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## **City Council Agenda**

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

December 5, 2006  
6:00 PM

**City Manager: Norton N. Bonaparte, Jr.**

**Mayor: William W. Bunten**

### **Councilmembers**

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

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

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

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

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

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

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. PROCLAMATIONS:**

**2. ROLL CALL:**

**3. CONSENT AGENDA:**

**A. Human Relations Commission**

 [ATTACHMENTS](#)

A COMMUNICATION recommending the appointment of Sharon Joseph, 2041 SW Westwood Dr., to the Human Relations Commission, to fulfill an unexpired term, which will end August 31, 2007. (Council District No. 6)

**B. MINUTES of the regular meeting of November 28, 2006**

**C. APPLICATIONS:**

**4. PUBLIC HEARINGS:**

**A. Amending the 2006 Operating Budget**

 [ATTACHMENTS](#)

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

AN APPROPRIATION ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. , amending the adopted operating budget for the City of Topeka, for the year 2006, and appropriating the amounts for the purpose as set forth therein. First and Final Reading.

*(This action holds the public hearing on the amendment of the 2006 Operating Budget, which would be enacted by passage of the ordinance. The Notice of Public Hearing was published in the Topeka Metro News on November 24, 2006.)*

**5. UNFINISHED BUSINESS:**

**A. Ordinance and Project Budget for Project #30239-01**

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$519,200 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6<sup>th</sup> Street to SE 10<sup>th</sup> Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District No. 3)

*(This project provides for a 10-feet wide trail project extending the Deer Creek Trail from SE 6th Street to SE 10th Street.)*

**B. Ordinance for Project No. 12060-01**

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$1,447,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29<sup>th</sup> Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627. Final Reading. (Council District No. 5)

*(This Ordinance amends the project budget for Bridge Project No. 12060-01, which replaces the functionally obsolete bridge on S.W. 29th Street over Shunganunga Creek near Randolph Street. The amendment increases the project budget from \$983,000 to \$1,447,000 to account for higher construction costs. The City's Share of costs increases \$68,000.)*

**C. Street Improvement Project #84344**

 [ATTACHMENTS](#)

**A PROJECT BUDGET** in the amount of \$600,000 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte Jr. authorizing Street Improvement Project No. 84344 which provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List. Final Reading.

*(This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Division's curb replacement list. This project is in the 2006 Capital Budget in the amount of \$600,000.)*

**D. Ordinance - Establishing a Code of Ethics for elected and appointed officials and employees of the City of Topeka**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections. Final Reading.

**6. NEW BUSINESS:**

**A. Communication - SHPO**

 [ATTACHMENTS](#)

**A COMMUNICATION** regarding the proposed demolition of the residential structure located at 320 SW Taylor Street.

*(The State Historic Preservation Officer (SHPO) has reviewed the materials regarding the proposed demolition of the residential structure located at 320 SW Taylor Street. The property is located within the environs of Sumner Elementary School. The SHPO, reviewing the project in accordance with the state historic preservation statute K.S.A. 75-2724, made a determination that the proposed demolition project will "encroach upon, damage, or destroy" the environs of the school. The statute states that the project cannot proceed until the local governing body has determined, based upon all relevant factors, there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property and its environs. The governing body is required to give five days notice of such determination, by certified mail, to the SHPO. The statute allows for anyone aggrieved by the determination to file suit and have the issue decided in the courts.)*

**B. Contract - Visit Topeka, Inc.**

 [ATTACHMENTS](#)

**A CONTRACT** between the City of Topeka and Visit Topeka, Inc. concerning the expenditure and distribution of Transient Guest Tax funds in 2007 subject to the provisions of Resolution 7827.

*(The contract concerns Visit Topeka, Inc. determining the allocation of Transient Guest Tax monies in 2007.)*

**C. Resolution - condemnation for Project No. 70198-01**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21<sup>st</sup> Street. (Council District No. 8)

*(This resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for construction of a roundabout at the intersection of SW Urish and SW 21st Street.)*

**D. Project Budget and Resolution for Project No. 13149-02**

 [ATTACHMENTS](#)

**A PROJECT BUDGET** in the amount of \$46,000 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13149-02 which provides for upgrades for the vacant space previously used by "Water Express" located in City Hall, as more specifically described herein. (Council District No. 1)

(Upgrades for the vacant space previously used by "Water Express" located in City Hall.)

**E. Parking Courtesy "Whoops" Ticket**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., eliminating out of town Courtesy Tickets and rescinding City of Topeka Resolution No. 6383.

*(This resolution provides for the rescinding of Resolution #6383, courtesy parking tickets for parking meter violators with vehicle license tags other than Shawnee County.)*

**F. Authorization of Weekly Expenditures for Week Ended November 19, 2006**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period November 13, 2006, through November 19, 2006, and enumerating said expenditures therein. First and Final Reading.

**7. FIRST READINGS:**

**A. Ordinance - Frito Lay Economic Development Exemption**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Frito-Lay, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III and located at approximately 4236 SW Kirklawn Avenue, Topeka, Shawnee County, Kansas. First Reading.

*(Approval would provide a property tax exemption for improvements to real and personal property for Frito-Lay, Inc.)*

**B. Ordinance - Topeka Planning Commission (Z06/23)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SE 45th Street about 1,830-feet west of SE Croco Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District. First Reading. (Z06/23) (Council District No. 4) (The Planning Commission recommended approval by a vote of 9-0-0) (The Planning Department approval.)

*(The zoning change is being sought in conjunction with the development of Rockfire at the Lake Subdivision and Rockfire at the Lake Subdivision No. 2 to be more reflective of an urbanizing single-family area within the City.)*

**C. Ordinance - Topeka Planning Commission (Z06/27)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northwest corner of SW 29th Street and SW Indian Hills Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District. First Reading. (Z06/27) (Council District No. 8) (The Planning Commission recommended approval by a vote of 9-0-0) (The Planning Department recommended approval.)

*(The zoning change is being sought in conjunction with the development of Sherwood Park Subdivisions No. 1-9 to be more reflective of an urbanizing single-family area within the City.)*

**D. Ordinance - Topeka Planning Commission (Z06/28)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SW 29th Street between SW Santa Fe Drive and SW Berkshire Drive in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "OS-1" Open Space District. First Reading. (Z06/28) (Council District No. 8) (The Planning Commission recommended approval by a vote of 9-0-0 on November 20, 2006.) (The Planning Department recommended approval.)

*(Approval would zone a neighborhood park within the Sherwood Park Subdivision consistent with parks, trails and open space.)*



**E. Ordinance - Darrell, Mark, and Steve Martinek, and Rick Flynn (Z06/32)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of SW Van Buren Street and SW Roby Place in the City of Topeka, Kansas from "M-1" Two-Family Dwelling District TO "C-3" Commercial District. First Reading. (Z06/32) (Council District No. 3) (The Planning Commission recommended approval by a vote of 9-0-0 )(The Planning Department recommended approval)

*(The applicant is proposing to zone the property to accommodate its use and development as a commercial office and show room in association with the window and siding business located immediately north across SW Roby Place.)*

**F. Ordinance- Sims Development Company (Z06/33)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1201 SW Oakley Avenue in the City of Topeka, Kansas from "R-1" Single Family Dwelling District with a Conditional Use Permit for a cultural facility ALL TO "O&I-2" Office and Institutional District. First Reading. (Z06/33) (Council District No. 6)(The Planning Commission recommended approval by a vote of 8-0-1 )(The Planning Department recommended approval.)

*(Approval would allow the property to be used for office and institutional uses.)*

**8. MISCELLANEOUS:**

-

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

-

**10. PUBLIC COMMENT:**

-

**11. ADJOURNMENT:**

-



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

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| DATE:                 | November 21, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                   | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                   |             |
| CATEGORY/SUBCATEGORY  |                   |             |
| CIP PROJECT:          | No                |             |
| ACTION OF COUNCIL:    |                   | JOURNAL #:  |
|                       |                   | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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**DOCUMENT DESCRIPTION:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

No Attachments Available





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 20, 2006

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**DATE:** November 21, 2006

**CONTACT PERSON:** Celeste Benton **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Human Relations Commission **PROJECT #:**

**CATEGORY/SUBCATEGORY:** 006 Communication / 003 Requests

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the appointment of Sharon Joseph, 2041 SW Westwood Dr., to the Human Relations Commission, to fulfill an unexpired term, which will end August 31, 2007. (Council District No. 6)

### POLICY ISSUE:

NA

### STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Sharon Joseph, 2041 SW Westwood Dr., to the Human Relations Commission, to fill the unexpired term of Mr. Joseph Gutierrez who submitted his resignation. Resume is attached.

### BACKGROUND:

TCC Chapter 86 and Ordinance 18382. The purpose of the Human Relations Commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city and to further goodwill among all people of the city.

### BUDGETARY IMPACT:

NA

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

[Human Relations Commission-Joseph Bio](#)

RESUME OF SHARON R. JOSEPH 785-357-8488  
2041 SW WESTWOOD DRIVE, TOPEKA, KS 66604-3272

**Transportation advocate/ Disability Rights Activist 1985 – present:**

Advise government entities on compliance the ADA 1992-ongoing:

Kansas Statehouse Architect, Secretary of State, Human Resources and Administration; City of Topeka Human Relations, Region VII Federal Transit Administration; Johnson County Board of Commissioners; Johnson County departments; Metro-KC cities/municipalities; KAPS.

Transportation Consultant on ADA requirements 1992-ongoing:

Attachment number 1  
Page 1 of 1

Transpiration providers: Topeka Metropolitan Authority; Kansas City Area Transportation Authority (KCATA), Johnson County KS Public Works Department, Kansas City KS Transportation Dept; Region VII FTA;

Transportation councils/committees: Mid America Regional Council (MARC) Municipal Planning Organization; Johnson County Board of Commissioners

Disability Awareness Trainer 1995-2006

Private businesses, government departments

## Employment

Volunteer Topeka Independent Living Resource Center 2002-ongoing;

ADA Consultant/Technical Advisor (self-employed) 1992-present;

Co-manager, The WHOLE PERSON Center for Independent Living 1996-97;

Paratransit Division, Metropolitan Transportation Services 1990-94.

## Education

ADA Training & Implementation Network 1992

Avila College, Women's Leadership Institute 1988

Johnson County Community College, Associate of Arts 1983

University of Oklahoma, Liberal Arts studies 1969-71

## Affiliations

Kansas ADAPT 1991-present; Organizer 2002-ongoing

AARP Kansas Diversity Council 2003-present; Topeka Advocacy 2006-

Topeka ADA Advisory Committee 2003-2004

KS Statehouse Renovation Advisory Group 2003-present

Advisory Council on Accessible Transit (MTA) 2004-present

Johnson County Transportation Advisory Board 1996-2002

Kansas Commission on Disability Concerns Board 1986-2000

Kansas Advocacy & Protection Services, Governing Board 1995-99

The Whole Person CIL 1984-99; President of Board of Directors 1995-99

Paratransit Council (Johnson, Wyandotte, Leavenworth Co's) 1993-97



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No Attachments Available





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November 21, 2006

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**DATE:** November 21, 2006  
**CONTACT PERSON:** Jim Langford  
**SECOND PARTY/SUBJECT:**  
**CATEGORY/SUBCATEGORY:**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A PUBLIC HEARING** for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

**AN APPROPRIATION ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. , amending the adopted operating budget for the City of Topeka, for the year 2006, and appropriating the amounts for the purpose as set forth therein. First and Final Reading.

*(This action holds the public hearing on the amendment of the 2006 Operating Budget, which would be enacted by passage of the ordinance. The Notice of Public Hearing was published in the Topeka Metro News on November 24, 2006.)*

### POLICY ISSUE:

The policy question is whether to amend the 2006 budget to include certain transfers, and make other expenditure adjustments to bring budget into conformity with state law before the end of year audit. Cities are authorized by K.S.A. 79-2929a to amend budgets to spend money not in the original budget. The additional expenditures cannot be financed by additional tax levy.

### STAFF RECOMMENDATION:

Adopt the ordinance.

### BACKGROUND:

These are recommended technical amendments to show certain transfers and expenditures properly. The amendments would accomplish the following:

- 1) Correctly show two unbudgeted transfers from the General Fund to the Miscellaneous Grants Fund. The first is \$23,396 and represents the City's match to federal monies for the Intelligent Transportation System (ITS) project. It is split between the Planning Department (\$13,396) and the Public Works Department (\$10,000). The second of \$31,800 is the 20% match to develop the Long Range Transportation Plan (LRTP) and is 80% federally funded through the Metropolitan Transportation Planning Organization (MTPO).
- 2) Reflects unbudgeted transfer of \$4,232 from the General Fund to a traffic signal project at 10<sup>th</sup> and Washburn. The project was authorized by Resolution 7722 and financed from the General Fund contingency. **Item #8**
- 3) Reflects unbudgeted transfer of \$130,000 from the General Fund to project 13155-00 to replace the elevator system in the Holliday Building. The project is scheduled to be before the City Council for action on November 28, 2006.

- 4) Reflects unbudgeted transfer of \$46,000 from the General Fund for a project to remodel the Water Express room on the first floor of City Hall to a conference room. The project should be before the City Council on December 5, 2006.
- 5) Increase expenditures from the General Improvement Fund by \$99,899 to correctly reflect the expenditure and transfer made to the City Hall Roof Project as coming from the General Improvement Fund rather than bond proceeds. The expenditure should have been shown in 2005, but there was misunderstanding on the funding source in the project budget ordinance. The increase is financed by the fund balance that is \$105,261 higher than budgeted because the monies did not get spent in 2005.
- 6) Correctly show as a transfer from the General Improvement Fund the \$200,000 authorized for Affordable Housing Projects.
- 7) Authorize expenditures of up to \$350,000 from the KP&F Equalization Fund in 2006. This fund is used to pay the excess liability created when KP&F employees retire with final paychecks that push the final average salary above the amount anticipated by KPERS. This creates unfunded retirement liability to the retirement system and KPERS bills the City to cover that. Paying the unfunded liability up front prevents the City from paying interest and helps hold down the incremental growth of the KP&F employer rate. Fund was authorized in bond document and not included in 2006 Adopted Budget (it is included in 2007 Budget).
- 8) Reflects unbudgeted transfer and establishes expenditure limit for the Half-Cent Sales Tax Fund. The fund was shown as a trust fund in the 2006 Adopted Budget, not a budgeted fund. The City's accounting staff and external auditor later determined that to properly reflect the monies coming into the fund from the half-cent sales tax and going to authorized projects it should be budgeted as a special revenue fund. The amendment reflects total transfers of \$1,332,388 to city projects and establishes the overall expenditure limit equal to the estimated revenue.

#### **BUDGETARY IMPACT:**

The amendment will increase expenditures for 2006 from the General Improvement Fund by \$99,899 to accommodate an expense that was to have been made from the fund in 2005. It will establish an expenditure limit of \$350,000 for the Kansas Police and Fire Rate Equalization Fund; and establish an expenditure limit of \$8,700,000 for the Half-Cent Sales Tax Fund to allow proper accounting for projects funded from those revenues. The remaining amendments authorize transfers of previously budgeted monies.

#### **SOURCE OF FUNDING:**

The amendment will affect the General Fund, the General Improvement Fund, the Half-Cent Sales Tax Fund, and the Kansas Police and Fire Rate Equalization Fund.

#### **ATTACHMENTS:**

[Notice of Public Hearing to Amend 2006 Budget](#)

[Ordinance to Amend 2006 Budget](#)

[Amended Transfers and Fund Summaries](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN APPROPRIATION ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. , amending the adopted operating budget for the City of Topeka, for the year 2006, and appropriating the amounts for the purpose as set forth therein.

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

Section 1. *Budget incorporated by reference as a part of this ordinance.* The amended operating budget for the City of Topeka, Kansas, for the year 2006 as set forth in a \_\_\_\_\_ page document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Budget approved and adopted.* The amended operating budget, as described and incorporated by reference in Section 1 above, is hereby approved and adopted as the amended operating budget for the year 2006.

Section 3. *Funds appropriated by budget.* The amended budget, as approved and adopted herein, shall constitute and shall be declared to be appropriations for the Funds and Departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or for the departments of such fund as referred to in the operating budget. The appropriations made

herein are for the year 2006 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2006 or subsequent to December 31, 2006.

Section 4. Amendments to the operating budget may be approved by the City Council provided the total adopted budget for any fund shall not be increased except pursuant to the provisions of K.S.A. Section 79-2929a. Adjustments or appropriations between Departments within the same Fund which are less than Fifteen Thousand Dollars (\$15,000.00) total per Department and where conditions indicate that a loss of revenue, damage to city property, impairment of essential services or substantial hardship to a significant segment of the public would likely result, may be approved by the City Manager.

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 City Council \_\_\_\_\_.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

|                                                                                                        |
|--------------------------------------------------------------------------------------------------------|
| APPROVED AS TO FORM AND LEGALITY<br>DATE_____BY_____<br>TO BE CODIFIED_____<br>NOT TO BE CODIFIED_____ |
|--------------------------------------------------------------------------------------------------------|



STATE OF KANSAS  
City of Topeka/Shawnee County  
2006

**SCHEDULE OF 2006 BUDGETED TRANSFERS**

| <b>Fund Trans From:</b>         | <b>Fund Trans To:</b>                                  | <b>Amount</b>    |
|---------------------------------|--------------------------------------------------------|------------------|
| 101 GENERAL                     | CAPITAL PROJECTS                                       | \$ 2,106,579     |
| 101 GENERAL                     | 285 UNSAFE STRUCTURES                                  | 200,000          |
| 271 TRANSIENT GUEST TAX         | 265 PARKS AND RECREATION                               | 115,000          |
| 271 TRANSIENT GUEST TAX         | 101 GENERAL                                            | 60,000           |
| 271 TRANSIENT GUEST TAX         | 289 HISTORIC PRESERVATION                              | 63,160           |
| 623 STORMWATER                  | 291 SPECIAL STREET                                     | 200,000          |
| 686 WATER POLLUTION CONTROL     | 265 PARKS AND RECREATION                               | 125,000          |
| <i>101 GENERAL*</i>             | <i>999 MISCELLANEOUS GRANTS</i>                        | <i>23,396</i>    |
| <i>101 GENERAL*</i>             | <i>999 MISCELLANEOUS GRANTS</i>                        | <i>31,800</i>    |
| <i>101 GENERAL*</i>             | <i>814 CAPITAL PROJECTS (Proj 141200)</i>              | <i>4,232</i>     |
| <i>101 GENERAL*</i>             | <i>814 CAPITAL PROJECTS (Holliday Bldg. Elevator)</i>  | <i>130,000</i>   |
| <i>101 GENERAL*</i>             | <i>814 CAPITAL PROJECTS (City Hall Conference Rm.)</i> | <i>46,000</i>    |
| <i>230 GENERAL IMPROVEMENT*</i> | <i>813 PUBLIC BUILDING PROJECTS (City Hall Roof)</i>   | <i>99,899</i>    |
| <i>230 GENERAL IMPROVEMENT*</i> | <i>780 AFFORDABLE HOUSING</i>                          | <i>200,000</i>   |
| <i>290 HALF-CENT SALES TAX*</i> | <i>812 CAPITAL PROJECTS</i>                            | <i>1,332,388</i> |
|                                 |                                                        | \$ 4,737,454     |

*\* 12/05/06 amendment*

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations           | 2006<br>Adopted | 2006<br>Amended | Difference |
|----------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL FUND 101</u>          |                 |                 |            |
| FUND BALANCE, BEGINNING                | \$ 10,151,612   | \$ 10,151,612   | \$ -       |
| REVENUE:                               |                 |                 |            |
| TAXES AND ASSESSMENTS:                 |                 |                 |            |
| General Property Tax-Current           | -               | -               | -          |
| General Property Tax-Delinquent        | 175,000         | 175,000         | -          |
| NRA Rebates                            | -               | -               | -          |
| Motor Vehicle/RV Tax                   | 1,088,262       | 1,088,262       | -          |
| Local Sales Tax                        | 27,240,000      | 27,240,000      | -          |
| Quarter Cent Sales Tax Excess          | -               | -               | -          |
| Payment in lieu of Debt Service        | 499,402         | 499,402         | -          |
| PAYMENT IN LIEU OF TAX:                |                 |                 |            |
| State of Kansas                        | 25,000          | 25,000          | -          |
| IRB Distribution                       | 41,690          | 41,690          | -          |
| Water                                  | 2,127,000       | 2,127,000       | -          |
| Water Pollution Control                | 1,970,000       | 1,970,000       | -          |
| Parking Garages                        | 192,000         | 192,000         | -          |
| Golf Course                            | 4,250           | 4,250           | -          |
| Heartland Park                         | -               | -               | -          |
| Public Housing                         | -               | -               | -          |
| Stormwater Utility                     | 424,000         | 424,000         | -          |
| Neighborhood Revitalization Act        | -               | -               | -          |
| Voluntary                              | -               | -               | -          |
| TOTAL PAYMENT IN LIEU OF TAX           | 4,783,940       | 4,783,940       | -          |
| TOTAL TAXES AND ASSESSMENTS            | 33,786,604      | 33,786,604      | -          |
| INTERGOVERNMENTAL REVENUE:             |                 |                 |            |
| LAVTRF                                 | -               | -               | -          |
| Liquor Tax Gross Receipts              | 400,150         | 400,150         | -          |
| State City & County Revenue Sharing    | -               | -               | -          |
| Federal Grants / Police Grants         | -               | -               | -          |
| Federal Grants / Fair Housing          | -               | -               | -          |
| Shawnee Co/Community Resources Council | 50,200          | 50,200          | -          |
| TOTAL INTERGOVERNMENTAL                | 450,350         | 450,350         | -          |
|                                        |                 |                 |            |
| TOTAL LICENSES                         | 321,222         | 321,222         | -          |
|                                        |                 |                 |            |

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations         | 2006<br>Adopted | 2006<br>Amended | Difference |
|--------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL FUND 101</u>        |                 |                 |            |
| TOTAL PERMITS                        | 1,434,231       | 1,434,231       | -          |
| UTILITY FRANCHISE                    |                 |                 |            |
| Gas Service                          | 2,765,450       | 2,765,450       | -          |
| Electric                             | 4,486,425       | 4,486,425       | -          |
| Southwestern Bell                    | 630,000         | 630,000         | -          |
| Williams Telecom                     | 50,000          | 50,000          | -          |
| KMC Telecom                          | -               | -               | -          |
| Cablevision                          | 1,268,870       | 1,268,870       | -          |
| TOTAL UTILITY FRANCHISE              | 9,200,745       | 9,200,745       | -          |
|                                      |                 |                 |            |
| TOTAL LICENSES, PERMITS & FRANCHISES | 10,956,198      | 10,956,198      | -          |
|                                      |                 |                 |            |
| TOTAL FEES FOR SERVICES              | 4,364,088       | 4,364,088       | -          |
|                                      |                 |                 |            |
| MUNICIPAL COURT                      |                 |                 |            |
| TOTAL MUNICIPAL COURT FINES          | 2,025,000       | 2,025,000       | -          |
| TOTAL MUNICIPAL COURT COSTS          | 1,067,900       | 1,067,900       | -          |
| TOTAL MUNICIPAL COURT                | 3,092,900       | 3,092,900       | -          |
|                                      |                 |                 |            |
| OTHER                                |                 |                 |            |
| Environmental Code Assessments       | 100,000         | 100,000         | -          |
| Interest on Investments              | 525,000         | 525,000         | -          |
| Rents                                | 212,740         | 212,740         | -          |
| Other (includes transfers)           | 477,000         | 477,000         | -          |
| TOTAL OTHER REVENUES                 | 1,314,740       | 1,314,740       | -          |
|                                      |                 |                 |            |
| Subtotal Revenue                     | 53,964,880      | 53,964,880      | -          |
|                                      |                 |                 |            |
| TOTAL BALANCE AND REVENUE            | 64,116,492      | 64,116,492      | -          |

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations        | 2006<br>Adopted | 2006<br>Amended | Difference |
|-------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL FUND 101</u>       |                 |                 |            |
| EXPENDITURES:                       |                 |                 |            |
| CITY COUNCIL                        |                 |                 |            |
| Personnel Services                  | 234,896         | 234,896         | -          |
| Contractual Services                | 47,780          | 47,780          | -          |
| Commodities                         | 2,945           | 2,945           | -          |
| Capital Outlay                      | -               | -               | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL CITY COUNCIL                  | 285,621         | 285,621         | -          |
| EXECUTIVE                           |                 |                 |            |
| Personnel Services                  | 889,290         | 889,290         | -          |
| Contractual Services                | 248,284         | 248,284         | -          |
| Commodities                         | 19,650          | 19,650          | -          |
| Capital Outlay                      | -               | -               | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL EXECUTIVE                     | 1,157,224       | 1,157,224       | -          |
| LEGAL                               |                 |                 |            |
| Personnel Services                  | 1,267,244       | 1,267,244       | -          |
| Contractual Services                | 183,261         | 183,261         | -          |
| Commodities                         | 35,000          | 35,000          | -          |
| Capital Outlay                      | -               | -               | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL LEGAL                         | 1,485,505       | 1,485,505       | -          |
| FINANCIAL SERVICES                  |                 |                 |            |
| Personnel Services                  | 1,424,788       | 1,424,788       | -          |
| Contractual Services                | 427,269         | 427,269         | -          |
| Commodities                         | 14,425          | 14,425          | -          |
| Capital Outlay                      | -               | -               | -          |
| Other Financial Uses                | -               | -               | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL FINANCIAL SERVICES            | 1,866,482       | 1,866,482       | -          |
| MUNICIPAL COURT                     |                 |                 |            |
| Personnel Services                  | 1,219,857       | 1,219,857       | -          |
| Contractual Services                | 425,025         | 425,025         | -          |
| Commodities                         | 22,425          | 22,425          | -          |
| Capital Outlay                      | -               | -               | -          |

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations        | 2006<br>Adopted | 2006<br>Amended | Difference |
|-------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL FUND 101</u>       |                 |                 |            |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL MUNICIPAL COURT               | 1,667,307       | 1,667,307       | -          |
| HUMAN RESOURCES                     |                 |                 |            |
| Personnel Services                  | 576,835         | 576,835         | -          |
| Contractual Services                | 248,062         | 248,062         | -          |
| Commodities                         | 22,688          | 22,688          | -          |
| Capital Outlay                      | -               | -               | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL HUMAN RESOURCES               | 847,585         | 847,585         | -          |
| POLICE                              |                 |                 |            |
| Personnel Services                  | 22,373,674      | 22,373,674      | -          |
| Contractual Services                | 2,811,079       | 2,811,079       | -          |
| Other Payments & costs              | 1,000           | 1,000           | -          |
| Commodities                         | 1,368,355       | 1,368,355       | -          |
| Capital Outlay                      | 94,475          | 94,475          | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL POLICE                        | 26,648,583      | 26,648,583      | -          |
| FIRE                                |                 |                 |            |
| Personnel Services                  | 17,232,797      | 17,232,797      | -          |
| Contractual Services                | 873,325         | 873,325         | -          |
| Commodities                         | 409,312         | 409,312         | -          |
| Capital Outlay                      | 15,000          | 15,000          | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL FIRE                          | 18,530,434      | 18,530,434      | -          |
| PUBLIC WORKS                        |                 |                 |            |
| Personnel Services                  | 6,515,948       | 6,515,948       | -          |
| Contractual Services                | 3,908,325       | 3,898,325       | (10,000)   |
| Commodities                         | 560,749         | 560,749         | -          |
| Capital Outlay                      | 161,500         | 161,500         | -          |
| Other Financial Uses                | (669,317)       | (669,317)       | -          |
| Net Prior/Current Year Encumbrances | -               | -               | -          |
| TOTAL PUBLIC WORKS                  | 10,477,205      | 10,467,205      | (10,000)   |
| METROPOLITAN PLANNING               |                 |                 |            |

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations           | 2006<br>Adopted  | 2006<br>Amended  | Difference      |
|----------------------------------------|------------------|------------------|-----------------|
| <b><u>FUND: GENERAL FUND 101</u></b>   |                  |                  |                 |
| Personnel Services                     | 630,653          | 630,653          | -               |
| Contractual Services                   | 195,512          | 150,316          | (45,196)        |
| Commodities                            | 13,975           | 13,975           | -               |
| Capital Outlay                         | 9,000            | 9,000            | -               |
| Net Prior/Current Year Encumbrances    | -                | -                | -               |
| <b>TOTAL PLANNING</b>                  | <b>849,140</b>   | <b>803,944</b>   | <b>(45,196)</b> |
| <b>CONTRIBUTIONS TO OTHER AGENCIES</b> |                  |                  |                 |
| Jayhawk Area Agency on Aging           | 27,000           | 27,000           | -               |
| Topeka Cemetery Association            | 100,000          | 100,000          | -               |
| Keep America Beautiful                 | 15,000           | 15,000           | -               |
| Community Resource Council             | 100,400          | 100,400          | -               |
| Arts Council of Topeka                 | -                | -                | -               |
| Topeka Performing Arts Center          | 395,000          | 395,000          | -               |
| Go Topeka                              | -                | -                | -               |
| Go Connection                          | -                | -                | -               |
| YWCA Girls to Girls                    | -                | -                | -               |
| Shawnee County Family Resource Center  | 55,000           | 55,000           | -               |
| Youth and Social Services              | 331,455          | 331,455          | -               |
| Project Health Access                  | 100,000          | 100,000          | -               |
| Battered Women's Task Force            | 30,000           | 30,000           | -               |
| Safe Streets                           | -                | -                | -               |
| Housing and Credit Counseling          | 78,000           | 78,000           | -               |
| Success by Six                         | 41,545           | 41,545           | -               |
| To Be Distributed by Council           | -                | -                | -               |
| Net Prior/Current Year Encumbrances    | -                | -                | -               |
| <b>TOTAL CONTRIBUTIONS TO AGENCIES</b> | <b>1,273,400</b> | <b>1,273,400</b> | <b>-</b>        |
| <b>MISCELLANEOUS PROVISIONS</b>        |                  |                  |                 |
| Debt Reduction & Capital Improvement   | -                | -                | -               |
| <b>TOTAL MISCELLANEOUS PROVISIONS</b>  | <b>-</b>         | <b>-</b>         | <b>-</b>        |
| <b>INTERFUND TRANSFERS</b>             |                  |                  |                 |
| Transfer to Metro Planning Agency      | -                | -                | -               |
| Transfer to Unsafe Structures Fund     | 200,000          | 200,000          | -               |
| Transfer to Arts Fund (Sec. 138-96)    | -                | -                | -               |
| Transfer to Golf Fund                  | -                | -                | -               |
| Transfer to Capital Projects           | 2,106,579        | 2,286,811        | 180,232         |

City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**General Operating Fund*

| Resources and Appropriations            | 2006<br>Adopted | 2006<br>Amended | Difference |
|-----------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL FUND 101</u>           |                 |                 |            |
| Transfer to Miscellaneous Grants        | -               | 55,196          | 55,196     |
| Transfer to Bridge Improvement Projects | -               | -               | -          |
| Transfer to Risk Mgmt. Reserve Fund     | -               | -               | -          |
| TOTAL INTERFUND TRANSFERS               | 2,306,579       | 2,542,007       | 235,428    |
| MISC NON-DEPARTMENTAL                   |                 |                 |            |
| Personnel Services                      | (1,455,000)     | (1,455,000)     | -          |
| Contractual Services                    | 216,350         | 216,350         | -          |
| Downtown Topeka Inc.                    | 250,000         | 250,000         | -          |
| Volunteer Ctr. Of Topeka                | -               | -               | -          |
| Team Topeka Youth Employment            | -               | -               | -          |
| Care of Prisoners                       | 950,000         | 950,000         | -          |
| Other Payments and Costs                | -               | -               | -          |
| NRA Rebate                              | 198,073         | 198,073         | -          |
| Commodities                             | 33,000          | 33,000          | -          |
| Capital Outlay & Reserve                | -               | -               | -          |
| Contingency                             | 6,172,473       | 5,992,241       | (180,232)  |
| Net Prior/Current Year Encumbrances     | -               | -               | -          |
| TOTAL MISC NON-DEPARTMENTAL             | 6,364,896       | 6,184,664       | (180,232)  |
| TOTAL GENERAL FUND EXPENDITURES         | 73,759,961      | 73,759,961      | -          |
| RESIDUAL EQUITY TRANSFER IN (OUT)       | -               | -               | -          |
| OPERATING TRANSFERS OUT                 | -               | -               | -          |
| LESS: RESERVES                          | -               | -               | -          |
| FUND BALANCE, ENDING                    | \$ 648,181      | \$ 648,181      | \$ -       |
| TAX TO BE LEVIED                        | 10,291,650      | 10,291,650      | -          |
| PROVISION FOR DELINQUENCIES             | 339,624         | 339,624         | -          |
| TOTAL TAX TO BE LEVIED                  | \$10,631,274    | \$10,631,274    | \$ -       |



City of Topeka, Kansas Operating Budget for Fiscal Year 2006*Summary of Resources and Appropriations**Special Revenue Funds*

| Resources and Appropriations         | 2006<br>Adopted | 2006<br>Amended | Difference |
|--------------------------------------|-----------------|-----------------|------------|
| <u>FUND: GENERAL IMPROVEMENT 230</u> |                 |                 |            |
| FUND BALANCE, BEGINNING              | \$ 121,585      | \$ 226,846      | \$ 105,261 |
| REVENUE:                             |                 |                 |            |
| General Property Tax-Current         | -               | -               | -          |
| General Property Tax-Delinq          | 15,500          | 15,500          | -          |
| NRA Rebates                          | -               | -               | -          |
| Motor Vehicle/RV Tax                 | 36,294          | 36,294          | -          |
| Miscellaneous Interest               | -               | -               | -          |
| IRB Distribution                     | 1,401           | 1,401           | -          |
| Subtotal Revenue                     | 53,195          | 53,195          | -          |
| TOTAL BALANCE AND REVENUE            | 174,780         | 280,041         | 105,261    |
| EXPENDITURES:                        |                 |                 |            |
| PERSONNEL SERVICES                   | -               | -               | -          |
| CONTRACTUAL SERVICES                 | 100,000         | 100,000         | -          |
| OTHER PAYMENTS AND COSTS             | -               | -               | -          |
| NRA Rebate                           | 6,654           | 6,654           | -          |
| COMMODITIES                          | -               | -               | -          |
| CAPITAL OUTLAY                       | 200,000         | -               | (200,000)  |
| CONTINGENCY                          | -               | -               | -          |
| TOTAL EXPENDITURES                   | 306,654         | 106,654         | (200,000)  |
| OPERATING TRANSFERS IN               | -               | -               |            |
| OPERATING TRANSFERS OUT              | -               | 299,899         | 299,899    |
| NET OPERATING TRANSFERS              | -               | -               |            |
| UNAPPROPRIATED FUND BALANCE, ENDING  | \$ 15,000       | \$ 15,000       | \$ -       |
| TAX TO BE LEVIED                     | 146,874         | 146,874         | -          |
| PROVISION FOR DELINQUENCIES          | 4,847           | 4,847           | -          |
| TOTAL TAX TO BE LEVIED               | \$ 151,721      | \$ 151,721      | \$ -       |
| TOTAL WITH TRANSFERS                 | \$ 306,654      | \$ 406,553      | \$ 99,899  |

## City of Topeka, Kansas Operating Budget for Fiscal Year 2006

### *Summary of Resources and Appropriations*

#### *General Operating Fund*

| Resources and Appropriations                                   | 2006<br>Adopted | 2006<br>Amended | Difference |
|----------------------------------------------------------------|-----------------|-----------------|------------|
| <u>FUND: KANSAS POLICE AND FIRE RATE EQUALIZATION FUND 287</u> |                 |                 |            |
| FUND BALANCE, BEGINNING                                        | \$ -            | \$ 754,057      | \$ 754,057 |
| REVENUE:                                                       |                 |                 |            |
| Charges for services from payroll                              | -               | 285,000         | 285,000    |
| Subtotal Revenue                                               | -               | 285,000         | 285,000    |
| TOTAL BALANCE AND REVENUE                                      | -               | 1,039,057       | 1,039,057  |
| EXPENDITURES:                                                  |                 |                 |            |
| OTHER PAYMENTS AND COSTS                                       | -               | 350,000         | 350,000    |
| TOTAL EXPENDITURES                                             | -               | 350,000         | 350,000    |
|                                                                |                 |                 |            |
| TRANSFER IN (OUT)                                              | -               | -               | -          |
|                                                                |                 |                 |            |
| FUND BALANCE, ENDING                                           | \$ -            | \$ 689,057      | \$ 689,057 |

# City of Topeka, Kansas Operating Budget for Fiscal Year 2006

## Summary of Resources and Appropriations

### General Operating Fund

| Resources and Appropriations              | 2006<br>Adopted | 2006<br>Amended | Difference   |
|-------------------------------------------|-----------------|-----------------|--------------|
| <u>FUND: Half-Cent Sales Tax Fund 290</u> |                 |                 |              |
| FUND BALANCE, BEGINNING                   | \$ -            | \$ -            | \$ -         |
| Half-Cent Sales Tax                       | -               | 8,700,000       | 8,700,000    |
|                                           | -               | -               | -            |
|                                           | -               | 8,700,000       | 8,700,000    |
| TOTAL BALANCE AND REVENUE                 | -               | 8,700,000       | 8,700,000    |
| EXPENDITURES:                             |                 |                 |              |
|                                           | -               | -               | -            |
| City's portion of Go Topeka               | -               | 2,675,000       | 2,675,000    |
| City's portion of County Bridges          | -               | 802,500         | 802,500      |
| Other projects                            | -               | 3,890,112       | 3,890,112    |
|                                           | -               | -               | -            |
|                                           | -               | -               | -            |
| TOTAL EXPENDITURES                        | -               | 7,367,612       | 7,367,612    |
| RESIDUAL EQUITY TRANSFER IN (OUT)         |                 | 1,332,388       | 1,332,388    |
| FUND BALANCE, ENDING                      | \$ -            | \$ -            | \$ -         |
| TOTAL WITH TRANSFERS                      | -               | \$ 8,700,000    | \$ 8,700,000 |

## NOTICE OF BUDGET HEARING AMENDING THE 2006 BUDGET

The governing body of the CITY OF TOPEKA, KANSAS will meet on the 5th day of December, 2006 at 6:00 pm,  
at the CITY COUNCIL CHAMBERS at 214 E. Eighth Street, for the purpose of hearing and answering  
objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at OFFICE OF THE CITY MANAGER, CITY HALL and will be available at this hearing.

### BUDGET SUMMARY

The amendments would reflect transfers from the General Fund, General Improvement Fund, and Half-Cent Sales  
Tax Fund; increase expenditures from the General Improvement Fund;  
and authorize expenditures from the Kansas Police and Fire Rate Equalization Fund and the Half-Cent Sales Tax Fund.

| Fund                                     | Adopted Budget<br>2006 |                             |              | Proposed Amendment<br>2006 |
|------------------------------------------|------------------------|-----------------------------|--------------|----------------------------|
|                                          | Actual Tax Rate        | Amount of Ad<br>Valorem Tax | Expenditures | Expenditures               |
| General                                  | 10.855                 | \$10,631,274                | \$73,759,961 | \$73,759,961               |
| General Improvement                      | 0.155                  | \$151,721                   | \$306,654    | \$406,553                  |
| Kansas Police and Fire Rate Equalization | --                     | --                          | --           | \$350,000                  |
| Half-Cent Sales Tax                      | --                     | --                          | --           | \$8,700,000                |

By Order of the governing Body:

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City Clerk



A Capital City Serving You...

www.topeka.org

## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

+ Back Print

**DATE:** November 21, 2006

**CONTACT PERSON:** Jeff Hunt **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Park Improvement **PROJECT #:** 30239-01

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

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** Approve Project Budget and Adopt ordinance as presented **JOURNAL #:**

**PAGE #:**

### DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$519,200 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6<sup>th</sup> Street to SE 10<sup>th</sup> Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District No. 3)

*(This project provides for a 10-feet wide trail project extending the Deer Creek Trail from SE 6th Street to SE 10th Street.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

### BACKGROUND:

The City of Topeka was successful in obtaining a Transportation Grant from the Kansas Department of Transportation. This grant will cover 80% of the participating costs for this project. This project will construct a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th street. The project will follow Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10th Street. The project will also include retaining walls, at grade street crossings, grading, landscaping, and related appurtenances needed for a complete project.

### BUDGETARY IMPACT:

Project Budget in the amount of \$519,200.00

### SOURCE OF FUNDING:

Funding Source #1 - Kansas Department of Transportation  
TE-21 Grant = \$399,200.00

Item #9

Funding Source #2 - City of Topeka  
General Obligation Bonds totaling = \$120,000.00  
Total Debt Service = \$210,650

**ATTACHMENTS:**

[Project Budget](#)

[Debt Service](#)

[Vicinity Map](#)

[Ordinance](#)

## PROJECT BUDGET

### Project No. 30239 Phase 01

#### **LOCATION**

This project will begin at the SE 6th Street bridge over the Deer Creek and progress to the south to SE 10th Street and Deer Creek Parkway.

#### **DESCRIPTION OF PROJECT:**

This project will construct a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street. The project will follow the Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10th Street. The project will also include retaining walls, at grade street crossing, grading, landscaping, and related appurtenances needed for a complete project.

#### **SOURCE OF FUNDS:**

Funding Source No. 1- KDOT - Transportation Enhancement Grant - \$399,200

Funding Source No. 2-City of Topeka General Obligation Bonds - \$100,000.00 - Year 2005  
City of Topeka General Obligation Bonds - \$ 20,000.00 - Year 2003

| <b><u>COST ESTIMATE:</u></b> | <b><u>FUNDING<br/>SOURCE 1</u></b> | <b><u>FUNDING<br/>SOURCE 2</u></b> | <b><u>FUNDING<br/>SOURCE 3</u></b> |
|------------------------------|------------------------------------|------------------------------------|------------------------------------|
| Construction:                | \$355,200.00                       | \$88,800.00                        |                                    |
| Design:                      | \$0.00                             | \$20,200.00                        |                                    |
| Engineering Fees:            | \$8,000.00                         | \$2,000.00                         |                                    |
| Project Service Fees:        | \$12,000.00                        | \$3,000.00                         |                                    |
| Administrative Fees:         | \$0.00                             | \$0.00                             |                                    |
| Right-of Way Acquisition:    | \$0.00                             | \$0.00                             |                                    |
| Contingency Amount:          | \$24,000.00                        | \$6,000.00                         |                                    |
| Interest                     | \$0.00                             | \$0.00                             |                                    |
| <b>Total:</b>                | <b>\$399,200.00</b>                | <b>\$120,000.00</b>                |                                    |

#### **PUBLIC HEARING:**

#### **PROJECT AUTHORITY:**

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

**PROJECT ENGINEER: Jeff Hunt**

## GO Bond Cost of Project

## PROJECT: Shunga Creek Multipurpose Trail 30239-01

|                 |       |
|-----------------|-------|
| Interest rate   | 5.25% |
| Number of Years | 20    |

|                    |        |
|--------------------|--------|
| Cost of Issuance   | 2.00%  |
| Temp Note interest | 5.000% |

|                                                        |                  |
|--------------------------------------------------------|------------------|
| Principal (project cost)                               | <u>\$120,000</u> |
| Plus Temp Note Interest (unless included in Principal) | <u>\$6,000</u>   |
| Subtotal                                               | \$126,000        |
| Plus Cost of Issuance                                  | <u>\$2,520</u>   |
| <b>Total</b>                                           | <b>\$128,520</b> |

|                                         |                 |
|-----------------------------------------|-----------------|
| Annual Debt Service                     | <b>\$10,533</b> |
| Annual Debt Service as Percent of Total | 8.2%            |

|                                             |           |
|---------------------------------------------|-----------|
| Total Debt Service (principal and interest) | \$210,650 |
|---------------------------------------------|-----------|

|                                                |          |
|------------------------------------------------|----------|
| Difference Project Cost and Total Debt Service | \$90,650 |
|------------------------------------------------|----------|

|                                                                                         |                      |
|-----------------------------------------------------------------------------------------|----------------------|
| GO Bonded Indebtedness as of March 2006*                                                | \$148,705,000        |
| 2005-A Temporary Notes that Finance Future GO Bond projects                             | \$20,487,369         |
| Approved, not Included in GO Bond Issue or Temporary Notes--City Projects               | \$12,749,372         |
| Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects | <u>\$10,339,580</u>  |
| Total Indebtedness                                                                      | <u>\$192,281,321</u> |
| Plus Project                                                                            | \$192,409,841        |

## \* Breakdown of GO Bonded Indebtedness

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



# Deer Creek Trail Grant Request



(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No.30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6<sup>th</sup> Street to SE 10<sup>th</sup> Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide the construction of a 10-foot wide trail project, extending the Deer Creek Trail from SE 6<sup>th</sup> Street to SE 10<sup>th</sup> Street. The project will follow the Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10<sup>th</sup> Street. The project will also include retaining walls, at grade street crossing, grading, landscaping, and related appurtenances needed for a complete project.

B. TOTAL PROJECT BUDGET COST:

\$519,200.00

C. SOURCE OF FUNDS:

|                                        |                     |
|----------------------------------------|---------------------|
| KDOT, Transportation Enhancement Grant | \$399,200.00        |
| General Obligation Bonds               | <u>\$120,000.00</u> |
| TOTAL:                                 | \$519,200.00        |

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

39 PASSED and APPROVED by the City Council \_\_\_\_\_.

40

41

42 ATTEST: \_\_\_\_\_ William W. Bunten, Mayor

43

44

45 \_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

+ Back Print

**DATE:** November 21, 2006

**CONTACT PERSON:** Bernie Cosby **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Bridge Project **PROJECT #:** 12060-01

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

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** Adopt the Ordinance as presented. **JOURNAL #:**

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A PROJECT BUDGET** in the amount of \$1,447,000 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29<sup>th</sup> Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627. Final Reading. (Council District No. 5)

*(This Ordinance amends the project budget for Bridge Project No. 12060-01, which replaces the functionally obsolete bridge on S.W. 29th Street over Shunganunga Creek near Randolph Street. The amendment increases the project budget from \$983,000 to \$1,447,000 to account for higher construction costs. The City's Share of costs increases \$68,000.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

### BACKGROUND:

A project budget for \$983,000 was approved by Council on 4/25/06 for the construction phase of this project to replace the bridge on S.W. 29<sup>th</sup> Street over South Branch Shunganunga Creek near Randolph Street. Construction costs have increased substantially this year and at the KDOT bid letting on 10/18/06, the low bid was considerably higher than the earlier estimate thus requiring the amendment to the project budget.

The existing bridge structure is 65 years old with a widening that is 43 years old. The main structure is a galvanized steel arch, which is rusting and cannot be repaired or re-coated without costs that would be prohibitive. The new structure will also open the channel to allow for the extension of the existing Shunga Trail.

### BUDGETARY IMPACT:

Project Budget increases to \$1,447,000 from \$983,000

Item #10

(City's Share increases from \$271,000 to \$339,000 or \$68,000)

**SOURCE OF FUNDING:**

\$339,00.00 -- City's General Obligation Bonds or any other lawfully  
available funds

\$1,108,000.00 -- KDOT Federal Funds

**ATTACHMENTS:**

[Revised Project Budget](#)

[Debt Service 12060-01](#)

[Ordinance](#)



**REVISED PROJECT BUDGET**  
**Project No. 12060-01**  
**Construction Budget**  
**SW 29th Street over S. Branch Shunga**

**LOCATION:**

SW 29th Street over S. Branch Shunga. Project is located at SW 29th Street near Randolph.

**DESCRIPTION OF PROJECT:**

After the KDOT letting of this project, a revised budget will be required for construction. The awarded bid is higher than original construction estimates, and will increase the City's responsibility by \$68,000.00. This project was adopted in the 2005-2006 Capital Improvement Budget. The revised budget will be \$1,447,000.00 (80% Federal Funds / 20% City Share for Project Construction) . The revised City obligation of \$339,000.00 for this construction budget will be financed with General Obligation Bonds.

The existing structure is 65 years old with a widening that is 43 years old. The main structural system is a galvanized steel arch which is rusting and cannot be re-coated without costs that would be prohibitive. New structure will also open channel to allow for the extension of the existing Shunga Trail.

This budget will allow for construction of the project.

**SOURCE OF FUNDS:**

General Obligation Bonds: \$339,000.00.

|                                | <b>Revised<br/>Const. Budget<br/>City of Topeka</b> | <b>Federal<br/>Funds</b> | <b>Total</b>          |
|--------------------------------|-----------------------------------------------------|--------------------------|-----------------------|
| <b><u>COST ESTIMATE:</u></b>   |                                                     |                          |                       |
| Construction:                  | \$236,000.00                                        | \$944,000.00             | \$1,180,000.00        |
| Design (Consultant):           | \$25,000.00                                         | \$0.00                   | \$25,000.00           |
| Construction Service Fees:     |                                                     |                          |                       |
| <i>Construction Inspection</i> | \$23,000.00                                         | \$93,000.00              | \$116,000.00          |
| Administrative Fees:           |                                                     |                          |                       |
| <i>Engineering Admin.</i>      | \$12,200.00                                         | \$28,000.00              | \$40,200.00           |
| Right-of Way Acquisition:      | \$12,000.00                                         | \$0.00                   | \$12,000.00           |
| Contingency Amount:            | \$10,800.00                                         | \$43,000.00              | \$53,800.00           |
| Temporary Notes:               | \$20,000.00                                         | \$0.00                   | \$20,000.00           |
| <b>Total:</b>                  | <b>\$339,000.00</b>                                 | <b>\$1,108,000.00</b>    | <b>\$1,447,000.00</b> |

**PUBLIC HEARING:**

**PROJECT AUTHORITY:**

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

Date: \_\_\_\_\_

**PROJECT ENGINEER:**      Bernie Cosby

# GO Bond Cost of Project

## PROJECT:

|                 |       |
|-----------------|-------|
| Interest rate   | 5.25% |
| Number of Years | 20    |

|                    |        |
|--------------------|--------|
| Cost of Issuance   | 0.00%  |
| Temp Note interest | 5.000% |

|                                                        |                  |
|--------------------------------------------------------|------------------|
| Principal (project cost)                               | <u>\$319,000</u> |
| Plus Temp Note Interest (unless included in Principal) | <u>\$19,938</u>  |
| Subtotal                                               | \$338,938        |
| Plus Cost of Issuance                                  | <u>\$0</u>       |
| <b>Total</b>                                           | <b>\$338,938</b> |

|                                         |                 |
|-----------------------------------------|-----------------|
| Annual Debt Service                     | <b>\$27,777</b> |
| Annual Debt Service as Percent of Total | 8.2%            |

|                                             |           |
|---------------------------------------------|-----------|
| Total Debt Service (principal and interest) | \$555,534 |
|---------------------------------------------|-----------|

|                                                |           |
|------------------------------------------------|-----------|
| Difference Project Cost and Total Debt Service | \$236,534 |
|------------------------------------------------|-----------|

|                                                                                         |                      |
|-----------------------------------------------------------------------------------------|----------------------|
| GO Bonded Indebtedness as of August 2006*                                               | \$144,395,000        |
| 2005-A Temporary Notes that Finance Future GO Bond projects                             | \$20,487,369         |
| Approved, not Included in GO Bond Issue or Temporary Notes--City Projects               | \$13,273,902         |
| Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects | <u>\$9,778,828</u>   |
| Total Indebtedness                                                                      | <u>\$187,935,099</u> |
| Plus Project                                                                            | \$188,274,037        |

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| * Breakdown of GO Bonded Indebtedness as of July 2006       |                    |
| Building, Trafficway & Park Improvements                    | \$108,373,006      |
| Drainage, Street & Sewer Improvements (special assessments) | \$12,401,994       |
| KP&F Unfunded Liability                                     | \$12,400,000       |
| Heartland Park STAR Bonds                                   | \$10,405,000       |
| Heartland Park Development                                  | \$5,070,000        |
| College Hill TIF                                            | <u>\$5,840,000</u> |
| Total                                                       | \$154,490,000      |

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29<sup>th</sup> Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project is for the replacement of a functionally obsolete bridge on SW 29<sup>th</sup> Street over South Branch Shunganunga Creek near Randolph Street. The existing structure is 65 years old with a widening that is 43 years old. The main structural system is a galvanized steel arch, which is rusting and cannot be repaired or re-coated without costs that would be prohibitive. The new structure will also open the channel to allow for the extension of the existing Shunga Trail.

B. TOTAL PROJECT BUDGET COST:

\$1,447,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds-\$339,000.00  
KDOT Federal Funds including STP Funds \$1,108,000.00

TOTAL \$1,447,000.00

Section 2. That City of Topeka Ordinance No. 18627 is hereby specifically repealed.



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

PASSED and APPROVED by the City Council\_\_\_\_\_.

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

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**DATE:** November 21, 2006

**CONTACT PERSON:** Michael Pfender **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Concrete Curb and Gutter Replacement **PROJECT #:** 84344

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

**CIP PROJECT:** Yes

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A PROJECT BUDGET** in the amount of \$600,000 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte Jr. authorizing Street Improvement Project No. 84344 which provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List. Final Reading.

*(This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Division's curb replacement list. This project is in the 2006 Capital Budget in the amount of \$600,000.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Adopt Project Budget and approve Ordinance as presented.

### BACKGROUND:

The Transportation Operations Division of the Public Works Department currently replaces 3,000 to 5,000 feet of concrete curb and gutter annually using funds from its annual operating budget. Citizen call the division with curb and gutter locations that need to be placed on the Curb Replacement List and repair work is performed in the order received. The CIP funds will reduce the number of locations and shorten the waiting time for replacement of identified sections of curb and gutter.

### BUDGETARY IMPACT:

Project Budget = \$600,000.00 (paid by City of Topeka)

### SOURCE OF FUNDING:

General Obligation Bonds or any other lawfully available funds.

Item #11

### ATTACHMENTS:

[Project Budget-84344](#)

[Project Debt Service Calculator -84344](#)

[Ordinance](#)

**PROJECT BUDGET****Project No. 84344****Project Description****LOCATION:**

Locations shall be throughout the city.

**DESCRIPTION OF PROJECT:**

This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List. This project is funded in the 2006 Capital Budget.

**SOURCE OF FUNDS:**

\$600,000 from the 2006 Capital Budget - G.O. Bonded Projects for Neighborhoods/Citywide - Citywide Neighborhood Infrastructure

| <b><u>COST ESTIMATE:</u></b>                   | <b><u>City of Topeka</u></b> | <b><u>Other Funding Source</u></b> | <b><u>Total</u></b> |
|------------------------------------------------|------------------------------|------------------------------------|---------------------|
| Construction:                                  | \$500,000.00                 | \$0.00                             | \$500,000.00        |
| Design:                                        | \$0.00                       | \$0.00                             | \$0.00              |
| Construction Service Fees:                     |                              |                                    |                     |
| <i>Construction Admin/Inspection</i>           | \$0.00                       | \$0.00                             | \$0.00              |
| <i>Construction Staking</i>                    | \$0.00                       | \$0.00                             | \$0.00              |
| Administrative Fees:                           |                              |                                    |                     |
| <i>Engineering Admin. Fees (2%)</i>            | \$0.00                       | \$0.00                             | \$0.00              |
| <i>Legal Admin. Fees (Assessment Only)(3%)</i> | \$0.00                       | \$0.00                             | \$0.00              |
| Cost of Revenue Bond Issuance                  | \$0.00                       | \$0.00                             | \$0.00              |
| <i>Debt Reserve Fund (10%)</i>                 | \$0.00                       | \$0.00                             | \$0.00              |
| <i>Cost of Issuance (2%)</i>                   | \$0.00                       | \$0.00                             | \$0.00              |
| Right-of Way Acquisition:                      | \$0.00                       | \$0.00                             | \$0.00              |
| Contingency Amount:                            | \$60,224.00                  | \$0.00                             | \$60,224.00         |
| Temporary Note                                 | \$39,776.00                  | \$0.00                             | \$39,776.00         |
| <b>Total:</b>                                  | <b>\$600,000.00</b>          | <b>\$0.00</b>                      | <b>\$600,000.00</b> |

**PUBLIC HEARING:**

N/A

**PROJECT AUTHORITY:**

- a. Statutes: \_\_\_\_\_
- b. Capital Budget Year.: 2006
- c. Improvement District: \_\_\_\_\_
- d. City at Large: \_\_\_\_\_
- e. Method of Assessment: \_\_\_\_\_

**PROJECT ENGINEER:**Kent D. Anschutz

# GO Bond Cost of Project

## PROJECT:

|                 |       |
|-----------------|-------|
| Interest rate   | 5.25% |
| Number of Years | 20    |

|                    |        |
|--------------------|--------|
| Cost of Issuance   | 2.00%  |
| Temp Note interest | 5.000% |

|                                                        |                  |
|--------------------------------------------------------|------------------|
| Principal (project cost)                               | <u>\$560,224</u> |
| Plus Temp Note Interest (unless included in Principal) | <u>\$28,011</u>  |
| Subtotal                                               | \$588,235        |
| Plus Cost of Issuance                                  | <u>\$11,765</u>  |
| <b>Total</b>                                           | <b>\$600,000</b> |

|                                         |                 |
|-----------------------------------------|-----------------|
| Annual Debt Service                     | <b>\$49,171</b> |
| Annual Debt Service as Percent of Total | 8.2%            |

|                                             |           |
|---------------------------------------------|-----------|
| Total Debt Service (principal and interest) | \$983,428 |
|---------------------------------------------|-----------|

|                                                |           |
|------------------------------------------------|-----------|
| Difference Project Cost and Total Debt Service | \$423,204 |
|------------------------------------------------|-----------|

|                                                                                         |                      |
|-----------------------------------------------------------------------------------------|----------------------|
| GO Bonded Indebtedness as of August 2006*                                               | \$144,395,000        |
| 2005-A Temporary Notes that Finance Future GO Bond projects                             | \$20,487,369         |
| Approved, not Included in GO Bond Issue or Temporary Notes--City Projects               | \$13,273,902         |
| Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects | <u>\$9,778,828</u>   |
| Total Indebtedness                                                                      | <u>\$187,935,099</u> |
| Plus Project                                                                            | \$188,535,099        |

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| * Breakdown of GO Bonded Indebtedness as of July 2006       |                    |
| Building, Trafficway & Park Improvements                    | \$108,373,006      |
| Drainage, Street & Sewer Improvements (special assessments) | \$12,401,994       |
| KP&F Unfunded Liability                                     | \$12,400,000       |
| Heartland Park STAR Bonds                                   | \$10,405,000       |
| Heartland Park Development                                  | \$5,070,000        |
| College Hill TIF                                            | <u>\$5,840,000</u> |
| Total                                                       | \$154,490,000      |

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 84344, which provides for the removal and replacement of concrete curb and gutter throughout the City of Topeka, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List.

B. TOTAL PROJECT BUDGET COST:

\$600,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds.

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

PASSED and APPROVED by the City Council \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

+ Back Print

|                       |                                          |             |
|-----------------------|------------------------------------------|-------------|
| DATE:                 | November 21, 2006                        |             |
| CONTACT PERSON:       | John Nave, Brett Blackburn, Lana Kennedy | DOCUMENT #: |
| SECOND PARTY/SUBJECT: | Code of Ethics                           | PROJECT #:  |
| CATEGORY/SUBCATEGORY  |                                          |             |
| CIP PROJECT:          | No                                       |             |
| ACTION OF COUNCIL:    |                                          | JOURNAL #:  |
|                       |                                          | PAGE #:     |

### DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections. Final Reading.

### POLICY ISSUE:

Whether or not the City Council should adopt a Code of Ethics for elected and appointed officials and employees for the City of Topeka.

### STAFF RECOMMENDATION:

### BACKGROUND:

This Ordinance establishes a comprehensive Code of Ethics for all elected and appointed officials and employees for the City of Topeka.

### BUDGETARY IMPACT:

None

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections.

WHEREAS, the Council of the City of Topeka passed Resolution No. 7473 which established a Code of Ethics for the City of Topeka, its elected officials and its employees; and

WHEREAS, Resolution No. 7473 applies to the public officials and employees of the City of Topeka; and

WHEREAS, the special Council committee on diversity recommended, among other things, that all elected and appointed leaders of the City of Topeka agree to conform to an ethics policy; and

WHEREAS, the Council believes that all employees and all elected and appointed officials of the City of Topeka should be bound by a specific Code of Ethics.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that all employees and all elected and appointed officials shall be required to receive a copy of this Ordinance and certify that they will conform to these ethics rules in performing their elected or appointed positions.

Section 1. City of Topeka Code, Article IX, Prohibited Acts and Practices, is hereby amended to read as follows:

**~~PROHIBITED ACTS AND PRACTICES~~**



**CODE OF ETHICS.**

Section 2. City of Topeka Code § 2-486, Employee reporting; notification of election official, department head or supervisor, is hereby amended to read as follows:

~~**Employee reporting; notification of elected official, department head or supervisor.**~~

~~No elected official, department head or supervisor of any city department shall:~~

~~(1) Prohibit any employee of the department from reporting to any person, agency or organization any violation of state or federal laws or rules and regulations or city ordinances or rules and regulations; or~~

~~(2) Require any such employee to give notice to an elected official, department head or supervisor prior to making such report.~~

**Purpose.**

(a) It is the policy of the City to uphold, promote, and demand the highest standards of ethics from all of its employees and elected or appointed officials. Elected or appointed officials and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position or powers for improper personal gain.

(b) It is the intention of the city council that this Code of Ethics is liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In construing this chapter, employees should be guided by common sense and

practicality. This Code of Ethics is supplemental to state law, K.S.A. 75-4301 *et seq.*, as  
may be amended.

Section 3. City of Topeka Code § 2-487, Exceptions, is hereby amended to read  
as follows:

**~~Exceptions.~~**

~~This section shall not be construed as:~~

~~(1) Prohibiting an elected official, department head or supervisor from requiring  
that an employee inform the elected official, department head or supervisor about requests  
from the city council for information or the substance of such information to be  
communicated to the council by such employee on behalf of the department;~~

~~(2) Permitting an employee to leave the employee's assigned work areas during  
normal work hours without following applicable rules and regulations and policies pertaining  
to leaves, unless the employee is requested by a member of the city council to appear  
before the council;~~

~~(3) Authorizing an employee to represent the employee's personal opinions as  
the opinions of the city department; or~~

~~(4) Prohibiting disciplinary action of an employee who discloses information  
which:~~

~~a. The employee knows to be false or which the employee discloses with  
reckless disregard for its truth or falsity;~~

~~b. The employee knows to be exempt from required disclosure under the  
open records act; or~~

~~c. Is confidential under any other provision of law.~~

**Definitions.**

The following words and phrases as used in this Article, unless the context clearly indicates otherwise, shall have the following meanings:

“Business” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

“City officer or employee” means every individual elected, appointed, hired, or otherwise selected to an office or position with the City, or any of its boards, commissions or authorities, whether such individual is paid or unpaid.

“Compensation” means payment in any form for real or personal property or services of any kind.

“Gift” means a voluntary transfer of real or personal property of any kind without consideration of equal or greater value or the voluntary rendition of services of any kind without consideration of equal or greater value specifically including but not limited to any favor, reward, discount or gratuity.

“Immediate family” shall have the meaning set forth in the City’s personnel code, as may be amended.

“Person” means any individual or corporation, business, or other entity, however constituted, organized, or designated.

“Substantial Interest” shall mean the ownership in a business, receipt of compensation or other goods or services without compensation, receipt of commission, or holding an officer, director or other similar senior position in a business as defined under K.S.A. 75-4301a and any amendments thereto.

Section 4. City of Topeka Code § 2-488, Making or participating in certain contracts prohibited, is hereby amended to read as follows:

**~~Making or participating in certain contracts prohibited.~~**

~~The following contractual arrangements are prohibited, except as specifically provided in this division:~~

~~(a) No elected official or city employee, in such capacity, shall make or participate in the making of a contract with any person or business which employs the elected official or employee or any business in which the elected official or employee has a substantial interest.~~

~~(b) No person or business shall enter into any contract where any elected official or employee, acting in such capacity, is a signatory to or a participant in the making of the contract and such official or employee is employed by the person or business or has a substantial interest in the business.~~

~~(c) No city employee, on behalf of the city, shall make or participate in the making of a contract with another city employee for the purpose of allowing such employee to sell or vend commodities, services, or equipment, or construction to the city.~~

~~(d) An elected official or employee does not make or participate in the making of a contract if the elected official or employee abstains from any action in regard to the contract.~~

**Prohibited conduct.**

The following shall constitute violations of this Code of Ethics:

(a) General Prohibition Against Conflicts of Interest. In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of

conflict of interest or impropriety, no current City officer or employee should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City. Even the appearance of the conduct prohibited in this Code of Ethics alone may be sufficient to constitute a violation of this Code of Ethics.

(b) **Respect for City Officers or Employers.** No City officer or employee in a public meeting, at a public forum or in the public media shall treat another City officer or employee with disrespect or a lack of dignity or courtesy. Further, no City officer or employee will engage in false or defamatory speech or remarks concerning another City officer or employee, or treat another City officer or employee in an unreasonable, abusive or discriminatory manner.

(c) **Beneficial Interests in Contracts Prohibited.** No City officer or employee shall participate in his or her capacity as a City officer or employee in the making of a contract in which he or she has a substantial interest or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City.

(d) **Beneficial Influence in Contract Selection Prohibited.** No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the City officer or employee has a substantial interest in or with the corporation, person, or firm.

(e) **Representation of Private Person at City Proceeding Prohibited.** No City officer or employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City

or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

(f) **Employment of Relatives.** No immediate family member of a City officer or employee shall be hired, promoted or transferred to or within a department when, as a result, an employee would be directly or indirectly supervising a member of ~~their~~ his or her immediate family, and/or working in the same unit with a member of ~~their~~ his or her immediate family. Further, no immediate family of a City councilmember may be employed by the City during that councilmember's term of office.

(g) **Beneficial Interest in Legislation Prohibited.** No City officer or employee, in appearing before the city council or when giving an official opinion before the city council, shall have a substantial interest in any legislation coming before the city council and participate in discussion with or give an official opinion to the city council. Provided, however, this section shall not prohibit elected officials, city manager or the head of any department from presenting, discussing or voting upon legislation approving the City's annual budget which contains the salaries of the elected officials or said employees.

(h) **Disclosure of Confidential Information Prohibited.** No City officer or employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

(i) **Impermissible Disclosure of Information After Leaving City Service.** No former officer or employee shall disclose or use any privileged, confidential, or proprietary information gained because of his or her City employment.

(j) **Improper Use of Position Prohibited.** No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

(k) **Improper Use of City Personnel Prohibited.** No City officer or employee shall employ or use any person under the officer's or employee's official control or direction for the personal benefit, gain, or profit of the officer or employee, or another.

(l) **Improper Use of City Property Prohibited.** No City officer or employee shall use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by the city manager.

(m) **Acceptance of Compensation or Gifts Prohibited.** No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, from any person, business, for profit or not-for-profit groups which receive funding from the City or any person or business which directly or indirectly contracts to provide goods or services to the City, any compensation or gift for a matter connected with or related to the officer's or employee's services with the City, except this prohibition shall not apply to:

(1) Attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate;

(2) An award publicly presented in recognition of public service; or

(3) Any single gift valued at Fifty Dollars (\$50.00) or less, or an aggregate of Fifty Dollars (\$50.00) or less, in a calendar year, or such other amount which cannot reasonably be presumed to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. Provided, however, no elected official, city manager, head of any department, or any other employee who exercises discretion or influence in awarding a contract for services or the purchase of goods shall accept a gift of any value from any person or business which may contract with or vend to the City.

(4) A discount for the purchase of goods or services provided the vendor offers, advertises or otherwise makes the discount available to all City employees.

(5) Campaign contributions made in accordance with Kansas law.

**(n) Employment Restriction During and/or After Leaving City Service.**

(1) A City officer or employee shall not be employed at the same time as he or she is employed by the City or within one (1) year of terminating employment with the City by:

a. Any business entity regulated by or subject to the authority of that official or employee, or regulated by or subject to the authority of the City agency with which such person is affiliated; or



b. Any business entity, which is negotiating or has entered a contract to do business with a City agency with which the City officer or employee is affiliated.

This prohibition does not apply to a City officer or employee who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(2) A former City officer or employee, shall not assist or represent a party other than the City in a case, contract, claim, charge, or controversy or other specific matter involving the City if that matter is one in which the City officer or employee personally and significantly participated as a City officer or employee.

(3) A City officer or employee shall not assist or represent a party for contingent compensation in any matter before or involving any City agency other than in a judicial or quasi-judicial proceeding.

(4) A former City officer or employee, unless the former employee's last annual salary did not exceed Twenty-Five Thousand Dollars (\$25,000.00) shall not sell or attempt to sell supplies, services, or construction to City for one (1) year following the date employment ceased. The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any City officer or employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate

consummation of a sale although the actual contract therefore is  
subsequently negotiated by another person; provided, however, that this  
section is not intended to preclude a former City officer or employee from  
accepting employment with private industry solely because the former City  
officer or employee's new employer is a contractor with the City, nor shall a  
former City officer or employee be precluded from serving as a consultant to  
the City subject to the requirement set forth in subsection 5 below.

(5) Whenever a City officer or employee wishes to contract with a former  
City officer or employee for expert or consultant services within one (1) year  
of the latter's leaving City service, the contract shall only be entered into with  
approval of the city manager and city attorney and notice of such action is  
given to the City council.

6) **Exceptions.** The prohibitions of subsection (n)(1) shall not apply to a  
former officer or employee acting on behalf of a governmental agency,  
unless such assistance or representation is adverse to the interest of the  
City.

(7) a. When any department deems it necessary and advisable for  
the city to enter into a contract with a current employee, the  
department director shall submit to the city manager the  
substance of the contract, including the proposed parties,  
subject matter, and proposed price or amount. The director  
shall also state the reasons for the necessity and advisability of  
entering into the contract with the particular employee.

b. No contract between the city and a City officer or employee shall be entered into unless and until the contract is approved by the city manager and city attorney and notice of such action is given to the council.

Section 5. City of Topeka Code § 2-489, Accepting gratuities prohibited, is hereby amended to read as follows:

**Accepting gratuities prohibited.**

~~All city employees are expressly prohibited from accepting directly or indirectly from any person or business to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever except where given for the use and benefit of the city.~~

**Statement of substantial interest.**

(a) Elected Officials. All elected officials shall on or before April 30 of every year complete and submit to the City clerk a statement of substantial interest on forms provided by the Kansas Governmental Ethics Commission.

(b) Appointed Officials. All officials appointed to a City board, commission or authority shall on or before April 30 of every year complete and submit to the City clerk a statement of substantial interest on a form provided by the City clerk. The intentional failure to file the statement or the intentional filing of a false statement may be grounds for removal of the appointed official from the board, commission or authority.

(c) Prohibition. No elected or appointed official shall participate in any action, decision or contract with a person, business or entity in which the elected or appointed

official has a substantial interest. Violation of this subsection by an appointed official may  
be grounds for removal for cause of the appointed official.

Section 6. City of Topeka Code § 2-490, Restrictions on former employees;  
former duties, is hereby amended to read as follows:

**Restrictions on former employees; former duties.**

~~Regarding matters which include: (a) judicial or other proceeding, application,  
request for ruling, or other determination, (b) contract, (c) claim, (d) charge or controversy:~~

~~(1) It is a violation of this Code for any former employee knowingly to act as a  
principal, or as an agent for anyone other than the city in connection with the above  
described matters in which the employee participated personally and substantially through  
investigation, or otherwise while employed by the city; provided that the city is a party or  
has a direct and substantial interest;~~

~~(2) It is a violation of this Code for any former employee, within one year after  
completion of the former employee's official responsibility, knowingly to act as a principal,  
or as an agent for anyone other than the city in connection with the above described  
matters which arose during the employment of the former employee which were within the  
official responsibility of the former employee; provided that the city is a party or has a direct  
or substantial interest in the matter.~~

**Retaliation for reporting violation.**

(a) No elected official, department head or supervisor of any City employee  
shall:

(1) Prohibit any employee of the department from reporting to any person, agency or organization any violation of state or federal laws or rules and regulations or City ordinances or rules and regulations; or

(2) Require any such employee to give notice to an elected official, department head or supervisor prior to making such report.

(b) This section shall not be construed as:

(1) Prohibiting an elected official, department head or supervisor from requiring that an employee inform the elected official, department head or supervisor about requests from the city council for information or the substance of such information to be communicated to the city council by such employee on behalf of the department;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a member of the city council to appear before the city council;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of the City department; or

(4) Prohibiting disciplinary action of an employee who discloses information which:

a. The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity;

b. The employee knows to be exempt from required disclosure under the open records act; or

c. Is confidential under any other provision of law.

Section 7. City of Topeka Code § 2-491, Restriction of former employees in selling to the city, is hereby amended to read as follows:

**Restriction of former employees in selling to the city.**

~~A former employee is prohibited from selling or attempting to sell commodities, services, equipment, or construction to the city for one year following the date of the employee's termination of employment.~~

~~(1) "Sell" means signing a bid, proposal, or contract, negotiating a contract, contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section not intended to prevent a former employee from accepting employment with private industry solely because the former employee's new employer is a contractor doing business with the city, nor shall a former employee be prevented from serving as a consultant to the city.~~

**Complaint process.**

(a) A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his or her designee(s):

(1) city manager;

(2) deputy mayor;

(3) city attorney; or

(4) human resources director.

(b) No person shall knowingly file a false complaint or report of a violation of this Code of Ethics.

(c) Any individual receiving a complaint that this Code of Ethics has been violated by an employee has an obligation to promptly forward the complaint, in writing, to the city manager. The city manager shall promptly designate an individual to conduct an investigation of the complaint. If the complaint alleges that the city manager or an elected or appointed official violated this Code of Ethics, then the individual receiving the complaint has an obligation to promptly forward the complaint, in writing, to the city council, who shall as a body conduct an investigation.

(d) (1) For allegations of ethical violations by an employee, the individual designated to conduct the investigation shall complete the investigation and prepare written findings and conclusions and provide them to the city manager within sixty (60) days of the date the complaint was received by the city manager.

(2) For allegations of ethical violations by the city manager or elected or appointed officials, the city council shall within sixty (60) days of receipt of the complaint, investigate and prepare written findings and conclusions which shall be provided to all councilmembers except those against whom an allegation has been made.

(e) Investigation and disposition of alleged ethical violations of this Code of Ethics by City employees shall be in accordance with the City's personnel code and collective bargaining agreements as applicable.

(f) Investigation and disposition of alleged ethical violations of this Code of Ethics by the city manager and elected or appointed officials shall be conducted by the city council.

(1) Upon conclusion of the investigation by the city council it shall within ten (10) days prepare a written recommendation for disposition of the complaint. A copy of the written recommendation shall be forwarded by certified mail and a copy by 1<sup>st</sup> class mail to the party complained against. The recommended disposition shall not be imposed by the city council until the time for a formal hearing pursuant to subsection F(3) has lapsed and no such hearing is required.

(2) The party complained against may within ten (10) business days following the date of service of the written recommendation, request a formal hearing before the city council. The party requesting the hearing may present his or her case to the city council and may present such evidence and witnesses as necessary. Upon conclusion of the hearing, the city council

Section 8. City of Topeka Code § 2-492, Exception to prohibitions, is hereby amended to read as follows:

**~~Exception to prohibitions.~~**

(a) ~~A city employee may make small purchases with personal funds which specifically benefit the city and for which the employee may subsequently be reimbursed.~~

(b) ~~When any department deems it necessary and advisable for the city to enter into a contract with an employee, the department director shall submit to the city manager the substance of the contract, including the proposed parties, subject matter, and proposed~~



price or amount. The director shall also state the reasons for the necessity and advisability of entering into the contract with the particular employee.

(c) ~~No contract between the city and an employee of the city shall be entered into unless and until the contract is approved by the city manager and city attorney and notice of such action is given to the council.~~

**Penalties for noncompliance.**

(a) Any elected or appointed official or employee found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics may be subject to any combination of the following penalties:

(1) Private admonition or public censure for elected or appointed officials.

(2) Removal of the person from the board, commission or authority for appointed officials.

(3) Discipline, up to and including termination for employees.

Section 9. City of Topeka Code § 2-493, Disclaimer of liability, is hereby amended to read as follows:

**Disclaimer of liability.**

~~Any purported contract made in contravention of or without full compliance with the provisions of this division shall be illegal and void and the city shall incur no liability for the performance of such a purported contract.~~

**Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter.

Section 10. That City of Topeka Code § 2-494, Penalty for violation of division, is specifically repealed.

**~~Penalty for violation of division.~~**

~~It shall be unlawful for any elected official or city employee to knowingly and willfully violate any of the provisions of this division. An elected official who violates this section shall forfeit the office. Any employee who violates; his section shall be subject to discharge.~~

Section 11. That City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, 2-493 and 2-494 are hereby specifically repealed.

Section 12. This Ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 14, 2006

 + Back  Print

DATE: November 21, 2006  
CONTACT PERSON: Miriam Berke DOCUMENT #:  
SECOND PARTY/SUBJECT: Richard M. Caldwell / PROJECT #:  
Demolition  
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

### DOCUMENT DESCRIPTION:

**A COMMUNICATION** regarding the proposed demolition of the residential structure located at 320 SW Taylor Street.

*(The State Historic Preservation Officer (SHPO) has reviewed the materials regarding the proposed demolition of the residential structure located at 320 SW Taylor Street. The property is located within the environs of Sumner Elementary School. The SHPO, reviewing the project in accordance with the state historic preservation statute K.S.A. 75-2724, made a determination that the proposed demolition project will "encroach upon, damage, or destroy" the environs of the school. The statute states that the project cannot proceed until the local governing body has determined, based upon all relevant factors, there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property and its environs. The governing body is required to give five days notice of such determination, by certified mail, to the SHPO. The statute allows for anyone aggrieved by the determination to file suit and have the issue decided in the courts.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Approve the proposed demolition.

### BACKGROUND:

The subject property was ordered demolished by the Administrative Hearing Officer on June 7th, 2004. The property owner had been making efforts to restore the structure, however progress has now ceased.

The City Council may:

- A. Approve the appeal by determining that there is no feasible alternative to demolition.
- B. Deny the appeal.

### BUDGETARY IMPACT:

N/A

Item #13

### SOURCE OF FUNDING:

N/A

**ATTACHMENTS:**

[State Historic Preservation Office Letter](#)

[Aerial](#)

[Demolition order page 1](#)

[Demolition order page 2](#)

# KANSAS

KSR&C No. 04-02-186

Kansas State Historical Society  
Cultural Resources Division

KATHLEEN SEBELIUS, GOVERNOR

February 27, 2004

Miriam Berke  
Code Compliance Services Director  
515 S Kansas Ave, 4<sup>th</sup> Floor  
Topeka, KS 66603

Re: Proposed Demolition, 320 SW Taylor, within the environs of the Sumner School, National Register of Historic Places

Dear Ms. Berke:

We have reviewed the materials received February 24, 2004 regarding the above-mentioned project in accordance with the state preservation statute K. S. A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given opportunity to comment on proposed projects affecting historic properties or districts. Properties listed on the National Register of Historic Places and/or the Register of Historic Kansas Places, or those properties which are located within 500 feet of the boundaries of historic properties or districts located within the corporate limits of a city, or those located within 1000 feet of the boundaries of properties within the unincorporated limits of a county, are subject to review.

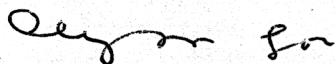
The SHPO is charged with determining whether undertakings will "encroach upon, damage or destroy" historic properties or their environs. In reviewing proposed projects within the environs of listed buildings, the SHPO uses the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* (1998 Edition). The *Standards* recommend against the demolition of character-defining features within the environs of historic properties. The SHPO has determined that because the homes proposed for demolition are character-defining features of the environs of the school the demolition of those homes does not meet the *Standards*. Because the project does not meet the *Standards*, the SHPO has determined that it will "encroach upon, damage or destroy" the environs of the historic property.

The statute states that the project cannot proceed until the local governing body has determined, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property and its environs. The governing body is required to give five days' notice of such determination, by certified mail, to the SHPO. The statute allows for anyone aggrieved by the determination to file suit and have the issue decided in the courts.

If you have any questions concerning this review, please contact Elizabeth Smith at 785-272-8681, ext. 227.

Sincerely,

Terry Marmet, Acting Director  
Kansas State Historical Society



Richard Pankratz, Director  
Cultural Resources Division



# 320 SW Taylor Street



**TOPEKA**  
Public Works  
TECHNICAL SUPPORT GROUP

City of Topeka  
**G I S**  
Geographic Information Systems

Map Produced On:  
November 14, 2006  
Map Revised on:

Map Printed On:  
November 14, 2006

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

## Legend

-  **Parcels**
-  **Historic Zones**

N



**No Scale**

## City of Topeka, Kansas GIS Data Disclaimer

While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, **NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND** are made regarding information, data or services provided. In no event, shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data.

BEFORE THE ADMINISTRATIVE HEARING OFFICER, CITY OF TOPEKA

Attachment number 3  
Page 1 of 1

RE: 320 SW TAYLOR

CASE # 04-0001234

JUNE 11, 2004

LEE ANN BOHM  
224 NE LAKE ST  
TOPEKA KS 66616

ADMINISTRATIVE HEARING ORDER

**PURSUANT TO TOPEKA CITY CODE § 26-546 ET SEQ., THE UNSAFE  
STRUCTURES CODE, OF THE CITY OF TOPEKA, KANSAS**

Now on this 7<sup>th</sup> day of June 2004, the complaint on the above premises comes for hearing before Steven R. Ebberts, Administrative Hearing Officer. Notice of time and place of hearing having been given as required by law to wit: service of notice was provided via certified mail on May 11, 2004 and published on May 19, 2004 and May 26, 2004.

There appears: Curtis Wheeler (Code Compliance Services Section); Lee Ann Bohm (Owner).

The Administrative Hearing Officer after hearing all of the evidence and reviewing all exhibits presented, finds that said structure(s) located on the following described real estate: Taylor St Lot 92-N ½ Lot 94 Original Town Sub.

Commonly known as 320 SW Taylor, in the City of Topeka, Shawnee County, Kansas,

IS UNFIT FOR HUMAN USE OR HABITATION in the following particulars:

The building or any portion thereof is likely to partially or completely collapse because of:

- dilapidation, deterioration or decay;
- the deterioration, decay or inadequacy of its foundation;
- fire damage;

There is damage by fire, tornado, wind, flood, or any other cause to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;

And does not meet the minimum standards of the Housing Code, Chapter 82.

The repair, alteration or improvement to the house cannot be made at a reasonable cost in relation to the value of the structure. The cost to replace the house is estimated to be \$119,350.00; the repair costs to the house are estimated to be \$30,739.20, or 25% of the replacement cost.

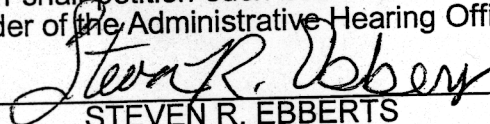


Page 2  
Re: 320 SW Taylor – Administrative Hearing Order

IT IS, THEREFORE, ORDERED that the owner(s), Lee Ann Bohm (heirs, executor, administrator or anyone in interest), shall remove or demolish the house and all outbuildings, remove the foundations, remove all trash, rubbish, junk and debris and level the site to grade by filling in of the excavation remaining on the property on which the demolished structure was located, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation within ninety (90) days from the date of service of this order as required by law; subject to any further approval needed from the governing body of the City as required concerning the historic nature of the property.

IT IS FURTHER ORDERED that if the owner(s) (heirs, executor, administrator or anyone in interest) shall fail to take the demolition action within the required time, Code Compliance Services Section shall cause the demolition action to be taken and the cost, less salvage, if any, shall be assessed as a lien against the lot or parcel of land upon which the said structure(s) is/are located, such lien to include administrative costs, necessary attorney fees, and such other incidental costs as provided by law.

TCC § 26-557 states that any person affected by an order issued by the Administrative Judge may petition the Shawnee County District Court for an injunction restraining the imposition of this order, and the court may, upon such petition, issue a temporary injunction, pending the final disposition of the case; provided, however, that such person shall petition such court within thirty (30) days after the posting or service of the order of the Administrative Hearing Officer.

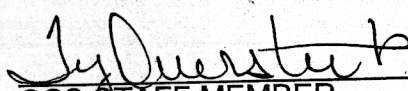
  
STEVEN R. EBBERTS  
ADMINISTRATIVE HEARING OFFICER

**CERTIFICATE OF MAILING**

I, the undersigned, do hereby certify that on the 11<sup>th</sup> day of June, 2004, a true and correct copy of the above and foregoing Order was deposited in the US Mail, certified mail, and addressed to the property owner of 320 SW Taylor as follows:

**PROPERTY OWNER(S)**  
**LEE ANN BOHM**  
**224 NE LAKE ST**  
**TOPEKA KS 66616**  
**CERTIFIED MAIL # 7160 3901 9848 1917 3272**

**DAVID LOPEZ**  
**227 SW POLK**  
**TOPEKA KS 66603**  
**CERTIFIED MAIL # 7160 3901 9848 1917 3289**

  
CCS STAFF MEMBER

Prepared By: TO  
Reviewed By: 





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 22, 2006

+ Back Print

**DATE:** November 21, 2006  
**CONTACT PERSON:** Norton N. Bonaparte, Jr. **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Visit Topeka, Inc. **PROJECT #:**  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A CONTRACT between the City of Topeka and Visit Topeka, Inc. concerning the expenditure and distribution of Transient Guest Tax funds in 2007 subject to the provisions of Resolution 7827.**

*(The contract concerns Visit Topeka, Inc. determining the allocation of Transient Guest Tax monies in 2007.)*

### POLICY ISSUE:

The manner in which Transient Guest Tax monies shall be allocated as grants to agencies.

### STAFF RECOMMENDATION:

None.

### BACKGROUND:

On July 18, 2006, the City Council passed Resolution 7827 which expressed the intent of the City to enter into an agreement with the Topeka Convention and Visitors Bureau (now Visit Topeka, Inc.) for the administration of the Transient Guest Tax appropriation for 2007. A contract to carry this out has been developed by staff from the City and Visit Topeka for presentation to the City Council.

### BUDGETARY IMPACT:

The contract will not impact the appropriation from the Transient Guest Tax Fund, just the distribution of funds.

### SOURCE OF FUNDING:

NA.

### ATTACHMENTS:

[Resolution No. 7827](#)

[Tourism Dev. Fund](#)

[TCVB Agreement](#)

Item #14

RESOLUTION NO. 7827

A RESOLUTION introduced by Councilmember Jeff Preisner concerning the appropriation and expenditure of transient guest tax funds, and expressing the intention of the City of Topeka to enter into an agreement with the Topeka Convention and Visitors Bureau to administer these funds.

WHEREAS, City of Topeka Charter Ordinance A15-24 provides that transient guest tax funds may be expended for the following purposes only:

- (1) To contract with any agency, organization or group of firms to promote conventions and tourism within the city and its environs;
- (2) To provide for the operation, maintenance, expansion or development of city facilities connected with conventions and tourism;
- (3) To defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department or park and recreation department functions;
- (4) To create innovative projects and activities promoting conventions and tourism;
- (5) To promote the general economic welfare of the city and its environs, including the attraction of industry.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that for the purpose of allocating/appropriating transient guest tax funds ("funds"), as provided by City of Topeka Charter Ordinance No. A15-24, the City Manager is hereby directed to negotiate an agreement with the Topeka Convention and Visitors Bureau (TCVB) to administer these funds, subject to the following:

- (1) TCVB will administer only those funds that are appropriated for this purpose by the City Council as part of its annual budget. Any appropriation shall take into account prior contractual obligations of the City of Topeka related to the transient guest tax funds.
- (2) TCVB shall establish, subject to City Council approval, the criteria for the expenditure of the funds to be administered by TCVB. Said criteria shall be consistent with and fulfill the purposes of City of Topeka Charter Ordinance No. A15-24.
- (3) The decision-making process for the expenditure of and awarding of funds shall include public fund accountability safeguards that include the following:
- (a) Conflict of interest rules that prevent decision-makers from directly benefiting from the expenditure or awarding of transient guest tax funds.
  - (b) Financial record auditing requirements.
  - (c) Such other terms and conditions necessary to ensure that public funds are expended for lawful purposes.
- (4) Transient guest tax funds will, at all times, remain in the possession of and under the control of the City of Topeka. Expenditures shall only be made upon request by TCVB to the City of Topeka and upon the presentation to the City of Topeka of documentation of the appropriateness of the expenditure.

48 ADOPTED and APPROVED by the City Council July 18, 2006.

49 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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56 ATTEST:

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Iris E. Walker, City Clerk

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APPROVED AS TO FORM AND LEGALITY

DATE \_\_\_\_\_ BY \_\_\_\_\_

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## **VISIT TOPEKA INC./TOPEKA CVB & THE CITY OF TOPEKA TOURISM DEVELOPMENT FUND ALLOCATION PROGRAM**

### **PROGRAM GUIDELINES AND PROCESS**

#### **I. Intent.**

The intent of the Tourism Development Fund Program is to provide funding for the development and/or enhancement of attractions and/or events that increase the economic impact of tourism in Topeka and have substantial potential to generate overnight visitation.

#### **II. Allocation Authority and General Process.**

A citizens board, the Tourism Development Fund Board (TDFB or the board) will be created to review, approve, or reject applications from qualified organizations or entities within Topeka. The board will be constituted as follows: Visit Topeka, Inc./Topeka CVB chairman, vice chairman, secretary/treasurer, and immediate past chairman of the board, plus one additional voting member of the Visit Topeka, Inc./Topeka CVB board; a representative chosen by the City Council; a representative of the Topeka Lodging Association, who is not a member of the Visit Topeka, Inc./Topeka CVB board; a representative of the Topeka Tourism Alliance, who is not a member of the Visit Topeka, Inc./Topeka CVB board; a representative of the Topeka/Shawnee County Sports Council, who is not a member of the Visit Topeka, Inc./Topeka CVB board.

The TDFB will be empowered to make all recommendations regarding funding projects, events, or attractions for that portion of the transient guest tax fund which the City Council, through a contract with Visit Topeka, Inc./Topeka CVB, provides on an annual basis. Once the City has informed the Visit Topeka, Inc./Topeka CVB board of the amount of dollars to be provided under this agreement, normally in the third quarter of each calendar year, the TDFB will establish a deadline for interested parties to complete the application process as outlined in this program and submit applications to Visit Topeka, Inc. There will be an internal staff review of all applications to determine if they are complete and eligible for consideration. Any application deemed as incomplete will be returned to the applicant and a period of ten (10) business days will be allowed to correct any errors or supply any missing documentation or otherwise complete the application for re-submission. Applicants will be notified in approximately thirty (30) days of submitting their application whether or not they qualify for funding. A public meeting of the TDFB will be held, at which time, the qualified applicants can present testimony in support of their application. The TDFB will have approximately ten (10) business days to render a funding recommendation. Any applicant who is not chosen for funding can request, in writing, an opportunity to appeal the decision to a committee of three members of the TDFB.

The funding recommendations of the TDFB will be communicated to the City of Topeka for a final funding decision by the City Manager. The City Manager of Topeka will advise successful applicants of their approval for funding and prepare the documents

necessary to complete the process. The funding recommendations of the TDFB are not binding on the City Manager.

### III. **Eligible Applicants.**

The following organizations may apply and are eligible for transient guest tax funds under this program:

- A. Not-for-profit or non-profit corporations or organizations.
- B. For-profit business (any event initiated by a for-profit organization must have a separate committee or board governing and organizing the event).
- C. Public venues which support events that are directly related to overnight stays in Topeka.
- D. Major public venues which have a history of year-round generation of significant room nights because of the nature of the events hosted, have the ability to apply for block grants for marketing purposes on an annual basis. Each application must be accompanied by a report detailing the hosted/sponsored events in the previous year with attendance figures, room nights generated, and overall economic impact of the events and the venue on Topeka/Shawnee County. The application should also include plans for the coming year, events to be held, and new room nights to be utilized. The application should also include a description of how the grant was used in the previous year and what the plans are for the grant in the upcoming year. Any expenses directly related to bringing events to the venue are eligible for funding. Also, in the case of events held at the venues which are supported or created by local organizing committees, a list of the committee members and/or board of directors should be included in the application to avoid any possible conflict of interest when voting on the application.

All organizations approved for funding must be in compliance with City of Topeka Resolution No. 7580 (as amended) concerning debts or property taxes owed the City of Topeka.

### IV. **Project Development.**

The organization responsible for management of the project will be responsible for ensuring the cost of the project is competitive. Locally developed projects will be given priority. Applicants cannot transfer funds from one specific grant project to a different project. Any deviation from the grant application must be submitted in writing to Visit Topeka, Inc./Topeka CVB and the City for consideration of approval. Visit Topeka, Inc./Topeka CVB must be notified, in writing, as soon as possible if the applicant does not plan to use their funds which have been approved. The recipient of the grant is responsible for any and all liability issues evolving from the activities of the project or event.

### V. **Matching Funds.**

The TDFB may require matching funds from the recipient, the organization identified as the applicant will be responsible for providing documentation of those matching funds as part of their application to the TDFB.

VI. **Recognition of Visit Topeka, Inc./Topeka CVB, TDFB and City of Topeka as Project Sponsors:**

Funded projects must acknowledge Visit Topeka, Inc./Topeka CVB and the City of Topeka as sponsors of the project. All construction-related projects funded through this program must include a sign displayed at the project site stating, "This project made possible, in part, by the city of Topeka Tourism Development Fund Program." For the duration of the contract period, the project shall prominently acknowledge the participation of Visit Topeka, Inc./Topeka CVB in all press releases, publications and promotional materials presented to the media or otherwise disseminated or published concerning the project. Failure to comply with this requirement may affect applicant's funding. Copies of the City of Topeka logo, along with guidelines for proper logo usage are available through the City of Topeka. Visit Topeka, Inc./Topeka CVB logos are available through that office.

VII. **Eligible Activities.**

Tourism Development Fund grants are available to specified organizations actively marketing their attractions/events to attract out-of-town visitors to Topeka. Qualifying projects must meet the following criteria:

- A. Projects or events must be designed to stimulate economic growth or activity, generate overnight stays in Topeka lodging properties, and have an increased ability to attract out-of-town visitors.
- B. Each applicant must utilize surveys, formulas and room-night tracking procedures as provided to them by Visit Topeka, Inc./Topeka CVB, modeled after Destination Marketing Association International (DMAI) guidelines. A minimum number of surveys of attendees must be provided as part of the post-event or annual attraction survey process. The number will be decided based on the size of the event and the annual attendance at an attraction.

VIII. **Physical Location of Project or Event.**

All funded projects or events must be either within the city limits of Topeka, or no greater than one mile outside the city limits.



## **APPLICATION GUIDELINES AND GENERAL INSTRUCTIONS**

Please review your proposal and assure that all required documents are included and you have complied with all requirements. Any omission could disqualify your proposal.

Complete each item of each applicable section of the proposal.

### **DO NOT SKIP ANY INFORMATION WHICH APPLIES TO YOUR EVENT!**

- A. Have the chief official of your organization sign the proposal IN INK.
- B. Submit an original and fifteen (15) copies of your completed proposal and one copy of all supporting documentation listed below. Copies must be collated and three-hole punched.

#### **I. Proposals From Not-For-Profit Organizations:**

- A. Charter, Articles of Incorporation, Bylaws, Certificate of Good Standing.
- B. IRS Determination Letter of Non-Profit status.
- C. Names and terms of current officers and board members.
- D. Copy of financial statement of your most recent fiscal year.
- E. Copy of most recent year's budget or proposed budget if this is a new event.
- F. Letters of commitment from co-sponsors.
- G. Confirmation that the organization is in compliance with City of Topeka Resolution No. 7580 (as amended) concerning debts or property taxes owed the City of Topeka.

#### **II. Proposals From For Profit Organizations:**

All of the following requirements apply to the event organization, NOT to the for-profit organization.

- A. Letter from financial institution confirming that a separate account has been established to receive and disburse funds only for the event for which the proposal is submitted.
- B. Letters of commitment from co-sponsors, if applicable.
- C. Copy of financial statement from most recent year event was held.
- D. Detailed event budget from most recent year of operation including expenses and expenditures and proposed budget. Proposed budgets are required for new events.
- E. Provide Articles of Incorporation, Bylaws and Certificate of Good Standing from the state of Kansas. List of board members and financial statements for that portion of the event.
- F. Confirmation that the organization is in compliance with City of Topeka Resolution No. 7580 (as amended) concerning debts or property taxes owed the City of Topeka.

#### **III. Guidelines.**

- A. All funded projects or events must be either within the city limits of Topeka, or no greater than one (1) mile outside the city limits.

- B. Each application will be evaluated based on TDFB criteria.
- C. All applicants will be evaluated fairly without regard to race, religion, creed, color, sex, disability, familial status, national origin or ancestry or age.
- D. All events must show (or have shown) potential to generate overnight hotel stays. Your application will be assessed by considering the following:
  - i. Event's ability to attract overnight visitors during previous years.
  - ii. Event's ability to draw visitors from outside Shawnee County.
  - iii. Ability of event to grow over two or more years.
  - iv. Timing of event. More consideration will be given to those events which have potential to generate overnight stays when history shows that occupancy in area hotels would be at 55% or less.
  - v. Food, beverage, and retail expenditures by out-of-market visitors.
- E. All events must be open to the general public. Event must not be exclusive in regard to attendance.
- F. No event may have as its primary purpose the promotion of a specific candidate, political party or platform.
- G. No event-related print, radio, or television advertising may promote lodging facilities located outside the city of Topeka.
- H. Conventions and exhibitions as a component of a convention, or business meetings are not eligible for funding. Convention services and support will be funded out of the Visit Topeka, Inc./Topeka CVB operating budget.
- I. All event activities must comply with all ADA requirements.
- J. Visit Topeka, Inc./Topeka CVB will provide a copy of a survey to be conducted at the event or attraction. A minimum number of surveys of attendees will be required and must be returned to Visit Topeka, Inc./Topeka CVB as part of the post-event report. For attractions, an annual number of surveys of visitors will be required and shall be forwarded to Visit Topeka, Inc./Topeka CVB on a quarterly basis. Surveys will deal only with questions related to event growth, overnight stays and food, beverage and retail expenditures from out-of-market. Organizations will be responsible for surveying other aspects related to their event.
- K. Failure to submit your post-event summary within thirty (30) days or submitting summaries with incomplete or missing information may affect funding of future applications. Include copies of invoices and checks for TDF related items ONLY in the final report. Do not include invoices or copies of checks for items not funded by this program (see next page for complete list of required post-event items).
- L. If, for reasons beyond your control, you are not able to complete the project for which the original application was submitted, you may submit a request to the TDFB to replace the original project with another that is comparable in quality and scope. The request will be reviewed by the board and recommended to the City for a final decision.
- M. If you cannot complete the project for which funds have been allocated, you must notify Visit Topeka, Inc./Topeka CVB as soon as possible. Failure to complete a project as submitted in the TDF application may have an impact on future funding decisions and allocations. If you have spent a portion of the

funds, you are still required to submit copies of invoices and checks with a final report. All unused monies must be returned to Visit Topeka, Inc./Topeka CVB, along with an explanation letter. TDFB may require cancellation insurance or other types of insurance.

- N. Applicant is responsible for obtaining all necessary permits and licenses to conduct business and must be in good standing with the city of Topeka.

IV. **Post-Event Documentation Procedures For Tourism Development Festivals And Events (TDFE) Expenditures**

- A. All expenditures for items funded by this program must be documented.
- B. Documentation must include:
- i. Copies of checks issued for payment of services or items
  - ii. Copies of corresponding invoices
  - iii. Itemized list of expenses
- C. All financial documentation must be received by Visit Topeka, Inc./Topeka CVB no later than thirty (30) days following the last day of the funded event.
- D. A summary of the event must be submitted with the financial documentation. In addition, the summary must include:
- i. Estimated attendance. Describe method used to estimate attendance.
  - ii. Summary of advertising placed to promote the event. Include all placed, print, trade, in-kind, and radio advertising (produce an invoice for radio ads).
  - iii. General assessment of the event which addresses the event's success and any concerns or recommendations for changes.
- E. If TD funds are used for website development or enhancement, provide a detailed summary of what was done.
- F. TD funds may ONLY be used for items specifically approved in your TDF contract.

V. **Evaluation Criteria**

Please review and answer these questions as you write your proposal. (Point values are shown for your information).

- A. Describe your event/attraction/project clearly and concisely. Your description should include: name of the event, dates, new exhibit, expansion, etc. Location, target audience, whether this is a new or repeat event, length of the event and market origin of attendees (use previous research, if available). (10 points)
- B. Describe the specific project for which TD funds have been requested. (5 points)
- C. The TDF's primary mission is to increase tourism and generate overnight stays. Please explain how your project will:
- i. Increase event attendance.\* (5 points) Event organizers will be required to utilize Visit Topeka, Inc./Topeka CVB to book rooms or set aside blocks of rooms in local lodging establishments so that actual room usage can be tracked effectively.

- ii. Draw more people from outside the local market or attract a new visitor audience. (10 points)
  - iii. Generate non-local press coverage for the event. (5 points)
  - iv. Increase overnight stays. (20 points)
  - v. Increase retail, food & beverage expenditures by out-of-market visitors. (5 points).
- D. If the event is held on a date when city occupancy is already high, describe how the event will extend visitor stays. Explain efforts made to move the event to a lower occupancy date and/or detail why such a move is not feasible. (20 points).
- E. Visit Topeka, Inc./Topeka CVB will provide a copy of the necessary survey of each TDF event. Points will be assessed for increases in overnight stays, increased attendance, expenditures and other positive impacts on area tourism, based upon survey results.\* (15 points).
- F. Attach your sponsorship solicitation packet and describe what steps you have taken to secure additional sponsors for your event. (10 points)
- G. All funding is at the discretion of the TDFB. The criteria is only a tool and is not in itself a binding decision.

\*Automatic points for new events.

**VI. TD Funds Permitted Uses.**

- A. Entertainment fees, e.g., musicians/singers compensation & lodging.
- B. Exhibits or materials for special activities as part of an event or festival.
- C. Postage, purchase of mailing lists and the printing of event brochures.
- D. Transportation for larger venues, i.e., carriages, wagons, shuttles, particularly if additional transportation options are needed to increase attendance.
- E. Site fees, particularly if a larger site is required to accommodate event growth.
- F. New website development and/or enhancement, out-of-the-area marketing.
- G. Money for prizes to significantly increase the growth of the event.

The Advisory Board may recommend funding for all or only part of the requested items. This list is not exclusive. Proposals might include items that are not listed as eligible expenditures. All requests will be assessed and scored according to how well they meet the evaluation criteria and serve the mission of the Tourism Development Fund.

**VII. TD Funds Prohibited Uses.**

- A. Any event expenses not approved for funding.
- B. Salaries or other monetary compensation to event organization staff.
- C. Real property or capital improvements unless, in the judgment of the board, the improvement is critical to the success of the project and the improvement's inclusion would significantly impact the event's ability to generate substantial overnight visitation.
- D. Food and beverage.
- E. Any entertainment that is not for the general audience of the event.

- F. Legal, medical, engineering, accounting, or other consulting services, except those outlined in the application.
- G. Interest or reduction of deficits or loans.
- H. Operating expenses of the event such as field or facility rental unless the rental of a larger facility is required in order for the event to expand its attendance and exhibits or other event offerings. In such cases, the contract would be for the difference between the rental fee for the current facility and the rental fee for the new facility or site.

CITY OF TOPEKA CONTRACT NO. \_\_\_\_\_

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Topeka, Kansas, a duly organized municipal corporation hereinafter referred to as the "City" and the Topeka Convention and Visitors Bureau, hereinafter referred to as the "TCVB."

WHEREAS, the charter ordinances of the City of Topeka provide that transient guest tax funds may be expended for the following purposes:

1. To contract with any agency, organization or group of firms to promote conventions and tourism within the city and its environs;
2. To provide for the operation, maintenance, expansion or development of city facilities connected with conventions and tourism;
3. To defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department or park and recreation department functions;
4. To create innovative projects and activities promoting conventions and tourism, and

WHEREAS, the City has contracted with the TCVB to promote the conventions and tourism in the City and the City desires that the TCVB provide input to the city manager concerning all other programs and expenditures for the promotion of conventions and tourism in the City so that there is a common focus and goal; and

WHEREAS, the City and the TCVB desire to enter into a contractual relationship establishing the parameters for the evaluation and recommendation (hereinafter called

“Evaluation Program”) regarding the appropriation and expenditure of transient guest funds for the purposes stated above.

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

1. For the purpose of determining allocation/appropriation of transient guest tax funds (hereinafter referred to as “Funds”), for the purposes described by City of Topeka Charter Ordinance No. A15-25 (which is incorporated herein), the TCVB agrees to administer the Evaluation Program in which applicants may apply for transient guest tax funds to be specifically appropriated by the Council of the City of Topeka (hereinafter referred to as “Transient Guest Tax Funds”). This Agreement shall not be construed as requiring the City to appropriate Transient Guest Tax Funds as recommended by the TCVB and the City specifically reserves the right to appropriate, or not appropriate, Transient Guest Tax Funds according to this Agreement as it deems in its best interest.

2. The term of this Agreement shall begin with its execution and end on December 31, 2007. It may be extended by agreement of the parties for successive one (1) year periods.

3. The funds appropriated for the purposes identified in this Agreement shall be used solely to fund the administration of the Evaluation Program and shall not be used for the general operating or capital expenses of the TCVB.

4. The TCVB, in conjunction with the City, shall develop an Evaluation Program for the purpose of reviewing applications of eligible agencies and organizations seeking appropriation, by the City, of Transient Guest Tax Funds. Following its

evaluation the TCVB will recommend that Transient Guest Tax Funds be appropriated and distributed by the City to those eligible agencies and organizations selected by the TCVB to encourage and promote tourism and conventions for the City and enhance tourism opportunities.

5. Applications for Transient Guest Tax Funds shall be evaluated, pursuant to the criteria contained in Appendix A which is attached hereto and incorporated herein by reference as if fully set forth herein.

6. The TCVB, in its decision-making process for the evaluation of applications and the recommendation of Transient Guest Tax Funds, shall consider, in addition to the above criteria, public fund accountability and shall give preference to applicants which have safeguards which include the following:

- a. Conflict of interest rules to prevent the recommendation of applicants whose boards have people who also are employees, officers or directors of the TCVB, for Transient Guest Tax Funds.
- b. Financial record auditing requirements.
- c. Such other terms and conditions necessary to ensure that public funds are expended for lawful purposes.

7. Transient Guest Tax Funds will, at all times, remain in the possession of and under the control of the City. The City Manager shall consider the TCVB's evaluation and recommendation but the City Manager will award funds to recommended applicants as he or she deems appropriate. All expenditures of successful applicants shall be documented and submitted to the TCVB or its agent who shall, following review, submit a report to the city manager regarding the appropriateness of the



expenditures. The recommendation of the TCVB to appropriate funds to the entity or agency requesting the funds shall not be binding upon the City Manager.

8. The TCVB's Director shall report at least annually to the City Manager recommended applicants and recommendations as to disbursement of monies.

9. The applications for Transient Guest Tax Funds of successful applicants shall be submitted by the TCVB to the City accompanied with appropriate documentation which describes the proposed use of the Funds, the nature of the project to be funded and the benefit to the City's convention and tourism trade.

10. In carrying out the terms and provisions of this Agreement the TCVB shall treat applicants for funding equally and fairly without regard to race, religion, creed, color, sex, disability, familial status, national origin, ancestry, or age. All solicitations or advertisements seeking applications for funding, placed by or on behalf of the TCVB, shall state that a) all qualified applicants shall receive consideration for funding without regard to race, color, religion, sex, age, disability or national origin. The advertisement shall also state that funding is furnished in whole or in part by the City and that the final determination regarding funding rests with the Tourism Development Fund Board and b) no monies appropriated may be assigned by an applicant or used for any purpose contrary to that set forth in the application.

11. All meetings of the TCVB Board of Directors are open meetings. The City Manager, any member of the governing body of the City and the public at large may attend any of the TCVB meetings. The City Manager shall be provided an advance agenda and copies of the official minutes of said meetings.

12. The City shall pay the TCVB ten percent (10%) annually of the transient guest tax funds allocated for special projects for administering the Evaluation Program described herein.

13. This Agreement may only be amended by mutual, written agreement of the parties.

14. The City Manager or his or her designee shall have the right, upon reasonable notice, to inspect the books and records of the TCVB.

15. The TCVB is an independent contractor with the City, and not an officer, agent, servant or employee of the City. Nothing in this agreement shall be considered to create the relationship of employer and employee or master/servant between the parties hereto. All persons engaged in work on behalf of the TCVB shall be subject to the direction of the TCVB and shall not be considered to be employees of the City.

16. This Agreement constitutes the entire agreement of the parties and supersedes any and all prior oral or written agreements between the parties. Neither party shall rely upon any verbal representations, either express or implied, not specifically stated herein. This Agreement shall not be amended, modified, or assigned except by written agreement of both parties.

17. None of the monies funded by the City to the TCVB or its grantees shall be assigned, other than as set forth in the funding request to the City and its grant of the funding pursuant to the criteria of TCVB or as outlined in Appendix A attached hereto.

18. The TCVB shall hold harmless and indemnify the City, and its agents or employees from any and all liability for claims or causes of action of any person, firm or corporation or of any entity for damages of any type whatsoever that might be sustained

or are alleged to be sustained by virtue of any activities carried out by the TCVB, its grantees or assignees.

19. TCVB will, in recommending appropriations pursuant to this contract, require that the agencies and organizations it recommends be compliant with Topeka City Resolution Number 7580 that requires contracting parties to not be indebted to the City, and that the agencies and organizations be current on their property taxes.

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

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
Norton N. Bonaparte, Jr., City Manager

|                                                      |
|------------------------------------------------------|
| APPROVED AS TO FORM AND LEGALITY<br>DATE_____BY_____ |
|------------------------------------------------------|

\_\_\_\_\_  
Iris E. Walker, City Clerk

TOPEKA CONVENTION AND VISITORS  
BUREAU

\_\_\_\_\_  
Richard Forester



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 20, 2006

+ Back Print

**DATE:** November 21, 2006

**CONTACT PERSON:** Rusty Rakestraw **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** **PROJECT #:** 70198-01

**CATEGORY/SUBCATEGORY** 020 Resolutions / 002 Condemnations

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** Adopt the Resolution as presented **JOURNAL #:**

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21<sup>st</sup> Street. (Council District No. 8)

*(This resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for construction of a roundabout at the intersection of SW Urish and SW 21st Street.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Adopt the Resolution as presented.

### BACKGROUND:

This Resolution authorizes the initiation of condemnation proceedings to for the construction of a roundabout at the intersection SW Urish and SW 21st Street.

### BUDGETARY IMPACT:

To be determined by condemnation appraisers.

### SOURCE OF FUNDING:

Sales Tax Project

### ATTACHMENTS:

[Resolution](#)

(Published in the Topeka Metro News \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21<sup>st</sup> Street.

BE IT RESOLVED by the City Council of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn certain private property in the City for the public purposes of Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21<sup>st</sup> Street and such other public purposes as are authorized by law.

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

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

ADOPTED and APPROVED by City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 1, 2006

+ Back Print

**DATE:** November 21, 2006

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

**SECOND PARTY/SUBJECT:** Building Improvement **PROJECT #:** 13149-02

**CATEGORY/SUBCATEGORY:** 020 Resolutions / 004 Public Improvements

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A PROJECT BUDGET** in the amount of \$46,000 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13149-02 which provides for upgrades for the vacant space previously used by "Water Express" located in City Hall, as more specifically described herein. (Council District No. 1)

*(Upgrades for the vacant space previously used by "Water Express" located in City Hall.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Approve Project Budget and Adopt Resolution as presented.

### BACKGROUND:

This project consists of providing upgrades to the vacant space previously used by "Water Express" located in City Hall. The upgrades will convert this space into a conference room and emergency operations room. The upgrades consist of minor demolition and replacement of interior floor and wall finishes, electrical modifications, conference room furniture and an overhead projector with motorized screen. Additionally, all of the electrical circuits in this space will be relocated to the existing emergency generator power panel for "on line" use during power failures.

### BUDGETARY IMPACT:

Project Budget = \$46,000.00

### SOURCE OF FUNDING:

General Fund Contingency Fund or any other lawfully available fund.

Item #16

### ATTACHMENTS:

[Project Budget](#)

[Resolution](#)

Complete and print both the **Clerk Information Sheet** and **Council Action Sheet** for each document submitted to the City Clerk for the agenda.

**You need to fill in the Clerk Information page first, otherwise the Council form will not work properly.**

**Clerk Information Sheet** - Data is entered either in the text boxes or use the pull downs available and highlight your choice.

**Council Action Sheet** - The information on the Council Action sheet is entered into merged cells.

To type information in the cells, use the F2 function key.  
In order to space between paragraphs in the cells, use ALT - ENTER. This will add a line between paragraphs or enable you to list items.

Please use the original form from the City Intranet each time you prepare a Council document. The original form is modified periodically.



# City Clerk Information

|                         |                                                                                                                                       |              |                                       |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------|
| Contact Person:         | <input type="text" value="Mark B. Schreiner"/>                                                                                        | District     | <input type="text" value="1"/>        |
| Document:               | <input type="text" value="Ordinance"/>                                                                                                | Document #   | <input type="text"/>                  |
| Second Party/Subject:   | <input city="" express"="" hall"="" in="" old="" space="" type="text" value="Norton N. Bonaparte Jr. / Renovation of the " water=""/> | Project #:   | <input type="text" value="13149-02"/> |
| Originating Department: | <input type="text" value="Engineering - ENGR"/>                                                                                       | CIP Project: | <input type="text" value="Yes/2006"/> |
| Category/Subcategory:   | <input type="text" value="004 Budgets or Appropriations / 004 Project Budget - Capital Project"/>                                     |              |                                       |

**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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# City Clerk Information

|                         |                                                                                                                                       |              |                                       |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------|
| Contact Person:         | <input type="text" value="Mark B. Schreiner"/>                                                                                        | District     | <input type="text" value="1"/>        |
| Document:               | <input type="text" value="Budget"/>                                                                                                   | Document #   | <input type="text"/>                  |
| Second Party/Subject:   | <input city="" express"="" hall"="" in="" old="" space="" type="text" value="Norton N. Bonaparte Jr. / Renovation of the " water=""/> | Project #:   | <input type="text" value="13149-02"/> |
| Originating Department: | <input type="text" value="Engineering - ENGR"/>                                                                                       | CIP Project: | <input type="text" value="Yes/2006"/> |
| Category/Subcategory:   | <input type="text" value="004 Budgets or Appropriations / 004 Project Budget - Capital Project"/>                                     |              |                                       |

**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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Journal: 06 Pg. \_\_\_\_\_

**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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Journal: 06 Pg. \_\_\_\_\_

**PRESENTED TO COUNCIL:**

Time: 6:00 P.M.  
Date: \_\_\_\_\_, 2006

Action of Council

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Journal: 06 Pg. \_\_\_\_\_

## PROJECT BUDGET

### Project No. 13149-02

#### LOCATION:

City Hall  
Renovation of old Water Express  
200 E. 7th Street

Contact Person: Norton N. Bonaparte Jr.

#### DESCRIPTION OF PROJECT:

This project consists of providing upgrades to the vacant space previously used by "Water Express" located in City Hall. The upgrades will convert this space into a conference room and emergency operations room. The upgrades consist of minor demolition and replacement of interior floor and wall finishes, electrical modifications, conference room furniture, and an overhead projector with motorized screen. Additionally, all of the electrical circuits in this space will be relocated to the existing emergency generator power panel for "on line" use during power failures.

#### SOURCE OF FUNDS:

General Fund Contingency Fund or any other lawfully available fund

|                               | City of Topeka<br>Contingency |  | Total           |
|-------------------------------|-------------------------------|--|-----------------|
| <b><u>COST ESTIMATE:</u></b>  |                               |  |                 |
| Construction Costs:           | \$26,086                      |  | \$26,086        |
| Information Technology Costs: | \$12,500                      |  | \$12,500        |
| Furniture, Tables, Chairs     | \$4,816                       |  | \$4,816         |
| Administrative Fees:          | \$772                         |  | \$772           |
| Right-of Way Acquisition:     | \$0                           |  | \$0             |
| Contingency Amount:           | \$1,826                       |  | \$1,826         |
| Interim Interest              | \$0                           |  | \$0             |
| <b>Total:</b>                 | <b>\$46,000</b>               |  | <b>\$46,000</b> |

#### PUBLIC HEARING:

#### PROJECT AUTHORITY:

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

#### PROJECT ENGINEER:

## City of Topeka City Council Form

|                               |                                                            |                                           |
|-------------------------------|------------------------------------------------------------|-------------------------------------------|
| <b>Date:</b><br><br>11/8/2006 | <b>Staff Approval:</b><br><br><hr/> <b>Department Head</b> | <b>City Manager Approval</b><br><br><hr/> |
|-------------------------------|------------------------------------------------------------|-------------------------------------------|

**DOCUMENT DESCRIPTION:** Project Budget and Ordinance for renovation of the "Old Water Express" space into a conference room, Project No. 13149-02. Project location: City Hall, 215 S.E. 7th Street, Room # 160.

**POLICY ISSUE:** N/A

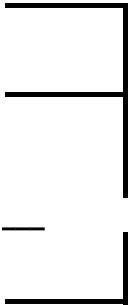
**STAFF RECOMMENDATION:** Approve Project Budget and Adopt Ordinance as presented.

**BACKGROUND:** This project consists of providing upgrades to the vacant space previously used by "Water Express" located in City Hall. The upgrades will convert this space into a conference room and emergency operations room. The upgrades consist of minor demolition and replacement of interior floor and wall finishes, electrical modifications, conference furniture, and an overhead projector with motorized screen. Additionally, all of the electrical circuits in this space will be connected to the existing emergency generator power panel for "on line" use during power failures.

**BUDGETARY IMPACT:** Project Budget = \$46,000.

**SOURCE OF FUNDING:** General Fund Contingency Fund or any other lawfully available fund

**ATTACHMENTS:** Project Budget, Ordinance



ess"  
et, Room

ss"  
e  
ence room  
relocated

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13149-02, which provides for upgrades for the vacant space previously used by "Water Express" located in City Hall as more specifically described herein.

Section 1. That it is hereby deemed advisable and necessary that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of providing upgrades to the vacant space previously used by "Water Express" located in City Hall. The upgrades will convert this space into a conference room and emergency operations room. The upgrades consist of minor demolition and replacement of interior floor and wall finishes, electrical modifications, conference room furniture and an overhead projector with motorized screen. Additionally, all of the electrical circuits in this space will be relocated to the existing emergency generator power panel for "on line" use during power failures.

B. ESTIMATED OR PROBABLE COST:

\$46,000.00

C. APPORTIONMENT OF COSTS:

General Fund Contingency Fund or any other lawfully available funds.

ADOPTED and APPROVED by the City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 20, 2006

 + Back  Print

**DATE:** November 21, 2006  
**CONTACT PERSON:** Mark Thiel  
**SECOND PARTY/SUBJECT:**  
**CATEGORY/SUBCATEGORY** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** Approve rescinding resolution # 6383  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., eliminating out of town Courtesy Tickets and rescinding City of Topeka Resolution No. 6383.

*(This resolution provides for the rescinding of Resolution #6383, courtesy parking tickets for parking meter violators with vehicle license tags other than Shawnee County.)*

### POLICY ISSUE:

Rescind resolution #6383

### STAFF RECOMMENDATION:

Approve

### BACKGROUND:

The Council of the City of Topeka on January 25, 1994, adopted Resolution No. 6383 which established a "Courtesy Ticket" (also known as "Whoops tickets") policy that provides for a warning to non-repeat parking meter violators whose vehicles display license tags other than Shawnee County. The Courtesy Ticket policy prevents the City from collecting parking revenue from certain parking violations. The Courtesy Ticket policy also requires parking employees to spend additional time identifying which out of county violators may be ticketed. Numerous vehicle owners from outside the county work or conduct regular business in Topeka and should not receive special treatment. On average we issue 5,000 courtesy tickets per year. This results in a potential loss of substantial revenue in meter fines. There are cost associated with this program as well, time to write and monitor program, printing cost, etc. This program provides for two courtesy tickets per license tag number.

### BUDGETARY IMPACT:

This Resolution will increase the Parking revenues.

### SOURCE OF FUNDING:

NA

Item #17

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by Norton N. Bonaparte, Jr., City Manager, eliminating out of town Courtesy Tickets and rescinding City of Topeka Resolution No. 6383.

WHEREAS, the Council of the City of Topeka on January 25, 1994, adopted Resolution No. 6383 which established a "Courtesy Ticket" policy that provides for a warning to non-repeat parking meter violators whose vehicles display license tags other than Shawnee County; and

WHEREAS, the Courtesy Ticket policy prevents the City from collecting parking revenue from certain parking violations; and

WHEREAS, the Courtesy Ticket policy requires parking employees to spend additional time identifying which out of county violators may be ticketed; and

WHEREAS, numerous vehicle owners from outside the county work or conduct regular business in the capitol city and should not receive special treatment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that all out of town Courtesy Tickets will be eliminated.

BE IT FURTHER RESOLVED, that City of Topeka Resolution No. 6383 is hereby rescinded.

ADOPTED and APPROVED by the City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 20, 2006

+ Back Print

**DATE:** November 21, 2006

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

**SECOND PARTY/SUBJECT:** Weekly Expenditures **PROJECT #:**  
Authorization, Week Ended  
November 19, 2006

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

**CIP PROJECT:** No

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

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period November 13, 2006, through November 19, 2006, and enumerating said expenditures therein. First and Final Reading.

### POLICY ISSUE:

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

### STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

### BACKGROUND:

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

### BUDGETARY IMPACT:

Approves expenditures for the period November 13, 2006, through November 19, 2006, in the amount of \$542,557.98.

### SOURCE OF FUNDING:

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

### ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended November 19, 2006](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of November 13, 2006, through November 19, 2006, and enumerating said expenditures herein.

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

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

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

|                   |                                                        |                     |
|-------------------|--------------------------------------------------------|---------------------|
| <u>Section 3.</u> | Total for 51 vendor checks written in this period      | \$430,776.26        |
|                   | Total vendor checks voided in this period (net)        | -0-                 |
|                   | Total electronic transfers to vendors in this period   | 111,781.72          |
|                   | Total net payroll to employees this period             | -0-                 |
|                   | Total payroll related electronic transfers this period | -0-                 |
|                   | Total for expenditures in this period                  | <u>\$542,557.98</u> |

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

PASSED and APPROVED by the City Council \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
William W. Bunten, Mayor

\_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

 + Back  Print

**DATE:** November 21, 2006  
**CONTACT PERSON:** Norton N. Bonaparte, Jr. **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Frito-Lay **PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 014 Ordinances – Non-Codified / 003 IRB  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** Approve Ordinance **JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Frito-Lay, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III and located at approximately 4236 SW Kirklawn Avenue, Topeka, Shawnee County, Kansas. First Reading.

*(Approval would provide a property tax exemption for improvements to real and personal property for Frito-Lay, Inc.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

The administrative review committee met on November 20, 2006, as required by City Code Section 138. The committee members agreed that this exemption request should be considered favorably by the City Council.

### BACKGROUND:

Frito Lay will be manufacturing the new whole grain product line with this expansion. The expansion will be a \$40 million investment and will create approximately 50 positions. The exemption is for a new building addition of approximately 75,000 square feet, to be located at the existing plant in South Topeka.

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

[Ordinance](#)

[Memorandum - Project Description](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Frito-Lay, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 4236 SW Kirklawn Avenue, Topeka, Shawnee County, Kansas.

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

In accordance with § 13 of Article 11 of the Kansas Constitution, and pursuant to the Code of the City of Topeka Chapter 138 Article III, a percentage of the assessed valuation of real property, owned by Frito-Lay, Inc. (Frito-Lay), more specifically tangible real property consisting of a building addition of approximately 75,000 square feet located at or near 4236 SW Kirklawn Avenue, Topeka, Shawnee County, Kansas, which land and building are used by Frito-Lay exclusively for exempt purposes and is therefore exempt from property taxation for a maximum term of ten (10) calendar years.

Section 1. The annual amount of the tax payment required of the owners of said property shall not be less than the amount that is determined under Topeka City Code §§ 138-84 and 138-86 and such additional amount that may be set forth in any other ordinance or resolution. Said amounts shall be paid to the County Treasurer at the same time as any property taxes on such property would be payable.

Section 2. Eligibility for successive years shall be redetermined annually. If the company fails to meet eligibility requirements for any one (1) year, no exemption shall be granted for that year. However, this will not jeopardize eligibility for the remaining years.

In order to continue eligibility for the exemption granted herein, the following criteria shall be met by the company:

- (a) Continuation of at least one (1) of the new jobs created.
- (b) Continue to be a manufacturer.
- (c) Continuation of original ownership (exemption is not transferable).
- (d) The company remains current on tax payments.
- (e) Exemption is contingent upon approval from State Board of Tax Appeals.
- (f) Eligibility for successive years shall be redetermined annually.
- (g) If the company fails to meet eligibility requirements in any one (1) year, no exemption shall be granted for that year. However, this would not jeopardize eligibility for the remaining years.

Section 3. Determination of Exemption.

(a) The actual percentage of assessed valuation exempted shall be determined by the City according to the Code of the City of Topeka, Chapter 138, Article III.

(b) In determining the actual percentage exemption, the City shall require Frito-Lay to provide the following:

- 1. Certification as to the number of new full time equivalent jobs created.
- 2. Certification as to the overall wage rate for the new full time equivalent jobs created.
- 3. Any other documentation the City may deem necessary.

Section 4. Responsibilities of Frito-Lay.

(a) Submission of complete annual renewal application by January 15 of each year.

(b) Submission of information as required by the City.

(c) Must file claim of exemption with County Appraiser by March 1 of each year.

Section 5. Responsibilities of City.

Review and make determination of renewal application by February 1 of each year.

Section 6. Disclaimer.

City does not guarantee Frito Lay will receive an exemption of any amount for any or all years that it is eligible.

Section 7. No tax exemption shall be granted by the City unless the property for which the exemption is being sought is used exclusively for the purposes specified in § 13 of Article 11 of the Kansas Constitution.

Section 8. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council \_\_\_\_\_.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

## **PROJECT SUMMARY**

Over the past few years, Frito-Lay has experienced strong growth in our “better for you” product lines, and the company is making an even stronger commitment to providing consumers with a greater variety of healthy snack options. As a result, a very successful existing whole grain product line continues to grow and drive additional demand. To supply this demand, Frito-Lay’s Topeka manufacturing facility is one of two facilities being considered for this new production line. The target date for this new line to be up and running is April, 2007.

Additionally, due to continued growth of Frito-Lay corn chips, additional production capacity is needed in the central part of the US. The Topeka plant has an existing tortilla chip line that is currently not running at full capacity, thus reducing efficiencies at the facility. Therefore, the consideration is to convert the existing tortilla chip line to a corn chip line, and immediately ramp production volume up to closer to 75%, versus the existing 25%-40%.

In total, these two projects are estimated to create at least 40 new full-time jobs, and possibly more, depending on the level of automated technology to be incorporated into the project, with an investment of approximately \$30 million in equipment and \$10 million in building. The anticipated investment breakdown is as follows:

### **Real Property**

|                       |             |
|-----------------------|-------------|
| Land                  | \$1,100,000 |
| Building Improvements | \$9,850,000 |

To include approximately 75,000 square feet of additional building space added to the north end of the existing facility. New building will be for processing, packaging and warehouse associated with the two new processing lines.

### **Machinery & Equipment**

|                      |             |
|----------------------|-------------|
| Bulk Transfer System | \$1,800,000 |
| Wheat Cook System    | \$850,000   |
| Extruder System      | \$1,500,000 |
| Fryer System         | \$1,500,000 |
| Seasoning System     | \$1,400,000 |
| Packaging System     | \$5,800,000 |
| Automated Packaging  | \$9,500,000 |
| Auto Palletizing     | \$2,000,000 |
| Fork Trucks          | \$85,000    |
| Racking System       | \$350,000   |
| Installation         | \$4,250,000 |
| Tax/Freight          | \$700,000   |

|                 |              |
|-----------------|--------------|
| Spares          | \$500,000    |
| Project Expense | \$500,000    |
| Total           | \$30,735,000 |

The recent action taken by the Kansas legislature to exempt personal property tax on manufacturing machinery and equipment has played a significant role in Topeka, KS, being a finalist for this new investment decision. Without this exemption, Topeka would not have been as competitive in the location bid.

### **ANTICIPATED PUBLIC BENEFITS**

The proposed project is expected to contribute direct economic benefit to the City of Topeka and surrounding community through the creation of additional, high paying manufacturing sector jobs; significant capital investment in real estate, building improvements and machinery and equipment; and increased spending on goods and services provided by other area businesses.

In addition to the more than \$30 million investment in machinery and equipment, the overall anticipated level of investment in land and building expansion is over \$11 million, thus increasing the taxable property base and revenue to the City of Topeka. Many local and area construction contractors are expected to be employed during the construction of the building expansion and installation of equipment.

The project will also create an incremental 40 to 70 new jobs in the first two years of operation, depending on the level of processing and packaging technology is available at the time of equipment installation. The average hourly wages will range from a starting wage of \$17.30/hr to more than \$26.00/hr, substantially higher than the average manufacturing wage rate in the community. In addition to wages, employee benefits typically make up another 30-40% of overall compensation.

This project is not expected to place a significant strain on City utility and infrastructure demands. The overall increase in water use and wastewater treatment is minimal and availability has been confirmed with public works. The project should not place any increased demands on public fire and police protection. The types of new jobs being created do not typically place additional needs in the school system either.

Furthermore, this project will help increase the competitiveness of the Frito-Lay Topeka operations, thus improving the opportunities to attract other capital investment and job creation projects in the future. The additional land purchase of adjacent parcels plays a critical role in allowing for this and future expansions. Ultimate plans for the Topeka facility could more than double existing operations,



and the support of the City of Topeka, Shawnee County and State of Kansas will be paramount in continuing to expand this facility to it's full potential.



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 14, 2006

+ Back Print

|                       |                                            |             |        |
|-----------------------|--------------------------------------------|-------------|--------|
| DATE:                 | November 21, 2006                          |             |        |
| CONTACT PERSON:       | David Thurbon/Bill Fiander                 | DOCUMENT #: | N/A    |
| SECOND PARTY/SUBJECT: | Topeka Planning Commission                 | PROJECT #:  | Z06/23 |
| CATEGORY/SUBCATEGORY  | 014 Ordinances – Non-Codified / 007 Zoning |             |        |
| CIP PROJECT:          | No                                         |             |        |
| ACTION OF COUNCIL:    | JOURNAL #:                                 |             |        |
|                       | PAGE #:                                    |             |        |

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SE 45th Street about 1,830-feet west of SE Croco Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District. **First Reading.** (Z06/23) (Council District No. 4) (The Planning Commission recommended approval by a vote of 9-0-0) (The Planning Department approval.)

*(The zoning change is being sought in conjunction with the development of Rockfire at the Lake Subdivision and Rockfire at the Lake Subdivision No. 2 to be more reflective of an urbanizing single-family area within the City.)*

### POLICY ISSUE:

Request is consistent with the land use principles of the Comprehensive Plan.

### STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of 9-0-0 at their November 20, 2006 meeting. The Planning Department recommended that this request be **APPROVED**.

### BACKGROUND:

- See attached staff report.
- City Council options include:
  - **Adopt** the recommendation of the Planning Commission by Ordinance;
  - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
  - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

### BUDGETARY IMPACT:

N/A

Item #20

### SOURCE OF FUNDING:

N/A

**ATTACHMENTS:**

[Vicinity Map](#)

[Aerial](#)

[Ordinance](#)

[Staff Report](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property commonly known as Rockfire at the Lake Subdivision, located at the northwest corner of SE 45<sup>th</sup> Street and SE Croco Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District **TO** "R-1" Single Family Dwelling District. **(Z06/23) (Council District No. 4)**

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

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

**Lots 22 through 96 Block B, Lots 7 through 52, Block E and Lots 21 through 56, Block F, Rockfire at the Lake Subdivision and also, Lots 1 through 12 Block A Rockfire at the Lake Subdivision No. 2 in the City of Topeka, Shawnee County, Kansas.**

from "RR-1" Residential Reserve District **TO** "R-1" Single Family Dwelling District.

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

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

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

**PASSED AND APPROVED** by the Council of the City of Topeka, \_\_\_\_\_, 2006.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X

November 20, 2006  
Agenda Item #G.4a

# ZONING REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/23

by: Topeka Planning Commission

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**PROPOSAL:** Zone change from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District on property commonly known as Rockfire at the Lake Subdivision and Rockfire at the Lake Subdivision No. 2.

**LOCATION:** On property located north of SE 45<sup>th</sup> Street about 1,830-feet west of SE Croco Road.

**PARCEL ID NUMBERS:**

|                  |                  |                  |
|------------------|------------------|------------------|
| 1352204005001000 | 1352204004023000 | 1352204005017000 |
| 1352204002001000 | 1352204002057000 | 1352204005022000 |
| 1352204004001000 | 1352203001001000 | 1352203001005000 |
| 1352204004043000 | 1352204005016000 | 1352203001008000 |
| 1352204004030000 | 1352204005014000 | 1352204007001000 |

**BACKGROUND:** The purpose of the “RR-1” Residential Reserve District is to provide for a transitional area between urbanized development and rural-agricultural areas. “RR-1” zoning comprises most of the Municipal Service Area (MSA) and is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In essence, this land is “reserved” for future urbanization. Once platted and annexed, these areas in theory lose their transitional status as designated under “RR-1” zoning and should reflect a more appropriate urban zoning classification, such as “R-1” Single Family Dwelling District.

Rezoning to “R-1” prohibits the types of agricultural/farming uses allowed by right that are no longer compatible with the expectations of urban development. The “RR-1” district also allows many other potentially conflictive uses through a conditional use permit (e.g. kennels, billboards, sanitary landfill, oil/gas drilling, storage of fertilizers, pesticides, etc.) and fails to establish a minimum lot size for subdivisions. Conversion to “R-1” easily distinguishes those areas that are zoned for urban development in the City from those that are not.

**PRESENT USE:** The subject property comprises approximately 75-acres. It is platted as Rockfire at the Lake Subdivision for 178 single-family residential lots. The subdivision was recorded and annexed in 2005. Rockfire at the Lake Subdivision No. 2 is a replat of a portion of the original subdivision and was also recorded and annexed in 2005.

**CHARACTER OF NEIGHBORHOOD:** The neighborhood is located in a rapidly developing area in southeast Topeka that contains mostly single-family dwellings to the south and Lake Shawnee grounds to the west and north. The area to the east is part of the Rockfire at the Lake Subdivision with a variety of proposed uses consisting of single-family, two-family, multi-family and commercial.

November 20, 2006  
Agenda Item #G.4a

**ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

| <b>ZONING CLASSIFICATION</b>                                 | <b>PRESENT LAND USE</b>                     |
|--------------------------------------------------------------|---------------------------------------------|
| North: "RR-1" Residential Reserve District                   | Lake Shawnee Grounds                        |
| South: "RR-1" Residential Reserve District                   | Single Family Residential &<br>Agricultural |
| East: "M-1" Two Family Dwelling District                     | Vacant                                      |
| "PUD" Planned Unit Development District<br>(M-2; O&I-1; C-4) | Vacant                                      |
| West: "RR-1" Residential Reserve District                    | Lake Shawnee Grounds                        |

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR IT'S CURRENT USE UNDER PRESENT CLASSIFICATION:** The property has remained vacant except for two single family residences which existed at the time of the platting of Rockfire at the Lake Subdivision. The subdivision was recorded and annexed in 2005. Rockfire at the Lake Subdivision No. 2 was a replat of a portion of the lots within Rockfire at the Lake; it was also recorded and annexed in 2005.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The subject property is currently zoned residential reserve district. The site's present classification is viewed as being incompatible and inconsistent for development within the corporate limits. As currently zoned some land uses such as farming/agricultural uses are permitted by right with others permitted by conditional use permit that are not reflective of the property's current urban status. In an "RR-1" District uses such as animal husbandry, oil drilling, kennels, agricultural storage facilities and such are allowed, which may be commonly seen as nuisances in an urban residential area.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The *Comprehensive Plan* designates the area for *Urban/Suburban Low Density Residential* land use. Rezoning the property to the "R-1" Single Family Dwelling District will make the area more compatible with other urbanized areas of the City that are contiguous to the site. The proposal is therefore viewed as being **consistent** with the plan.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Rezoning the property to the "R-1" Single Family Dwelling District will allow the property to develop more consistent with an urbanizing area. As the fringe areas around Topeka continue to grow, this area will only become more urban in character and therefore the "RR-1" Residential Reserve District zoning is no longer appropriate. Based upon the established land use patterns, the proposed reclassification for the site to the "R-1" Single Family Dwelling District seems more compatible with the area and no detrimental effects are anticipated.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** There is no hardship to the public or reduced value to the landowner due to the proposed change in zoning. As no detrimental effects are anticipated, there would appear to be no particular gain to the public health, safety or welfare by maintaining the present restrictions.

November 20, 2006  
Agenda Item #G.4a

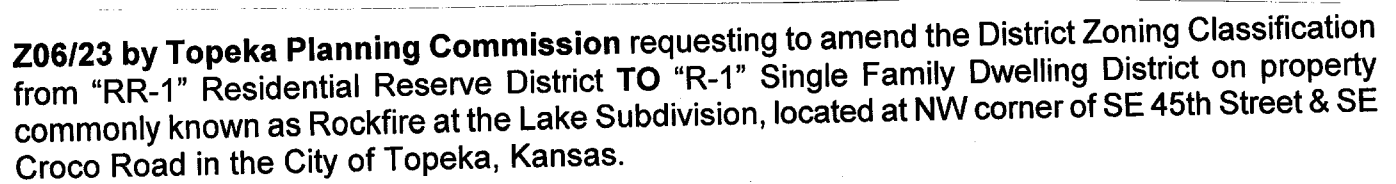
**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this site and will not be overburdened by this proposal.

**CONCERNS OF STAFF AND REVIEWING AGENCIES:** No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provision of public services.

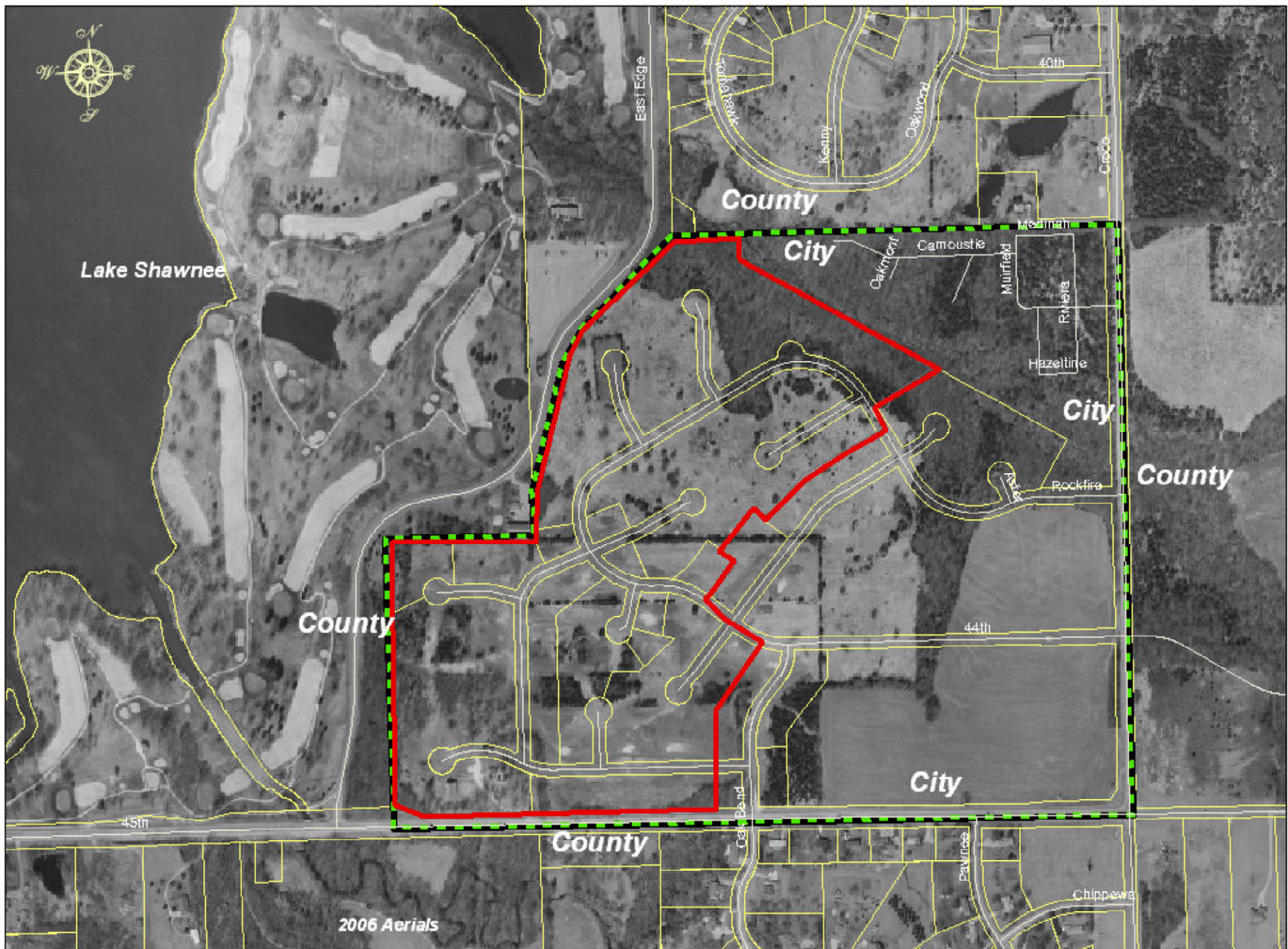
**STAFF RECOMMENDATION:** Based upon the above findings and analysis, the planning staff recommends **APPROVAL** of this proposal.

Prepared by: Cindy Johnson,  
Planner I

Attachment number 3  
Page 1 of 1







**Z06/23 Topeka Planning Commission (Rockfire at the Lake Subdivision)**



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 14, 2006

+ Back Print

**DATE:** November 21, 2006

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

**SECOND PARTY/SUBJECT:** Topeka Planning Commission **PROJECT #:** Z06/27

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

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northwest corner of SW 29th Street and SW Indian Hills Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District. **First Reading.** (Z06/27) (Council District No. 8)(The Planning Commission recommended approval by a vote of 9-0-0) (The Planning Department recommended approval.)

*(The zoning change is being sought in conjunction with the development of Sherwood Park Subdivisions No. 1-9 to be more reflective of an urbanizing single-family area within the City.)*

### POLICY ISSUE:

Request is consistent with the land use principles of the Comprehensive Plan.

### STAFF RECOMMENDATION:

The Planning Commission recommended this proposal by **APPROVED** by a vote of 9-0-0 at their November 20, 2006 meeting. The Planning Department recommended that this request be **APPROVED**.

### BACKGROUND:

- See attached staff report.
- City Council options include:
  - **Adopt** the recommendation of the Planning Commission by Ordinance;
  - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
  - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

### BUDGETARY IMPACT:

N/A.

Item #21

### SOURCE OF FUNDING:

N/A.

**ATTACHMENTS:**

[Vicinity Map](#)

[Aerial](#)

[Ordinance](#)

[Staff Report](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE**

introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property commonly known as Sherwood Park Subdivisions 1 through 9, located at the northwest corner of SW 29<sup>th</sup> Street and SW Indian Hills Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District **TO** "R-1" Single Family Dwelling District. **(Z06/27) (Council District No. 8)**

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

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

**All of Sherwood Park Subdivisions 1 through 9, except Lot 22, Block F, Sherwood Park Subdivision, in the City of Topeka, Shawnee County, Kansas.**

from "RR-1" Residential Reserve District **TO** "R-1" Single Family Dwelling District.

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

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

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

**PASSED AND APPROVED** by the Council of the City of Topeka, \_\_\_\_\_, 2006.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X

November 20, 2006  
Agenda Item #G.4b

# ZONING REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/27

by: Topeka Planning Commission

---

**PROPOSAL:** Zone change from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District.

**LOCATION:** On property located at the northwest corner of SW 29<sup>th</sup> Street and SW Indian Hills Road.

**PARCEL ID NUMBERS:** See attachments

**BACKGROUND:** The purpose of the “RR-1” Residential Reserve District is to provide for a transitional area between urbanized development and rural-agricultural areas. “RR-1” zoning comprises most of the Municipal Service Boundary (MSB) and is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In essence, this land is “reserved” for future urbanization. Once platted and annexed, these areas in theory lose their transitional status as designated under “RR-1” zoning and should reflect a more appropriate urban zoning classification, such as “R-1” Single Family Dwelling District.

Rezoning to “R-1” prohibits the types of agricultural/farming uses allowed by right that are no longer compatible with the expectations of urban development. The “RR-1” district also allows many other potentially conflictive uses through a conditional use permit (e.g. kennels, billboards, sanitary landfill, oil/gas drilling, storage of fertilizers, pesticides, etc.) and fails to establish a minimum lot size for subdivisions. Conversion to “R-1” easily distinguishes those areas that are zoned for urban development in the City from those not in the City.

**PRESENT USE:** The subject property comprises approximately 160-acres. It is platted as Sherwood Park Subdivision through Sherwood Park Subdivision No. 9 for single-family residential lots. The subdivisions were annexed into the City in 2005.

**CHARACTER OF NEIGHBORHOOD:** The neighborhood is located in a rapidly developing area in southwest Topeka that contains mostly single family dwellings. The area to the west and north are within the County and currently are undeveloped. The area to the south is within the County and has developed with single family dwellings. The area to the east has developed with single family residences and for the most part is within the City of Topeka.

### **ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

#### **ZONING CLASSIFICATION**

North: “RR-1 Residential Reserve District

#### **PRESENT LAND USE**

Vacant and undeveloped

November 20, 2006  
Agenda Item #G.4b

South: "RR-1" Residential Reserve District  
East: "RR-1" Residential Reserve District  
"R-1" Single Family Dwelling District  
West: "RR-1" Residential Reserve District

Single Family Residential  
Single Family Residential  
Single Family Residential  
Vacant and undeveloped

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR IT'S CURRENT USE UNDER PRESENT CLASSIFICATION:** The property has developed for the most part with single family dwellings. The property has been platted in various stages from November 1995 to April 2006 and its annexation in the City in 2005.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The subject property is currently zoned residential reserve district. The site's present classification is viewed as being incompatible and inconsistent for development within the corporate limits. As currently zoned some land uses such as farming/agricultural uses are permitted by right with others permitted by conditional use permit that are not reflective of the property's current urban status. In an "RR-1" District uses such as animal husbandry, oil drilling, kennels, agricultural storage facilities and such are allowed, which are commonly seen as nuisances in an urban residential area.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The *Comprehensive Plan* designates the area for *Urban/Suburban Low Density Residential* land use. Rezoning the property to the "R-1" Single Family Dwelling District will make the area more compatible with other urbanized areas of the City that are contiguous to the site. The proposal is therefore viewed as being **consistent** with the plan.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Rezoning the property to the "R-1" Single Family Dwelling District will allow the property to develop more consistent with an urbanizing area. As the fringe areas around Topeka Planning Commission continue to grow, this area will only become more urban in character and therefore the "RR-1" Residential Reserve District zoning is no longer appropriate. Based upon the established land use patterns, the proposed reclassification for the site to the "R-1" Single Family Dwelling District seems more compatible with the area and no detrimental effects are anticipated.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** There is no hardship to the public or reduced value to the landowner due to the proposed change in zoning. As no detrimental effects are anticipated, there would appear to be no particular gain to the public health, safety or welfare by maintaining the present restrictions.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this site and will not be overburdened by this proposal.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**

Application: **Complete.**

Minimum Lot Area: **Compliant.**



**November 20, 2006**  
**Agenda Item #G.4b**

Setbacks: **Compliant.**

Platting: **Compliant** – The area is platted as Sherwood Park Subdivision through Sherwood Park Subdivision No. 9.

**CONCERNS OF STAFF AND REVIEWING AGENCIES:** No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provision of public services.

**STAFF RECOMMENDATION:** Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal.

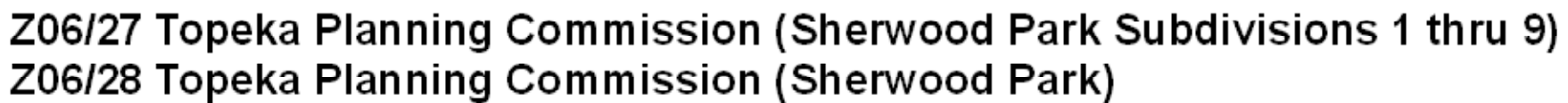
Prepared by: Cindy Johnson,  
Planner I

Attachment number 3  
Page 1 of 1



**Z06/27 by Topeka Planning Commission** requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District TO “R-1” Single Family Dwelling District on property commonly known as Sherwood Park Subdivisions 1 through 9, located at the northwest corner of SW 29<sup>th</sup> Street and SW Indian Hills Road in the City of Topeka, Kansas.







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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE: November 21, 2006

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

SECOND PARTY/SUBJECT: Topeka Planning Commission PROJECT #: Z06/28

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

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

### DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SW 29th Street between SW Santa Fe Drive and SW Berkshire Drive in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "OS-1" Open Space District. First Reading. (Z06/28) (Council District No. 8) (The Planning Commission recommended approval by a vote of 9-0-0 on November 20, 2006.) (The Planning Department recommended approval.)

(Approval would zone a neighborhood park within the Sherwood Park Subdivision consistent with parks, trails and open space.)

### POLICY ISSUE:

Request is consistent with the land use principles of the Comprehensive Plan.

### STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of 9-0-0 at their November 20, 2006 meeting. The Planning Department recommended that this request be **APPROVED**.

### BACKGROUND:

- See attached staff report.
- City Council options include:
  - **Adopt** the recommendation of the Planning Commission by Ordinance;
  - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
  - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

### BUDGETARY IMPACT:

N/A.

Item #22

### SOURCE OF FUNDING:

N/A.

**ATTACHMENTS:**

[Aerial](#)

[Vicinity Map](#)

[Ordinance](#)

[Staff Report](#)



(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property commonly known as Sherwood Park Subdivision, located at the north of SW 29<sup>th</sup> Street between SW Santa Fe Drive and SW Berkshire Drive in the City of Topeka, Kansas from "RR-1" Residential Reserve District **TO** "OS-1" Open Space District. **(Z06/28) (Council District No. 8)**

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

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

**Lot 22, Block F, Sherwood Park Subdivision, in the City of Topeka, Shawnee County, Kansas.**

from "RR-1" Residential Reserve District **TO** "OS-1" Open Space District.

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

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

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

**PASSED AND APPROVED** by the Council of the City of Topeka, \_\_\_\_\_, 2006.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X

November 20, 2006  
Agenda Item #G.4c

# ZONING REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/28

by: Topeka Planning Commission

---

**PROPOSAL:** Zone change from “RR-1” Residential Reserve District to “OS-1” Open Space District on property commonly known as Sherwood Park Subdivision.

**LOCATION:** On property located north of SW 29<sup>th</sup> Street between SW Santa Fe Drive and SW Berkshire Drive.

**PARCEL ID NUMBERS:** 1511204006022000

**BACKGROUND:** The purpose of the “RR-1” Residential Reserve District is to provide for a transitional area between urbanized development and rural-agricultural areas. “RR-1” zoning comprises most of the Municipal Service Area (MSA) and is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In essence, this land is “reserved” for future urbanization. Once platted and annexed, these areas in theory lose their transitional status as designated under “RR-1” zoning and should reflect a more appropriate urban zoning classification, such as “R-1” Single Family Dwelling District.

The purpose of the “OS-1” Open Space District is intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, trails and lands. It is intended that these areas provide opportunities for passive and active outdoor recreation, preserve scenic views and protect sensitive or fragile environmental areas. It is further the intent of this district to protect these areas from urban, non-open space or incompatible development. The proposed zoning reflects the intended park use of the property which was deeded to the City in 2005.

**PRESENT USE:** Vacant undeveloped 4.15-acres.

**PROPOSED USE:** Sherwood Park Subdivision consists of 174 single-family residential lots, with approximately 4.15-acres dedicated for a park. The subdivision was recorded in November 1995.

**CHARACTER OF NEIGHBORHOOD:** The neighborhood is located in a rapidly developing area in southwest Topeka consisting of single-family residences. The park area is surrounded by single-family homes of Sherwood Park Subdivision.

### **ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

| ZONING CLASSIFICATION                      | PRESENT LAND USE          |
|--------------------------------------------|---------------------------|
| North: “RR-1” Residential Reserve District | Single Family Residential |
| South: “RR-1” Residential Reserve District | Single Family Residential |
| East: “RR-1” Residential Reserve District  | Single Family Residential |
| West: “RR-1” Residential Reserve District  | Single Family Residential |

November 20, 2006  
Agenda Item #G.4c

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR IT'S CURRENT USE UNDER PRESENT CLASSIFICATION:** The property has remained vacant and unimproved since its platting in November 1995 as Sherwood Park Subdivision and its annexation in the City in February 2005.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The subject property is currently zoned residential reserve district. The site's present classification is viewed as being incompatible and inconsistent for development within the corporate limits. As currently zoned some land uses such as farming/agricultural uses are permitted by right with others permitted by conditional use permit that are not reflective of the property's current urban status. In an "RR-1" District uses such as animal husbandry, oil drilling, kennels, agricultural storage facilities and such are allowed, which may be seen as nuisances in an urban residential area.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The *Comprehensive Plan* designates the area for *Urban/Suburban Low Density Residential* land use. The proposal appears to conform to the standards set forth in the comprehensive plan relative to existing land use and the suitability for specific land uses.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** The proposed reclassification would permit the property to remain as open space. Based upon the established pattern of land use and zoning, the proposed reclassification is not anticipated to have a detrimental effect on surrounding properties.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** There is no hardship to the public or reduced value to the landowner due to the proposed change in zoning. As no detrimental effects are anticipated, there would appear to be no particular gain to the public health, safety or welfare by maintaining the present restrictions.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this site and will not be overburdened by this proposal.

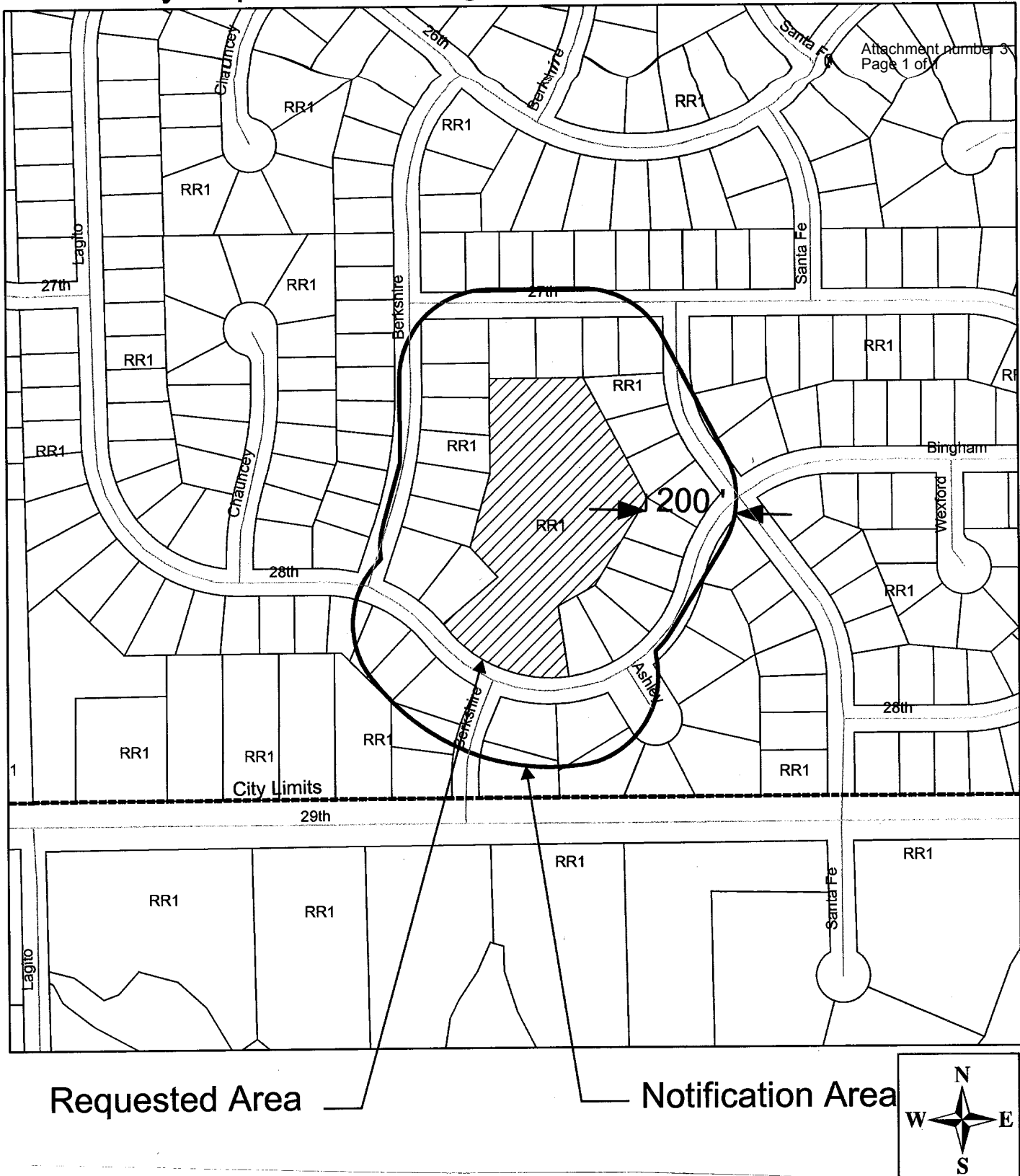
**CONCERNS OF STAFF AND REVIEWING AGENCIES:** No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provision of public services.

**STAFF RECOMMENDATION:** Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal.

Prepared by: Cindy Johnson,  
Planner I

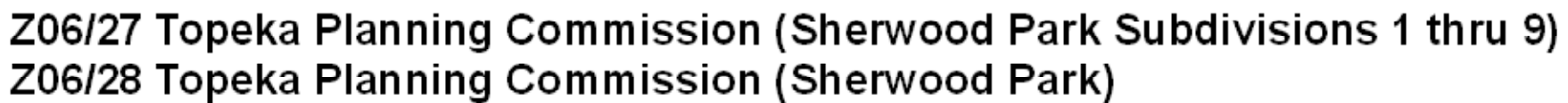
# Z06/28 By Topeka Planning Commission

Attachment number 3  
Page 1 of 1



**Z06/28 by Topeka Planning Commission** requesting to amend the District Zoning Classification from "RR-1" Residential Reserve District TO "OS-1" Open Space District on property commonly known as Sherwood Park Subdivision and located north of SW 29<sup>th</sup> Street between SW Santa Fe Drive and SW Berkshire Drive in the City of Topeka, Kansas.









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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 13, 2006

+ Back Print

**DATE:** November 21, 2006

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

**SECOND PARTY/SUBJECT:** Darrell, Mark, and Steve Martinek, and Darrell and Rick Flynn **PROJECT #:** Z06/32

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

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of SW Van Buren Street and SW Roby Place in the City of Topeka, Kansas from "M-1" Two-Family Dwelling District TO "C-3" Commercial District. First Reading.(Z06/32) (Council District No. 3) (The Planning Commission recommended approval by a vote of 9-0-0 )(The Planning Department recommended approval)

*(The applicant is proposing to zone the property to accommodate its use and development as a commercial office and show room in association with the window and siding business located immediately north across SW Roby Place.)*

### POLICY ISSUE:

The request is consistent with the principles of the Land Use and Growth Management Plan.

### STAFF RECOMMENDATION:

The Planning Commission considered this proposal on November 20, 2006 and recommended **APPROVAL** of "C-3" zoning by a vote of **9-0-0** as referenced in the attached minutes. The Planning Department recommended **APPROVAL** of "C-3" zoning.

### BACKGROUND:

- See Staff Report
- City Council Options
  - Adopt the recommendations of the Planning Commission by Ordinance;
  - Override the recommendation of then Planning Commission by a two-thirds majority vote (6 votes) of the City Council membership; or
  - Return such a recommendation to the Planning Commission with a statement specifying the City Council's failure to approve or disapprove.

### BUDGETARY IMPACT:

N/A

Item #23

**SOURCE OF FUNDING:**

N/A

**ATTACHMENTS:**

[Ordinance](#)

[Staff Report](#)

[Aerial Photo](#)

[Zoning Map](#)

[Application](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE**

introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the southeast corner of SW Roby Place and SW Van Buren Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District **TO** "C-3" Commercial District. **(Z06/32) (Council District No. 3)**

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

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

**Lots 129 and 131, Roby Place, South Park Subdivision in the City of Topeka, Shawnee County, Kansas.**

**Lots 121, 123, 125, 127 on Roby Place, formerly 22<sup>nd</sup> Street, in South Park, an addition to the City of Topeka, Shawnee County, Kansas.**

from "M-1" Two Family Dwelling District **TO** "C-3" Commercial District.

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

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

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

**PASSED AND APPROVED** by the Council of the City of Topeka, \_\_\_\_\_, 2006.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X

November 20, 2006  
Agenda Item #G-1

## ZONING REPORT

### TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/032

by: Darrell, Mark, and Steve Martinek, and Steve Flynn

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**PROPOSAL:** Amend the District Zoning Classification from “M-1” Two-Family Dwelling District, TO “C-4” Commercial District on property located at the southeast corner of SW Van Buren Street and SW Roby Place, within the City of Topeka, Kansas.

**BACKGROUND:** The 18,483 sq. ft. property lies in the southern portion of the Monroe Neighborhood. This portion of the neighborhood was initially constructed as a low to moderate density single-family residential neighborhood, but has been in a transition to more industrial and commercial uses for the past several decades. Only small pockets of residential land uses remain along SW Van Buren Street. Immediately north of the subject property is a commercial contractor’s office. Adjacent properties to the south and east are currently vacant.

**PRESENT USE:** The property is currently vacant and unused.

**PROPOSED USE:** The applicant is proposing to zone the property to accommodate its use and development as a commercial office and show room in association with the window and siding business located immediately north across SW Roby Place.

**CHARACTER OF NEIGHBORHOOD:** This area of the Monroe Neighborhood has decreased substantially in population in recent decades. Most of the remaining residential homes in the immediate vicinity could be considered “remnants” of the former single-family neighborhood that occupied this area in the earlier decades of the 20<sup>th</sup> Century. Over the past 20 to 30 years, the surrounding area, primarily those street frontages along SW Topeka Boulevard, SW Kansas Avenue, and SW 21<sup>st</sup> Street have transitioned to commercial land use, although much of the property fronting SW 21<sup>st</sup> Street near this property is presently vacant. In addition, the applicant has successfully established a commercial business at the corner of SW Van Buren Street and SW Roby Place. This business occupies approximately ½ of the block bounded by SW Van Buren Street, SW Roby Place, SW Kansas Avenue, and SW Hampton Street. It is anticipated that the remaining residential properties in this immediate area will transition to commercial uses within the next two to three decades.

The residence located at 2053 S. Kansas Avenue is listed on the National Register of Historic Places and lies approximately 200 feet to the east of the subject property. The State Historic Preservation Office (SHPO) has determined that this proposal will NOT encroach, damage, or destroy the historic integrity or environs of the listed property.

**ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

|        | <u>Zoning Classification</u>       | <u>Present Land Use</u> |
|--------|------------------------------------|-------------------------|
| North: | "C-4" Commercial District          | Commercial              |
| South: | "C-3" Commercial District          | Vacant                  |
| East:  | "M-1" Two-Family Dwelling District | Vacant                  |
| West:  | "M-1" Two-Family Dwelling District | Low Density Residential |

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR IT'S CURRENT USE UNDER PRESENT CLASSIFICATION:** The subject property has been zoned for two-family residential purposes since 1956, and has been vacant for a period of at least 10 years.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The subject property is currently zoned "M-1" Two-Family Dwelling district. The surrounding neighborhood is a mixture of remnant single and two family dwellings, along with encroaching commercial businesses. With the exception of a used vehicle business located along S. Kansas Avenue, the remainder of this block is vacant.

It is doubtful that new low-density residential development will re-develop on this property or elsewhere within the immediate vicinity. Rather, it is more probable that pressures will continue to develop this property, and other surrounding properties for commercial purposes. Therefore, this property is deemed not suitable for continued use as presently restricted.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The proposal is somewhat inconsistent with Comprehensive Plan land use policy and conventional planning principles which dictate the most intensive commercial uses should be closest to the arterial intersection. In this case, the inverse of that principle would be true as C-4 uses would be allowed further from an intersection already zoned for C-3 uses. Impacts to local streets and residential uses are typically lessened by gradually declining the intensity away from an arterial intersection.

**EXTENT TO WHICH REMOVAL OF PRESENT RESTRICTIONS WILL DETRIMENTALLY EFFECT NEARBY PROPERTY:** The property lies within the context of a gradually declining residential neighborhood. Given the presence of the business on adjacent property to the north, it is doubtful that conversion of this property to commercial uses will pose any detrimental affect on the surrounding neighborhood. However, "C-3" property to the south and east may be negatively impacted if the use intensity is inverse to standard planning principles which recognize higher intensity uses closer to intersections.

The property also lies within the 200' environs of the Fred and Cora Luttjohann House, 2053 S. Kansas Avenue, which is listed on the State and National Registers of Historic Places. The SHPO has determined that this project will not negatively encroach upon the environs of this property.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** Since there is no reasonable expectation that the subject property is viable for use under present restrictions, there would be

little benefit to the public by preserving the existing zoning. The property lies immediately south of an established business and the proposed change in zoning would allow the use and development of the subject property in association with this business. The property also lies north of “C-3” property recently recommended for approval by the Planning Commission for a transmission repair shop. Conditions were placed on this property under a Conditional Use Permit to limit the impact that outdoor car storage would have along a major arterial intersection. Denial of the zoning proposal would effectively deny the property owner the most realistic and feasible use of the property, which is an expansion of the existing business enterprise on the adjacent property. However, making the zoning consistent with property closest to the arterial intersection will not only serve the public well, but will better protect the property values expected for investment. Thus, denial of the proposal would constitute an unnecessary hardship upon the landowner.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public services, utilities, and facilities are presently available and will not be overburdened by this proposal.

**COMPLIANCE OF THE PROPOSAL WITH THE ZONING CODE AND THE SUBDIVISION REGULATIONS:** The proposed application appears to be in compliance with all applicable provisions of the Comprehensive Zoning Regulations and the Subdivision Regulations. It was determined by the Planning Department that the Business Office and Showroom is in compliance with the “C-3” zoning regulations as a “Home Improvement and Building Supply Center” provided all storage and display is located inside.

**CONCERNS OF STAFF AND REVIEWING AGENCIES:** The proposed zoning proposal has been submitted to all applicable reviewing agencies for consideration and comment. No significant issues or concerns were expressed by reviewing staff in regard to code compliance or the provision of public services.

**ADDITIONAL FACTORS:**

1. Neighborhood Improvement Association: Monroe Neighborhood Improvement Association
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: The Fred and Cora Luttjohann House (2053 S. Kansas Avenue) lies approximately 125’ to the northeast of the subject property and is listed on the National Register of Historic Places. The SHPO has determined that this project will not negatively encroach upon the environs of this property.

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**STAFF RECOMMENDATION:**

Based on the findings and analysis above, Planning Staff recommends APPROVAL of the “C-3” Commercial District.

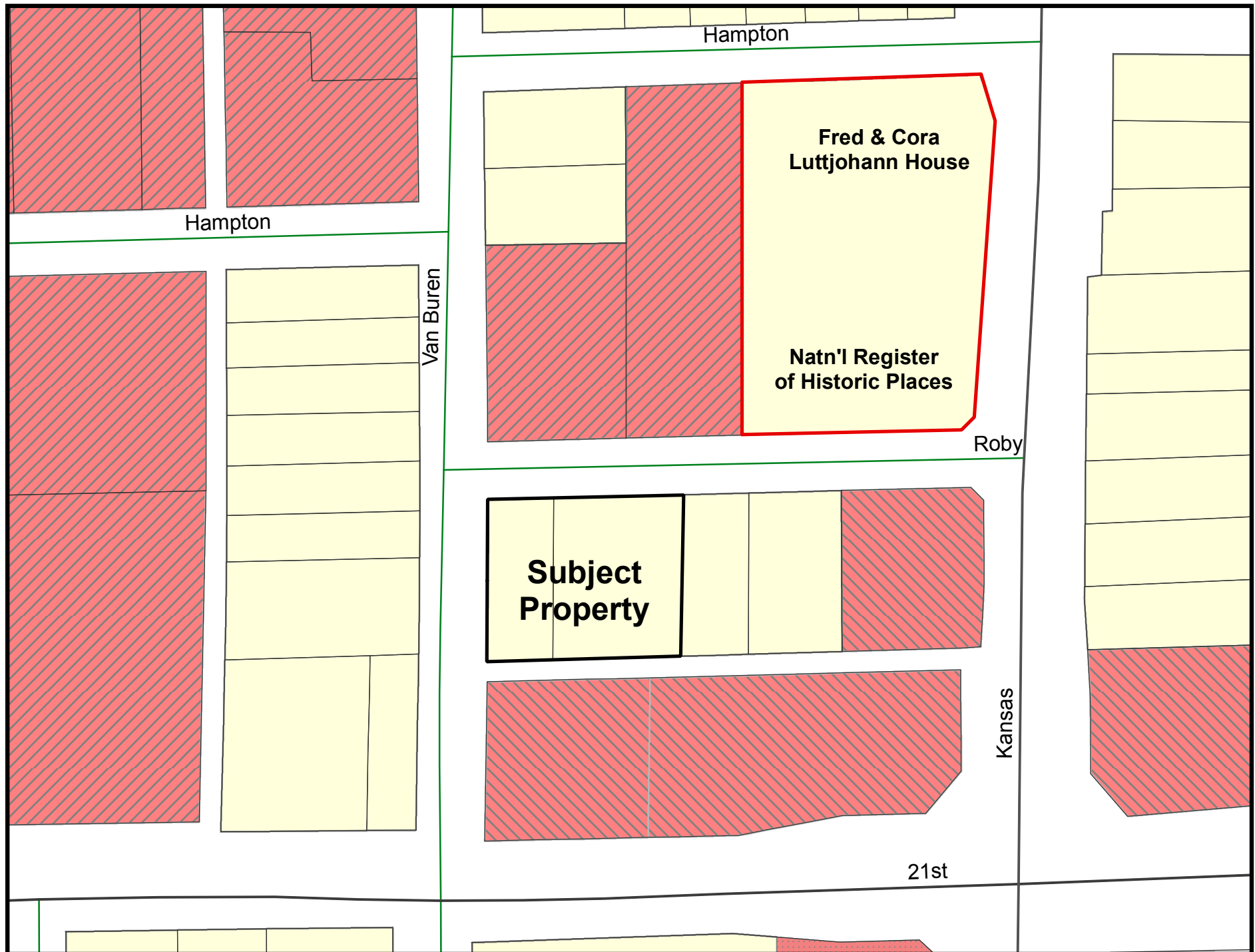
Prepared by: T. S. Paris  
Planner II



t

**Z06/32 by Steven, Francis, and Mark Martinek, and Darrell and Rick Flynn**





**Z06/32 by Steven, Francis, and Mark Martinek, and Darrell and Rick Flynn**





## Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department  
620 SE Madison, 3rd Floor  
Topeka, KS 66607  
Phone 785-368-3728 Fax 785-368-2535

### Applicant Information

**Property Owner(s):** Martinek, Steven C., Francis R. and Mark A. and Flynn, Rick and Darrell Trusts

Street Address: 118 SW Roby Place

City: Topeka State: KS Zip: 66612 E-mail: \_\_\_\_\_

Business phone: 233-6666 Home phone: 266-3522 Fax: 233-6767

**Authorized Owner Representative (if any):** Vernon L. Jarboe

Street Address: 534 S. Kansas Avenue

City: Topeka State: KS Zip: 66603 E-mail: vjarboe@sloanlawfirm.com

Business phone: 357-6311 Home phone: \_\_\_\_\_ Fax: 357-0152

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

Vernon L. Jarboe

Street Address: 534 S. Kansas Avenue

City: Topeka State: KS Zip: 66603 E-mail: vjarboe@sloanlawfirm.co

Business phone: 357-6311 Home phone: \_\_\_\_\_ Fax: 357-0152

### Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: Rick Flynn

Owner 1 Signature: Rick Flynn

Date: 9-5-06

Owner 2: CRIST MARTINEK

Owner 2 Signature: Crist Martinek

Date: 9-5-06

## Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): SW Roby Place; SE Corner of SW Van Buren St. and SW Roby Place

Legal Description of Property: lot(s) \_\_\_\_\_ block \_\_\_\_\_ subdivision South Park Addition  
(if unplatted, attach metes and bounds description) Roby Place, Lots 129-131  
Roby Place, Lots 121, 123, 125, 127

Total Area (acres/square feet): 6,250 Sq. Ft + 12,500 Sq.

**Type of Application:**

1. Re-zoning from: M-1 to: C-4

2. Conditional Use Permit proposed use: \_\_\_\_\_

Existing Use (# of dwelling units, square feet, etc.): Lot is currently vacant

How long has the existing use been on the property? \_\_\_\_\_

Proposed Use (# of dwelling units, square feet, etc.): Contractor's office showroom and ancillary parking

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? \_\_\_\_\_

### FOR OFFICE USE ONLY

Date submitted: 9-8-06

Date notice sent: 10-27-2006

Application no.: 286/32

Date advertised: 10-27-2006

Filing fee: 0 Receipt no.: 0

Date of hearing: 11-20-2006

Quarter section map no.: \_\_\_\_\_

Council district: #3

### CHECK YES OR NO

Capital Plaza Area: Yes \_\_\_\_\_ No \_\_\_\_\_

Within Historic Site Environs: Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, what is it?: \_\_\_\_\_

100 yr Floodplain: Yes \_\_\_\_\_ No \_\_\_\_\_

National/State Historic Register: Yes \_\_\_\_\_ No \_\_\_\_\_

Local Historic Resource: Yes \_\_\_\_\_ No \_\_\_\_\_

Airport Hazard Area: Yes \_\_\_\_\_ No \_\_\_\_\_

Neighborhood Association: Yes \_\_\_\_\_ No \_\_\_\_\_

Name of N.I.A./N.A.: \_\_\_\_\_

## **Applicant Justification**

### **For re-zoning applications:**

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

**Please attach additional sheets if necessary.**

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

NA

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

The development will have no significant effect on the character of the neighborhood or use of surrounding properties. Currently, the lots immediately adjacent are vacant and the remainder of the neighborhood is a mixture of multi-family residences and commercial spaces.

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

Neighborhood use plan is not available.

## Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

### 1. Water

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

West side of Van Buren. Four inch cast iron pipe.

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

Yes

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

### 2. Sanitary Sewer

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

South side of both properties in the alley. Eight inch vertified pipe.

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

Yes

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

### 3. Storm Drainage

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

Will be addressed by engineers on parking lot design.

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

Will be addressed by engineers on parking lot design.

### 4. Traffic Circulation

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

Same entrance curenly used will be used to access parking lot. Adjacent streets used 60' and alley is 20'.

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

See 4a above.

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

No



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 20, 2006

+ Back Print

**DATE:** November 21, 2006

**CONTACT PERSON:** David Thurbon/Bill Fiander **DOCUMENT #:** Z06/33

**SECOND PARTY/SUBJECT:** Sims Development Company **PROJECT #:** N/A

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

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1201 SW Oakley Avenue in the City of Topeka, Kansas from “R-1” Single Family Dwelling District with a Conditional Use Permit for a cultural facility ALL TO “O&I-2” Office and Institutional District. **First Reading.** (Z06/33) (Council District No. 6)(The Planning Commission recommended approval by a vote of 8-0-1 )(The Planning Department recommended approval.)

*(Approval would allow the property to be used for office and institutional uses.)*

### POLICY ISSUE:

The proposal is consistent with the land use policies and principles of the Comprehensive Plan.

### STAFF RECOMMENDATION:

The Planning Commission recommended the proposal be **APPROVED** by a vote of **8-0-1** at their November 20, 2006 public hearing. The Planning Department recommended the proposal be **APPROVED**.

### BACKGROUND:

- See staff report
- The owner has also submitted a re-zoning application for Historic Landmark (HL) overlay district which was recommended for approval by the Topeka Landmarks Commission. The Topeka Planning Commission will hold a public hearing on the case at their December meeting.
- City Council Options:
  - **Adopt** the recommendation of the Planning Commission by Ordinance;
  - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
  - **Return** such recommendation to the Planning Commission with a statement specifying the City Council's failure to approve or disapprove.

### BUDGETARY IMPACT:

N/A

Item #24

**SOURCE OF FUNDING:**

N/A

**ATTACHMENTS:**

[Ordinance](#)

[Staff Report](#)

[Zoning Map](#)

[Aerial Photo](#)

[Rezoning Application](#)

[Letter Opposing O&I-2](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1201 SW Oakley Avenue in the City of Topeka, Kansas from "R-1" Single Family Dwelling District with a Conditional Use permit for a cultural facility **ALL TO** "O&I-2" Office and Institutional District. **(Z06/33) (Council District No. 6)**

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

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

**A tract of land being in Block 12, Parke Place Addition, being a subdivision (part of the Westboro Substation), in the City of Topeka, Shawnee County, Kansas as fully described below:**

**Beginning at the Northeast corner of said Block 12; thence Southerly on an assumed Azimuth of 180 degrees 20 minutes 16 seconds, coincident with the East line of said Block 12 for a distance of 150.12 feet to a 3/4" iron bar and the Northeast corner of a tract of land deeded to the City of Topeka, as described in Book 711 at Page 137 in the Shawnee County Register of Deeds Office; thence on an Azimuth of 270 degrees 00 minutes 00 seconds, coincident with the North line of said tract of land deeded to the City of Topeka, for a distance of 140.31 feet to a found chiseled "+" in the concrete at the Northeast corner of Gerlach Lot No. 2, a subdivision in the City of Topeka, Shawnee County, Kansas; thence on an Azimuth of 269 degrees 43 minutes 46 seconds, coincident with the North line of said Gerlach Lot No. 2, for a distance of 24.32 feet; thence on an Azimuth of 00 degrees 39 minutes 35 seconds, for a distance of 149.65 feet to a point on the North line of said Block 12; thence on an Azimuth of 89 degrees 47 minutes 24 seconds, coincident with said North line of Block 12, for a distance of 163.79 feet to the point of beginning.**

from "R-1" Single Family Dwelling District with a Conditional Use permit for a cultural facility **ALL TO** "O&I-2" Office and Institutional District.

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

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

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

**PASSED AND APPROVED** by the Council of the City of Topeka, \_\_\_\_\_, 2006.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X

November 20, 2006  
Agenda Item # G-2

# ZONING REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/33

by: Sims Development Company

---

**PROPOSAL:** Zone change from "R-1" Single-Family Dwelling District with a "CUP" for a Cultural Facility ALL TO "O&I-2" Office and Institutional District.

**LOCATION:** 1201 SW Oakley Avenue, southwest corner of Oakley and 12<sup>th</sup> St.

**PARCEL ID NUMBER:** 0973503025001010

**PRESENT USE:** The property is an approximate 24,394 sq. ft. lot with one existing vacant building approved for use as a cultural facility by the Arts Council of Topeka. The building was constructed in the 1930s and historically used as a utility substation.

**PROPOSED USE:** Adaptive reuse of the existing structure for a professional office with a proposed Historic Landmark Overlay designation. (The Topeka Landmarks Commission will hear the Historic Landmark case on November 9, 2006.)

**CHARACTER OF NEIGHBORHOOD:** The property is located just north of the Westboro neighborhood. The surrounding area is primarily single-family residential. However, the uses in the immediate proximity of the subject property include multi-family residential dwellings, a City fire station, a VFW post and parking lot, and a utility power station. The subject property lies on the corner of a minor arterial (SW 12<sup>th</sup> Street) and a collector street (SW Oakley). The Spanish-style Westboro neighborhood commercial center lies one block to the south of the property along SW Huntoon. This Spanish-style structure fits the architectural character and style of the Westboro neighborhood and existing commercial center.

### **ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

|        | <b>ZONING CLASSIFICATION</b>          | <b>PRESENT LAND USE</b> |
|--------|---------------------------------------|-------------------------|
| North: | "M-2" Two-Family Dwelling District    | Single-family residence |
| South: | "R-1" Single-Family Dwelling District | City Fire Station       |
| East:  | "R-2" Single-Family Dwelling District | Single-family residence |
| West:  | "M-2" Two-Family Dwelling District    | Utility power station   |



November 20, 2006  
Agenda Item # G-2

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The Spanish-style structure was constructed as a Western Resources Substation approximately in the 1930s. It has always been zoned “R-1” Single-Family Dwelling District. However, existing records indicate the structure was never used for residential purposes and it does not appear suited for such uses. The building was donated to the Arts Council of Topeka for their use as an arts center in 2001. A Conditional Use Permit was placed on the property at this time to allow for its use as a cultural facility.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The property is currently zoned “R-1” Single-Family Dwelling District with a Conditional Use Permit for a cultural facility. However, the property is not suitably zoned for single-family residential as the present structure located on the property was never used for a residence and is not conducive for residential purposes. The structure was used as a utility substation and then approved for use as a cultural facility. Both of these uses are nearer to being office-type uses than residential in terms of adaptability of the existing structure. The proposed local historic landmark designation would place additional protections on the Spanish-style structure, built in the 1930s. An “O&I-2” classification in combination with a historic landmark overlay designation would allow more flexibility for the adaptive reuse of the building while retaining its historic character.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The Topeka Land Use and Growth Management Plan – 2025 designates this area for Urban/Suburban Low Density Residential. The Land Use and Growth Management Plan indicates offices within a neighborhood setting should be located along an arterial and collector streets. Therefore, this proposal fits the Comprehensive Plan policies for office development and would also allow for the adaptive reuse of a potential local historic landmark that has been vacant for some time.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Re-use of the building in its historic state should not have a detrimental effect upon the surrounding properties as the property has either been vacant or always been used for office/institutional-type uses. Such a re-use will have a greater benefit on surrounding properties and facilitate more live-work opportunities in the neighborhood.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** The proposed reclassification would allow the property to develop in manner consistent with the pattern of surrounding land uses and potentially lead to fewer or shorter traffic trips in/out of the neighborhood. As no detrimental effects are anticipated and some public benefits realized, there should be no significant loss to public health, safety, and welfare by the reclassification of this property.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this area.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** The 2,800 sq. ft. existing structure will require 7 parking spaces at parking ratio of 1 parking space per 400 sq. ft. for professional offices. There appears to be sufficient space on the property to meet the required minimum parking in the

November 20, 2006  
Agenda Item # G-2

O&I-2 District. Landscaping regulations will apply at the time of City parking lot permit approval based upon that portion of the property developed for commercial parking.

Minimum Lot Area: **Compliant** – 24,394 sq. ft. (minimum lot area required in O&I-2 is 7,500 sq. ft.)

Setbacks: **Compliant**- The existing structure meets the required setbacks in the “O&I-2” District.

Platting: Platted as a part of Parke Place Addition, Block 12

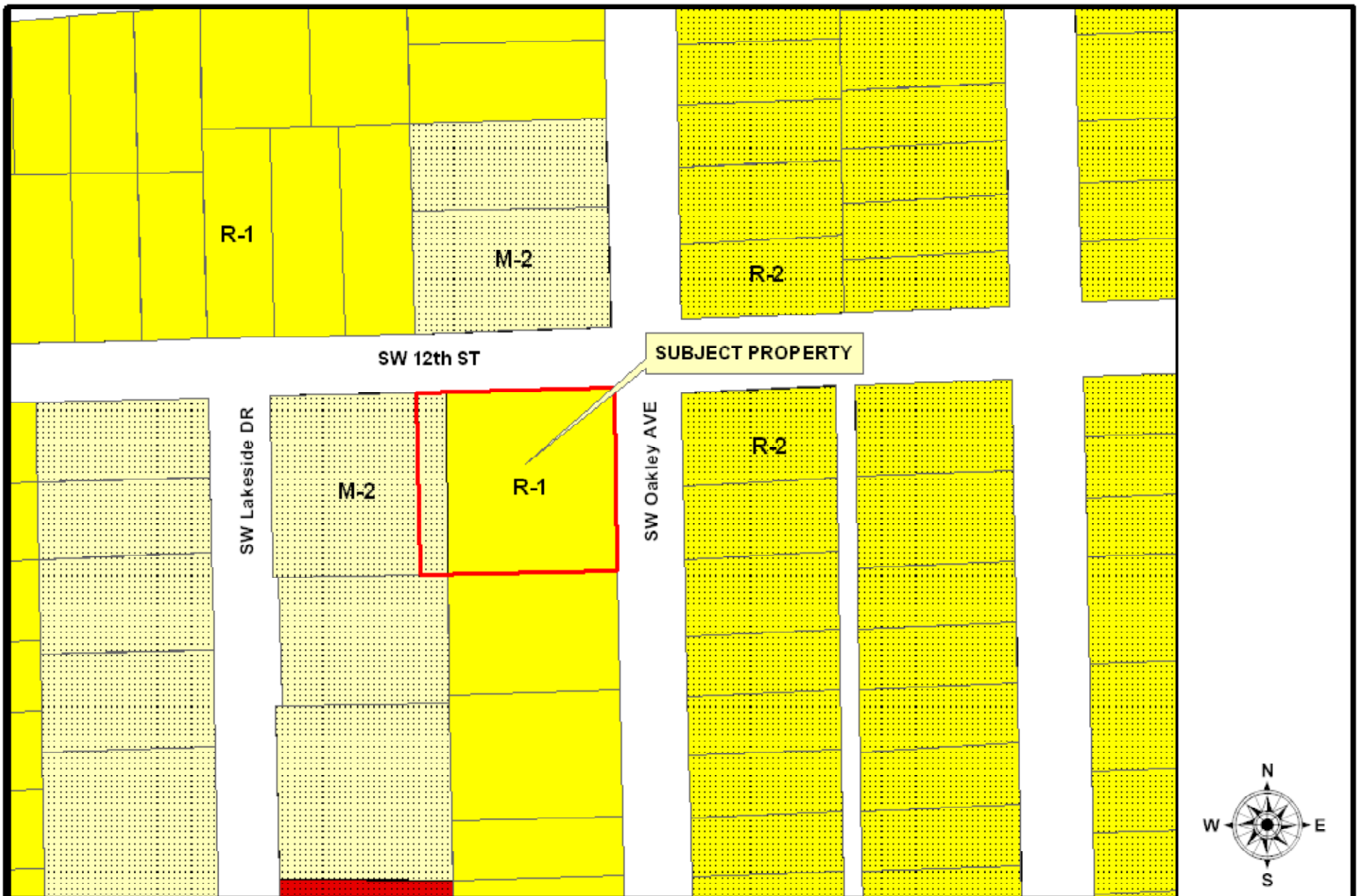
**CONCERNS OF STAFF AND REVIEWING AGENCIES:** This request was submitted to all applicable reviewing agency staff for consideration and comment. All issues or concerns that were expressed by reviewing staff relative to code compliance or provisions of public service have been resolved or will be addressed at a later stage. City Development Services has stated that the existing gravel driveways and parking areas will need to be improved to City design standards at the time of parking lot permit approval.

**ADDITIONAL FACTORS:**

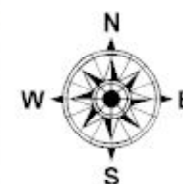
1. Neighborhood Improvement Association: N/A
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: There are no National Register properties within 500 ft. .

**STAFF RECOMMENDATION:** Based upon the above findings and analysis, the planning staff recommends **APPROVAL** of this proposal.

Prepared by:  
Annie Driver, Planner I



**P06/33 by: Sims Development Company**



**P06/33 by: Sims Development Company**



## Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department  
620 SE Madison, 3rd Floor  
Topeka, KS 66607  
Phone 785-368-3728 Fax 785-368-2535

### Applicant Information

Property Owner(s): Sims Development Co.

Street Address: 1201 SW Oakley

City: \_\_\_\_\_ State: KS Zip: 66604 E-mail: theron@simslaw.net

Business phone: 785-235-0200 Home phone: 785-640-3101 Fax: 785-233-0994

Authorized Owner Representative (if any): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

Business phone: \_\_\_\_\_ Home phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Scott Gales, Architect One PA

Street Address: 3500 SW Fairlawn, St. 100

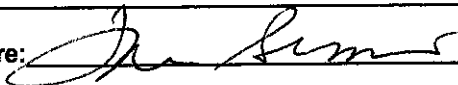
City: Topeka State: KS Zip: 66614 E-mail: seg@architectonepa.com

Business phone: 785-271-7010 Home phone: \_\_\_\_\_ Fax: 785-271-7020

### Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: Theron L. Sims, Sims Development Co.

Owner 1 Signature: 

Date: 08/23/06

Owner 2: \_\_\_\_\_

Owner 2 Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 1201 SW Oakley

Legal Description of Property: lot(s) \_\_\_\_\_ block 12 subdivision Parke Place Addition  
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): \_\_\_\_\_

Type of Application:

1. Re-zoning from: R-1 *w/ CUP for Art + st cultural facility* to: O&I2

2. Conditional Use Permit proposed use: \_\_\_\_\_

Existing Use (# of dwelling units, square feet, etc.): former Arts Council building

How long has the existing use been on the property? 3 years

Proposed Use (# of dwelling units, square feet, etc.): Professional office building

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 8/3/06

### FOR OFFICE USE ONLY

Date submitted: 10-2-06

Date notice sent: 10-27-06

Application no.: 286/33

Date advertised: 10-25-06

Filing fee: \$650.00 Receipt no.: 11416

Date of hearing: 11-22-06

Quarter section map no.: \_\_\_\_\_

Council district: 6

### CHECK YES OR NO

Capital Plaza Area: Yes \_\_\_\_\_ No X

Within Historic Site Environs: Yes \_\_\_\_\_ No X

If Yes, what is it?: \_\_\_\_\_

100 yr Floodplain: Yes \_\_\_\_\_ No X

National/State Historic Register: Yes \_\_\_\_\_ No X

Airport Hazard Area: Yes \_\_\_\_\_ No X

Local Historic Resource: Yes \_\_\_\_\_ No \_\_\_\_\_

Neighborhood Association: Yes \_\_\_\_\_ No X

Name of N.I.A./N.A.: \_\_\_\_\_

*Application in progress*

## **Applicant Justification**

### **For re-zoning applications:**

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

**Please attach additional sheets if necessary.**

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

It is not as conducive as a single family residence. The structure and appearance is that of an office. The building was previously an office and Westar Substation and appears to be an office by the majority of the public.

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

I think little change since the property is on a busy corner between an active fire department and a Westar outdoor substation.

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

Unknown

## Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

### 1. Water

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

On the north side of 12th street there is a 12 inch water main, and on Oakley there is another 12 inch water main

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

Yes

- c. If other than City of Topeka, identify water district provider: No

### 2. Sanitary Sewer

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

There is a 4 inch sewer main

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

Yes

- c. If other than City of Topeka, identify sewer district provider: No

### 3. Storm Drainage

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

Land naturally slopes to the West. The drives have existing curbing and guttering that allow the water to run-off to Huntoon.

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

Yes

### 4. Traffic Circulation

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

Yes, Huntoon is the public street to the North and Oakley is the public street to the East.

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

Oakley - driveway

Huntoon - driveway

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

No



RECEIVED

NOV 20 2006  
TOPEKA PLANNING  
DEPARTMENT

PETER F. LINDNER  
1197 SW OAKLEY  
TOPEKA KANSAS  
66604

November 20, 2006

Ralph Skoog  
City of Topeka Planning Commission  
620 SE Madison  
Topeka KS 66607

To Whom It May Concern:

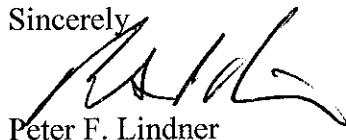
I own three properties in the immediate impact area of the property at 1201 SW Oakley that is being considered for rezoning. I am unable to attend tonight's hearing so please accept this letter as my public comment.

I am supportive of Mr. Sims efforts to rezone the above referenced property. But, I do not feel that "O & I - 2" is appropriate in a residential area such as it is. I feel "O & I - 1" would be the best zoning, if it changes at all, due to the height restrictions that accompany "O & I - 1". I have discussed this with Mr. Sims and he has told me that he is not opposed to "O & I - 1".

This type of adaptive re-use of existing structures is a very important niche for property owners, builders, remodelers and developers to continue to pursue aggressively. This type of activity makes cities vibrant and interesting.

Thank you for your consideration. We look forward to our new neighbor.

Sincerely,



Peter F. Lindner

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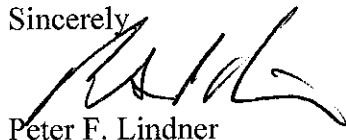
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Sincerely,



Peter F. Lindner



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[www.topeka.org](http://www.topeka.org)

## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

November 21, 2006

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|                       |                   |             |
|-----------------------|-------------------|-------------|
| DATE:                 | November 21, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                   | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                   |             |
| CATEGORY/SUBCATEGORY  |                   |             |
| CIP PROJECT:          | No                |             |
| ACTION OF COUNCIL:    |                   | JOURNAL #:  |
|                       |                   | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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