block of SE Lime Street in honor of Reverend Dr. William L. Templeton with two signs at the intersections of SE Lime and 6th Streets and SE Lime and 7th Streets.)

B. 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) *(Withdrawn from the Council meeting of September 6, 2016.)*

(Approval would allow expansion of the administrative headquarters of the Newcomer Funeral Group and includes a new single-story 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.)

6. NON-ACTION ITEMS:

A. Discussion - Downtown Pocket Park Funding and Maintenance Agreement

DISCUSSION regarding the contract amendment to provide for funding and maintenance of downtown pocket park enhancements.

B. Discussion - City of Topeka Debt Policy and Reserve Policy

DISCUSSION of the City of Topeka Debt Policy and Reserve Policy.

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:

SOURCE OF FUNDING:

Not Applicable.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 20, 2016

DATE:	September 20, 2016	
CONTACT PERSON:	Jacque Russell / Shannon Langston	DOCUMENT #:
SECOND PARTY/SUBJECT:	Kent Farr	PROJECT #:
CATEGORY/SUBCATEGORY	005 Claims / 006 Appeals	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Workers' Compensation Settlement for Kent L. Farr, Firefighter, in the amount of \$34,511 for the permanent partial impairment of his left knee and right shoulder for injuries suffered on November 19, 2014.

POLICY ISSUE:

Approval would close future medical and future review and modification under the Kansas Workers' Compensation Statue. Mr. Farr retired from the City in January 2016.

STAFF RECOMMENDATION:

Staff recommends approval of the Workers' Compensation Settlement in the amount of \$34,511.

BACKGROUND:

Attorney-Client Privileged Information

BUDGETARY IMPACT:

If approved in the amount of \$34,511 the settlement would be paid from the Risk Fund (Workers' Compensation).

SOURCE OF FUNDING:

Risk Fund



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DATE: September 20, 2016
CONTACT PERSON: Councilmember Jeffrey Coen **DOCUMENT #:**
SECOND PARTY/SUBJECT: Debbie Harrod **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jeff Coen, granting Specks Bar and Grill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No. 8*)

(*City of Topeka Code Section 9.45.170, et seq., authorizes the Governing Body to grant noise exceptions. Approval would allow for outdoor bands and amplified music during the hours of 7:00 p.m. and 10:00 p.m. on October 1, 2016 and 7:00 p.m. and 11:00 p.m. on October 2, 9, 16, 23, 30, 2016, at 2105 SW Mission Avenue.*)

POLICY ISSUE:

Specks Bar and Grill has requested that a noise exception be granted for outdoor live bands and amplified music to take place during specified dates and times.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the resolution.

BACKGROUND:

Specks Bar and Grill is requesting the noise exception due to outdoor live bands and amplified music at the event.

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 Jeffrey Coen, granting Specks
4 Bar & Grill an exception to the provisions of City of Topeka
5 Code Section 9.45.150, et seq. concerning noise prohibitions.
6

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

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

16 WHEREAS, Specks Bar & Grill has requested that they be granted an
17 exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for
18 the purposes, dates and times described herein, and

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

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
24 Topeka that Specks Bar & Grill is hereby granted an exception from the
25 provisions of City of Topeka Code Section 9.45.150, et seq. for outdoor live
26 bands and amplified music located 2105 SW Mission Avenue during the hours of

27 7:00pm and 10:00pm on October 1, 2016 and 7:00pm and 11:00pm on October
28 2, 9, 16, 23 and 30, 2016.

29 ADOPTED and APPROVED by the Governing Body_____.

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CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

36 ATTEST:

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Brenda Younger, City Clerk



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214 SE 8th Street
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September 20, 2016

DATE: September 20, 2016
CONTACT PERSON: Bill Fiander **DOCUMENT #:** SNC16/1
SECOND PARTY/SUBJECT: Mt Carmel Missionary Baptist Church (610 SE Lime St.) **PROJECT #:** N/A
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 010 Street Name Change
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, relating to the designation of street names more specifically authorizing a memorial designation for the segment of SE Lime Street, lying between SE 6th and SE 7th Streets as Rev. Dr. W.L Templeton Memorial Drive. (SNC16/1) (Council District No. 2) (The Mayor does not vote on this item. This is a home rule ordinance subject to mayoral veto.)

(Approval memorializes the 600 block of SE Lime Street in honor of Reverend Dr. William L. Templeton with two signs at the intersections of SE Lime and 6th Streets and SE Lime and 7th Streets.)

POLICY ISSUE:

Topeka Municipal Code Section 12.05.110(c) establishes guidelines and a public participation process pertaining to street name changes and memorial street dedications. The following guidelines have been met:

- (1) A street name or memorial designation shall not be the same as the name of an existing thoroughfare.
- (2) A street name or memorial designation shall not be the name of a living person or persons.
- (3) A street name or memorial designation shall not be the name of an existing or proposed business or existing product or proposed product of a business.
- (4) A street name shall be given to the entire length of the street, while a memorial designation may be given for any or all of a street.
- (5) The cost to taxpayers and burden on residents and service providers of the proposed action shall be examined.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Rev. Dr. W.L. Templeton (April 4, 1922 to May 19, 2016) served the Mt. Carmel Missionary Baptist Church for 52 years as pastor. The designation would recognize an individual who not only served this community church for 52 years, but worked to improve the East Topeka neighborhood and City of Topeka in many aspects from public safety, neighborhood improvement, education, and civil rights. The applicants have attached a summary of his achievements and role serving East Topeka and the greater community.

Process/Findings: TMC 12.05.110 provides for the consideration and approval of street name changes or memorial designation signs by the Governing Body upon a report of advisability from the Planning Department. The process ensures support from affected residents and organizations prior to action by the Governing Body, and provides for an examination of the costs/benefits to property owners, residents, stakeholders, as well as, the effect on public services.

- The applicant held a pre-application meeting with City staff on June 17, 2016.
- Staff determined a neighborhood information meeting was not required provided the applicant ensured support from the neighborhood and residents on the 600 block of Lime, as this was the block considered affected by the two memorial signs.
- Applicant submitted application proposal packet. Planning distributed application materials to reviewing departments/agencies: Development Services, Neighborhood Relations, Engineering, Fire, Police, Shawnee Co. Public Works, Shawnee Co. Dispatch, and public utilities. No opposition was expressed.
- The City Traffic Engineer is supportive of memorial signs consistent with the specifications in the Manual of Uniform Traffic Control Devices (MUTCD) at the two locations on Lime. The sign will sit within the right-of-way at the southwest corners of the intersections of SE Lime/6th and SE Lime/7th Streets and will be placed perpendicular to SE Lime so it is visible for traffic on Lime (one-way street south).
- The applicant has provided five letters of support from churches, a petition signed by adjoining owners on the affected block, and a support letter from the East Topeka South Neighborhood Improvement Association.
- The applicant is responsible for the cost of signs, which is estimated at \$230 per sign to produce, mount, and install.

BUDGETARY IMPACT:

There is not cost to the City. The applicant is responsible for the cost to install signs at the two intersections (\$230 per sign).

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

Ordinance

Staff Report

Aerial Map - location of signs

Graphic of sign

Applicant's proposal/Next of Kin acknowledgement/Letters of support/Petition

East Topeka NIA support letter

Procedures for changing street names or designating memorial streets

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Jim Colson, relating to the designation of street names, more specifically authorizing a memorial designation for the segment of SE Lime Street, lying between SE 6th and SE 7th Streets as Rev. Dr. W.L. Templeton Memorial Drive. (SNC16/1) (Council District No. 2)

Whereas, TMC 12.05.110 provides a process whereby by the governing body may authorize a memorial designation for a segment on a public street; and

Whereas, the Mt. Carmel Missionary Baptist Church has submitted a request to designate a segment of SE Lime Street to honor the Rev. Dr. W.L. Templeton who pastored the Church for 52 years and passed away on May 19, 2016; and

Whereas, the Planning Department has submitted a report as to the advisability of the designation.

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

Section 1. SE Lime Street between SE 6th Avenue and SE 7th Street will be designated as “Rev. Dr. W.L. Templeton Memorial DR”. Provided, that this ordinance shall not be construed to alter the dimensions of said street nor the set-back requirements provided in other ordinances of the City of Topeka. Provided further, that this ordinance shall not be construed to affect the designation of said street as may be provided in other ordinances of the City of Topeka.

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

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

_____, 2016.

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Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

~~To Be Codified~~ _____

~~Not To Be Codified~~ X

CITY OF TOPEKA PLANNING DEPARTMENT

STAFF REPORT

RE: SNC16/1 By: Mt. Carmel Missionary Baptist Church – Memorial Designation Sign

Proposal: A request by the Mt. Carmel Missionary Baptist Church, located at 610 SE Lime Street, to honor Rev. Dr. William Larcenia Templeton, former pastor, with a street memorial designation.

Location: Two (2) signs in the 600 block of SE Lime, lying between SE 6th and 7th Streets.

Background/History: Rev. Dr. W.L. Templeton (April 4, 1922 to May 19, 2016) served the Mt. Carmel Missionary Baptist Church for 52 years as pastor. The designation would recognize an individual who not only served this community church for 52 years, but worked to improve the East Topeka neighborhood and City of Topeka in many aspects from public safety, neighborhood improvement, education, and civil rights. The applicants have attached a summary of his achievements and role serving East Topeka and the greater community.

Process/Findings: TMC 12.05.110 provides for the consideration and approval of street name changes or memorial designation signs by the Governing Body upon a report of advisability from the Planning Department. The process ensures support from affected residents and organizations prior to action by the Governing Body, and provides for an examination of the costs/benefits to property owners, residents, stakeholders, as well as, the effect on public services.

- The applicant held a pre-application meeting with City staff on June 17, 2016.
- Staff determined a neighborhood information meeting was not required provided the applicant ensured support from the neighborhood and

residents on the 600 block of Lime, as this was the block considered affected by the two memorial signs.

- Applicant submitted application proposal packet. Planning distributed application materials to reviewing departments/agencies: Development Services, Neighborhood Relations, Engineering, Fire, Police, Shawnee Co. Public Works, Shawnee Co. Dispatch, and public utilities. No opposition was expressed.
- The City Traffic Engineer is supportive of memorial signs consistent with the specifications in the Manual of Uniform Traffic Control Devices (MUTCD) at the two locations on Lime. The sign will sit within the right-of-way at the southwest corners of the intersections of Lime/6th and Lime/7th streets and will be placed perpendicular to the Lime street so it is visible for traffic on Lime (one-way street).
- The applicant has provided five letters of support from churches, a petition signed by adjoining owners on the affected block, and a support letter from the East Topeka South Neighborhood Improvement Association.
- The applicant is responsible for the cost of signs, which is estimated at \$230 per sign to produce, mount, and install.
- There will be no impact to public service calls. A memorial designation sign is an additional sign placed at a corner of the intersection and does not impact addressing or public service providers. The street sign is not changing or being re-located.
- There is no negative impact on traffic flow as their addresses will remain and public service is not affected.

Naming or Memorial Designation Guidelines TMC 12.05.110(c): In naming or changing the name of any street, the following guidelines shall be observed. The proposed memorial sign satisfies these guidelines.

(1) A street name or memorial designation shall not be the same as the name of an existing thoroughfare.

(2) A street name or memorial designation shall not be the name of a living person or persons.

(3) A street name or memorial designation shall not be the name of an existing or proposed business or existing product or proposed product of a business.

(4) A street name shall be given to the entire length of the street, while a memorial designation may be given for any or all of a street.

(5) The cost to taxpayers and burden on residents and service providers of the proposed action shall be examined.

Recommendation: Based upon the above findings and analysis, the Topeka Planning Department in conjunction with reviewing City staff recommends **APPROVAL** of the two memorial designation signs located along SE Lime.

Prepared by:

Annie Driver, AICP

Planner II

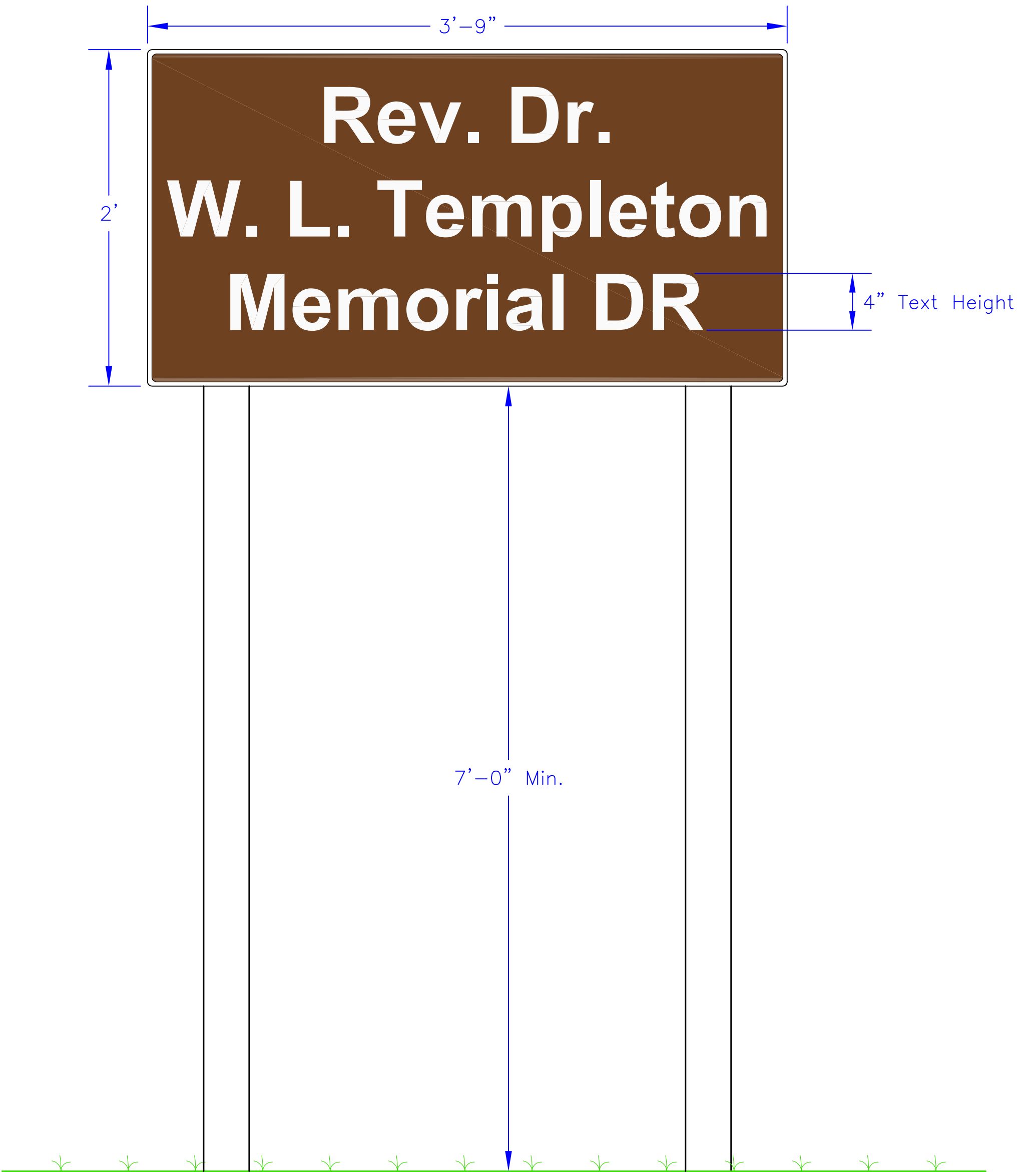
Attachments:

- Ordinance
- Application Proposal/Acknowledgment of next of kin
- Location Map
- Sign Graphic
- Letters of Support and Agreement from adjoining owners.
- Letter from East Topeka NIA
- TMC12.05.110 – Procedures for changing street names or designating memorial streets



SNC16/1 Rev. W.L. Templeton DR (600 Block SE Lime)







APPLICATION FORM

Street Name Change or Memorial Dedication

City of Topeka Planning Department
620 SE Madison, 3rd Floor (Unit #11)
Topeka, KS 66607-1118
Phone 785-368-3728 Fax 785-368-2535
www.topeka.org/planning

PLANNING OFFICE USE ONLY

Date Submitted 6/17/16 Case # SNC/16/01
Subdivision: _____
Council District: 2 - Sandra Clear
NIA/NA: _____
NIM Date: N/A

Applicant Information

Applicant(s): Ms. Linda Kinney, Deacon Henry Austin, Pastor Delmar White
Organization (if applicable): Mount Carmel Missionary Baptist Church
Street Address: 610 Wime Street
City: Topeka State: KS Zip: 66607 E-mail: mountcarmelbaptist@sbglobal.net

Requested Action

Check one: ☐ Street Name Change ☒ Memorial Designation

Current Name: N/A Proposed Name: Dr. W. h. Templeton Dr.

Location of street to be re-named or memorialized. Note: street names shall be for a contiguous segment or the entire length of the street.

Street to memorialized will be 6th and Wime to 8th and Wime, stretch of the street where the church is located.

Describe the reason(s) for the street name change: (attach additional documentation if needed)

Dr. W. h. Templeton leaves a strong legacy in the Topeka community, state of Kansas and nationally due to his faithful service to mankind and God. (See Attached)

Was a pre-application meeting held? ☒ Yes ☐ No If Yes: Date Held 6/3/16 (attach minutes) Met with Terry Coder to discuss the proposal.

The following items should be attached unless determined unnecessary by Planning Department:

- Acknowledgment of next of kin ☒
- Letters of support from neighborhood organization and affected stakeholders ☒
- Neighborhood Information Meeting minutes and sign-in sheet ☒
- Background history of current and proposed name ☒

Applicant Signature: Linda L. Kinney Date: June 17, 2016



Mt. Carmel Missionary Baptist Church

City of Topeka

Memorial Street Designation

In Honor of the Late Dr. William L. Templeton (1922 - 2016)

Rev. Dr. William Larcenia Templeton is highly regarded among sister churches in Topeka, the entire state of Kansas and nationally due to his extensive leadership and service in the community while pastoring at the Mount Carmel Missionary Baptist Church located at 610 Lime Street, Topeka. Dr. Templeton began his pastorate of Mount Carmel and its membership on September 6, 1959. At that time, the Church was located at 13th and Monroe Street. Under Dr. Templeton's vision, the Church purchased the current site in the heart of East Topeka and occupied it on September 9, 1962. The Church flourished in membership and financially under Dr. Templeton's leadership. Still today, the Church is recognized as one of the premier African-American churches in the Topeka community and Northeast Kansas.

Dr. Templeton's legacy lives on today as he has touched the lives and has had a profound impact on many persons from all walks of life and religious backgrounds. He has served on many boards and held leadership positions in many organizations to help affect positive change and make a difference in the lives of all people regardless of race, creed or one's skin color. Although Dr. Templeton maintained a very busy schedule, he was never too busy when there was a need to provide pastoral care, support youth in their educational pursuit, visit the sick and shut-in, minister to persons in their time of bereavement, attend City Council or neighborhood meetings concerning issues facing the East Topeka community involving civil rights, crime, neighborhood improvement, and violence.

During the 1966 devastating tornado, Dr. Templeton provided services to neighbors in East Topeka near the Church and opened its doors for community church services. During the 1970's civil rights unrest involving African American high school students, Dr. Templeton along with pastors met with USD 501 administrative officials and parents to help resolve issues of alleged discrimination and unfair treatment in high schools in particular.

Up until the time of his wife's (Barbara Jean) passing and retirement from pastoring Mount Carmel, Dr. Templeton served in many leadership roles with the Missionary Baptist State Convention of Kansas, Kaw Valley District Missionary Baptist Association, and the Topeka Baptist Ministers' Union. He also served as the immediate past president of the Topeka and Lawrence Baptist Ministers' Alliance. He was instrumental in establishing the Western Baptist Bible College – Topeka Campus, which is operational today and has served as an instructor on numerous occasions. Dr. Templeton enjoyed teaching and taught courses at the city, district and state levels of Congress of Christian Education.

Dr. Templeton retired from pastoring, but not from pastoral care and evangelistic work. He was available to all who needed his support and encouragement in the Church and community. When he answered God's call to service, he took his calling seriously even recently while a patient at the Veteran's Administration Hospital in Topeka and while participating in the Adult Day Program at Midland Care of Topeka. Dr. Templeton was always willing and ready to preach about the love of God, His amazing grace and offer prayer to the residents and guests at Midland Care.

Dr. Templeton was more than a pastor. He was a brother, father, friend, and confidant to many. He was chosen by God and labored in the vineyard for 52 years. He was truly an inspiration, a servant of God.....a man with a passion for souls and who often went beyond the call of duty.

We, the members of Mount Carmel Missionary Baptist Church believe that Dr. Templeton is more than worthy of this honor. Thank you for your consideration of this prestigious award.

Linda Kinney

To: sierraj165@gmail.com
Subject: RE: Reminder Memorial Plaque Statement

From: sierraj165@gmail.com [mailto:sierraj165@gmail.com]
Sent: Thursday, June 16, 2016 9:19 PM
To: Linda Kinney
Subject: RE: Reminder Memorial Plaque Statement

Thursday, June 16, 2016

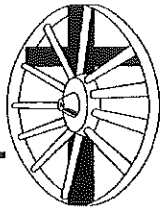
To whom it may concern,

I am the granddaughter of the late Dr. W.L. Templeton. He pastored the Mount Carmel Missionary Baptist Church located on 610 Lime for over 52 years. He dedicated his life to serving the Topeka community in many capacities throughout his time here. It is my understanding that there is a possibility to name part of the street in which he gave over half his life working in the church that is located on this street. Our family's only regret is that process only allows for this type of honor in death. I know my grandfather would have loved to see the fruit of his labor with his own eyes. Since that is no longer possible, our family would be honored to view with our eyes, the installation of a memorial plaque on the 6th, 7th and any other corner of Lime Street where the church is located in honor of our late father, grandfather and pastor Dr. W.L. Templeton. Our father and grandfather faithfully served the Church and Topeka community for over 52 years during his pastoring.

Sincerely,

Tiffany D. Criss, Granddaughter
Bradley L. Templeton, Son
Paula A. Rooks, Special Daughter
Grandkids
Nieces
Nephews
Cousins
Sons in the Ministry
Church members and friends

Mount Carmel Missionary Baptist Church



The church where
EVERYBODY is
SOMEBODY



Henry Austin, Chairman, Deacon Board
Walter Johnson, Vice-Chairman, Deacon Board

610 S.E. Lime Street
Topeka, KS 66607

June 15, 2016

Dear Neighborhood Patrons:

We, the members of the Mount Carmel Missionary Baptist Church (MCMBC) requests your support of a memorial plaque which is now being petitioned of the City of Topeka, to be placed on the corner of the 600 and 700 block of Lime Street in the name of Dr. W.L. Templeton, our former pastor and community leader of 52 years in Topeka. **The Lime Street name will not be changed.**

Dr. Templeton recently passed away on May 19, 2016. This memorial designation (on the stretch of street where the MCMBC is located) will be a long-lasting memorial tribute to him in the East Topeka community where he served. Dr. Templeton is more than worthy of this honor.

We humbly request you to show your support of this memorial designation by stating your name, address and signing below.

<u>Antonia Moran</u>	<u>628 SE Lime St</u>	<u>[Signature]</u> <u>6/15/16</u>
Name	Address	Signature & Date

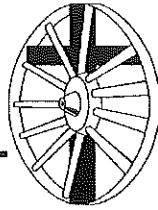
<u>Donald Kinney</u>	<u>632 SE Lime St</u>	<u>[Signature]</u> <u>6/15/16</u>
Name	Address	Signature & Date

<u>Adrienne Martinez</u>		
<u>Fellowship & Faith Ministry</u>	<u>708 SE Lime St</u>	<u>[Signature]</u> <u>6/16/16</u>
Name	Address	Signature & Date

<u>Vacant</u>	<u>635 S.E. Lime St.</u>	<u>N/A</u> <u>6/15/16</u>
Name	Address	Signature & Date

<u>Juan Lopez</u>	<u>1721 SE 6th</u>	<u>[Signature]</u> <u>6-15-16</u>
Name	Address	Signature & Date

Mount Carmel Missionary Baptist Church



The church where
EVERYBODY is
SOMEBODY



Henry Austin, Chairman, Deacon Board
Walter Johnson, Vice-Chairman, Deacon Board

610 S.E. Lime Street
Topeka, KS 66607

June 15, 2016

Dear Neighborhood Patrons:

We, the members of the Mount Carmel Missionary Baptist Church (MCMBC) requests your support of a memorial plaque which is now being petitioned of the City of Topeka, to be placed on the corner of the 600 and 700 block of Lime Street in the name of Dr. W.L. Templeton, our former pastor and community leader of 52 years in Topeka. **The Lime Street name will not be changed.**

Dr. Templeton recently passed away on May 19, 2016. This memorial designation (on the stretch of street where the MCMBC is located) will be a long-lasting memorial tribute to him in the East Topeka community where he served. Dr. Templeton is more than worthy of this honor.

We humbly request you to show your support of this memorial designation by stating your name, address and signing below.

CHARLES JOHNSON 610 S.E. 9th
Name Address Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

Rev. Lee A. Sweet 1210 East St 6-17-2016
Name Address Signature & Date

Karla Ordaz 631 SE lime st Karla Ordaz 6-21-16
Name Address Signature & Date

We sincerely appreciate you and thank God for you as you show your support. We invite and welcome you at any time to come and fellowship with us! "To God be the glory for the things He hath done!"

Linda L. Kinney, Trustee

Deacon Henry Austin, Deacon Board Chairman

C: Church File

Annie Driver, City of Topeka Planning Department

Mt. Zion Baptist Church

CHAIRMAN OF DEACONS

James E. Douglas
Telephone: 371-1443

CHURCH CLERK

James D. McConnell, Sr.

TRUSTEES

Eddie Fears Jr., Chr.
Thomas C. Womack
George Allan
James E. Douglas
Lucille Tucker

417 Richmond Avenue

Kansas City, KS 66101

Office Phone: 913-342-0485

Church : 913-342-0484 • Fax: 913-342-0797

REVEREND C.L. BACHUS, *Pastor*

Home Phone: 913-281-2296

DEACONS

James D. McConnell, Sr.
Thomas C. Womack
Ray C. Garlington
George Allan
Terry C. Hunter
Eddie Fears Jr.
Anthony Smith
Guss Tillman
Fred Lindsey
Vincert Wilson

June 28, 2016

Ms. Annie Driver
Planner City of Topeka
Topeka Planning
620 South East Madison St.
Topeka, KS 66607

To Whom It May Concern:

This note comes to support the naming of a street in honor of Rev. W.L. Templeton, the late Pastor of the Mt. Carmel Baptist Church there in Topeka, Kansas.

My name is Pastor C.L. Bachus; of the Mount Zion Baptist Church in Kansas City, Kansas. I came to this state from Helena, Arkansas, forty-four years ago. One of the first pastors I met that did not pastor in Kansas City, Kansas was Rev. Templeton. He loved Mt. Carmel Church; but he also loved Topeka. He supported worthy causes when he could, particularly if it had anything to do with the Lord's work or where people was involved. Thank you kindly for your consideration.

Yours for progress,


Pastor C.L. Bachus

Kaw Valley District Missionary Baptist Association

Dr. E. Bernard Hurd, Jr., Moderator

433 S.W. Harrison

Topeka, Kansas 66603

(785) 234-8225 / (785) 267-0318

ebernard.hurd@gmail.com



Auxiliary to the Missionary Baptist State Convention of Kansas

June 20, 2016

Rev. Jimmie L. Banks
Vice Moderator
4105 N. 112th Street
Kansas City, KS 66109

Rev. Tony Carter, Jr.
Corresponding Secretary
1824 North 11th Street
Kansas City, Ks 66104

Rev. Seth Harris
Recording Secretary
308 N. 70th Terrace
Kansas City, KS 66109

Mrs. Linda Kinney
Treasurer
3108 SE 28th Terrace
Topeka, KS 66605

Rev. John Paul Jones
Auditor
2205 North 7th Street
Kansas City, Kansas 66101

Rev. George DeBose
Instrumentalist
P.O. BOX 171934
Kansas City, KS 66117

Mrs. Loretta Norman
Instrumentalist
P. O. Box 4092
Kansas City, KS 66104

Department Heads

Deacon Clarence Logan
Laymen Department

Rev. Robert Milan Jr.
Ministers' Council

Dr. Grader Felder
Congress of Christian Education

Mrs. Carol Hegwood
Missionary Department

Mrs. Shirley Sanders-Hall
Ushers Department

Ms. Annie Driver, AICP
Planner II
City of Topeka, Planning Department
620 SE Madison Street
Topeka, KS 66607

RE: Templeton Street Memorial

Ms. Driver:

As Moderator of the Kaw Valley District Missionary Baptist Association consisting of churches in the Topeka, Lawrence and Kansas City areas, and as pastor of the Calvary Baptist Church of Topeka, I heartily endorse the gesture of naming a street in honor of Dr. W.L. Templeton.

I became acquainted with Dr. Templeton shortly after he and his family arrived in Topeka in 1959. During his tenure in Topeka he became widely respected for his wisdom, leadership and community contributions across the State as well as Topeka.

The memorial would be very appropriate for the city and a well-deserved honor for Pastor Templeton and the Mt. Carmel congregation.

Sincerely,

Dr. E. Bernard Hurd Jr.,
Kaw Valley District Moderator &
Pastor, Calvary Baptist Church

First Baptist Church of Quindaro

Rev. Lemuel E. Wynn, PhD., D.D., Pastor



June 24, 2016

Associate Ministers

Rev. Vernon R. Gladdis
Rev. Cecil Taylor
Min. Orlando R. Donnell
Min. Herbert B. Harris
Min. William Wallace

Church Secretary

V. Diane Moore

Financial Secretary

Rob Cole

Treasurer

Beverly Robinson

Clerk

Lyonda Harrison

Deacons Chairman

Artis Jones

Deaconess Chairman

Dora Boykin

Trustee Chairman

Dwight DePriest

Ms. Annie Driver, AICP

Planner II

City of Topeka, Planning Department

620 SE Madison Street

Topeka, KS 66607

RE: Templeton Street Memorial

Ms. Driver:

As former Moderator and former Dean of Congress of Christian Education of the Kaw Valley District Missionary Baptist Association consisting of churches in the Topeka, Lawrence and Kansas City areas, and as pastor of the First Baptist Church of Quindaro, Kansas City, Kansas, I heartily endorse the gesture of naming a street in honor of Dr. W.L. Templeton.

I had the pleasure of working closely with Dr. Templeton for many years when he served as President of the Missionary Baptist State Convention. He was stalwart – a giver of himself spiritually, physically, and yes, financially.

The memorial would be very appropriate for the city and a well-deserved honor for Pastor Templeton and the Mt. Carmel congregation.

Sincerely,

Rev. Dr. Lemuel E. Wynn
PhD., D.D., Pastor
First Baptist Church of Quindaro



3030 Farrow Ave.
Kansas City, Kansas 66104
Church (913) 621- 4510 Residence (913) 287- 6322



2726 Brown Avenue
Kansas City, Kansas 66104
(913) 321-5022

No matter who you are
or where you are
on life's journey,
you are welcome here!



June 29, 2016

Ms. Annie Driver
Planning Dept. City of Topeka
620 SE Madison St.
Topeka, KS 66607

RE: Rev. Dr. Templeton Memorial Signs

Dear Ms. Driver,

It is an honor and a privilege for me to write you in support of dedicating two memorial signs in honor of Rev. Dr. William L. Templeton. It is an honor and a privilege because of the longstanding relationship between Rev. Dr. Templeton and myself, which was a true blessing to us both.

That relationship began in 2002, when one of his church members, Mr. Leroy Garvin, and I began recording a CD of Mr. Garvin singing African-American Spirituals, the proceeds of which benefitted the Topeka Rescue Mission. The CD, entitled *Sit Down Servant. Spirituals and Other Songs Sung by Leroy Garvin* was a great success. One of its tracks was included in KTWU's nationally broadcast documentary on Brown vs. Topeka Board of Education.

Six months after the CD's completion, Mr. Garvin died unexpectedly. Rev. Dr. Templeton invited me to offer a eulogy at Mr. Garvin's memorial service at Mount Carmel Missionary Baptist Church, after which he and I developed a very close friendship. He became to me a mentor, with whom I discussed many things, and from whom I received important advice and support in challenging times. I am a better pastor because of him. The congregation I serve, First Congregational Church, therefore, owes him a great debt of gratitude.

To know Rev. Dr. Templeton - his intellect, his wisdom, his patience and passion, his dedication to ministry and his love for the people he served - was to understand the enormous respect for him I encountered everywhere his name was mentioned and which I shared. He was not only the beloved shepherd of the Mount Carmel flock for over fifty years, his mentorship of a large number of pastors, not only in and around Topeka but across the State of Kansas and around the U.S. was evident in the number of people, pastors, and church officials who showed up from local, state and national settings of the church at his memorial service.

Rev. Dr. Templeton's impact on our city cannot be underemphasized. He forged many relationships between people in our community, and his presence in those relationships helped build valuable partnerships between churches and leaders that, in time, could stand on their own. In a time in our nation, when racial tensions and violence are once again on the rise, I believe that Topeka has been spared much of it, not least because Rev. Dr. Templeton belonged to those influential leaders who insisted that civil rights require civil relationships and common civic engagement between leaders and people of diverse communities. He was a quiet and modest man, but his influence was powerful, and powerfully positive.

That our city is contemplating memorial signage for Rev. Dr. Templeton is very much to its credit. It is recognition not only of one man's contribution to our civic life but also a sign of our city's dedication to building a more united and stronger Topeka.

Many thanks for your consideration of this.

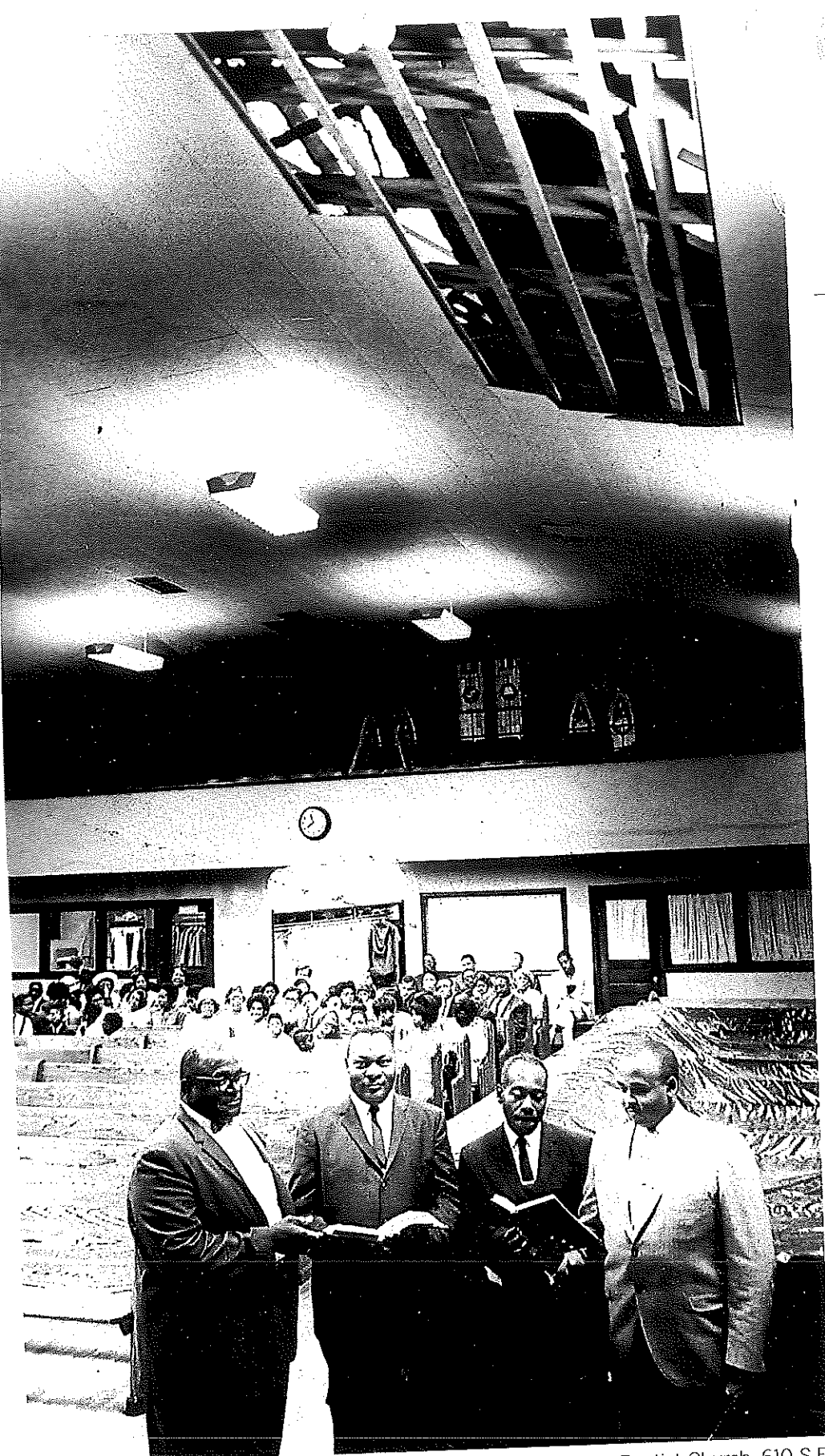
Sincerely Yours,

A handwritten signature in black ink, appearing to read "Tobias Schlingensiepen".

Tobias Schlingensiepen,
Senior Minister
First Congregational Church

www.EmbraceTheQuestions.com

1701 SW Collins | Topeka, KS 66604 | Phone: 785.233.1786 | Fax: 785.233.4735 | Email: info@EmbracetheQuestions.com



“That’s what we did in those days, you obeyed what the older people told you. If he hadn’t come and got me, I’d have been right there on the road when the tornado hit.”

— Annette Holford, on neighbors who insisted she seek shelter in a nearby church

Church provides shelter

By Samantha Foster
The Capital-Journal

Annette Holford was preparing to leave her home with her young son on June 8, 1966, to go to a convention at Mount Carmel Missionary Baptist Church, 610 S.E. Lime. Holford’s husband was at work.

“It was tornado weather,” Holford said, recalling how humid, still and sunny the day had been. “The neighbors said, ‘Come over to the church across the street.’ I said, ‘No, I have to go to (Mount Carmel).’”

Then an older neighbor sent her son-in-law back to Holford’s home with a message: “Mom says for you to come now.”

Holford, then in her mid-20s, obeyed.

“That’s what we did in those days. You obeyed what the older people told you,” she said. “If he hadn’t come and got me, I’d have been right there on the road when the tornado hit.”

Holford, now a 62-year member of Mount Carmel, doesn’t remember the name of the church in which she and her neighbors sought shelter, nor does she remember whether warning sirens had sounded. In their neighborhood, she said, no one had a basement, so the church served as a tornado shelter.

Holford recalled some of the damage by the tornado. It destroyed the home of

Despite an enormous hole in the roof of Mount Carmel Missionary Baptist Church, 610 S.E. Lime, services continued the Sunday after the tornado. Several other churches in the city were damaged — windows broken and parts of roofs missing — but services went on, with pastors reminding congregations that the tornado “has shown man’s goodwill.”



ched precariously above S.W. 8th Avenue, two workmen replace bricks in the east bell tower of Assumption Catholic Church. Bricks and tiles were ripped from the tower by the tornado.

Rev. W.L. Templeton, pastor at Mount Carmel, and ripped part of the roof off the Baptist church, leaving a gaping hole in the ceiling. Later, rainfall ruined the seats in the sanctuary, and the congregation conducted services in the basement until repairs could be made.

People attending the Mount Carmel convention sought shelter in its basement. In an account collected by the Topeka and Shawnee County Public Library, Wilma Kizer wrote she wanted to avoid the crush of people trying to reach the basement, so she opened the door.

She was immediately confronted by the storm.

"Instantly, I was lifted off my feet into the air with all sort of debris," she wrote. "Cars were airborne and crashed together. I screamed and cried aloud. The wind and terrible roaring sounded absolutely indescribable to me.

"After one block, I was let down on the pavement and I could see the storm passing on."

Kizer was stiff and sore but otherwise unharmed.

Although Mount Carmel sustained damage, "we went ahead and had church services," Holford said.

The Assumption Catholic Church, 204 S.W. 8th Ave., and MacVicar Chapel at Washburn University also were damaged.

Serving the needy

After the tornado passed, Sister Mark scrambled from the basement of Sacred Heart Convent, brushed off broken glass and ran outside to help others. Twelve days later, she was wearing the same tattered habit and mud-caked tennis shoes as she and a band of teenagers she'd mobilized worked to clean streets of debris. The nun had turned over her living quarters to a now-homeless family and gave the food in her freezer and refrigerator to another family.

"She would get up at 5 or 6 in the morning to sort clothes for families she had found the day before. And she would stay out and work until it was too dark to see," said Sister Paul Joseph, of St. Francis Hospital.

Sister Mark was scheduled to go to the Sisters of Charity headquarters in Leavenworth on June 11 but begged to stay a week longer in Topeka to help after the tornado.

— *The Topeka Daily Capital*

To whom it may concern:

On behalf of the East Topeka South Neighborhood Improvement Association, we have voted unanimously to fully support the memorial name placards being placed in front of Mount Carmel Missionary Baptist Church from the 600 to 700 block of Lime, in honor of Dr. W.L. Templeton.

Best Regards,

Ta'nia Gibbs -President

Elizabeth West -Treasurer

Phil Owens -Sergeant of arms



CITY OF TOPEKA

Street Name Change Process

Topeka Municipal Code, Section 12.05.110 provides for the consideration and approval of “Street Name Changes” by the City Council. The process outlined below is intended to ensure adequate support from affected neighborhood residents and organizations prior to action by the City Council, and to, provide a thorough examination of the costs and benefits to property owners, residents, other stakeholders, as well as, the effect on public services.

1. Requester/Organization requesting new street name has a pre-application meeting with City staff, which may involve Planning, Development Services, Neighborhood Relations, Engineering, Public Works, etc. Contact Annie Driver, Planner II at 368-3728 to arrange an appointment. Planning will discuss neighborhood notification requirements at this meeting.
2. Requester/Organization holds Neighborhood Information Meeting (NIM) or equivalent neighborhood notification prior to application. Planning staff to provide assistance, including map of street. Requester will need to pay for the cost of notifying those affected.
 - Notification requirements should extend to any affected neighborhood organizations (e.g. NIA) president and owners on both sides of the street being designated or segment of street being memorialized.
 - If no neighborhood organization exists, notices should follow Citizen Participation Policy (e.g. 500 ft.).
 - Prior to application, the applicant will need to demonstrate they have the support of the neighborhood and affected owners.
3. Requestor submits proposal packet to Planning Department. Submissions will include:
 - Application signed by requester/organization head.
 - Letter of support from affected neighborhood organizations and minutes from Neighborhood Information Meeting reflecting agreement to name change.
 - Minutes must include comments from affected stakeholders on either side of the street/segment to be renamed or memorialized.
 - Background history of current name and proposed name
 - An acknowledgment or agreement from the next of kin of both the person of the name proposed and the person of the name being removed (if applicable). The

only reason this may not be necessary is if the name proposed is that of a national - or Kansas - recognized individual, determined at discretion of Planning Department.

4. Planning distributes request to review team for comments and allows time for City staff and service providers to perform cost/benefit analysis regarding the burden/cost on the public to change street signs.

The following items shall be addressed as indicated in TMC 12.05.110:

(c) Naming or Memorial Designation Guidelines. In naming or changing the name of any street, the following guidelines shall be observed:

(1) A street name or memorial designation shall not be the same as the name of an existing thoroughfare.

(2) A street name or memorial designation shall not be the name of a living person or persons.

(3) A street name or memorial designation shall not be the name of an existing or proposed business or existing product or proposed product of a business.

(4) A street name shall be given to the entire length of the street, while a memorial designation may be given for any or all of a street.

(5) The cost to taxpayers and burden on residents and service providers of the proposed action shall be examined.

5. Planning Department prepares written staff analysis, map/graphic, and Ordinance for City Council action and assigns City Council date.
6. Planning Department notifies requester/organization of the date of City Council action.
7. If the Ordinance is approved, and after published, Planning sends copy of Ordinance and action letter to government services, including Post Office, City and County providers; Private Utilities; school districts. Street signs should be changed and Planning will coordinate with Public Works to change street signs or provide memorial designation sign. **Costs to install and maintain any sign change requests shall be the responsibility of the applicant.**

12.05.110 Procedure for changing street names or designating memorial streets.

(a) Referral to Department of Planning. Whenever a request is made to change the name of any public street within the corporate limits of the city of Topeka, or to authorize a memorial designation for any public street within the corporate limits of the city of Topeka, the same shall at once be referred to the planning department for a written report as to the advisability of the proposed action. Prior to submitting such a proposal, the requestor shall contact affected residents and businesses located on the street and organized representative groups, including neighborhood improvement associations or neighborhood associations, for input regarding the proposal, and shall provide written evidence of the support of the proposal by these individuals and groups. In addition, the request shall include the background history of the current name.

(b) Reports Required for Action. The planning department is hereby authorized and directed to make a report as soon as practicable. No action shall be taken by the city council on such request pending the receipt of the report.

(c) Naming or Memorial Designation Guidelines. In naming or changing the name of any street, the following guidelines shall be observed:

(1) A street name or memorial designation shall not be the same as the name of an existing thoroughfare.

(2) A street name or memorial designation shall not be the name of a living person or persons.

(3) A street name or memorial designation shall not be the name of an existing or proposed business or existing product or proposed product of a business.

(4) A street name shall be given to the entire length of the street, while a memorial designation may be given for any or all of a street.

(5) The cost to taxpayers and burden on residents and service providers of the proposed action shall be examined.

(d) Consideration of Proposal. Upon receipt of the report from the planning department, the city council may, by ordinance, take appropriate action on the proposal. If a proposal is to change the name of a street, the planning department shall change street signs as required by the change. If the proposal is to make a memorial designation of all or part of an existing street, signage bearing the adopted designation shall be placed as determined by the director of planning, subject to the availability of budgeted funds designated for such purpose. (Ord. 19063 § 1, 4-1-08; Ord. 18227 § 1, 4-20-04. Code 1995 § 130-11.)

Cross References: City council – mayor, Chapter 2.15 TMC; planning department, TMC 2.25.210



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 20, 2016

DATE:	September 20, 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:	09-06-16 Withdrawn from the agenda.	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) (Withdrawn from the Council meeting of September 6, 2016.)

(Approval would allow expansion of the administrative headquarters of the Newcomer Funeral Group and includes a new single-story 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

Detailed 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 counts 6/22/16

Traffic Considerations based on 6/22/16 counts

Protest Petitions and Map

Planning Commission Minutes 8/15/16

1 (Published in the Topeka Metro News _____)

2
3 **ORDINANCE NO. _____**
4

5 AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map"
6 referred to and made a part of the Zoning Ordinances by Section 18.50.050
7 of the Topeka Municipal Code, by providing for certain changes in zoning
8 on property located at 500 and 520 SW 27th Street in the city of Topeka,
9 Kansas from "O&I-2" Office and Institutional District, "R-1" Single
10 Family Dwelling District with a Conditional Use Permit for a Surface
11 Parking Lot and "R-1" Single-Family Dwelling District ALL TO "PUD"
12 Planned Unit Development District (O&I-2 use group and a
13 Professional/Administrative Office) (*PUDI6/2*) (Council District No. 3)
14

15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:
16

17 Section 1. That the "District Map" referred to and made a part of the Zoning
18 Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is
19 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°49'43W, 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.

20
21 from "O&I-2" Office and Institutional District, "R-1" Single Family Dwelling District with a
22 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

**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:

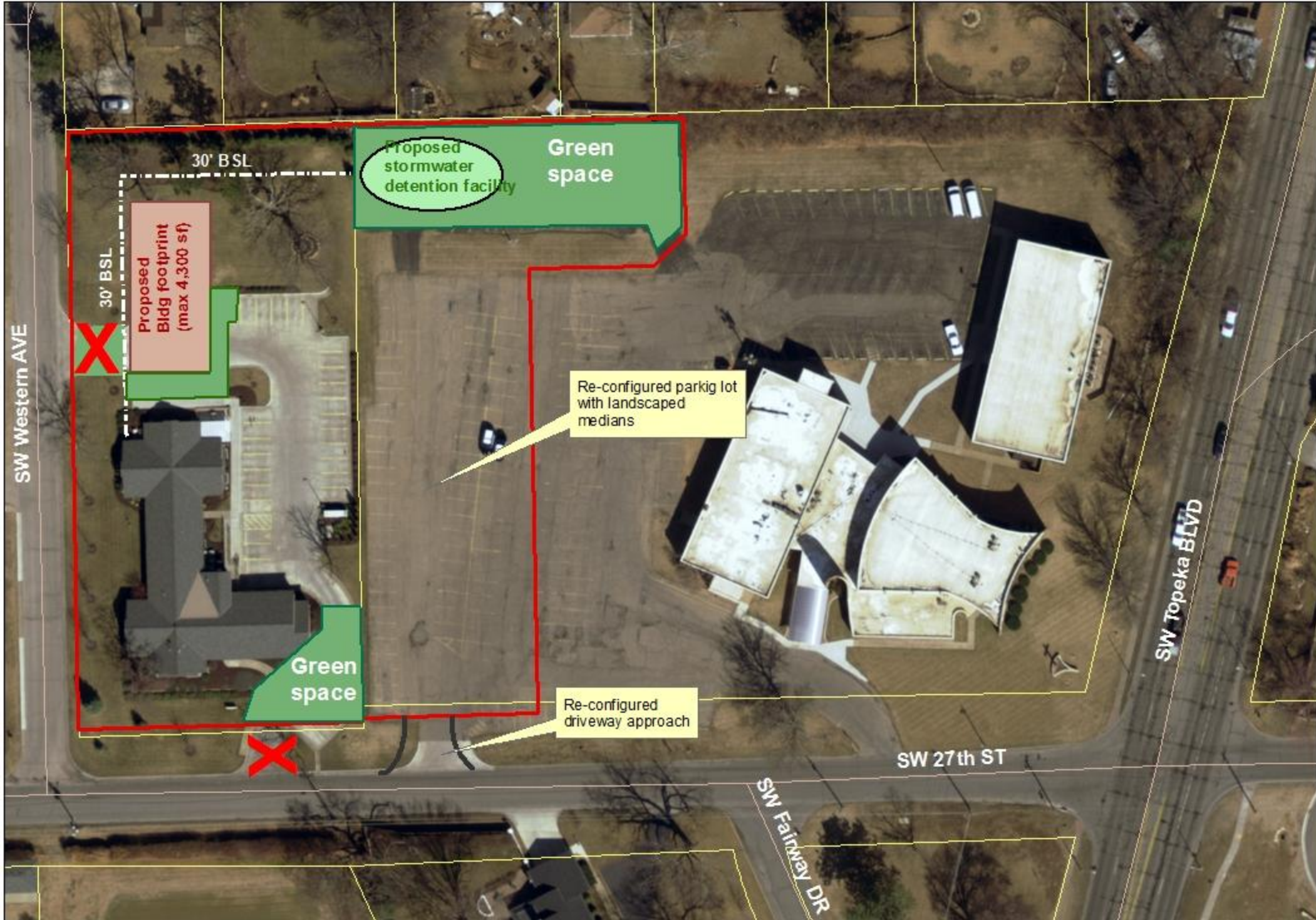
- The traffic increase from the new development on Western and SW 27th Street is minimal and will have no adverse impact on these roadways. The

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).

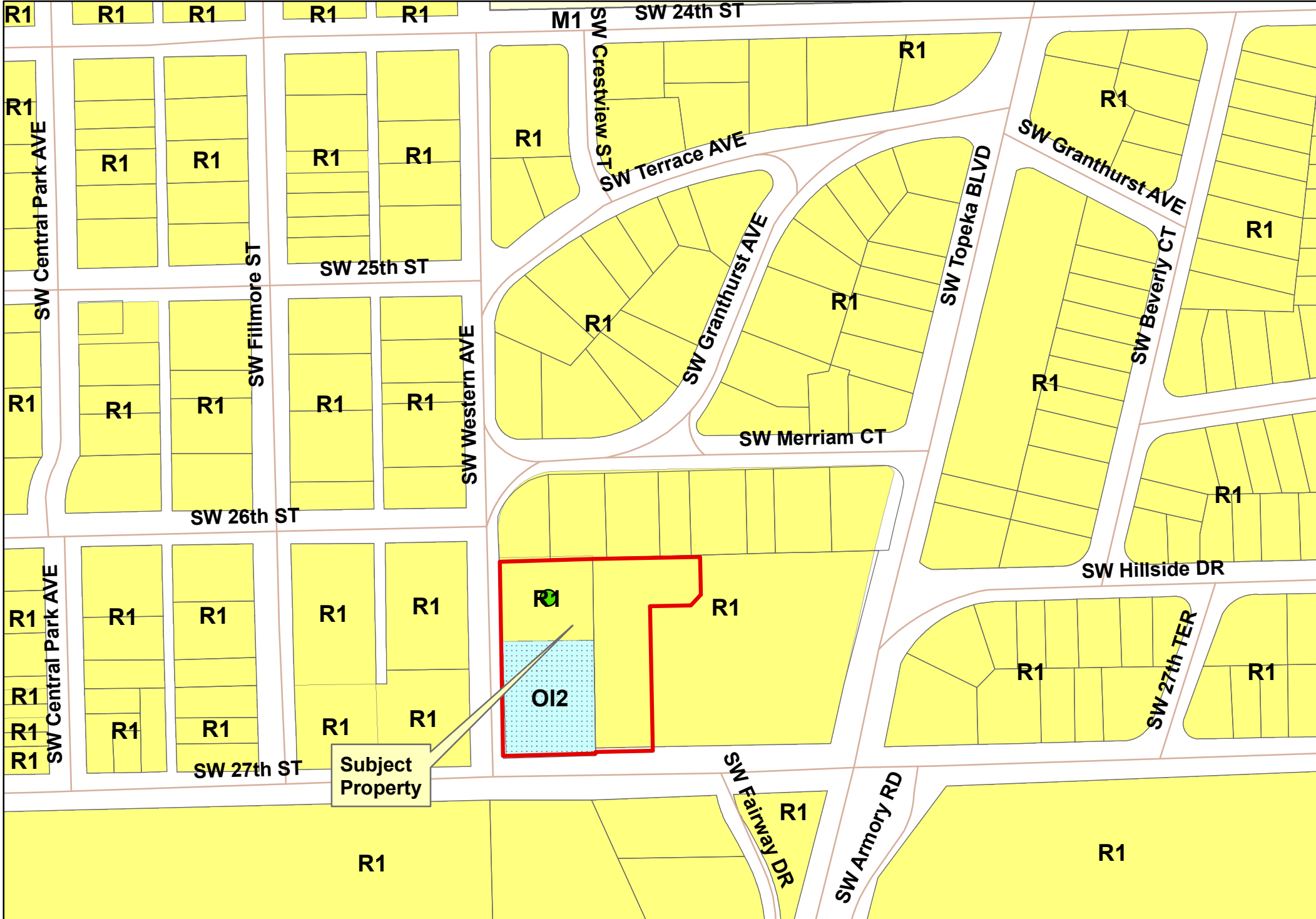
Following principles in the Land Use and Growth Management Plan – 2040, this area is considered a transitional area since it “transitions” from non-residential office to residential. In transition areas, a PUD may be used between non-residential and residential uses to provide for some flexibility for 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.

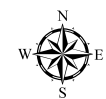


PUD16/2 Newcomer Funeral Group PUD





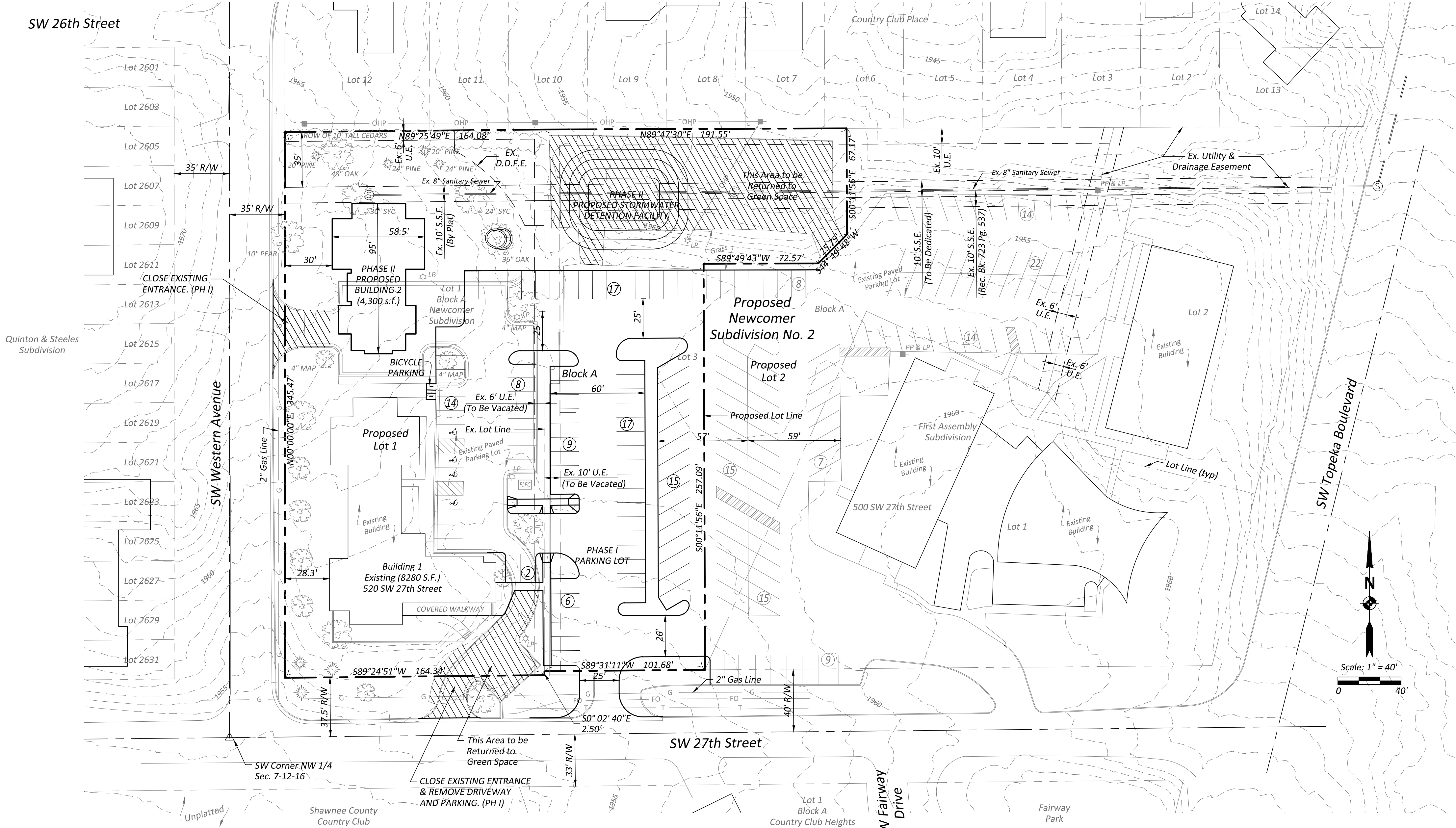
PUD16/2 Newcomer Funeral Group PUD



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

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

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Blvd.
Topeka, Kansas 66611
Ph: (785) 215-8630



SHEET TITLE:
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.

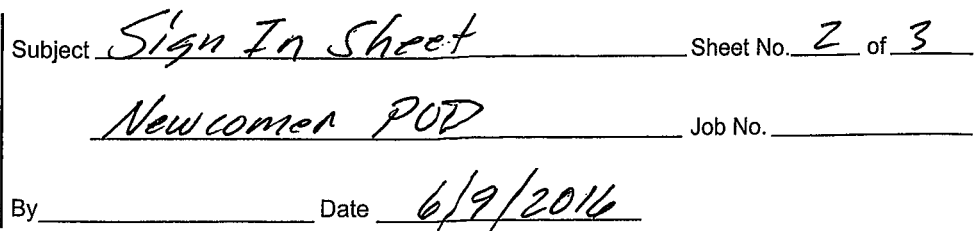
Darren Miller
Newcomer Funeral Service Group


Mark Boyd
SBB Engineering, LLC

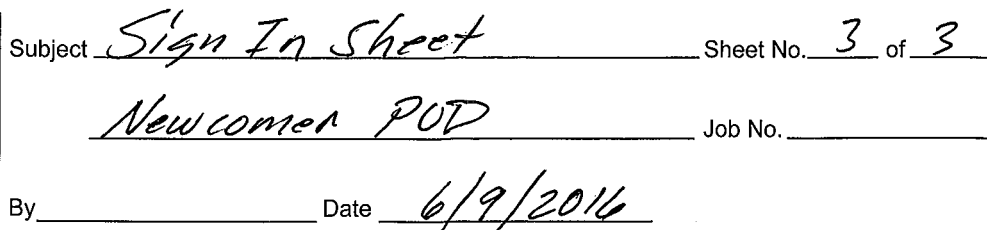


Subject Sign In Sheet Sheet No. 1 of 3
Newcomer POD Job No. _____
 By _____ Date 6/9/2016

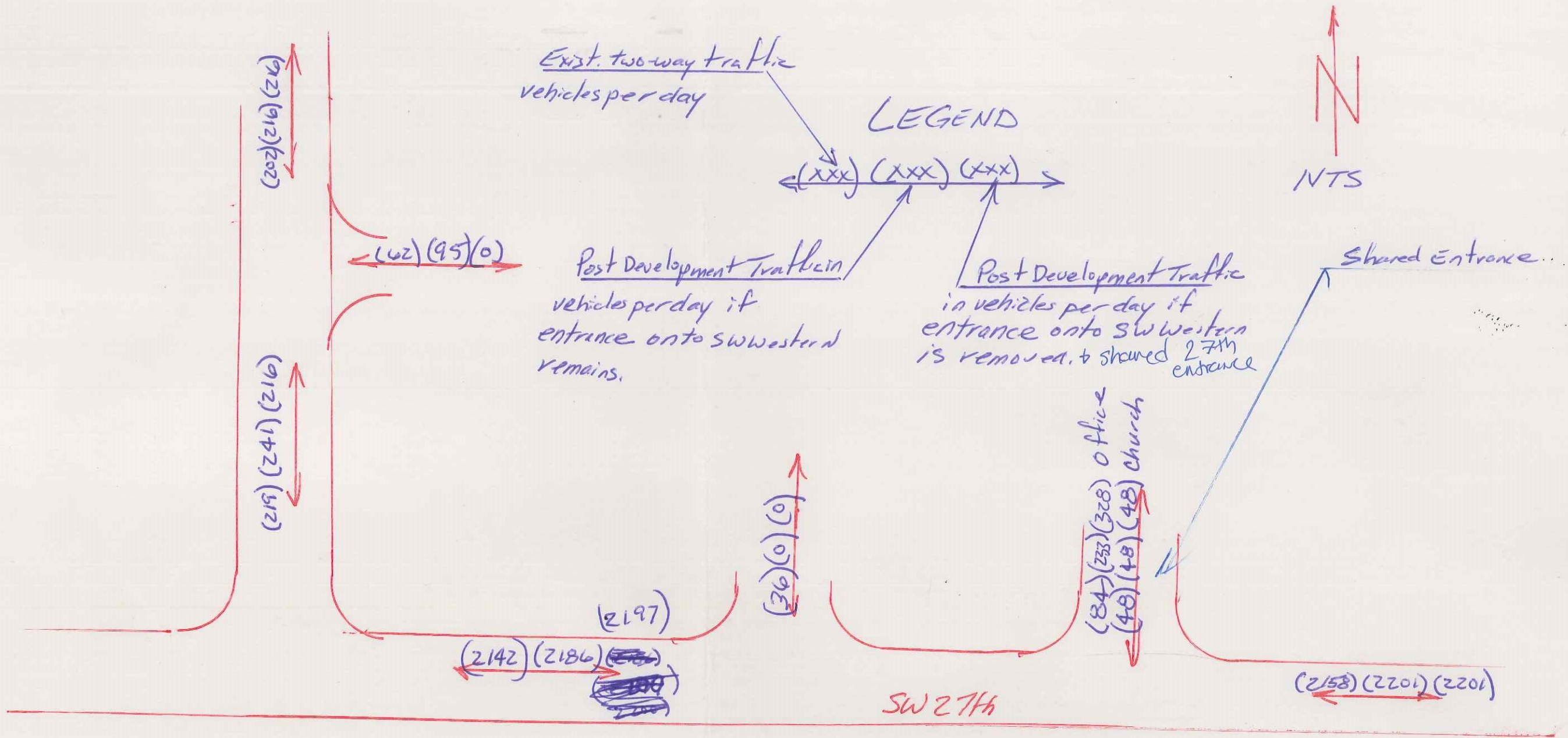
Name	Address	Phone # / email address
Sharyn Sawyer	2601 SW Western	785 338 3498
Randy Sawyer	2601 SW Western Ave	785 409 0603
Amy Potts	717 SW Merriam Ct	
John Potter	717 SW Merriam Ct.	
Anne Brewer	City Planning	308-3010
Michael Hall	C.D.T. PLANNING	368-3007 / mg hall@topexa.org
Steve Vogel	555 Merriam	4180.921.5250
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@topexafirst.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



Prepared
By: T. Coder
8-3-14

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.

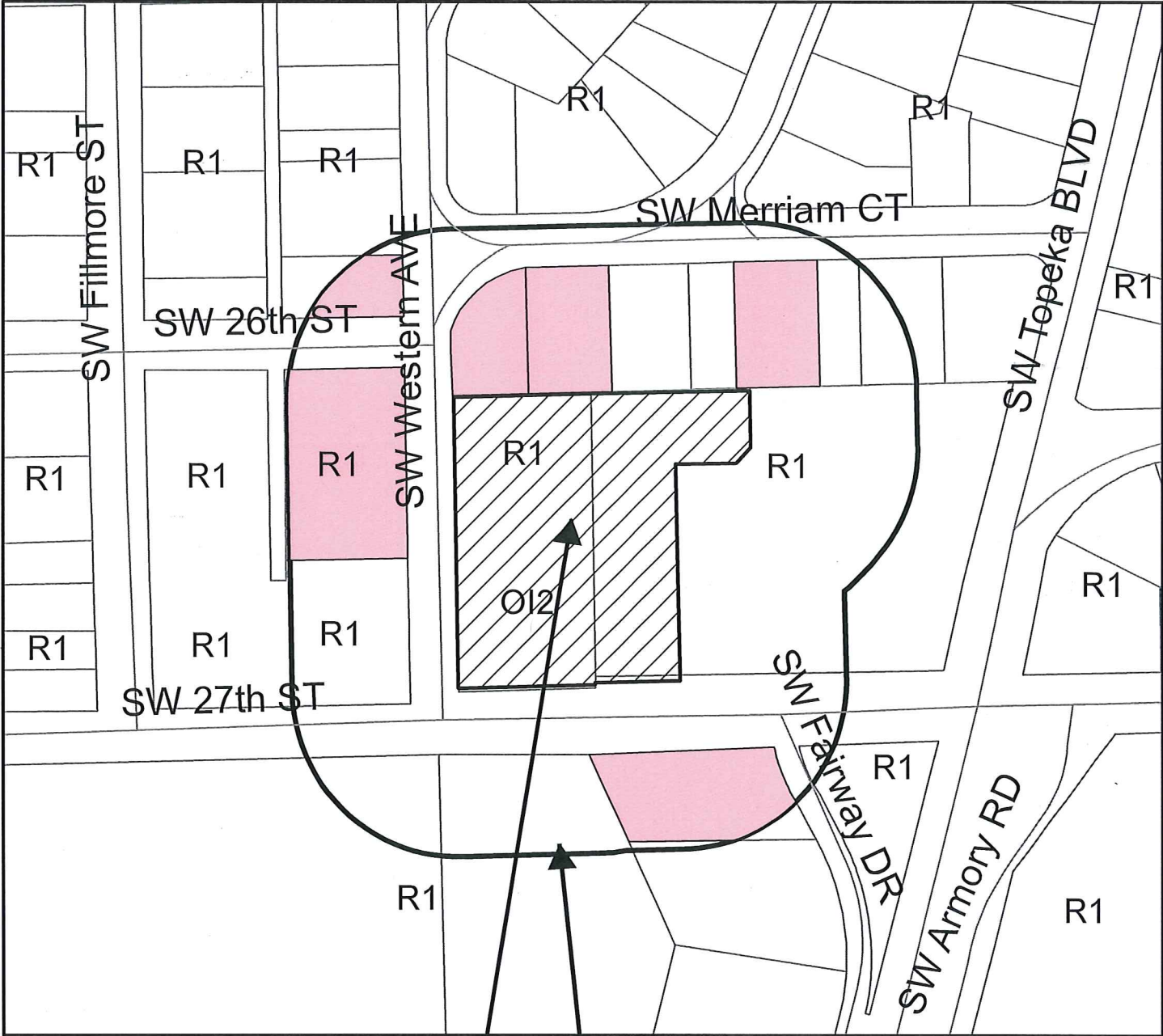
SW Western Street is a local residential roadway. The minimal increase in traffic generated by the proposed development is negligible and will not have significant adverse impact on SW Western Street roadway safety.

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.

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
10+11	15	Country Club Place	711 SW Merriam Ct.

Signature

Kelly J. Eakes

Typed or Printed Name

Lot	Block	Addition	Address
10+11	15	Country Club Place	711 SW Merriam Ct.

ACKNOWLEDGEMENT

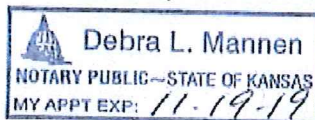
STATE OF KANSAS)

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 T 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
601 SW Merriam Ct.
TOPEKA, KANSAS

David W. Hewitt
Typed or Printed Name

[Signature]
Signature

Typed or Printed Name

ACKNOWLEDGEMENT

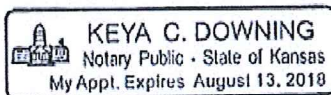
STATE OF KANSAS)

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

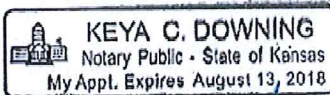
STATE OF KANSAS)

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
TOPEKA PLANNING COMMISSION
CASE MINUTES

Monday, August 15, 2016

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Scott Gales (Chair), Kevin Beck, Carole Jordan, Katrina Ringler, Wiley Kannarr, Brian Armstrong, Dennis Haugh, Rosa Cavazos, Patrick Woods (9)

Members Absent: (0)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; Mary Feighny, Legal; Kris Wagers, Office Specialist

PUD16/02 by Heartland Management Co. / First Assembly of God requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District with a Conditional Use Permit for a surface parking lot and “O&I2” Office and Institutional District, on property at 520 SW 27th Street, and from “R-1” Single Family Dwelling District on the west portion of property at 500 SW 27th, **ALL TO** “PUD” Planned Unit Development (“O&I2” Office and Institutional District uses). **(Driver)**

Due to conflicts of interest, Mr. Beck and Mr. Gales left the room prior to the introduction of this case. The gavel moved to Mr. Woods.

Ms. Driver reviewed the staff report and staff recommendations. She also stated that she had received two phone calls from neighbors who couldn't attend this Planning Commission meeting but wished to voice objection to the zoning amendment.

With no questions from commissioners, Mr. Woods asked if the applicant or a representative wished to speak. Mr. Vern Jarboe came forward representing the applicant.

Mr. Jarboe stated that also present and able to answer questions was Art Glassman, Ren Newcomer, Mark Boyd, and a representative from First Assembly of God Church.

Mr. Jarboe gave information about Newcomer, saying they've been in business for 120 years. They have approximately 120 Topeka employees, 40 of whom are at the SW 27th Street location. With the addition they anticipate adding another 5 at that location. Newcomer also has locations in several other states. It is a family owned business and the proposed expansion allows the business to grow and stay in Topeka.

Mr. Jarboe stated that following the June 3, 2016 filing of the application, the applicant had meetings with staff and neighbors where concerns were identified. One of these was what the building was going to look like, including size/scale and where it's to be situated. He stated that largely because of these concerns, an architect had been retained to help Newcomer decide both the scale of the building needed and the best orientation on the property. The initial building proposal was downsized and the orientation of the building changed to be laid out north and south, making it consistent with the current building and the neighborhood. Mr. Jarboe pointed out that to the west of the current and proposed buildings are large structures, a church and multi-story single family home, and to the east another church. He stated that Newcomer's structures – the existing one and the one they wish to build – are one story structures with residential scale and they believe the structures will fit in well with the neighborhood.

Another concern identified was landscaping. The changing of the orientation allows Newcomer to keep at least two of the large, mature trees that are on the property.

Mr. Jarboe explained that a concern voiced by neighbors was drainage, and he stated that in phase 1 a berm will be erected to move stormwater into the public system. Mr. Jarboe stated that in phase 2, a dry detention pond will be constructed, which only fills when it's raining and empties generally within hours of the rain ceasing. This pond will be hidden by the berm. A study has been done by City engineers and it reports that the public system can handle this drainage/run-off. Mr. Jarboe added that one of the current drainage problems is caused by a shed in the parking lot of the church. This shed will be removed and the drainage design will return to what it was originally. Drainage should improve immediately.

Mr. Jarboe explained that the proposed changes include a more modern design for the parking lot which will improve the appearance and allow better stormwater removal. There will be less parking than currently offered. Also with the changes will come new and improved lighting which will meet the requirement of the City that new lighting not spill out into the neighborhood. In short, Phase 1 will guarantee a better parking lot for stormwater, appearance, traffic circulation and lighting.

Another concern of neighbors was traffic, and the parking lot re-design allows for the removal of two driveways, namely the exit onto Western and an entrance from 27th Street. The new entrance will be a bit east, where the current driveway is for the church. This is allowed by re-orientation of building and re-design of parking lot. The applicant was concerned that the City Fire Department would want better access than one entry/exit would allow, but in meetings with them, they stated they are fine with it and recommended a hydrant be placed on the property. This will be at Newcomer's expense and they intend to have one installed.

Mr. Jarboe pointed out that the traffic study done by the City states that the proposed changes will have nominal or no effect on neighboring streets. The results of the study are available in the staff report to the Planning Commission.

With nothing further, Mr. Jarboe stood for questions.

Mr. Haugh asked him to describe the berm/landscaping, and Mr. Jarboe stated that in phase 1, the only thing that happens is the berm along the north side of the property to keep water from going off into the neighborhood as it currently does. The detailed landscaping plan will be part of the permitting process in Phase 2. The City will need to approve landscaping at that time.

With no additional questions from commissioners, **Mr. Woods declared the public hearing open.**

Joel Taylor of 2435 SW Granthurst Avenue came forward to speak against the expansion of the Newcomer building, stating that the detention pond is one of his main concerns in that it would disrupt the neighborhood. His concern is that while it was stated that the water would be gone within a few hours of a rain, there are always unforeseen things and he referenced the floods in New Orleans and Baton Rouge. He stated that he doesn't understand how an earthen berm would keep the pond from flooding into the neighborhood as dams fail. He spoke of concerns about retention ponds.

Regarding traffic concerns, he pointed out that even with closing the two driveways, traffic will likely travel to Topeka Blvd. by going down Western to 21st where they can turn east at stoplight by Quinton Heights Hill. The other option will be to go down 27th to Burlingame.

At this point, Mr. Taylor's allotted 4 minutes were up.

Amy Potter of 717 SW Merriam Ct. came forward to speak in opposition to the proposed zoning amendment.

Mrs. Potter stated that she and her husband feel the zoning change will violate the historic preservation plan the City adopted in 2014, which, she stated, says that neighborhoods are a valuable economic asset

that require maintenance and preservation. She stated that the neighborhood is pursuing historic preservation status for their residential neighborhood and a zoning change of this size would alter and impact their community and the entire city of Topeka.

Mrs. Potter spoke to the history of the neighborhood and stated that they lost one of the unique neighborhood homes when it was torn down to construct the current Newcomer building and expressed concern that this would happen to other homes in the neighborhood because Newcomer would wish to expand again. She spoke of residents who she stated had been approached by Mr. Newcomer to sell him their residences so, she stated, that they could be demolished to expand his business. She stated that what was once a small business on the border of their neighborhood threatens to destroy more historic homes. She suggested Newcomer might be better served by moving to an office district that can accommodate future growth and expansion.

Mrs. Potter stated that with Newcomer's initial expansion her home lost 20% of its value, and that this expansion will go even further, creating 30,000 square feet of office space, 88 parking stalls, and a very large detention pond. She added that detention ponds can handle water run-off but also overflow into yards and basements, attract snakes and wildlife, and are nasty eyesores.

Shane Sawyer of 2601 SW Western came forward to speak against the proposed zoning amendment, stating that she was in attendance to ask that the commission save their unique neighborhood from commercial encroachment. She read from a Topeka magazine from 2009, an article entitled Architecturally Positive Addition which is about their neighborhood. The article speaks positively of the Country Club Addition Neighborhood. She quoted the article as saying that the neighborhood is "an architecturally diverse and unusual neighborhood much like Westboro" and then stated that she doesn't believe the City would permit the expansion of commercial property at the expense of Westboro's residents and houses.

Alice Brooks of 2525 SW Western came forward to speak against the proposed zoning amendment. She spoke in regard to a home Mr. Newcomer had purchased in the past and torn down and how she doesn't trust what will happen if the city allows the zoning amendment. She stated that she thinks Topeka has too many empty office buildings; too many places have been deserted to build a newer and better building. She stated that if Newcomer wants to expand, she thinks that ideally, he would take one of these buildings and renovate it to make it work for him; someplace that is not in their neighborhood.

Randy Sawyer of 2601 SW Western came forward to speak against the proposed zoning amendment, asking that the commission reject the Planning staff's recommend for approval and to remove the existing driveway entrance on Western Avenue. Mr. Sawyer spoke of a home and trees/foliage that were removed for the current Newcomer building in 2009. He stated that his current view from his home is parking lots, building, increased traffic, and invasive light at night that comes clear across the street. Mr. Sawyer stated that there's no plan in the PUD for how that light might be eliminated.

Mr. Sawyer stated that the Western Avenue parking lot engages numerous types of traffic, including a semi-truck and trailer rig in use. He stated that there are no sidewalks in the neighborhood and the increased traffic puts pedestrians and cyclists at risk.

Speaking to the traffic study, Mr. Sawyer cited the potential for 98 more trips per day, stating that meant an extra 49 extra vehicles exiting and entering their streets during peak hours. He does not see how this is deemed negligible.

David Hewitt of 601 SW Merriam Court came forward to speak against the proposed zoning amendment. He stated that his property suffers most from current parking lot drainage/run-off problems during spring rains, stating that he gets a "creek" running through his back yard that dumps out onto the street even days after the rains have quit. He recognizes that he stands to gain the most from any improvements to the drainage system, but he is still against the amendment. He stated that the beauty and architecture of the neighborhood is a value that goes beyond commerce. Despite his problems with drainage, he hopes the

commission will give up on the idea of further commercialization encroaching on the borders of the neighborhood, stating that commercialization results in decay and they don't want their neighborhood to turn into urban blight. He stated that he enjoys living in the neighborhood and that it's truly one of the gems of Topeka. He has a respect for the neighborhood that he didn't have when he initially moved in.

Howard Blackmon came forward to speak, stating that he is the Quinton Heights NIA President. He stated that this proposed amendment has caused a lot of stir in the neighborhood and asked those present in the audience who were attending in opposition to stand. Mr. Blackmon stated that he was once a Planning Commissioner and understands the commissioners have a difficult decision to make. He stated that the neighborhood's main concern is Western Street and traffic. Despite the traffic study, he's concerned about commercial traffic with the pedestrian and cyclist traffic and virtually no sidewalks in the neighborhood. He also pointed out that 27th Street is a bike route.

Mr. Blackmon stated that he believes Mr. Newcomer listened to the concerns voiced at the Neighborhood Information Meeting and made some significant changes from the original plans. He thinks it's too bad that things had happened in the past and he knows this commission can do nothing to rectify. He stated that he was glad the first package didn't go, he's glad to see the Western Street exit closed, and he sees that the new plans have a lot more specifics and requirements included to give the City more say in what is built on the property.

Billie Padilla came forward to speak against the proposed zoning amendment. She stated she's lived at 724 SW Merriam Court for 20 years. She thinks the neighborhood is beautiful and doesn't want it to change. She stated she lives 2 blocks off Topeka Blvd. and rarely does she hear sirens, there's not a lot of traffic, and she doesn't want that to change.

With no one else coming forward to speak, asked the applicant if they would like to respond. They asked for a 2 minute break to confer, and Mr. Woods stated the commission would break until 7:15PM.

When the meeting was called back to order, Mr. Jarboe came forward representing the applicant. Referring to the churches near the property in question, he stated that the applicant understands that change is difficult but he wished to point out that although churches are not zoned commercial, they draw a lot of people and have big parking lots. He stated that commercial intervention had already been established long before this building was built in 1968. He pointed out the church to the east also occupies land basically to the same northern neighborhood boundary.

Mr. Jarboe stated that the plan is not about encroaching into the neighborhood because it's not going further in and in fact not as far as the property to the west used to. He added that many allegations had been made against Mr. Newcomer which he could respond to, but they have nothing to do with the case at hand so he would not.

Mr. Jarboe pointed out that zoning is not a "plebiscite", or a vote of the neighbors. It is what the Planning Commission and ultimately what City Council think is best for the community. He further stated that most of the issues the neighbors had spoken about would be solved with this proposal. He stated that upon completion, neighbors wouldn't be able to see Topeka Blvd. or a parking lot, or the lighting that's lighting the parking lot today because that will be updated. He believes this proposal is best both for the community and even for this neighborhood.

Mr. Woods asked regarding neighborhood concerns about traffic. Mr. Jarboe stated he was not at the Neighborhood Information Meeting, but having spoken with some who were, including neighbors, he thought the biggest issue was regarding the driveway on Western. With the re-orientation of the building that driveway will be removed. Mr. Jarboe spoke to original applicant concerns about adequate entrances for fire protection, but that issue is resolved by placing a fire hydrant on site. This is part of the building permit phase; they believe this is what will be required and it's what they plan on doing.

With no further questions for Mr. Jarboe, he was seated.

Mr. Woods asked if anyone else would like to speak and with none coming forward, he **declared the public hearing closed.**

Though the public hearing was officially closed, Joel Taylor returned to the podium and asked why a detention pond is necessary. Jeff Laubach of SBB Engineering stated that currently there is a detention basin on site and the new detention basin will be about the same size.

Mr. Haugh asked where it would be located, and Mr. Laubach stated it will be upstream of the parking lot that's being removed. He explained that during Phase 1 the existing detention pond will remain and a berm will be built. Phase 2 is when the new detention pond will be built. He added that the removal of the shed, along with the berm, will help immediately to move the water to the east toward Topeka Blvd. He stated the current detention basin is mowed and manicured, and he reminded the commission that what will be built will be a detention basin rather than a retention basin so it will be dry most of the time. He stated that people would hardly know it's there.

Mr. Woods once again stated that the public hearing was closed and asked Commissioners for discussion.

Mr. Haugh asked staff what could be built on this property if the current owner didn't function there. Mr. Fiander stated that R-1 allows for single family residential or institution uses such as school and churches. The only limitations are setbacks of 30'; no limitation on scale.

Ms. Cavazos asked if the new plans to remove the driveway on Western and all the other changes the owners had made after the Neighborhood Information Meeting had been shared with the neighbors. Ms. Driver stated that by law, the Planning Department was required to (and did) send notification that the case had been re-submitted. The changes were also available on the City of Topeka website.

Mr. Fiander stated due to neighborhood concerns about encroachment of commercialization on the neighborhood, the Planning Department is very cognizant of maintaining an adequate character transition to maintain character. Generally development includes a parking lot that fronts a street. In this situation, the parking will be behind the building and shielded from the street. That's a big plus for not commercializing that road; the change/removal of the driveway was very significant.

Ms. Cavazos asked how many additional parking spaces would be created and Ms. Driver stated the parking lot will be re-designed but no additional parking spaces added.

Ms. Jordan asked about the staff recommendation #5 requiring the applicant maintain a residential appearance on all 4 sides; how is that enforced? Mr. Fiander explained that the PUD requirements include using architectural elements consistent with the current building, elevations to be approved by the Planning Department, and maintaining a residential appearance on all 4 sides. He explained that commercial buildings often have a "back" that has dumpsters, etc. and the PUD will guard against this. The applicant intends to mimic the elevations currently on the site, as well as architectural detail, roof elevations, etc. Planning Dept. staff will hold them to that design.

Mr. Woods pointed out that he'd heard from neighbors one concern about property values, two about drainage, four about traffic, and eight about the character of the neighborhood. He asked Mr. Fiander to explain what the Planning Department looks at to help R1 remain R1 and not allow encroachment from commercial activity. Mr. Fiander stated that character is about reflecting what's there, such as materials, shapes, scale. No parking lots in front, though homes have driveways, trees, and landscaping. The question is whether expansion is in keeping or harming the character. He added that the staff is not approving or recommending approval of anything beyond this property, and will not recommend expansion or encroachment into the neighborhood beyond the property lines that are currently before the Commission.

Mr. Kannarr stated he too had been tracking neighbor comments and heard a lot about the view onto Topeka Blvd., lights, etc. He asked how these issues might be solved if the zoning amendment were not approved; how is the character of the neighborhood restored that may have already changed?

Mr. Fiander replied that if the amendment doesn't pass, then nothing will change or be improved, including improved lighting that doesn't spill beyond the parking lot.

Motion from Ms. Ringler to accept staff recommendation for approval; second by Ms. Jordan. **APPROVAL** (7-0-2 with Mr. Gales and Mr. Beck abstaining)

Mr. Gales and Mr. Beck returned to their seats and the gavel returned to Mr. Gales.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 20, 2016

DATE:	September 20, 2016	
CONTACT PERSON:	Doug Gerber, Deputy City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Downtown Pocket Park Funding and Maintenance Agreement	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding the contract amendment to provide for funding and maintenance of downtown pocket park enhancements.

POLICY ISSUE:

Maintenance funding for improvements located within the public right-of-way.

STAFF RECOMMENDATION:

Staff recommends consideration of the amended contract.

BACKGROUND:

On November 18, 2013, the City entered into an Agreement addressing the installation of certain private pedestrian enhancements with Downtown Topeka Foundation (DTF). The original Contract required the City to maintain the Private Enhancements and for DTF to pay to the City \$250,000 within forty-five (45) days after the City accepted the Private Enhancements for maintenance. The Private Enhancements are nearing completion and staff has had discussions about amending the Original Contract to address future maintenance. Specifically, in lieu of DTF's obligation in the Original Contract to pay \$250,000 to the City for maintenance, DTF shall assume sole responsibility to maintain the Private Enhancements in their original condition, subject to normal wear and tear. To assist DTF with the costs of maintenance, City will make annual payments to DTF over a period of twenty years, beginning with the first payment on July 1, 2017 and then annually each July 1, subject to appropriate funding in the annual operating budget.

The City has accepted the completed improvements and the improvements are insured under a City of Topeka liability policy. This is typical, as the improvements are located within the public right-of-way.

BUDGETARY IMPACT:

Depending on annual appropriations, the approximate amount of funding of 20 years is \$1,263,767. The initial 2017 payment of \$47,032 was included in the 2017 operating budget.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:**Description**

Proposed Agreement

Contract 43269 - Original Agreement

December 2012 Council Packet - Support Documents

November 2012 Council Minutes

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT NO. 1 TO CITY OF TOPEKA CONTRACT NO. 43269

THIS AMENDMENT No. 1 to City of Topeka Contract No. 43269 is entered into this ____ day of _____, 2016, by and between the City of Topeka, hereinafter referred to as "City," and the Downtown Topeka Foundation, hereinafter referred to as "DTF."

WHEREAS, on November 18, 2013, the parties entered into an Agreement ("the Original Contract") addressing the installation of certain private pedestrian enhancements (Private Enhancements); and

WHEREAS, the Original Contract required the City to maintain the Private Enhancements and for DTF to pay to the City \$250,000 within forty-five (45) days after the City accepted the Private Enhancements for maintenance; and

WHEREAS, as the Private Enhancements are nearing completion, the parties are desirous of amending the Original Contract to address future maintenance.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

Section 1. Maintenance of Private Enhancements. Section 4 of the Original Contract shall be deleted in its entirety and replaced with the following:

4. Maintenance of Private Enhancements.

(a) Upon completion of the construction/installation of the Private Enhancements identified on Exhibit A which is attached and incorporated herein by reference, City shall accept same for maintenance upon receipt of DTF's certification of completion.

(b) In lieu of DTF's obligation in the Original Contract to pay \$250,000 to the City for maintenance, DTF shall assume sole responsibility to maintain the Private Enhancements in their original condition, subject to normal wear and tear for a period of twenty (20) years after acceptance for maintenance.

(c) To assist DTF with the costs of maintenance and, subject to Section 5 of this Amendment, City will make annual payments to DTF over a period of twenty (20) years according to the schedule attached as Exhibit B and incorporated herein by reference. City will make the first payment on July 1, 2017 and then annually each July 1 in the amount referenced on Exhibit B.

(d) Maintenance will include, at a minimum, compliance with the maintenance schedule in Exhibit C, which is attached and incorporated herein by reference, but will not include the repair of pavement and sidewalks, including masonry pavers.

Section 2. Duration and Termination; Original Contract. Section 8 of the Original Contract shall be deleted in its entirety and replaced with the following:

8. Duration and Termination. Except as provided in Section 5 of this Amendment, the Original Contract, as amended, will terminate on July 1, 2037.

Section 3. Notices. Section 10(c) of the Original Contract shall be deleted in its entirety and replaced with the following:

All notices and requests given by either party to the other hereunder shall be in writing and shall be sent by hand delivery, by a nationally recognized overnight courier, or by facsimile (provided that facsimile notices are also promptly delivered by hand or by a nationally recognized overnight courier), to the parties at the following addresses or

to such other address and to the attention of such other person as either party may from time to time designate in writing. Notices properly given as described above shall be effective upon receipt or, if received on a date that is not a business day or after normal business hours in the location delivered, the following business day. Refusal to accept delivery shall constitute receipt.

To City:

City of Topeka
Engineering Department
Attn: City Engineer
620 SE Madison
Topeka, KS 66607

With copy to:

City of Topeka
City Clerk's Office
215 SE 7th Street
Topeka, KS 66603

To DTF:

Downtown Topeka Foundation
515 S. Kansas Avenue, Suite A
Topeka, KS 66603

With copy to:

Downtown Topeka, Inc.
515 S. Kansas Avenue
Topeka, KS 66603

Section 4. Insurance. City shall maintain, at its expense, and, subject to Section 5, insurance for the Private Enhancements in the amount identified as "Insured Value" in Exhibit D which is attached and incorporated herein by reference. The insurance will insure against perils commonly referred to as special from causes of loss or referred to as all risks of direct loss including theft, vandalism, and malicious mischief.

Section 5. Cash Basis Law. City's compliance with this Amendment is subject to the Cash Basis Law, K.S.A. 10-1101 *et seq.* If, in the judgment of the city manager, sufficient funds will not be available to continue the payments, City may terminate this agreement at the end of its current and any succeeding fiscal year and, in

such event, DTF will have no obligation to maintain the Private Enhancements . City will give written notice of termination to DTF at least 90 days prior to the end of its current fiscal year.

Section 6. Conflict. This Amendment controls over any provision in the Original Contract that conflicts with this amendment.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

CITY OF TOPEKA, KANSAS

Jim Colson, City Manager

ATTEST:

APPROVED AS TO FORM AND LEGALITY BY THE CITY ATTORNEY'S OFFICE DATE_____ BY _____

Brenda Younger, City Clerk

DOWNTOWN TOPEKA FOUNDATION

Steven D. Briman, Chair

**EXHIBIT A
PRIVATE ENHANCEMENTS**

LIST OF PARKS

Bartlett & West Park	Mars Park
BNSF Park	Midwest Health Pavilion
Capitol Federal Park	Security Benefit Corp. Park
Clayton Financial Pavilion	US Bank Pavilion
Fidelity State Bank Park	Westar Park
American Legion Colmery Plaza	Westar Pavilion
Hill's Park	

LIST OF STRUCTURES; STATUES

American Bison limestone sculpture	Ichabod Washburn statue
Arthur Capper statue	McKinley Burnett statue
Boy, Girl & Dog sculptures (3)	Mid-Block Arches (2)
Capitol Dome (stone base and bronze sculpture)	Pencil metal sculpture
Charles Curtis statue	Sertoma Clock
Corner Medallions (15)	Stainless Steel "Chief 2" sculpture
Cyrus K. Holliday statue	Stainless Steel "Sun" sculpture
Harry Colmery statue and bronze reliefs (2)	State Symbols (11 bronze plaques)

EXHIBIT B
PAYMENT SCHEDULE

YEAR	AMOUNT
2017	\$47,032
2018	\$48,443
2019	\$49,896
2020	\$51,393
2021	\$52,935
2022	\$54,523
2023	\$56,159
2024	\$57,843
2025	\$59,579
2026	\$61,366
2027	\$63,207
2028	\$65,103
2029	\$67,056
2030	\$69,068
2031	\$71,140
2032	\$73,274
2033	\$75,473
2034	\$77,737
2035	\$80,069
2036	\$82,471

DOWNTOWN TOPEKA FOUNDATION
PRIVATE ENHANCEMENTS
ANTICIPATED MAINTENANCE SCHEDULE

[illegible]

DOWNTOWN TOPEKA FOUNDATION
PRIVATE ENHANCEMENTS
ANTICIPATED MAINTENANCE SCHEDULE

[illegible]

Day	Week			Month			Semi Annual		Annual						Long-Term							
PickUp	Broom Sweep	Wipe Leaf Lenses	Test IQO Fountain Chemical Treat	Standard Repair Remove Graffiti	Hose Wash Joints	Air Mount Secure?	Test Line & Bact	Remove Leakes	Startups/ Winterize	Remove/ Install Onnogo	Adjust Repair Pavers	Repair Replace Lights	TouchUp Paint	Report Safety Concern	Repair Sand Joists	Repair Caulk Joints	Replace Sand Joints	Replace Grassy Seals	Tighten Electric Panels	Clean & Repair	Concrete Repair	
28	28	28	28	2	27	27	28	13	13	2	2	7	12	10	28	8	15	8	2	13	10	14

EXHIBIT D

DOWNTOWN TOPEKA FOUNDATION PRIVATE ENHANCEMENTS PROJECT ASSET INSURED VALUE

SECTION	ITEM	#	DESCRIPTION	\$ VALUE	LESS CITY COMMON	INSURED VALUE
			<u>Pedestrian Enhancement Project Summary</u>			
1			<u>Individual Asset / Park Improvement</u>			
	A		<u>Bartlett & West Park</u>	\$157,250	\$24,000	\$133,250
	B		<u>BNSF Park</u>	\$100,000	\$33,000	\$67,000
	C		<u>Capitol Federal Park</u>	\$198,837	\$25,800	\$173,037
	D		<u>Clayton Park</u>	\$113,325	\$40,000	\$73,325
	E		<u>Fidelity State Bank Park</u>	\$119,092	\$31,800	\$87,292
	G		<u>Hill's Park</u>	\$90,028	\$13,200	\$76,828
	H		<u>Mars Park</u>	\$143,578	\$23,280	\$120,298
	I		<u>Medallions</u>	\$58,833	\$58,833	\$0
	J		<u>Mid-Block Arches</u>	\$432,556	\$12,000	\$420,556
	K		<u>Midwest Health Pavillion</u>	\$30,000	\$20,000	\$10,000
	L		<u>Security Benefit Corp Park</u>	\$58,276	\$24,600	\$33,676
	M		<u>US Bank Park</u>	\$110,000	\$20,160	\$89,840
	N		<u>Westar Park</u>	\$341,401	\$48,000	\$293,401
	O		<u>Westar Pavillion</u>	\$33,599	\$22,200	\$11,399
2			<u>Artwork</u>			
	A		<u>Arthur Capper</u>	\$40,000	\$0	\$40,000
	B		<u>Boy, Girl, & Dog</u>	\$25,000	\$0	\$25,000
	C		<u>Capitol Drum (\$30k) & Dome (\$30k)</u>	\$60,000	\$0	\$60,000
	D		<u>Charles Curtis</u>	\$45,000	\$0	\$45,000
	E		<u>Cyrus K Holliday</u>	\$40,000	\$0	\$40,000
	F		<u>Ichabod Washburn</u>	\$40,000	\$0	\$40,000
	G		<u>Limestone Bison</u>	\$49,500	\$0	\$49,500
	H		<u>Corner Medallions</u>	\$80,640	\$0	\$80,640
	I		<u>Pencil</u>	\$10,000	\$0	\$10,000
	J		<u>Stainless Steel "Chief 2"</u>	\$65,000	\$0	\$65,000
	K		<u>Stainless Steel "Sun"</u>	\$17,000	\$0	\$17,000
	L		<u>State Symbols</u>	\$24,070	\$0	\$24,070
3			<u>Harry Colmery Pavillion</u>			
	A		<u>Harry Colmery Park</u>	\$171,674	\$30,000	\$141,674
	B		<u>Harry Colmery Statue and Artwork</u>	\$157,000	\$0	\$157,000
			Total Insured Asset Vale	\$2,811,659	\$426,873	\$2,384,786

City of Topeka Agreement No. 4132169

AGREEMENT

South Kansas Avenue Improvement Project – Project No. T-601020.02

THIS AGREEMENT is made and entered into this 18th day of November, 2013, between the City of Topeka, Kansas, a municipal corporation hereinafter referred to as the "City" and the Downtown Topeka Foundation, a Kansas not-for-profit corporation hereinafter referred to as "DTF."

WHEREAS, on December 11, 2012, the City Council approved a budget for certain public infrastructure improvements on S. Kansas Avenue between 6th and 10th streets in the amount of \$4,967,000.00 (Project); and

WHEREAS, DTF is willing, at its cost, to design, construct, and install certain private pedestrian enhancements to be placed in City right-of-way on S. Kansas Avenue between 6th and 10th streets (Private Enhancements); and

WHEREAS, as the parties are desirous of coordinating the design and construction of the Project with the Private Enhancements.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. City Responsibilities.

(a) City shall design and construct the public infrastructure improvements for the Project identified as "Infrastructure" on Exhibit A which is attached hereto and incorporated by reference.

(b) Contingent upon City Council approval and appropriation of funding, City shall also design and construct certain pedestrian enhancements on S. Kansas Avenue between 6th and 10th streets which enhancements are identified on Exhibit A as "2014

Pedestrian Enhancements" as well as access conduits necessary to provide utility service to the Private Enhancements.

2. DTF Responsibilities. Subject to the availability of private funding, DTF shall design, construct, and install, at its cost, certain private pedestrian enhancements on S. Kansas Avenue between 6th and 10th streets which enhancements are identified on Exhibit A as "Private Pedestrian Enhancements."

3. Coordination and Oversight.

(a) DTF shall design and construct the Private Enhancements in accordance with plans approved by City. Private Enhancements located in City right-of-way shall conform to city ordinances and technical standards and shall be inspected and approved by City.

(b) City agrees to allow access to City right-of-way to DTF and its agents and contractors for the purpose of designing, installing, and/or constructing the Private Enhancements.

(c) City has retained the services of Bartlett & West to design the Project. DTF or its design consultant shall work with Bartlett & West to coordinate the Private Enhancements with the Project. The parties shall require their respective contractors to work together to facilitate the integration of the Private Enhancements with the Project.

4. Maintenance of Private Enhancements.

(a) Upon completion of construction/installation of the Private Enhancements, City shall accept same for maintenance upon receipt of DTF's certification of completion.

(b) City shall maintain the Private Enhancements in their original condition, subject to normal wear and tear, for a period of twenty (20) years after acceptance for

maintenance. In the event of damage to a Private Enhancement, City shall repair or replace the item in consultation with DTF, its successors or assigns, and in accordance with the Cash Basis Law, K.S.A. 10-1101 *et seq.*

(c) To assist with the costs of maintenance, DTF shall pay to City two hundred and fifty thousand dollars (\$250,000.00) within forty-five (45) days after City notifies DTF that City has accepted for maintenance all of the Private Enhancements.

5. Alteration or Removal of Private Enhancements.

(a) Except as provided in subsection (b), City shall not alter or remove any Private Enhancement without the consent of DTF, its successors or assigns for a period of twenty (20) years after acceptance for maintenance. If DTF is dissolved or ceases to operate and there are no successors or assigns, consent shall not be required.

(b) City may alter or remove any Private Enhancement if necessary to repair or protect public infrastructure or if public safety is threatened. If the alteration or removal of a Private Enhancement occurs within twenty (20) years after acceptance for maintenance, City shall replace the Private Enhancement(s) in accordance with the Cash Basis Law, K.S.A. 10-1101 *et seq.*

6. Insurance. During construction of the Private Enhancements, DTF shall provide general liability insurance coverage with a limit of not less than five hundred thousand dollars (\$500,000.00) for all damages arising out of bodily injury, sickness or diseases to or death of one person, and a total limit of one million dollars (\$1,000,000.00) for damages arising out of bodily injury, sickness or disease, and death of two or more persons in any one occurrence.

7. Indemnification. DTF agrees, at its expense, to pay and to indemnify and save the City and its officers, employees and agents harmless from and against all

loss, liability, damage or expense arising out of any and all claims, demands, and expenses arising from the design, construction, or installation of the Private Enhancements, including, but not limited to, claims for loss or damage to any property or injury to or death of any person, asserted by or on behalf of any person, firm, corporation or governmental authority arising out of or in any way connected with any the conditions, occupancy, use, possession, conduct or management of, or any work done in or about the Project by DTF or its agents. DTF also agrees at its expense to pay, and to indemnify and save the City and its officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by City in any action or proceeding brought by reason of any such claim or demand. If any action or proceeding is brought against the City or its officers, employees or agents by reason of any such claim or demand, DTF agrees to defend such action or proceeding on demand of the City or its officers, employees or agents. Notwithstanding the foregoing, neither the City its officers, employees and agents shall be indemnified against liability for damage arising out of bodily injury to persons or damage to property caused by their own negligent, willful and malicious acts or omissions or negligent, willful and malicious acts or omissions of their own officers, employees or agents. This provision will terminate upon acceptance of the Private Enhancements for maintenance.

8. Duration and Termination. This Agreement shall commence upon the date indicated above and shall terminate upon completion of construction of the Project and acceptance for maintenance of the Private Enhancements. However, sections 4 and 5 shall survive termination of this Agreement for a period of twenty (20) years after acceptance for maintenance of the Private Enhancements.

9. Relationship Between Parties. Nothing contained herein shall be construed or held to make City a partner, joint venturer, or agent of DTF its successors or assigns with regard to the Project or the Private Enhancements, nor shall either party be deemed the agent of the other, it being 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.

10. General Provisions.

(a) **Applicable Law.** This agreement shall be governed by and construed under and in accordance with the laws of the State of Kansas.

(b) **Entire Agreement.** This agreement constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this agreement. Neither this agreement nor any provisions hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought and then only to the extent set forth in such instrument.

(c) **Notice.** All notices, demands, consents, approvals, and requests given by either party to the other hereunder shall be in writing and shall be sent by hand delivery, by a nationally recognized overnight courier, or by facsimile (provided that facsimile notices are also promptly delivered by hand or by a nationally recognized overnight courier), to the parties at the following addresses:

To City:

City of Topeka
Engineering Department
Attn: Stan Meyers, Project Manager
620 SE Madison
Topeka, KS 66607

With copy to:

City of Topeka
City Clerk's Office
215 SE 7th Street
Topeka, KS 66603

To DTF:

Downtown Topeka Foundation
515 S. Kansas Avenue, Suite A
Topeka, KS 66603

With copy to:

Downtown Topeka, Inc.
515 S. Kansas Avenue
Topeka, KS 66603

or to such other address and to the attention of such other person as either party may from time to time designate in writing. Notices properly given as described above shall be effective upon receipt or, if received on a date that is not a business day or after normal business hours in the location delivered, the following business day. Refusal to accept delivery shall constitute receipt.

(d) No Third Party Beneficiaries. This agreement is solely for the benefit of the parties hereto and no third party shall be entitled to claim or enforce any rights hereunder.

(e) Authority. By signing this agreement, the signatories affirm that they are authorized to enter into this agreement and bind their respective entities.

(f) Assignment. The parties will not assign, transfer, or otherwise encumber this agreement and its rights hereunder, without the prior written approval of the other party.

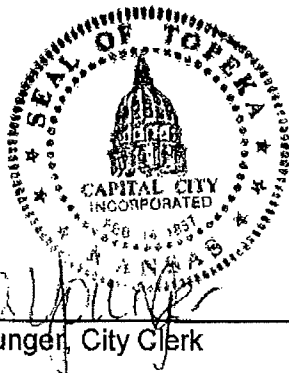
(g) Binding Upon Successors and Assigns. The benefits of and the burdens of this agreement will be binding upon and will inure to any successor, assign, heir or

designee of the parties.

(h) Counterparts. This agreement may be executed in counterparts, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one agreement, which shall be binding upon and effective as to all parties. (i) Severability. If any provision of this agreement shall be held

invalid or unenforceable under applicable law in any jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of such provision in any other jurisdiction or the validity or enforceability of any other provision of this agreement that can be given effect without such invalid or unenforceable provision.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.



ATTEST:

Brenda Younger
Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS

Jim Colson
Jim Colson, City Manager

APPROVED AS TO FORM AND LEGALITY BY THE CITY ATTORNEY'S OFFICE	
DATE <u>11/6/13</u>	BY <u>HL</u>

DOWNTOWN TOPEKA FOUNDATION

Steven D. Briman
Steven D. Briman, Chair

ATTEST:

Scott Gales
Scott Gales, Secretary

EXHIBIT A
PROJECT BUDGET
Project No. T-801020.02
S. Kansas Avenue Improvements

LOCATION:

S. Kansas Avenue between SW 8th Street and SW 10th Street

DESCRIPTION OF PROJECT:

This project will provide for improvements on S. Kansas Avenue between SW 8th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

SOURCE OF FUNDS:

General Obligation Bonds, Half Cent Retailers' Sales Tax, Utility Operating Funds, and Private Sector Contributions.

COST ESTIMATE:

Description of Improvement	Estimated Cost	Payer	Source of Funds
Infrastructure			
Water Line Replacement and Fiber Optics Conduit	\$375,000	COT	Utility Operating Funds
Storm Sewer Improvements	\$575,000	COT	Utility Operating Funds
Lighting and Electrical Service	\$600,000	COT	GO Bonds
Sidewalk Improvements (Colored Concrete)	\$860,000	COT	GO Bonds
Existing Brick Sidewalk Refurbishment	\$60,000	COT	GO Bonds
Median Replacement	\$170,000	COT	GO Bonds
Mid-Block Crosswalks	\$80,000	COT	GO Bonds
Intersection Crosswalks	\$187,000	COT	GO Bonds
Outback Parking Improvements	\$450,000	COT	GO Bonds
Project Traffic Control	\$200,000	COT	GO Bonds
Design, Inspection and Bond Financing Fees	\$1,152,000	COT	GO Bonds
Street Pavement Improvements	\$825,000	COT	1/2 Cent Sales Tax
Curbs and Gutters Improvements	\$225,000	COT	1/2 Cent Sales Tax
Total Infrastructure	\$5,758,600		
Private Pedestrian Enhancements			
Information Kiosks	\$80,000	Private	
Bronze Topknots	\$800,000	Private	
Bronze Plaques	\$90,000	Private	
Bronze State Animals	\$56,000	Private	
Crosswalk Structures	\$225,000	Private	
Pocket Parks	\$800,000	Private	
Total Pedestrian Enhancements	\$1,801,000		
2014 Pedestrian Enhancements			
Guard Hand Rails	\$13,060	COT	2014 CIP
Park Benches and Seating	\$52,600	COT	2014 CIP
Curbs and Landscape Curbs	\$100,036	COT	2014 CIP
Scotscape (Mulch, Irrigation, Landscape and Trees)	\$141,838	COT	2014 CIP
Street and Walk Light Poles	\$378,720	COT	2014 CIP
Trash/Recycle Bins	\$42,860	COT	2014 CIP
Planters (Corner)	\$80,000	COT	2014 CIP
Planters (Center Island)	\$20,800	COT	2014 CIP
Planters (Walk)	\$78,400	COT	2014 CIP
Total 2014 Pedestrian Enhancements	\$888,032		
Total Estimated Project Costs	\$8,448,032		
Utility Operating Funds	\$950,000		
GO Bonds	\$3,758,000		
Special 1/2 Cent Sales Tax	\$1,050,000		
2014 CIP	\$688,032		

11/2/2012

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RESOLUTION NO. 8481

A RESOLUTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka, Improvement Project No. T-601020.02 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement.

B. ESTIMATED OR PROBABLE COST:

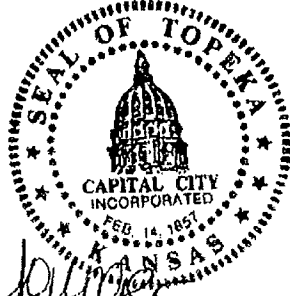
\$4,967,000.00

C. APPORTIONMENT OF COSTS:

Utility Operating Funds	\$ 158,000.00
General Obligation Bonds or any other lawfully available funds	\$3,759,000.00
Citywide Half Cent Special Purpose Retailers' Sales Tax	\$1,050,000.00
TOTAL:	<u>\$4,967,000.00</u>

ADOPTED and APPROVED by the City Council on December 11, 2012.

CITY OF TOPEKA, KANSAS



ATTEST:

Brenda Younger
Brenda Younger, City Clerk

William W. Buntten
William W. Buntten, Mayor

5a



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 28, 2012

Back Print

DATE: December 11, 2012
CONTACT PERSON: Shawn Bruns/Mike Teply DOCUMENT #: 8481
SECOND PARTY/SUBJECT: South Kansas Avenue Improvements PROJECT #: T-601020.02
CATEGORY/SUBCATEGORY 004/004
CIP PROJECT: Yes
ACTION OF COUNCIL: 11/27/12 Deferred to 12/11/12. JOURNAL #: 2012

PAGE #: 431

DEC 14 2012

Approved as amended.

DOCUMENT DESCRIPTION:

12/11/12

A PROJECT BUDGET in the amount of \$8,448,032 and A RESOLUTION introduced by City Manager Jim Colson, relating to and authorizing Improvement Project No. T-601020.02, which provides for street improvements to South Kansas Avenue between 6th Street and 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. (Council District No. 1) (Deferred from the meeting of November 27, 2012.)

(Approval would authorize improvements to the South Kansas Avenue corridor to be funded by general obligation bonds, half-cent retailers' sales tax, utility operating funds and private sector contributions. The project is included in the City's 2011-2013 Capital Improvement Program.)

POLICY ISSUE:

This project will replace aging public infrastructure and encourage further development in Downtown Topeka.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the project budget and resolution.

BACKGROUND:

Council has deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and on July 17, 2012.

Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for a conceptual design of improvements to the South Kansas Avenue downtown corridor and to

also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$8,448,032 to provide for improvements to South Kansas Avenue between SW 6th Street and SW 10th Street. The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes. This project will include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement. Private Sector Contributions will fund enhancements to include pocket parks, information kiosks, and bronze statues.

Funding of the project is proposed from \$3,759,000 of General Obligation Bonds, \$1,050,000 of Half-Cent Retailers' Sales Tax Funds, \$950,000 Utility Operating Funds, \$888,032 from the 2014 CIP and \$1,801,000 of Private Sector Contributions.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015. At the time of construction no vehicular access will be available during the approximately 4 months. Pedestrian access will be available throughout construction.

BUDGETARY IMPACT:

Project Budget: \$8,448,032

The project is included in the City's 2011-2013 Capital Improvement Program for \$2,000,000 in both 2012 and 2013 for a total of \$4,000,000 to be funded by General Obligation Bonds.

SOURCE OF FUNDING:

\$3,759,000 - General Obligation Bonds
\$1,050,000 - Half-Cent Retailers' Sales Tax
\$ 950,000 - Utility Operating Funds
\$1,801,000 - Private Sector Contributions
\$ 888,032 - 2014 CIP
\$8,448,032 - TOTAL

ATTACHMENTS:

Project Budget

Debt Service

Resolution

Informational Sheet

PROJECT BUDGET
Project No. T- 601020.02
S. Kansas Avenue Improvements

LOCATION:

S. Kansas Avenue between SW 6th Street and SW 10th Street

DESCRIPTION OF PROJECT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

SOURCE OF FUNDS:

General Obligation Bonds , Half Cent Retailers' Sales Tax, Utility Operating Funds, and Private Sector Contributions.

COST ESTIMATE:

Description of Improvement	Estimated Cost	Payer	Source of Funds
Infrastructure			
Water Line Replacement and Fiber Optics Conduit	\$375,000	COT	Utility Operating Funds
Storm Sewer Improvements	\$575,000	COT	Utility Operating Funds
Lighting and Electrical Service	\$600,000	COT	GO Bonds
Sidewalks Improvements (Colored Concrete)	\$860,000	COT	GO Bonds
Existing Brick Sidewalk Refurbishment	\$60,000	COT	GO Bonds
Median Replacement	\$170,000	COT	GO Bonds
Mid-Block Crosswalks	\$80,000	COT	GO Bonds
Intersection Crosswalks	\$187,000	COT	GO Bonds
Outback Parking Improvements	\$450,000	COT	GO Bonds
Project Traffic Control	\$200,000	COT	GO Bonds
Design, Inspection and Bond Financing Fees	\$1,152,000	COT	GO Bonds
Street Pavement Improvements	\$825,000	COT	1/2 Cent Sales Tax
Curbs and Gutters Improvements	\$225,000	COT	1/2 Cent Sales Tax
Total Infrastructure	\$5,759,000		
Private Pedestrian Enhancements			
Information Kiosks	\$60,000	Private	
Bronze Topekans	\$600,000	Private	
Bronze Plaques	\$60,000	Private	
Bronze State Animals	\$56,000	Private	
Crosswalk Structures	\$225,000	Private	
Pocket Parks	\$800,000	Private	
Total Pedestrian Enhancement	\$1,801,000		
2014 Pedestrian Enhancements			
Guard Hand Rails	\$13,080	COT	2014 CIP
Park Benches and Seating	\$52,800	COT	2014 CIP
Curbs and Landscape Curbs	\$100,036	COT	2014 CIP
Softscape (Mulch, Irrigation, Landscape and Trees)	\$141,836	COT	2014 CIP
Street and Walk Light Poles	\$378,720	COT	2014 CIP
Trash/Recycle Bins	\$42,560	COT	2014 CIP
Planters (Corner)	\$60,000	COT	2014 CIP
Planters (Center Island)	\$20,600	COT	2014 CIP
Planters (Walk)	\$78,400	COT	2014 CIP
Total 2014 Pedestrian Enhancements	\$888,032		
Total Estimated Project Costs	\$8,448,032		
Utility Operating Funds	\$950,000		
GO Bonds	\$3,759,000		
Special 1/2 Cent Sales Tax	\$1,050,000		
2014 CIP	\$888,032		

GO Bond Cost of Project

PROJECT: T-601020.02

Interest rate	3.50%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	1.500%

Principal	\$3,759,000
Plus Temp Note Interest	\$56,385
Plus Cost of Issuance	\$75,180
Total Project Budget	\$3,890,565

Annual Debt Service	\$273,744
Annual Debt Service as Percent of Total	7.0%

Total Debt Service (principal and interest)	\$5,474,887
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Difference Project Cost and Total Debt Service	\$1,584,322
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GO Bonded Indebtedness as of May 2012	\$161,130,000
Heartland Park STAR Bonds	\$9,855,000
College Hill TIF	\$5,605,000
2011 Temporary Notes that Finance Future GO Bond projects	\$15,230,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$10,566,448
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	\$4,195,923
Total Indebtedness	<u>\$206,582,371</u>
Plus Project	\$210,472,936

11/21/2012

INFORMATION SHEET

PROJECT NO. T-601020.02

S. Kansas Avenue – 6th Street to 10th Street

General Nature of Improvement: Phase 2 of this project will provide for improvements on South Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement. Private sector contributions will enhance this downtown corridor by adding amenities to the area.

Background: Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for conceptual design of improvements to the South Kansas Avenue downtown corridor and to also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$8,448,032. Council has previously deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and July 17, 2012.

The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes. Private sector contributions will fund enhancements to include pocket parks, information kiosks, and bronze statues.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015. While under construction no vehicular access will be available. Pedestrian access will be available throughout construction.

CIP Year: The project is included in the City's 2011 - 2013 Capital Improvement Program for \$2,000,000 in both 2012 and 2013 for a total of \$4,000,000 to be funded by General Obligation Bonds.

Project Budget: The requested Project Budget is \$8,448,032.00

Source of Funding:

\$3,759,000 – General Obligation Bonds
 \$1,050,000 – Half-Cent Retailers' Sales Tax
 \$1,801,000 – Private Sector Contributions
 \$ 950,000 – Utility Operating Funds
 \$ 888,032 – 2014 CIP
 \$8,448,032 – Total

Council District: 1

Project Administration:

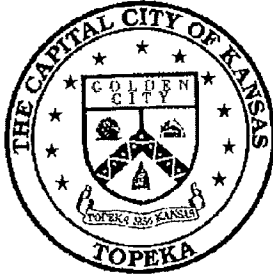
Engineering Division -- Shawn Bruns

Project Schedule:

Design: 2013

Construction: 2014 – 7th Street to 9th Street

2015 – 6th Street to 7th Street and 9th Street to 10th Street



CITY OF TOPEKA MEMO

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

MEMORANDUM

December 11, 2012

RE: South Kansas Avenue Project – Council Agenda Item 5A

Attached are the revised project budget, summary and resolution on the South Kansas Avenue Project to be considered with Council Agenda Item 5A.

South Kansas Avenue

In an effort to clarify the request being made regarding South Kansas Avenue, staff is amending the project budget and recommendation being brought forward to council for consideration. The amended project budget is reduced from \$8,448,032 to \$4,967,000. The amended budget reflects the following:

- Reduce the city infrastructure portion of the budget by \$792,000 from \$5,759,000 to \$4,967,000.
 - This amount is being removed because \$1,000,000 was approved by the Council in 2011 for the project. \$208,000 was already spent on planning and design work. The remaining \$792,000 will displace the planned expenditure of Utility Operating Funds.
 - These funds will be limited to infrastructure improvements including:
 - Water Line Replacement and Fiber Optics Conduit
 - Storm Sewer Improvements
 - Lighting and Electrical Service
 - Sidewalk Improvements (Colored Concrete)
 - Existing Brick Sidewalk Refurbishment
 - Median Replacement
 - Mid-Block Crosswalks
 - Intersection Crosswalks
 - Cutback Parking Improvements
 - Project Traffic Control
 - Design, Inspection and Bond Financing Fees
 - Street Pavement Improvements
 - Curbs and Gutters Improvements
- Remove the \$1.8 million private sector investment dedicated to Private Pedestrian Enhancements.
 - The private sector has identified \$1.8 million in improvements and has received approximately just less than \$1 million in commitments and pledges.
 - The city is not obligated for any of these funds, but to clarify that point the funds are removed from the city approved budget.
 - The private sector will work with city to coordinate design and construction if the project is approved.
- Remove the \$888,032 included as 2014 Pedestrian Enhancements.
 - This amount was included in the budget to cover pedestrian enhancements that are generally paid for by the public sector. No funding source was identified.
 - It is staff's intention to remove this from the current budget and come back later if the project is approved and alternative funding sources are identified.

Proposed amendments are show in double underline and ~~double strikethrough~~.

RESOLUTION NO. _____

A RESOLUTION introduced by Jim Colson, City Manager, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka, Improvement Project No. T-601020.02 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement. ~~Private sector contributions will enhance this downtown corridor by adding amenities to the area.~~

B. ESTIMATED OR PROBABLE COST:

~~\$8,448,032.00~~ \$4,967,000.00

C. APPORTIONMENT OF COSTS:

Utility Operating Funds	\$ 950,000.00
	<u>\$ 158,000.00</u>
General Obligation Bonds or any other lawfully available funds	\$3,759,000.00
Citywide Half Cent Special Purpose Retailers' Sales Tax	\$1,050,000.00
Private Sector Contributions	\$1,801,000.00
2014 CIP	\$ 888,032.00
TOTAL:	\$8,448,032.00
	<u>\$4,967,000.00</u>

Proposed amendments are show in double underline and ~~double strikethrough~~.

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ADOPTED and APPROVED by the City Council on _____.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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ATTEST:

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Brenda Younger, City Clerk

INFORMATION SHEET
PROJECT NO. T-601020.02
S. Kansas Avenue – 6th Street to 10th Street

General Nature of Improvement: Phase 2 of this project will provide for improvements on South Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters, and pavement.

Background: Phase 1 of this project was approved by the City Council in the amount of \$1,000,000 on July 19, 2011, to provide for conceptual design of improvements to the South Kansas Avenue downtown corridor and to also provide for median and utility work. At this point, \$208,000 out of the original \$1,000,000 Phase 1 Project Budget has been spent on the conceptual design work.

Approval is requested for a new Phase 2 Project Budget of \$4,967,000. Council has previously deferred action on Phase 2 of the South Kansas Avenue Improvement Project from their meetings on May 15, 2012, and July 17, 2012.

The proposed improvements for Phase 2 will include increasing the sidewalk widths to 24 feet on both sides of South Kansas Avenue and reducing the number of traffic lanes to three lanes.

Construction is expected to start in the 700 and 800 blocks of South Kansas Avenue in 2014 followed by the 600 and 900 blocks in 2015.

Project Budget: The requested Project Budget is \$4,967,000.00

Source of Funding:

\$3,759,000 – General Obligation Bonds
\$1,050,000 – Half Cent Retailers' Sales Tax
\$ 158,000 – Utility Operating Funds
\$4,967,000 – Total

Council District: 1

Project Administration:

Engineering Division -- Shawn Bruns

Project Schedule:

Design: 2013

Construction: 2014 -- 7th Street to 9th Street

2015 -- 6th Street to 7th Street and 9th Street to 10th Street

PROJECT BUDGET
Project No. T- 601020.02
S. Kansas Avenue Improvements

LOCATION:

S. Kansas Avenue between SW 6th Street and SW 10th Street

DESCRIPTION OF PROJECT:

This project will provide for improvements on S. Kansas Avenue between SW 6th Street and SW 10th Street to include final design, inspection, utility improvements, lighting, and removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement.

SOURCE OF FUNDS:

General Obligation Bonds , Half Cent Retailers' Sales Tax, and Utility Operating Funds.

COST ESTIMATE:

Description of Improvement	Estimated Cost	Payer	Source of Funds
Infrastructure			
Water Line Replacement and Fiber Optics Conduit	\$79,000	COT	Utility Operating Funds
Storm Sewer Improvements	\$79,000	COT	Utility Operating Funds
Lighting and Electrical Service	\$600,000	COT	GO Bonds
Sidewalks Improvements (Colored Concrete)	\$860,000	COT	GO Bonds
Existing Brick Sidewalk Refurbishment	\$60,000	COT	GO Bonds
Median Replacement	\$170,000	COT	GO Bonds
Mid-Block Crosswalks	\$80,000	COT	GO Bonds
Intersection Crosswalks	\$187,000	COT	GO Bonds
Cutback Parking Improvements	\$450,000	COT	GO Bonds
Project Traffic Control	\$200,000	COT	GO Bonds
Design, Inspection and Bond Financing Fees	\$1,152,000	COT	GO Bonds
Street Pavement Improvements	\$825,000	COT	1/2 Cent Sales Tax
Curbs and Gutters Improvements	\$225,000	COT	1/2 Cent Sales Tax
Total Infrastructure	\$4,967,000		
Utility Operating Funds	\$158,000		
GO Bonds	\$3,759,000		
Special 1/2 Cent Sales Tax	\$1,050,000		

Kansas Avenue Project

Infrastructure Improvements

6th Street to 10th Street		
Infrastructure Improvement	3 Lanes, Sidewalks Widened to 24 Ft.	
	Estimated Cost	Comments
Water Line Replacement and Fiber Optics Conduit	\$ 375,000	No costs for pavement
Storm Sewer Improvements (Both sides of street and tie-ins; does not include 8th Street project)	\$ 575,000	
Lighting and Electrical Service (Poles, fixtures and wiring)	\$ 600,000	Dual power outlets 10-12 /side/block
Sidewalks Improvements- colored concrete	\$ 860,000	16 feet/block/side new
Existing Brick Sidewalk Refurbishment	\$ 60,000	
Median Replacement (Shortened; curbs and pedestrian wall)	\$ 170,000	No plantings; water
Mid-block Crosswalks	\$ 80,000	PCC- colored
Intersection Crosswalks	\$ 187,000	Four per intersection
Street Pavement Improvements (Removal, subgrade preparation, asphalt pavement and pavement markings)	\$ 825,000	
Curbs and Gutters Replacement	\$ 225,000	Total removal/replacement
Outback Parking Improvements	\$ 450,000	
Project Traffic Control	\$ 200,000	
Design, Inspection and Bond Financing Fees	\$ 1,152,000	Appx. 25% of construction
Project Total	\$ 5,759,000	
Breakdown by Funding Sources:		
Remaining Funding (Approved)	\$ 792,000	
Utility Operating	\$ 158,000	
G O Bonds	\$ 3,759,000	
Special 1/2 Cent Sales Tax	\$ 1,050,000	
Project Total	\$ 5,759,000	

Notes:

All costs are estimates. Final design and construction may result in variations.

6th-10th option improvements provide for 3 (12') lanes, buffer areas and expanded 24' wide sidewalks.

2 year construction cycle after relocation of KGS lines.

DRAFT- For Discussion Only 12/11/2012

MARS

chocolate
north america

December 10, 2012

The Honorable Bill Bunten, Mayor of Topeka
And Members of the Topeka City Council
City of Topeka
215 SE 7th, Room 352
Topeka, Kansas 66603-3914

Dear Mayor Bunten and Members of the City Council:

On behalf of Mars Chocolate North America, I am pleased to convey our appreciation and support for the City of Topeka's serious consideration of a downtown revitalization initiative. As many of you know, our company was attracted to Topeka for many reasons, including logistics, a business friendly operating environment, the professionalism and 'can do' approach of GO Topeka, and the access to a skilled workforce.

Among the most important aspects of our decision to build our first U.S. chocolate plant in 35 years, was that Topeka offered the quality of life our associates both desire and deserve. In many ways Topeka's values closely mirror our own Mars principles. For this reason especially, Mars Chocolate North America commends the city council and Mayor for your leadership in bringing this opportunity to enliven and redevelop Topeka's downtown to the citizens and families of this fine city.

Thank you for your dedication to the future prosperity and quality of life in Mars' newest hometown.

Very truly yours,


Bret Spangler
Topeka Site Director
Mars Chocolate North America



Downtown Petition of Agreement

As a downtown business owner, I support the downtown redevelopment plan that was presented to the Topeka City Council on November 20, 2012. That plan will provide for improvements on South Kansas Avenue between Sixth Street and Tenth Street to include utility improvements, lighting, removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement, with contributions from the private sector financing the amenities to enhance the downtown corridor.

<u>Name</u>	<u>Business</u>	<u>Address</u>	<u>Date</u>
<u>Allison [Signature]</u>	<u>Fidelity State Bank & Trust Co</u>	<u>600 S. Kansas Ave</u>	<u>12-3-12</u>
<u>Debbie Bruman Latta</u>	<u>Bruman's Leading Jewelers</u>	<u>734 S. Kansas Ave</u>	<u>12-3-12</u>
<u>[Signature]</u>	<u>Sunflower State Games</u>	<u>820 S. Kansas</u>	<u>12/3/12</u>
<u>[Signature]</u>	<u>MARIGOLD'S CLOSET</u>	<u>924 S. KS</u>	<u>12/3/12</u>
<u>[Signature]</u>	<u>Lupitas Mex Restaurant</u>	<u>732 S. Kansas</u>	<u>12-3-12</u>
<u>Mit [Signature]</u>		<u>1000 S. Kansas</u>	<u>12-3-12</u>
<u>Edward [Signature]</u>	<u>HHB BBQ</u>	<u>720 S Kansas</u>	<u>12-3-12</u>
<u>[Signature]</u>	<u>PRENDED FOR BETTER HEALTH</u>	<u>720 S KANSAS</u>	<u>12-3-12</u>
<u>[Signature]</u>	<u>Jersey Mikes Subs</u>	<u>718 Kansas</u>	<u>12/3/12</u>
<u>[Signature]</u>	<u>Visit Topeka Inc.</u>	<u>618 S. Kansas</u>	<u>12-3-12</u>
<u>[Signature]</u>	<u>Vision [Signature]</u>	<u>712 S KANSAS</u>	<u>12-5-12</u>
<u>[Signature]</u>	<u>Clayton Financial</u>	<u>716 S. Kansas</u>	<u>12/5/2012</u>
<u>Ganga Wilson</u>	<u>Boho Mojo</u>	<u>728 S Kansas</u>	<u>12/6/12</u>
<u>[Signature]</u>	<u>CumulusMedia</u>	<u>825 S Kansas</u>	<u>12/6/12</u>
<u>Doug [Signature]</u>	<u>Classic Bean</u>	<u>722 S. Kansas</u>	<u>12/6/12</u>



Downtown Petition of Agreement

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Name	Business	Address	Date
<u>Stephen Smith</u>	<u>STEPHEN SMITH IMAGES</u>	<u>931 KANSAS AVE</u>	<u>12/3/12</u>
<u>Jay Baul</u>	<u>Barker Printing</u>	<u>925 S Kansas</u>	<u>12/3/12</u>
<u>Lisa Boyd</u> with concerns of the lanes + wide sidewalks	<u>The Merchant</u>	<u>913 S. Kansas</u>	<u>12-3-12</u>
<u>Chris Schupp</u>	<u>The Break Room</u>	<u>911 S Kansas</u>	<u>12-3-12</u>
<u>Murf Mann</u>	<u>WOLFE'S CAMERA</u>	<u>635 S KANSAS</u>	<u>12-3-12</u>
<u>HAROLD A. ABRSMUE</u>	<u>HAMW ENTERPRISES</u>	<u>627-29 S KANSAS</u>	<u>12-3-12</u>
<u>Diane Schultz</u>	<u>Field of Greens</u>	<u>909 S Kansas Ave</u>	<u>12-3-12</u>
<u>Dr. Jeffery A. Gravel</u>	<u>DR. JEFFERY A. GRAVEL DENTIST</u>	<u>927 S. KANSAS AVE</u>	<u>12-3-12</u>
<u>Jan Gyal</u> A concern's blocked off during construction	<u>Jan's Antiques</u>	<u>811 S. Kansas</u>	<u>12-3-12</u>
<u>Jane Redman</u>	<u>Avenue Hair Styling</u>	<u>807 S. Kansas</u>	<u>12-3-12</u>
<u>DON L. McNEELY</u>	<u>KANSAS AUTOMOBILE DEALERS ASSN.</u>	<u>731 S. Kansas</u>	<u>12-3-12</u>
<u>Pantaleon Flores Jr</u>	<u>Florez Law office</u>	<u>933 S. Kansas Ave</u>	<u>12-4-12</u>
<u>Absolute Design by Brenda</u>	<u>Brenda Price</u>	<u>629 S. Ks. Ave</u>	<u>12-4-12</u>
<u>Buttercup & Lacies</u>	<u>Buttercup & Lacies</u>	<u>631 KS.</u>	<u>12-4-12</u>
<u>Mark Boone</u>	<u>Vanish Jewels</u>	<u>623 KS</u>	<u>12-4-12</u>
<u>Frank Sica</u>	<u>America's</u>	<u>601 S. KANSAS</u>	<u>12-4-12</u>



Downtown Petition of Agreement

As a downtown business owner, I support the downtown redevelopment plan that was presented to the Topeka City Council on November 20, 2012. That plan will provide for improvements on South Kansas Avenue between Sixth Street and Tenth Street to include utility improvements, lighting, removal and replacement as necessary of existing sidewalks, medians, crosswalks, curbs, gutters and pavement, with contributions from the private sector financing the amenities to enhance the downtown corridor.

Name	Business	Address	Date
Maria Tran	Schlitzky's Deli	607 S. K.S.	12/5/12
Wanda Minchard	Crown Beauty Salon	630 S. K.S.	12/5/12
Ryan L. Smith	Quiznos	809 S. K.S.	12/5/12
Wendy G. Wells	U.S. Bank	719 S. Kansas	12/7/12
Brianna Thompson	Bynk Salon + Day Spa	309 S. K.S.	12/7/12
Jose	Botto mojo	728 S. Kansas	12/7/12
Larry McCraig	Equity Bank	701 S. Kansas	12/10/12
Adam Ray	Briman's Leading Jewelers	734 S. Kansas	12-10-12
CD Trade Post		826 S. Kansas	12-11-12
Terry McPherson	Laser Art Creation	729 1/2 Kansas	12-11-12

Council Minutes – December 11, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 11, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -9. Mayor William W. Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Gray asked for a moment of silent meditation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meetings of December 4, 2012 was presented.

Dance Hall License applications were presented for Skinny's Sports Bar & Grill located at 4016 SW Huntoon and Wild Horse Saloon located at 3249 SW Topeka Boulevard.

An Open After Midnight License application for West Ridge Lanes located at 1935 SW Westport Drive was presented.

Councilmember Wolgast moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A REVISED PROJECT BUDGET in the amount of \$4,967,000 and RESOLUTION NO. 8481 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Jim Colson, City Manager, distributed the revised project budget and resolution and reported the project budget has been reduced from \$8,448,032 to \$4,967,000, the amount needed to fund infrastructure repairs only. He reported the private sector has promised to commit to the

improvement project and would assist with the coordination of the design and construction of the downtown area. He discussed the financial breakdown of funding sources which would include General Obligation Bonds or any other lawfully available funds, Citywide Half-Cent Special Purpose Retailers' Sales Tax Funds and Utility Operating Funds. He stated he believes legitimate concerns have been discussed and it is his job to provide sufficient information for the Governing Body to make an informed decision.

Councilmember Manspeaker commended the City Manager for providing detailed information to the Council. He stated he appreciates the end result of the planning process, providing him with a clearer picture of the project.

Councilmember Manspeaker moved to amend the project budget and resolution as distributed by the City Manager. The motion was seconded by Councilmember Gray.

Councilmember Harmon questioned if they were following regular protocol in regards to including the revised project budget in the Capital Improvement Program and Capital Improvement Budget without any direction from the Council.

Pam Simecka, Budget and Finance Director, stated the project is already included in the Capital Improvement Program; however, the scope of improvements have changed, not the funds allocated for the project.

Jim Colson stated he has been cautious in how the project has been presented by removing areas of concern and combining current City and private funding. He reported the project has been thoroughly discussed and presented in a consistent manner throughout the process with guidance from the City Attorney's office and Finance Department. He reported an enhancement project in the amount of \$800,000 may be presented in the future if the proposed project is approved and alternative funding sources are identified.

Councilmember Gray asked for the term “any other lawfully available funds” to be defined, and if the private sector could fund the \$800,000 for the enhancements.

Pam Simecka stated the term is used in the event the City receives any additional grants or funding.

Jim Colson stated the private sector could potentially fund the \$800,000 enhancement project.

Councilmember Wolgast stated the project budget has remained consistent over the last three (3) years in the amount of \$5 million and he believes the project has come full circle. He stated he concurs with Councilmember Manspeaker that the project has been clarified and he believes it would be appropriate to move forward at this time.

Councilmember Everhart spoke in support of the project. She stated she appreciates the private funding contributions because constituents have made it clear they want private sector funds to be utilized for the project.

The motion to amend the project budget and resolution as distributed by the City Manager carried unanimously. (9-0-0)

Mayor Bunten commented on the Open House conducted December 6, 2012, for the purpose of gathering public input on the S. Kansas Avenue Project. He reported the open house was televised and provided opportunity for many discussions and informational presentations.

Anita Jones, Doug Jones, Lonnie Williams, Rob Briman, Daryl Craft, Brenden Jensen, Martin Munoz, Jerry Farley, Vince Frye, Juliann Earl, Douglas Thomas, John Hunter, Eric Benedict, Angel Romero, Shea Kirsop, Ann Adams, Zack Snethen, Anje Kearney, Scott Galcs and John Dicus spoke in support of the South Kansas Avenue Improvement Project No. T-601020.02.

The following highlights are the views expressed by those who spoke in support of the project:

- The importance of repairing infrastructure before any other improvement is made in the downtown area.
- Revitalizing the downtown in such a manner that it becomes a center for activity, a place for families to gather, and an area the community can be proud of.
- The important role quality of life plays in a thriving city and the need to have a vital downtown to encourage economic development.
- The importance of communicating with businesses during the construction phase and the affect it will have on downtown businesses and foot traffic.
- Encouraged the City Council to unite the city and make the best possible decision for all citizens by taking the responsibility of reinvesting in the community and continuing to encourage public/private partnerships in the revitalization efforts.
- Made reference to the 1999 North Topeka Historic Preservation Plan and the belief that downtown could thrive in the same manner as the NOTO Art District if the infrastructure project is approved.
- How downtown revitalization would make Topeka a unique city and inspire Washburn University students to remain in the community.

Ted Mize spoke in opposition of the proposal and stated he believes it is poorly planned and will not work.

Councilmember Gray commended City Manager, Jim Colson, for being proactive in communicating with business owners along SW 21st Street and Urish Road regarding the upcoming street improvements. He stated he would support this project because he believes it will be handled in the same manner as the SW 21st Street and Urish Road project; the City is only paying for the essentials; and he trusts the project will move forward exactly as presented.

Councilmember Manspeaker commended Martin Munoz for his hard work in making his downtown business a success and using private funds to improve the store front. He stated he believes community leaders have failed to provide the Council and citizens with the essential information to make an informed decision on the project and the need to repair infrastructure.

Councilmember Alcala asked how many businesses were located along South Kansas Avenue between SE 6th Street and SE 10th Street.

Vince Frye, DTI, Inc., President and Chief Executive Officer, reported there were 64 businesses located between SE 6th and SE 10th Streets.

Councilmember Hiller reported there were 16 properties downtown for sale with a contract pending on three (3) properties, active listings on six (6) properties, as well as, activity on many side street properties. She stated it is an exciting time for the downtown area to pull together and other businesses to take an interest in the area.

Councilmember Alcala commented on the differences in the 1999 North Topeka Historic Preservation Plan and the South Kansas Avenue Project Plan and noted the North Topeka Project was created by staff and based strictly on infrastructure repair, unlike the South Kansas Avenue Project. He stated he has not yet received the financial breakdown of how the City plans to spend the funds being requested.

Councilmember Manspeaker asked what the final project cost was for the North Topeka Plan.

John Hunter, NOTO Art District, stated the overall cost of the North Topeka Project was \$65 million; however, he does not have the financial breakdown of detailed costs associated with the project.

Councilmember Manspeaker stated he believes the North Topeka Historic Preservation Plan is virtually what is being presented to the Council at this time; however, it was his understanding the Plan was approved without any difficulty because it was presented in a different manner.

Councilmember Ortiz expressed concern with not having the funding available to construct curbs, gutters and sidewalks in Council District No. 3. She stated it is vital the City

spends taxpayer dollars on the necessities. She noted it would be difficult to support the proposal because many of her constituents have expressed opposition to the project.

Councilmember Manspeaker stated it was his understanding the project would not resolve the standing water issues or prevent water from backing up in basements located along South Kansas Avenue.

Councilmember Hiller thanked John Dicus, Capital Federal Savings Bank, for their leadership in the community and the improvements they have made to their downtown location.

Councilmember Wolgast moved to approve the project budget and resolution as amended. The motion was seconded by Councilmember Everhart.

Councilmember Manspeaker questioned the need to widen the sidewalks because he believes it would change the integrity of downtown. He also asked if the plan would change after approved.

Jim Colson reported the sidewalks would be widened as proposed in the design plan; however, this may change if the design affects public safety in regards to vehicle and pedestrian circulation. He stated the required procurement process (request for proposal) would be adhered to for all phases of the project insuring the City remains in control of the project.

Councilmember Wolgast stated he supports the plan as presented because he believes it is a good plan that feels like Kansas and only approves the necessary funding for infrastructure repairs.

Councilmember Harmon stated many of his constituents have asked if the proposal could be brought to a public vote.

Dave Starkey, City Attorney, stated Kansas State statutes do not require a municipality to require a public vote on this type of project; however, the Council has the authority to submit an issue to the community for an advisory vote but it would not be binding.

Councilmember Alcala spoke in opposition to the proposal and asked for the line items to include more financial detail. He stated he does not agree with widening the sidewalks and reducing the number of street lanes. He suggested constructing a design plan that would provide more details.

Councilmember Harmon thanked those individuals involved in the process of downtown development; however, he believes the downtown footprint is much larger than what is being considered. He reported public expectation is that this project will transform the downtown area and it will only fix the infrastructure. He stated he believes the City of Topeka needs to follow the lead of other cities and utilize economic development tools that have been put into place by the Legislature, including Sales Tax Revenue (STAR) Bonds and Tax Increment Financing (TIF) Districts to spur development. He also stated he fears if the project is approved the efforts to revitalize downtown will come to a halt.

Councilmember Hiller stated she agrees they need to look at the entire downtown district. She stated she believes they have economic development tools in place and a downtown with many opportunities; however, good infrastructure is the core piece to economic development. She stated she would support the project because the plan reflects the input of the community.

Councilmember Wolgast called the question.

Mayor Bunten commented on the work involved in the project.

Councilmember Alcala raised a point of order. He stated the question has been called and deliberation should cease.

The motion to approve the project budget and resolution as amended carried.

Councilmembers Alcala, Ortiz and Harmon voted "no." (6-3-0)

RESOLUTION NO. 8482 introduced by City Manager Jim Colson, supporting the Joint Economic Development Organization to direct the Growth Organization of Topeka/Shawnee County to provide funding on behalf of the City of Topeka in support of the Heartland Visioning Project was presented.

Jim Colson, City Manager, reported approval would allocate \$30,000 of Growth Organization (GO) Topeka funds to support the Heartland Visioning Project on behalf of the City of Topeka.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Hiller carried. Councilmembers Manspeaker, Archer and Gray voted "no." (6-3-0)

RESOLUTION NO. 8483 introduced by City Manager Jim Colson, approving the 2013 Legislative agenda was presented.

Jim Colson, City Manager, stated approval would adopt the City of Topeka's 2013 Legislative agenda.

Councilmember Wolgast reported the legislative agenda has been presented to the Shawnee County delegation and there were several good discussions on the issues being presented by the Governing Body.

Councilmember Wolgast moved to approve the resolution. The motion was seconded by Councilmember Gray.

Mayor Bunten stated the City Attorney has assured him that there is language in the resolution that is all encompassing regarding the Heartland Park Sales Tax Revenue (STAR)

Bond issue and the proposal to implement a tax lid on the amount of delinquent property taxes owed.

The motion to approve the resolution carried unanimously. (9-0-0)

Retail Cereal Malt Beverage License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Glory Days Pizza	1033 SW Gage Boulevard
New China Restaurant	201 SW 29 th Street

Councilmember Ortiz moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Archer carried unanimously. Mayor Buntin voted "yes." (10-0-0)

AN ORDINANCE introduced by City Manager Jim Colson, concerning possession of a firearm during certain misdemeanors, creating City of Topeka Code Section 9.40.045 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, concerning the prohibition of smoking in public places, amending City of Topeka Code Section 8.20.020, 8.20.030, 8.20.070, 8.20.080, 8.20.110, 8.20.120 and 8.20.130 and specifically repealing said original sections, as well as, repealing in its entirety Section 8.20.140 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.15.090, concerning redistricting and specifically repealing said original section and Ordinance No. 19779 was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE
COUNCIL;

Councilmember Hiller thanked all those involved in the South Kansas Avenue Project. She stated the decision making process has improved over time and strengthened public/private partnerships.

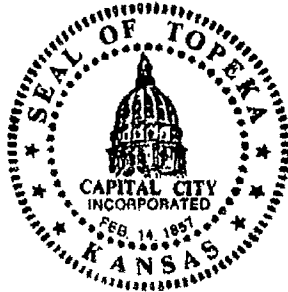
Councilmember Gray commended Jim Colson, City Manager, for answering questions regarding the South Kansas Avenue Project and allowing him to make an informed decision on the project while keeping his core values intact.

Councilmember Harmon thanked Zack Snethen for his hard work on the downtown project and visioning process. He stated he respects Mr. Snethen's forward thinking and great ideas as an architect and citizen of Topeka.

Mayor Bunten stated he is pleased with the outcome of the South Kansas Avenue Project and hopes that he will get to experience a thriving and vital downtown.

Ted Mize appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:59 p.m.



Brenda Younger
Brenda Younger
City Clerk

Council Minutes – November 27, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 27, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Reverend Kate McGee, Trinity Presbyterian Church gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Jim Colson, City Manager, stated the Minutes of the regular meeting of November 20, 2012, agenda item 4a, were not yet complete. He requested the Minutes be withdrawn from the consent agenda and placed on next week's Council agenda.

Upon hearing no objections, Mayor Bunten announced item 4a would be withdrawn from the consent agenda and placed on the December 4, 2012, Council agenda.

A PROJECT BUDGET in the amount of \$4,000,000 and A RESOLUTION introduced by Interim City Manager Daniel R. Stanley, relating to and authorizing Improvement Project No. T-601020.02, which provides for street improvements to South Kansas Avenue between 7th Street and 9th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented. The project budget and resolution was deferred from the meeting of July 17, 2012.

Jim Colson, City Manager, reported the South Kansas Avenue Street Improvement Project No. T-601020.02 proposal has changed significantly as outlined in Council agenda item 6a. He requested the item be withdrawn from the Council agenda.

Mayor Bunten asked the individuals signed up to speak on the matter if they would object to reserving their comments until the Council considers the new project proposal (item 6a).

Upon hearing no objections from the individuals signed up to speak, Mayor Bunten announced public comment would be reserved until the Council considers the new project proposal, Council agenda item 6a.

Upon hearing no objections from Councilmembers, Mayor Bunten announced the project budget and resolution would be withdrawn from the Council agenda.

A PROJECT BUDGET in the amount of \$8,448,032 and A RESOLUTION introduced by City Manager Jim Colson, relating to and authorizing Improvement Project No. T-601020.02, which provides for street improvements to South Kansas Avenue between 6th Street and 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Jim Colson, City Manager, requested to defer the project budget and resolution until December 11, 2012. He stated he concurs with the Council and believes there is great value in gathering public input on the new proposal. He announced they would provide a presentation on the new proposal, as well as, providing an opportunity for public comment on December 6, 2012, in an open house forum, with time and location to be determined. He reported there are significant changes to the proposal; however, the budget is consistent as there is still a certain amount of estimated funds coming from the private sector. He stated they would continue to work on building an increased level of financial commitment from the private sector.

Teresa Miller stated she believes more information and ideas need to be considered for the downtown area. She requested the public meeting be scheduled in the evening to allow more members of the community to attend.

Mayor Bunten stated complete information on the new proposal would be provided at the December 6, 2012, public meeting.

Councilmember Archer suggested televising the public meeting and scheduling the meeting at 6:00 p.m. on December 6, 2012.

Jim Colson confirmed the open house would be held on December 6, 2012, at 6:00 p.m. in the City Council Chambers located at 214 SE 8th Street. He noted the open house would be televised.

Angel Romero reported they are very excited about the downtown revitalization project and many fellow Washburn University students are ready to move forward with the plan. He stated they support hosting a public forum on the new proposal and thanked the Governing Body for continuing with the plan's development.

Frank Meade referenced an email he sent to the Council concerning his involvement in the downtown revitalization plan. He stated he believes a long term plan should be included for properties south of 10th Street to get real results and move towards real development in the future. He noted that he attended most of the Heartland Visioning public meetings; however, the plan is a narrow scope of a certain area to be revitalized which he believes limits the downtown area vision as a whole.

Mayor Bunten stated he concurs with Mr. Meade and believes other businesses would look into expanding or opening on Kansas Avenue if the plan extended to 10th Street.

Councilmember Wolgast moved to defer the project budget and resolution until December 11, 2012. The motion seconded by Councilmember Gray carried. Councilmember Manspeaker voted "no." (7-1-0)

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE
COUNCIL;

Jim Colson, City Manager, commented on the court ruling in the case of *Bryant v. City of Topeka and State of Kansas* and reported the outcome of the court case would not hinder the City's continued efforts in addressing and promoting safety on the Kansas River.

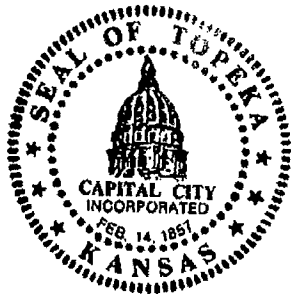
Councilmember Hiller commended the volunteers who assisted with the Miracle on Kansas Avenue Christmas Parade and Tree Lighting Ceremony.

Councilmember Alcala requested the graffiti on the Oakland pump station be removed as soon as possible and noted the content is very offensive.

Mayor Bunten commented on the 44th Annual Community Thanksgiving Dinner held on November 22, 2012, and stated it was a great success. He also thanked the volunteers who helped make the Miracle on Kansas Avenue Parade and Tree Lighting Ceremony a great success and noted Topeka is a vibrant community with many events happening this time of year. He commented on emails he received from residents expressing concern with downtown revitalization and infrastructure that is in need of repairs.

Jeff Scott appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:39 p.m.



Brenda Younger
Brenda Younger
City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 20, 2016

DATE:	September 20, 2016	
CONTACT PERSON:	Brandon Kauffman, Director of Finance	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Discussion	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of the City of Topeka Debt Policy and Reserve Policy.

POLICY ISSUE:

Approval of the debt policy will assist the City staff with crafting and developing debt issuance. Adoption of policies may assist the City in minimizing borrowing costs in the future due to rating agencies favorable outlook on such policies.

Approval of a comprehensive reserve policy providing staff guidance on the use of reserves, set reserve levels and identify proper use of reserves.

STAFF RECOMMENDATION:

Staff recommends that the governing body undertake a comprehensive review of financial policies including the debt and reserve policy. The current debt policy was adopted in November of 2004, it serves as the basis for the drafted new policy and has been updated to reflect the indicators that bond rating agencies review to assist in modeling their rating methods.

The current reserve policy was set forth in the 2004 debt policy. The policy however only identifies reserve levels for the general fund and a more comprehensive reserve policy is needed in order to give staff proper guidance for financial planning.

BACKGROUND:

The governing body of the City of Topeka adopted resolution 7554 at its November 23, 2004 meeting. The debt policy has served the City well, but due to its age needs updated. In addition, a more comprehensive policy for reserves is needed to assist in guiding the City and staff.

BUDGETARY IMPACT:

Adopting an updated debt policy and guidelines for reserves could assist the City with developing future budgets.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Resolution 7554 - City Debt Policy

Conduit Issuance Fee Schedule

COT Debt Policy

COT Debt Policy Highlights

Debt Policy Comparison Chart

COT Reserve Policy

COT Reserve Policy Highlights

Reserve Policy Comparison Chart

RESOLUTION NO. 7554

A RESOLUTION introduced by Mayor James A. McClinton setting forth the City of Topeka's policy for debt management.

WHEREAS, the vitality and economic prospects of a City can be measured by the service delivery potential of its infrastructure; and

WHEREAS, a significant portion of a city's ability to influence and/or encourage economic development can be measured by the adequacy of its infrastructure and its capacity to support growth; and

WHEREAS, it is the responsibility of the City Council, the City Manager and other appointed city staff, as trustees for the City of Topeka's ("City") infrastructure and physical plant and their related service delivery capacity, to:

1. Maintain the existing assets to ensure continued serviceability;
2. Provide for additions, modifications, and expansions as needed and, when possible, in reasonable anticipation of change;
3. Ensure that the costs of this effort are borne equitably by each generation of taxpayers, rate-payers, users, and other beneficiaries over a relevant period of time;
4. Employ the use of debt to complement, and not to supplant, significant recurring commitments of annual appropriations for capital purposes;
5. Act as responsible fiduciaries during their tenure as City officials, to ensure the transfer to their successors of City infrastructure, physical plant, and service delivery capacity in equal or better condition as they received them from the preceding officials; and
6. Maintain the City's sound financial position, reasonable reserves, and attractive debt position, thereby enhancing the City's corporate image, creditworthiness,

flexibility, and its related ability to meet the challenges of each new day, decade, and generation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that City Council hereby adopts the following policy to establish debt issuance and management guidelines for all debt financing for the City of Topeka.

Section 1. RESPONSIBILITY FOR DEBT MANAGEMENT

A. The primary responsibility for making debt-financing recommendations rests with the Director of Budget and Finance. In developing such recommendations, the Director of Budget and Finance shall be assisted by other City staff. The responsibilities of City staff shall be to:

1. Consider the need for debt financing and assess progress on the current Capital Improvement Budget and any other program/improvement deemed necessary by the City Manager;
2. Test adherence to this policy statement and review applicable debt ratios listed in the Debt Issuance Guidelines,
3. Review changes in federal and state legislation that affect the City's ability to issue debt and report such findings to the City Manager as appropriate;
4. Review annually the provisions of ordinances authorizing issuance of general obligation bonds of the City;
5. Review the opportunities for refinancing current debt; and
6. Recommend services by a financial advisor, bond counsel, and other debt financing service providers when appropriate.

B. In developing financing recommendations, the City staff shall consider:

1. Options for interim financing including short term and inter-fund borrowing, taking into consideration federal and state reimbursements;
2. Effects of proposed actions on the tax rate and user charges;
3. Trends in bond markets' structures;
4. Trends in interest rates; and
5. Other factors as deemed appropriate.

Section 2. TERMS

A. ARBITRAGE

With respect to municipal bonds, "arbitrage" is the profit generated by issuing bonds bearing interest at tax-exempt rates, and investing the proceeds to earn interest at higher yields. This "profit" is strictly limited by the Internal Revenue Service.

B. ARBITRAGE REBATE

Arbitrage rebate refers to the amount due to the Internal Revenue Service when funds received from the issuance of tax-exempt debt have been invested and resulted in interest earnings in excess of the computed arbitrage yield on the related tax-exempt debt.

C. GENERAL OBLIGATION BONDS

Bonds backed by the full faith and credit of the City. The taxing power securing such bonds may be an unlimited *ad valorem* tax or a limited tax, usually on real estate and personal property. A special tax rate is levied for the Bond & Interest Fund annually to pay for general obligation debt service. Because it is secured by an unlimited tax levy, this structure has strong marketability and lower interest costs.

70 D. REVENUE BONDS

71 Bonds secured by revenues generated by the operation of a City facility or program,
72 which arise in large part from dedicated user fees. Planning for such issues generally is
73 more complex, because future costs and revenues directly affect each other. Credit
74 enhancements (e.g., bond insurance or a letter of credit) may be needed, because of the
75 limited source of revenues for debt service payments that may be available in outlying
76 years.

77 E. SPECIAL ASSESSMENT BONDS

78 Bonds issued to develop facilities and basic infrastructure for the benefit of privately
79 owned properties within the assessment district. Assessments are levied on properties
80 benefited by the project. The issuer's recourse for non-payment is foreclosure, and the
81 remaining debt becomes the City's direct obligation.

82 F. TEMPORARY NOTES

83 Notes are issued to provide short-term immediate financing, which is anticipated and
84 intended to be repaid by long-term financing. This type of bridge financing has a maximum
85 maturity of four (4) years under Kansas law.

86 Section 3. POLICIES

87 A. The City of Topeka projects debt requirements on a five (5) year basis to
88 facilitate better short-term decisions in light of other priorities that may arise and to examine
89 the long-range implications and effects of existing and contemplated debt.

90 B. The City does not fund current operations or routine maintenance costs from
91 the proceeds of long-term debt. The City confines long-term borrowing and capital leases

to capital acquisitions, improvements, projects, or equipment that cannot be financed from current financial resources, under the following circumstances:

1. The project is included in the City's Capital Improvement Budget;
2. The project is the result of growth-related activities within the community that require unanticipated and unplanned infrastructure or capital improvements by the City;
3. The project's useful life, or the projected service life of the equipment, will be equal to or exceed the term of the financing;
4. There are revenues sufficient to service the debt, whether from future property taxes, user fees, or other specified and reserved resources, and debt supported by user fees, special assessments or special charges shall be preferred over that supported from taxes;
5. The debt shall be primarily used to finance capital projects with a relatively long life, typically ten (10) years or longer; or
6. Any equipment to be financed is an item that is purchased infrequently, has an expected useful life of at least five (5) years, and costs one hundred thousand dollars (\$100,000.00) or more.

C. In an effort to conserve statutorily limited debt capacity, the City borrows only when necessary and uses "pay-as-you-go" financing to the extent possible.

D. The City intends to maintain its overall debt burden within the following generally accepted benchmarks as established for municipalities by municipal debt rating agencies:

1. Net debt *per capita* should remain under nine hundred fifty dollars (\$950.00).

2. Net debt as a percentage of estimated assessed value of taxable property within the City's corporate limits should not exceed thirteen percent (13%).

3. The ratio of debt service expenditures as a percent of governmental fund expenditures should not exceed fourteen percent (14%).

4. The debt *per capita* as a percentage of personal income *per capita* should not exceed five percent (5%).

5. The City strives to achieve, and maintain a General Fund "Fund Balance" equal to no less than ten percent (10%) of General Fund "Revenue" for the next preceding year.

E. The City strives to achieve, maintain, and, whenever possible, improve its bond credit ratings to at least the following standards:

1. General Obligation Bonds rated "Aa3;"

2. Revenue Bonds rated "A2;" and

3. General Obligation Temporary Notes rated "MIG -1."

F. The City understands that such ratings will facilitate the achievement of favorable interest rates in, and the preservation of its access to, the credit markets.

G. In general, the City adheres to the following debt guidelines:

1. When measuring its commitment to its infrastructure and related service delivery potential, the City addresses both its capital needs and its operating and maintenance requirements.

2. In the case of capital needs, when measuring inter-period equity, the City considers the allocation of any debt burden among generations that will benefit from the financed capital assets, as well as the need to distribute the financing burden over appropriate fiscal periods.

3. The City uses a "level debt service" strategy as a means to equalize the burden of its debt service assessment over time. This approach provides a slightly declining percentage of budget over time, presuming a gradually increasing budget.

4. The City maintains a minimum ratio of Combined Utility Fund revenues to annual total revenue bond debt service requirements of one hundred twenty-five percent (125%).

5. The City strives to keep the average maturity of its general obligation bonds at or below fifteen (15) years.

6. When the City finances capital projects by issuing bonds, it will amortize the debt over a term not to exceed the average useful life of the projects being financed.

7. The City reviews its outstanding debt at least annually for the purpose of determining if the financial marketplace will afford the City an opportunity to refinance long-term debt and so reduce its debt service costs. In order to consider the possible current refunding of an issue, a net present value (NPV) savings of at least three percent (3%) of outstanding principal of the refunded debt shall be the threshold expected to be achieved before proceeding with such refunding, unless

the refinancing is expected to relieve the City of other onerous obligations or significantly reduce the remaining term of the financing. The City considers advance refunding when a five percent (5%) NPV threshold is met and synthetic refunding when a seven percent (7%) NPV threshold is met.

8. Capital acquisitions, improvements, equipment, and projects are categorized into "pay-as-you-go" or "debt financing" classifications. Pay-as-you-go capital items are those with a cost of less than one hundred thousand dollars (\$100,000.00), those with short asset lives of five (5) or fewer years, and those that extend the useful life of an existing capital asset for five (5) or fewer years. Debt financing capital items are limited to those major, non-recurring capital expenditures for assets or asset improvements costing more than one hundred thousand dollars (\$100,000.00) and having a useful life of more than five (5) years. However, the City will use current operating funds for capital items categorized as "debt financing," whenever it is cost feasible to do so.

9. The City confines long-term debt financing to capital items with useful lives of ten (10) or more years, which cannot be financed from current revenues or fund equity. When appropriate, the City uses special assessment taxes or other user-based revenue sources to pay the costs of related debt financing, so that those benefiting from the improvements will absorb all or most of the cost of the capital item being financed.

10. The City uses State Revolving Fund (SRF) Loan programs in lieu of revenue bond financing for utility projects whenever such funds are available at more

favorable rates. The City continues to monitor bond rating agency concerns with overall utility debt levels when participating in the SRF program.

11. The City will continue to comply with SEC Rules by disclosing and updating its financial information to nationally recognized municipal securities information repositories, bondholders, and appropriate municipal debt rating agencies. The City will continue to follow a policy of full disclosure in its Comprehensive Annual Financial Report (CAFR) and in its bond offering documents.

Section 4. DEBT ADMINISTRATION AND FINANCING

A. It is the responsibility of the Financial Services Department to prepare the Preliminary and Final Official Statements as required for the City's debt offerings. The City Clerk is responsible for collecting and maintaining all supporting documentation, such as minutes of the City Council meetings and relevant resolutions and ordinances, as well as for receiving and maintaining sufficient copies of the Preliminary and Final Official Statements, and the full transcript of publicly issued debt, in accordance with Federal regulations. In the case of general obligation bonds, an estimate of the mill levy required to pay off the debt is provided to the City Council by the Financial Services Department. The Department is also responsible for assuring the City's compliance with applicable secondary market disclosure requirements.

B. The tax-exempt debt proceeds are invested in accordance with the City's investment policy. Adherence to the Internal Revenue Service guidelines on arbitrage shall be followed, which at times, may require that the investment yield on tax-exempt debt proceeds be restricted. In most cases, the investment is selected to maximize interest,

with the assumption that the City will meet the IRS spend down requirements that allow for an exemption from arbitrage rebate.

C. The City uses independent, external bond counsel for all debt issues. All debt issued by the City includes a written opinion by such bond counsel affirming that the City is authorized to issue the debt, stating that the City has met all Federal and State constitutional and statutory requirements necessary for issuance, and determining the debt's Federal and State income tax status. The City's bond counsel is selected on a competitive basis.

D. The City may use an independent, external financial advisor. The use of such a financial advisor for debt issuance is at the discretion of the Director of Budget and Finance, on a case-by-case basis. For each City debt issuance, the financial advisor will provide the City with advice and guidance on structure, timing, and pricing, and prepares an analysis comparing the City's cost of financing with that of comparable sales by other issuers in the market at the time. The City's financial advisor is selected on a competitive basis.

E. Use of short-term borrowing, such as temporary notes, is undertaken until the final cost of the project is known or can be accurately projected. In some cases, projects may be funded with internal funds that will be reimbursed from proceeds of long-term debt at a future date.

F. Credit enhancement may be used if the costs of such enhancement will reduce the debt service payments on the bonds, or if such an enhancement is necessary to market the bonds.

G. The City, as a matter of policy, seeks to issue its temporary notes, general obligation and revenue bonds through a competitive sale process. In such instances where the City, through a competitive bidding for its bonds, deems the bids received as unsatisfactory or does not receive bids, it may, at the election of the City Council, enter into negotiation for sale of the bonds. In cases where the circumstances of the debt issuance are complex or out of the ordinary, a negotiated sale may be recommended to the City Council by the Director of Budget and Finance, if such a sale is allowed by State statute in the particular circumstances.

Section 5. CONDUIT FINANCINGS

A. The City may sponsor conduit financings in the form of Industrial Revenue Bonds and similar instruments for those activities (*i.e.*, economic development, housing, health facilities, etc.) that have a general public purpose, and which are consistent with the City's overall service and policy objectives as determined by the City Council.

B. All conduit financings must insulate the City completely from any credit risk or exposure and must first be approved by a City staff review committee before being submitted to the City Council for consideration. The City staff reviews the selection of the underwriter and bond counsel for the conduit debt, requires compliance with secondary market disclosure and IRS arbitrage requirements, and establishes minimum credit ratings acceptable for the conduit debt. Credit enhancement, such as insurance, may be required for certain issues. At the discretion of the Director of Budget and Finance, the City may also seek to engage its own financial advisor and/or issuer's counsel to provide advice and input on the conduit transaction at the cost of the conduit issuer.

246 Section 6. ARBITRAGE LIABILITY MANAGEMENT

247 A. Federal arbitrage legislation is intended to discourage entities from issuing
248 tax-exempt obligations unnecessarily. In compliance with the spirit of this legislation, the
249 City does not issue obligations except for identifiable projects with good prospects of timely
250 initiation and completion. Temporary financing and subsequent long-term tax-exempt debt
251 are issued timely so that debt proceeds will be spent quickly.

252 B. Because of the complexity of arbitrage rebate regulations and the severity of
253 non-compliance penalties, the City may engage outside consultants to calculate potential
254 arbitrage liability. Such consultants shall be chosen competitively.

255 Section 7. CREDIT RATINGS

256 A. The Director of Budget and Finance is responsible for maintaining
257 relationships with the rating agencies that assign ratings to the City's debt. This effort
258 includes providing periodic updates on the City's general financial condition, along with
259 coordinating meetings and presentations in conjunction with each new debt issuance.

260 B. The City will typically obtain a credit rating on its debt from at least one of the
261 nationally recognized public finance rating agencies. The Director of Budget and Finance
262 will recommend whether or not a rating will be requested from more than one rating agency
263 on a particular financing and which of the major rating agencies will be asked to provide
264 such a rating.

265 C. Full disclosure of operations shall be made and open lines of communication
266 shall be maintained with rating agencies used by the City. The Director of Budget and
267 Finance, with assistance of City staff and the City's bond professionals, prepares the

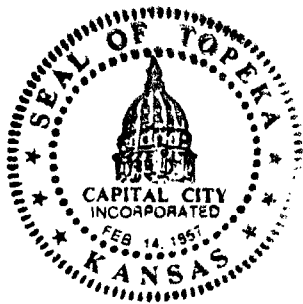
necessary materials and makes required presentations to the rating agencies.

D. The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information. The City is committed to meeting arbitrage rebate requirements and secondary disclosure requirements on a timely and comprehensive basis.

E. Official Statements accompanying debt issues, Comprehensive Annual Financial Reports, and continuous disclosure statements meet (at a minimum), the standards articulated by the Government Accounting Standards Board (GASB), and as promulgated under Generally Accepted Accounting Principles (GAAP). The Director of Budget and Finance is responsible for ongoing disclosure to established national municipal securities information repositories and for maintaining compliance with all disclosure standards promulgated by state and national regulatory bodies.

IT IS SO RESOLVED.

PASSED and APPROVED by City Council NOV 23 2004.



ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

APPROVED AS TO FORM AND LEGALITY

DATE 11/10/04 BY DMC

CONDUIT ISSUANCE FEE SCHEDULE

Application Fee	\$1,000
Annual Fee	\$0
Other	Applicant is responsible for the City bond counsel and financial advisory fees on the transaction

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WHEREAS, the vitality and economic prospects of a City can be measured by the service delivery potential of its infrastructure; and

WHEREAS, it is the responsibility of the Governing Body, the City Manager and other appointed city staff, as trustees for the City of Topeka’s (“City”) infrastructure and physical plant and their related service delivery capacity, to:

1. Maintain the existing assets to ensure continued serviceability;
2. Provide for additions, modifications, and expansion as needed and, when possible, in reasonable anticipation of change;
3. Ensure that the costs of this effort are borne equitably by each generation of taxpayers, rate-payers, users, and other beneficiaries over a relevant period of time;
4. Employ the use of debt to complement, and not to supplant, significant recurring commitments of annual appropriations for capital purposes;
5. Act as responsible fiduciaries during their tenure as City officials, to ensure the transfer to their successors of City infrastructure, physical plant, and service delivery capacity in equal or better condition as they received them from the preceding officials; and
6. Maintain the City's sound financial position, reasonable reserves, and strategic and reasonable debt position, thereby enhancing the City's corporate image, creditworthiness, flexibility, and its related ability to meet the challenges of each new day, decade and generation.

NOW, THEREFORE, BE IT RESOLVED by the City of Topeka, Kansas, that City Council hereby adopts the following policy to establish debt issuance and management guidelines for all debt financing for the City of Topeka.

SECTION 1. RESPONSIBILITY FOR DEBT MANAGEMENT

32 A. The primary responsibility for debt financing recommendations rests with the Director
33 (the “Director”) of the Administrative and Financial Services Department (the
34 “Department”). In developing such recommendations, the Director shall be assisted by
35 City staff, including other members of the Department. The responsibilities of City staff
36 shall include:

- 37
- 38 a. Ensuring adherence to this Debt Management Policy (the “Policy”);
- 39
- 40 b. Considering the need for debt financing in the context of the existing Capital
- 41 Improvement Budget and any other programs or planned improvements deemed
- 42 necessary by the City Manager;
- 43
- 44 c. Reviewing changes in federal and state legislation that affect the City’s ability to
- 45 issue, service or administer its debt financings and report such findings to the City
- 46 Manager as appropriate;
- 47
- 48 d. Reviewing annually the provisions of ordinances authorizing the issuance of
- 49 general obligation debt of the City;
- 50
- 51 e. Reviewing opportunities for refinancing existing debt for reasons economical or
- 52 otherwise deemed advantageous to the City; and
- 53
- 54 f. Recommending services by a financial advisor, bond counsel and other debt
- 55 financing service providers as appropriate.
- 56

57 B. In developing financing recommendations, City staff shall consider:

- 58
- 59 a. Options for interim financing including short-term and inter-fund borrowing,
- 60 taking into consideration federal and state reimbursements;
- 61
- 62 b. The effects of financing plans on existing and potential tax rates and user fees;
- 63
- 64 c. Interest rates, financing costs, available financing alternatives and other capital
- 65 market and financing trends; and
- 66
- 67 d. Other factors deemed appropriate.
- 68

69 **SECTION 2. POLICIES**

- 70
- 71 A. The City shall annually forecast debt-funding requirements on a five (5) year basis to
- 72 facilitate enhanced short-term decision-making, and to examine the long-term
- 73 implications of existing and contemplated debt financings.
- 74
- 75 B. All other things being equal, the City shall prefer debt financing supported by user fees or
- 76 special charges to debt financing supported by taxes.
- 77

- 78 C. The City shall not fund the costs of current operations or routine maintenance with long-
79 term debt financing.
80
- 81 D. The City shall use debt financing primarily to finance capital projects with a relatively
82 long life, typically no less than ten (10) years, excepting unusual or infrequently
83 purchased equipment, which shall have a useful life of no less than five (5) years, and
84 cost no less than one hundred twenty-five thousand dollars (\$125,000).
85
- 86 E. The City shall maintain consideration for its statutorily limited debt capacity and restrict
87 its use of debt financing to situations in which it is deemed more affordable, prudent or
88 otherwise more advantageous than the use of “pay-as-you-go” financing for achieving the
89 City’s objectives or adhering to its policies.
90
- 91 F. The City shall restrict the use of long-term debt financing and capital leases to fund
92 capital acquisitions, improvements, projects or equipment to the following circumstances:
93
- 94 a. The project is included in the City’s Capital Improvement Budget;
 - 95
 - 96 b. The project is the result of growth-related activities within the community that
97 require unanticipated and unplanned infrastructure or capital improvements by the
98 City;
99
 - 100 c. The project’s useful life, or the projected service life of the equipment, is
101 expected to be no less than the term of the financing;
102
 - 103 d. Existing or projected revenues are sufficient to service the planned debt;
 - 104
 - 105 e. The cost of the asset or assets financed would place an undue burden on today’s
106 current tax- or rate-payers if financed on a pay-as-you-go basis; or
107
 - 108 f. The use of debt is necessary to promote the stability over time of the City’s
109 property tax demands or user fee levels.
110
- 111 G. The City shall adhere to the following financing guidelines:
112
- 113 a. When measuring its commitment to its infrastructure and related service delivery
114 potential, the City shall appropriately address its capital, operating and
115 maintenance needs.
116
 - 117 b. Capital acquisitions, improvements, equipment, and projects are categorized into
118 either “pay-as-you-go” or “debt financing” classifications. The City shall evaluate
119 each project to determine the most affordable and/or advantageous method of
120 financing with consideration for the following principles. In general, pay-as-you-
121 go capital projects shall be characterized by a cost of no more than one hundred
122 twenty-five thousand dollars (\$125,000), an asset life of no more than five (5)
123 years, or an improvement that is expected to extend the useful life of an existing

capital asset by no more than five (5) years. Debt financing capital projects shall generally be restricted to major, non-recurring capital expenditures for assets or asset improvements costing in excess of one hundred twenty-five thousand dollars (\$125,000) and having an expected useful life in excess of five (5) years.

- c. When measuring inter-period equity for capital needs, the City shall appropriately balance considerations for allocating its debt burden among those constituents positioned to benefit from the financed assets, and the need to distribute the financing burden over appropriate fiscal periods.
- d. Unless other methods are deemed more appropriate and/or advantageous, the City shall amortize individual long-term financings to simultaneously produce substantially level annual debt service while, on an aggregate outstanding debt service basis producing substantially downward-sloping debt service demands.
- e. The City shall maintain a minimum ratio of Combined Utility Fund revenues to maximum annual combined utility debt service requirements of one hundred twenty-five percent (125%), with a target of ensuring that annual coverage exceeds two hundred percent (200%) in each year.
- f. The City shall make efforts to maintain the average maturity of its general obligation bonds at or below fifteen (15) years.
- g. The City shall make efforts to maintain the average maturity of its revenue bonds at or below thirty (30) years.
- h. The City shall amortize debt financing for capital projects over a term not to exceed the average useful life of the financed assets.
- i. The City shall review at least annually its outstanding debt for economic refunding opportunities. The City shall evaluate refunding opportunities on a net present value savings basis, considering for execution those refunding opportunities that stand to produce present value savings as a ratio of refunded principal of no less than three percent (3%), five percent (5%) and seven percent (7%) for current, advance and synthetic refundings, respectively. Refunding or restructuring opportunities that do not meet these minimum savings thresholds, but are otherwise determined to produce substantive economic, strategic, budgetary or other material benefits to the City may be considered. Unless an alternative structure is deemed to serve a particularly prudent, economical or strategic purpose, refunding savings shall be structured substantially evenly over the life of the refunded bonds, or in a manner to reduce the terms of the bond repayment cycle.
- j. The City may consider the use of debt financing alternatives or programs, such as State Revolving Fund loans, when such alternatives are deemed advantageous and/or appropriate.

- 170
- 171 k. The City shall maintain compliance with all rules and regulations of the Securities
- 172 and Exchange Commission (the “SEC”) and the Municipal Securities Rulemaking
- 173 Board (the “MSRB”), including those concerning ongoing continuing disclosure
- 174 standards and practices. The City maintains a written post-issuance compliance
- 175 policy related to its tax-advantaged financings.
- 176

177 **SECTION 3. DEBT ADMINISTRATION AND FINANCING**

178

- 179 A. The Department shall be responsible for preparing the preliminary and final official
- 180 statements as required for the City’s debt offerings, and for ensuring ongoing compliance
- 181 with secondary market disclosure requirements. In the case of general obligation bonds,
- 182 the Department is also responsible for ensuring an estimate of the mill levy required to
- 183 service any proposed debt financing is provided to City Council.
- 184
- 185 B. The City Clerk shall be responsible for collecting and maintaining all supporting
- 186 documentation, such as City Council meeting minutes and relevant resolutions and
- 187 ordinances, as well as for receiving and maintaining sufficient copies of the preliminary
- 188 and final official statements, and the full transcript of publicly issued debt, in accordance
- 189 with federal and state regulations.
- 190
- 191 C. The City shall invest bond proceeds pursuant to its investment policy and with adherence
- 192 to all applicable state and federal regulations.
- 193
- 194 D. The City shall engage external, independent bond counsel for all debt issuances. The
- 195 Director, or other City staff delegated at the Director’s discretion, is responsible for
- 196 establishing and administering an equitable selection process for engaging bond counsel.
- 197 All debt issuances shall include a written opinion by bond counsel affirming that the City
- 198 is authorized to issue such debt, stating that the City has met all federal and state
- 199 constitutional and statutory requirements necessary for its issuance, and opining on the
- 200 debt’s federal and state income tax status.
- 201
- 202 E. The City shall engage an external, independent financial advisor for all debt issuances.
- 203 The City’s financial advisor shall be registered as a “municipal advisor” under applicable
- 204 Federal law. The Director, or other City staff delegated at the Director’s discretion, is
- 205 responsible for establishing and administering an equitable selection process for engaging
- 206 a financial provider. For debt issuance, the financial advisor shall provide the City with
- 207 advice and guidance on the preparation, structure, timing, and pricing of the issuance.
- 208 The financial advisor shall be prepared to provide post-pricing analysis or ongoing
- 209 research, data and analytics as requested by the City.
- 210
- 211 F. The City may use short-term financing, such as Temporary Notes, to meet temporary
- 212 financing requirements for projects until the final cost of the project is known or can be
- 213 accurately projected. In some cases, projects may be funded with internal funds that will
- 214 be reimbursed from proceeds of long-term debt issued at a future date.
- 215

G. Credit Enhancement may be used if the cost of acquiring such Credit Enhancement is determined to reduce the City's borrowing costs and/or facilitate other advantageous borrowing terms or improved marketability for the debt financing.

H. The City shall seek to issue its Temporary Notes, General Obligation Bonds and Revenue Bonds through a competitive sales process. In instances in which the City deems the result of an attempted competitive sale as unsatisfactory, it may, at the election of the City Council, enter into negotiation with an underwriter for the sale of the bonds where permitted by Kansas law. For circumstances in which the Director deems a prospective debt issuance as unusually complex, extraordinary, or otherwise unsuitable for a competitive sale process, the Director may recommend pursuing a negotiated sale process within the constraints of all applicable laws and regulations.

SECTION 4. CONDUIT FINANCING

A. The City may sponsor conduit financings in the form of Industrial Revenue Bonds and similar instruments for activities (i.e., economic development, housing, health facilities, etc.) that are expected to serve a purpose of the general public, and are consistent with the City's overall service and policy objectives as determined by the City Council.

B. The City shall take appropriate measures to ensure that it is insulated wholly from credit risk and repayment exposure with regard to any conduit financings. All conduit financings must be reviewed and approved by a City staff review committee before being submitted to the City Council for consideration. City staff shall also approve of the selection of the underwriter and bond counsel for such conduit debt, ensure compliance with secondary market disclosure and federal arbitrage requirements, and establish minimum acceptable credit ratings for such conduit debt. The applicant will reimburse the City for its own financial advisor and/or issuer's counsel to provide advisory services on the transaction.

C. The City may charge an application fee related to conduit issuance to cover its costs of administration of the financing, both at execution and over the life of the bonds. The Department shall produce a schedule in writing of such fees and shall provide such schedule to any conduit borrower at the time it applies for such financing.

SECTION 5. ARBITRAGE LIABILITY MANAGEMENT

A. Federal arbitrage legislation is intended to discourage entities from issuing tax-exempt obligations unnecessarily. In compliance with the spirit of this legislation, the City shall not issue debt financing except for the purpose of financing clearly identifiable projects with reasonable prospects for timely initiation and completion. The City shall strategically issue temporary financing and subsequent long-term tax-exempt debt in a manner that ensures the timely and appropriate expenditure of bond and note proceeds.

B. Because of the complexity of arbitrage rebate regulations and the severity of non-compliance penalties, the City may engage external consultants to provide arbitrage

calculation and compliance services. Such consultants shall be chosen at the discretion of the Director.

SECTION 6. CREDIT RATINGS

- A. The Director is responsible for maintaining relationships with the rating agencies that assign credit ratings to the City's bond and notes. This effort includes providing periodic updates on the City's general financial condition, along with coordinating meetings and presentations in conjunction with each new debt issuance, as appropriate.
- B. The City shall maintain a credit rating on its bonds and notes from at least one rating agency designated by the SEC as a Nationally Recognized Statistical Rating Organization (NRSRO). The Director shall hold responsibility for determining which rating agency or rating agencies the City shall engage to rate its bonds and notes.
- C. The City shall make efforts to achieve, maintain, and as deemed feasible and appropriate, improve its bond and note credit ratings to no less than the following standards in an effort to achieve favorable interest rates and borrowing terms and preserve access to capital markets:
 - a. General Obligation Bonds rated not less than the third highest rating (including modifiers) by at least one NRSRO.
 - b. Revenue Bonds rated in not less than the fourth highest rating (including modifiers) by at least one NRSRO.
 - c. General Obligation Temporary Notes rated in the highest category available from at least one NRSRO.
- D. The City shall work to maintain a debt profile characterized by the following criteria, which has been established with consideration for criteria published by rating agencies that is characteristic of the credit rating quality the City wishes to preserve.
 - a. Direct Debt as a ratio of estimated actual (market) value of taxable property within the City's corporate limits shall not exceed three percent (3%).
 - b. Direct Debt as a ratio of total governmental funds' revenue shall not exceed one hundred twenty percent (120%).
 - c. Direct Debt Service Expenditures as a ratio of total governmental fund expenditures shall not exceed fifteen percent (15%).
 - d. Not less than 65% of the City's general obligation bonds shall amortize within the ten years next succeeding the current year.

- e. For any given year, net revenues available for debt service shall be not less than two hundred percent (200%) of debt service associated with Senior Lien Combined Utility Revenue Bonds.
- f. For any given year, net revenues available for debt service shall be not less than one hundred ten percent (110%) of combined debt service associated with Senior Lien Combined Utility Revenue Bonds, Subordinate Lien Combined Utility Revenue Bonds and State Revolving Fund loans.
- g. Days of cash on hand, as defined by the NRSROs then-rating the City, shall not be less than 185 for the Combined Utility

SECTION 7. DEFINITIONS OF TERMS

- A. "Arbitrage" is defined here as the difference between the interest paid on tax-exempt municipal bonds and the interest earned by investing the bond proceeds in higher-yielding securities. Federal income tax law typically restricts arbitrage yield earned on the investment of tax-exempt bond proceeds.
- B. "Arbitrage Rebate" is defined here as the amount of arbitrage earnings in excess of arbitrage yield restrictions on tax-exempt bond proceeds that must be remitted to the federal government.
- C. "Credit Enhancement" is defined here as the utilization of the credit of an entity other than the issuer or obligor to provide supplementary security for debt financing. Credit enhancement often takes the form of bond insurance, which is a guarantee by a bond insurance provider to make timely principal and interest payments in the event the obligor fails to do so. The benefit of credit enhancement is increased security for bondholders, which may translate into a more receptive capital market and/or higher credit ratings and lower borrowing costs.
- D. "General Obligation Bonds" is defined here as bonds backed by the full faith and credit of the City. The taxing power securing general obligation bonds includes an unlimited ad valorem tax levied on real property in an amount sufficient to service general obligation principal and interest payments. A special tax rate is levied annually to service general obligation debt service. General Obligation Bonds are typically considered very strong credits, often characterized by high marketability and lower relative borrowing costs compared to Revenue Bonds.
- E. "Direct Debt" is defined here as the City's outstanding gross debt burden including all general obligation and tax-supported bonds, notes, loans and capital leases and any other debt secured by a general obligation of the City (as further defined by the NRSROs used by the City).
- F. "Direct Debt Service Expenditures" is defined here as debt service expenditures associated with Direct Debt in any given year.

- 353
- 354 G. “Revenue Bonds” is defined here as bonds secured by revenues generated from the
- 355 operation of a City utility, facility, service or other program. Such revenues may arise
- 356 from dedicated user fees or service charges. The planning for, and issuance of, Revenue
- 357 Bonds can be more complicated than that of General Obligation Bonds due to the often
- 358 nuanced nature of the former’s security structures, and the complexities involved in
- 359 forecasting and implementing changes in revenues to service debt financing through user
- 360 fees and service charges.
- 361
- 362 H. “Special Assessment Bonds” is defined here as bonds issued to develop facilities and
- 363 basic infrastructure for the benefit of privately owned properties within a particular
- 364 assessment district. Assessments are levied on properties benefited by the project and
- 365 used to service the debt. The issuer’s recourse for the non-payment of assessments is
- 366 property foreclosure, at which point the balance of the special assessment debt becomes a
- 367 direct obligation of the City.
- 368
- 369 I. “Temporary Notes” is defined here as a short-term obligation issued to provide
- 370 immediate financing that is expected to be paid or refinanced by the issuance of
- 371 additional Temporary Notes or long-term financing at a future date. Temporary Notes
- 372 typically mature in one year or less, and are limited to a maximum maturity of four (4)
- 373 years under state law.
- 374

Debt Policy Highlights



Prepared by the Financial Services Department

RESPONSIBILITY

- Director of Administrative and Financial Services is responsible for compliance with the policy (Lines 32-35)

POLICIES

- Forecast debt on a 5 year basis (Lines 71-73)
- Not fund the costs of current operations or routine maintenance (Lines 78-79)
- Debt is reserved for projects that last at a minimum 10 years and cost no less than \$125,000 (Lines 81-84)
- Project must be included in the Capital Improvement Budget (Line 94)
- Project useful life cannot be more than the term of the financing (Lines 100-101)
- Minimum of 125% debt service coverage ratio with a target of 200% (Lines 139-142)
- GO bonds at 15 years or below (Lines 144-145)
- Revenue bonds at 30 years or below (Lines 147-148)
- Refunding opportunities would be 3% for current, 5% for advanced and 7% for synthetic refunding (Lines 153-165)

DEBT ADMINISTRATION AND FINANCING

- City shall engage bond counsel for all debt issuance (Lines 194-200)
- City shall engage independent financial advisor (Lines 202-209)
- City shall issue bonds through a competitive sale process (Lines 220-227)

CONDUIT FINANCING

- Applicant will reimburse City for financial advisory service costs and bond counsel costs (Lines 236-244)
- City may charge a fee for any conduit borrowing (Lines 246-249)

ARBITRAGE LIABILITY MANAGEMENT

- City shall limit arbitrage liability (Lines 253-258)

CREDIT RATINGS

- General Obligation Bonds not less than the 3rd highest rating (Lines 282-283)
- Revenue Bonds not less than the 4th highest rating (Lines 285-286)
- General Obligation Temporary Notes in the highest category (Lines 288-289)

Debt Policy Highlights

Prepared by the Financial Services Department



City of Topeka Debt Characteristics (Lines 295-317)

Indicator

Direct Debt as a ratio of estimated actual market value of taxable property shall not exceed 3%

Direct Debt as a ratio of total governmental funds' revenue shall not exceed 120%

Direct Debt expenditures as a ratio of total governmental funds shall not exceed 15%

Not less than 65% of the City's general obligation bonds shall amortize within the next 10 years

Net revenues available for debt service shall be not less than 200%

Net revenues available for debt service shall be not less than 110% of combined debt service

Days of cash on hand shall not be less than 185 for combined utilities

2015 Status

1.99%

96%

11.60%

70.40%

226%

127%

465

Debt Policy Comparison Chart



Prepared by the Financial Services Department

Responsibility		2016 Debt Policy	2004 Debt Policy
Who is Responsible?		Director of Administrative and Financial Services	Direct of Budget and Finance
Policies		2016 Debt Policy	2004 Debt Policy
Forecast		5 years	5 years
Funding of Current Operations or Maintenance		No long term debt for operations	No long term debt for operations
Long term debt restricted under following circumstances:		• Included in Capital Improvement Budget • Project result of growth activity • Sufficient revenues to pay for the debt • Project has 10 year life span	• Included in Capital Improvement Budget • Project result of growth activity • Sufficient revenues to pay for the debt • Project has 10 year life span
City will adhere to following financing guidelines		• Debt financing shall be for projects over \$125,000 and useful life of five years or more • Balance debt needs for intergenerational equity • Level debt service • Minimum debt service coverage ratio of 125% with target of 200% • Go bonds at 15 years or below • Rev bonds at 30 years or below • Do not exceed useful life • Refinancing of 3% refunding, 5% advance refunding and 7% synthetic refunding; refundings that do not meet thresholds may be utilized if they meet economic, strategic and budgetary needs of City	• Debt financing shall be for projects over \$100,000 and useful life of five years or more • Balance debt needs for intergenerational equity • Level debt service • Minimum debt service coverage ratio of 125% • GO bonds at 15 years or below • No rev bond indicator • Do not exceed useful life • Refinancing of 3% refunding, 5% advance refunding and 7% synthetic refunding

Debt Policy Comparison Chart



Prepared by the Financial Services Department

Debt Administration and Financing	2016 Debt Policy	2004 Debt Policy
Department responsible for official statements	Administrative and Financial Services	Administrative and Financial Services
Maintenance of Records	City Clerk	City Clerk
Use of external assistance	- City shall use a independent external financial advisor - City shall use a independent external bond counsel	- City may use a independent external financial advisor - City shall use a independent external bond counsel
Type of Sale	- Shall seek to use a competitive sale process - At the election of the City Council the City may enter into a negotiated sale	- Seeks to use a competitive sale process - At the election of the City Council the City may enter into a negotiated sale

Conduit Financing	2016 Debt Policy	2004 Debt Policy
Credit Risk	City has no exposure to credit risk	City has no exposure to credit risk
City Records retention	City Clerk	City Clerk
Use of external assistance	- City shall use a independent external financial advisor - City shall use a independent	- City may use a independent external financial advisor - City shall use a independent external

Debt Policy Comparison Chart



Prepared by the Financial Services Department

Credit Ratings	2016 Debt Policy	2004 Debt Policy
Person Responsible for Credit Relationships	Director of Administrative and Financial Services	Director of Administrative and Financial Services
Maintenance of Records	City Clerk	City Clerk
Ratings Desired	- GO: Third Highest Rating - Rev: Fourth Highest Rating - Temp Notes: Highest Rating	- GO Bonds: Fourth Highest Rating - Rev: Third Highest Rating - Temp Notes: Highest Rating
Debt Profile	- Direct Debt shall not exceed 3% of market value of the City - Direct Debt shall not exceed 120% of governmental fund revenue - Direct Debt shall not exceed 15% of governmental fund expenses - Not less than 65% of GO bonds shall amortize within 10 years - Net revenues for debt shall not be less than 200% for utility senior lien revenue bonds - Net revenues for debt shall not be less than 110% for subordinate lien utility revenue bonds - Days cash on hand shall not be	- Net debt as a % of assessed valuation shall not exceed 13% - Net debt per capita shall remain under \$950 - Direct debt shall not exceed 14% of governmental fund expenses - Direct debt per capita shall not exceed 5% of personal income

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WHEREAS, the city government has an important responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely and to plan the adequate allocation of services; and

WHEREAS, it is important to maintain good standing with rating agencies as an adequate level of reserves is a sign of creditworthiness because it enhances a governments ability to repay debt on time and in full; and

WHEREAS, if the fund balance falls below the minimum reserve level, the City Manager will prepare a plan for consideration by the governing body to rebuild the fund balance during the next budgeting cycle.

SECTION ONE: The Governing Body of the City hereby adopts the reserve fund balance policy as set forth herein.

The Purpose of the Fund Balance Reserve Policy is to provide guidelines to the Governing Body and staff for establishing, maintaining and performing an annual review of the minimum and target fund balance reserves. A minimum governmental fund reserve policy is generally considered a prudent and conservative fiscal policy to deal with unforeseen situations and long-term financial planning.

Fund Balance is also an important indicator of the City's financial position. Fund Balance is the difference between assets and liabilities in governmental funds. Maintaining reserves is considered a prudent management practice. Adequate fund balances are maintained to allow the City to continue providing services to the community in case of unexpected emergencies or requirement and/or economic downturns. The following classifications apply to fund balance in the City's governmental funds as defined by Governmental Accounting Standards Board ("GASB") no. 54:

<u>CLASSIFICATIONS</u>	<u>NATURE OF RESTRICTION</u>
Non-spendable	Cannot be readily converted to cash
Restricted	Externally imposed restrictions

35	Committed	Governing body imposed commitment
36	Assigned	City Manager assigned purpose/intent
37	Unassigned	Residual balance not otherwise restricted

38 In the case of Proprietary funds (Enterprise and Internal Service Funds), Generally Accepted Accounting
 39 Principles (“GAAP”) does not permit the reporting of reserves on the face of City financial statements.
 40 However, this does not preclude the City from setting policies to accumulate financial resources for
 41 prudent financial management of its proprietary fund operations.

42 Since proprietary funds may include both long-term capital assets and long-term liabilities, the most
 43 comparable measure of liquid financial resources that is similar to fund balance in proprietary funds is
 44 net working capital. Working capital is defined as the difference between current unrestricted assets
 45 and current liabilities. Net working capital, like fund balance, excludes long-term assets and long-term
 46 liabilities.

47 Use of Reserves

48 The City will avoid the use of fund balances for recurring operating expenditures, unless a determination
 49 has been made that available balances are in excess of required guidelines and that plans have been
 50 established to address any future operating budget shortfalls. Reserve funds may be used at the
 51 discretion of the City Manager, which are over the minimum required thresholds to:

- 52 • Provide resources to make up for temporarily decreased revenues, such as reductions in
- 53 state grants.
- 54 • Provide temporary resources in the event of an economic downturn while expenditure
- 55 reductions are implemented.
- 56 • Provide resources to meet emergency situations in case of natural disasters.
- 57 • Provide resources in the event of a settlement rising from a claim or judgement.
- 58 • Fund one-time capital investments

59 Authority of Reserves

60 The City Manager may authorize the use of reserves. The Department of Administrative and Financial
 61 Services will regularly report reserve levels in quarterly statements and will report year-end projected
 62 reserve levels by the third quarter of each year.

63 Replenishment of Reserves

64 In the event that reserves are used resulting in a balance below the minimum as outlined in this policy
 65 for the various funds, a plan will be developed by the City Manager and include such plan will be
 66 included in the formulation of the five-year forecast presented during the annual budget process to
 67 replenish reserve levels.

68

69

70

Governmental Fund Balance Policy

The City shall maintain a minimum unassigned fund balance equal to fifteen percent (15%) of the General Fund revenues and a target unassigned fund balance of twenty percent (20%) of the General Fund revenues.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Debt Service Fund revenues.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Motor Fuel Tax Fund revenues.

Special Revenue Funds Policy

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Special Liability Fund revenues.

Proprietary Working Capital Policy

Enterprise Days Cash on Hand Policy

The City shall maintain a minimum days cash on hand for the Combined Utilities Fund. The days cash on hand policy will be equal to 185 days cash on hand as defined by any rating agency then rating the City's Combined Utility fund. This reserve will be maintained in order to provide continuity through extreme events, deal with normal cash fluctuations throughout the year, and maintain rate stability and funding capital investments.

The City shall maintain a minimum working capital reserve for the Parking Fund. The working capital reserve will be equal to 10% of the annual parking fund revenues.

Internal Service Working Capital Policy

The City shall maintain a minimum working capital for the Self Insurance Health Fund equal to a 95% confidence level, that funding will be sufficient to pay all losses and corresponding claim expenses. The 95% confidence level shall come from prior year run out claims. In addition, the City shall also maintain minimum working capital equal to 25% of current year expected annual claims and settlement expenses.

The City shall maintain a minimum working capital for other Self Insurance funds equal to a 95% confidence level that funding will be sufficient to pay all losses and corresponding claim expenses.

The City shall maintain a minimum working capital for other Internal Service Funds that provide services to other City departments at a level equal to 10% of expected revenues.

102 Excess unreserved fund balance

103 In the event that the unreserved fund balance exceeds the minimum or target balance requirements in
104 the General Fund, Special Revenue Funds, Debt Service Funds, and Enterprise Funds at the end of the
105 fiscal year, the excess may be used in one or a combination of the following ways:

- 106 • Debt reduction
- 107 • One-time expenditures that do not increase recurring operating costs that cannot be funded
108 through current revenues. Emphasis will be placed on one-time uses that reduce future
109 operating costs.
- 110 • Establishment of or increase in reserves for risk management programs, equipment
111 replacement, capital projects, emergencies, or disaster recovery.
- 112 • Fund accrued liabilities, including but not limited to other post-employment benefits.
- 113 • Increase the balance of the reserve levels if known that a future draw down could occur.

Reserve Policy Highlights



Prepared by the Financial Services Department

PURPOSE OF POLICY

- Provide guidelines for the establishment, maintaining and performing an annual review of minimum and target fund balance reserves (Lines 22-25)

USE OF RESERVES

- Reserve funds may be used at the discretion of the City Manager to: (Lines 48-51)
 - Provide resources for temporarily decreased revenues (Lines 52-53)
 - Provide temporary resources in an economic downturn (Lines 54-55)
 - Provide resources to meet emergency situations (Line 56)
 - Provide resources in the event of a settlement (Line 57)
 - Fund one-time capital investments (Line 58)

AUTHORITY OF RESERVES

- City Manager may authorize the use of reserves (Line 60)
- Department of Admin and Financial Services will report and project by the 3rd quarter each year (Lines 60-62)

REPLENISHMENT OF RESERVES

- In the event reserves are below the minimum a plan will be outlined and presented during the annual budget process (Lines 64-67)

GOVERNMENTAL & SPECIAL REVENUE FUND BALANCE POLICY

- General Fund Unassigned Fund Balance of 15% minimum and 20% target (Lines 72-74)
- Debt Service Restricted Fund Balance of 10% (Lines 75-76)
- Motor Fuel Tax Restricted Fund Balance of 10% (Lines 77-78)
- Special Liability Unassigned Fund Balance of 10% (Lines 80-71)

PROPRIETARY WORKING CAPITAL POLICY

- Combined Utilities Fund working capital will be a minimum of 185 days cash on hand (Lines 84-88)
- Parking Fund working capital will be equal to 10% (Lines 89-90)
- Self Insurance Health Fund will be equal to 95% confidence level plus 25% of expected annual claims (Lines 92-95)
- Self Insurance Funds will be equal to 95% confidence level (Lines 96-97)
- Internal Service funds will be equal to 10% of expected revenues (Lines 98-99)

EXCESS UNRESERVED FUND BALANCE

- May be used for: Debt reduction, one-time expenditures, establishment of reserves for risk management programs, capital projects, emergencies, or disaster recovery, fund accrued liabilities, and increase the balances (Lines 103-113)

Reserve Policy Highlights



Prepared by the Financial Services Department

City of Topeka Reserve Balances

Indicator	2015 YE Status
General Fund Unassigned Fund Balance 15% minimum; 20% target	20%
Debt Service Unassigned Fund Balance: 10% minimum	25%
Motor Fuel Tax Unassigned Fund Balance: 10% minimum	57%
Special Liability Unassigned Fund Balance: 10% minimum	191%
Combined Utilities Fund Work Capital: 185 days cash on hand	465
Parking Fund Working Capital: 10%	56%
Self Insurance Health Fund: 95% confidence level + 25% of expected claims (31%)	59%
Self Insurance Fund: 95% confidence level	
Property Insurance	44%
Workers Compensation	14%
Unemployment Compensation	14,383%
Other Internal Service Funds: 10% minimum	
Information Technology	30%
Fleet	43%
Facilities	16%

Reserve Policy Comparison Chart



Prepared by the Financial Services Department

Responsibility	2016 Reserve Policy	Other City Policy
Purpose of Policy	Provide guidelines to Governing Body and staff for establishing, maintaining and performing an annual review of reserves	
Use of Reserves	- Avoid use of fund balances for reoccurring operating expenses - Reserve funds used at the discretion of the Manager to: - Provide resources for decreased revenue - Provide resources in economic downturn - Provide resources in emergency - Provide resources for claim settlements - Fund one-time capital investments	
Authority of Reserves	City Manager may authorize, Finance will report quarterly and year end projections by 3rd quarter	
Replenishment of Reserves	In the event reserves are below the minimum a plan will be developed by the City Manager and included in the annual budget process	

Reserve Policy Comparison Chart



Prepared by the Financial Services Department

Responsibility	2016 Reserve Policy	Other City Policy
Government Fund Balance Policy	- General Fund: 15% minimum with target of 20% - Debt Service Fund: 10% minimum - Motor Fuel Tax Fund: 10% minimum	General Fund: 10%
Special Revenue Fund Policy	Special Liability: 10% minimum	
Proprietary Working Capital Policy	- Combined Utilities Fund: 185 days cash on hand - Parking: 10% minimum - Health Insurance Fund: 95% confidence level plus 25% of annual expected claims - Self Insurance Funds: 95% Confidence Level - Internal Service Funds: 10% minimum	
Excess Unreserved Fund Balance	- Shall be used for: - Debt Reduction - One-time expenditures that reduce future operating costs - Establishment or increase of reserves for risk management, capital projects, emergencies, or disaster recovery - Fund accrued liabilities - Increase reserve levels	